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Public Health and Wellbeing Act 2008

EXTENSION OF DECLARATION OF A STATE OF EMERGENCY

(Section 198(7)(c))

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

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

- 12 April 2020 (effective midnight on 13 April 2020);
- 11 May 2020 (effective midnight on 11 May 2020);
- 31 May 2020 (effective at 11:59:00 pm on 31 May 2020);
- 21 June 2020 (effective at 11:59:00 pm on 21 June 2020);
- 19 July 2020 (effective at 11:59:00 pm on 19 July 2020);
- 16 August 2020 (effective at 11:59:00 pm on 16 August 2020);
- 13 September 2020 (effective at 11:59:00 pm on 13 September 2020);
- 11 October 2020 (effective at 11:59:00 pm on 11 October 2020);
- 8 November 2020 (effective at 11:59:00 pm on 8 November 2020);
- 6 December 2020 (effective at 11:59:00 pm on 6 December 2020);
- 3 January 2021 (effective at 11:59:00 pm on 3 January 2021);
- 29 January 2021 (effective at 11:59:00 pm on 29 January 2021);
- 26 February 2021 (effective at 11:59:00 pm on 26 February 2021);
- 15 March 2021 (effective at 11:59:00 pm on 15 March 2021);
- 9 April 2021 (effective at 11:59:00 pm on 9 April 2021);
- 7 May 2021 (effective at 11:59:00 pm on 7 May 2021);
- 2 June 2021 (effective at 11:59:00 pm on 3 June 2021); and
- 1 July 2021 (effective at 11:59:00 pm on 1 July 2021).

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

This extension takes effect at 11:59:00 pm on 29 July 2021 and remains in force until 11:59:00 pm on 26 August 2021.

Dated 28 July 2021

MARTIN FOLEY MP
Minister for Health

SPECIAL

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 (Victoria) (No. 21)**

I, Professor Benjamin Cowie, 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 the State of Victoria to address the serious public health risk posed to Victoria by severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Restricted Activity Directions (Victoria) (No. 20)**.

2 Citation

These directions may be referred to as the **Restricted Activity Directions (Victoria) (No. 21)**.

3 Revocation

The **Restricted Activity Directions (Victoria) (No. 20)** are revoked at 11:59:00 pm on 29 July 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 29 July 2021 and ending at 11:59:00 pm on 26 August 2021.

5 Physical recreational facilities

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

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

- (2) A **physical recreational facility** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a facility used predominantly for indoor sport or physical recreation;
Examples: gymnasium, health club, fitness centre, yoga studio, pilates studio, barre studio, dance studio, spin facility, indoor basketball court, indoor climbing facility, squash court, table tennis centre.
 - (b) a facility used predominantly for outdoor sport or physical recreation;
Examples: golf club, tennis club, basketball centre, go kart track, rifle range, equestrian centre, mini golf, paint ball, lawn bowling, 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; or
- (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 the State of Victoria may only 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 **non-seated indoor space** or any **non-seated outdoor space** at any one time is limited (with infants under one year of age not counting towards these limits) to the **density quotient**; and
 - (b) the number of members of the public in each **indoor space** (whether seated or non-seated) at the facility at any one time is limited to no more than 100 (with infants under one year old not counting towards this limit); and
 - (c) the number of members of the public in each **discrete outdoor space** at the facility at any one time is limited to no more than 300 (with infants under one year old not counting towards this limit); 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.

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

Note 1: any persons not participating in an activity at the physical recreation facility, such as teachers, instructors, trainers, spectators, officials or coaches, as well as carers, parents and guardians attending to support participation of a child or a person with disability are not included for the purpose of calculating the group limit on the number of members of the public referred to in subclause (3)(d).

Note 2: any person employed by the physical recreation facility is not included for the purpose of calculating the limits on the number of members of the public referred to in this subclause (3).

- (e) any shared equipment is cleaned between users; and
- (f) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
- (g) any **food and drink facility** within the physical recreational facility operates in accordance with the requirements of clause 13 (**food and drink facilities**); and
- (h) any **retail facility** within the physical recreational facility operates in accordance with the requirements of clause 11 (**retail facilities**); and
- (i) any dancefloor in the physical recreational facility is closed.

Exception – community sport

- (4) Despite subclause (3), a person who owns, controls or operates a physical recreational facility in the State of Victoria may operate that facility for the purpose of community sport by members of the public and is not required to comply with the requirement in subclause (3)(d) (group limit), but must:
- (a) comply with all other requirements in subclause (3); and

- (b) ensure at all times that only the minimum number of people required to conduct the community sport activity are present for that purpose.

Note: only those persons required to facilitate the activity at the physical recreational facility are permitted to attend, which 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. General spectators are not permitted.

Exception – professional or high performance sport

- (5) Despite subclause (3), a person who owns, controls or operates a physical recreational facility in the State of Victoria is not required to comply with the requirements in subclause (3)(a) (density quotient) for the purpose of the exclusive use for **professional or high-performance sports persons**, provided that only persons who are necessary for the conduct of the activity (including the broadcasting of the activity) are permitted to be in the relevant space.

Exception – school or educational swimming purposes

- (6) 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 subclauses (3)(a) (density quotient) and (3)(d) (group limit).

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

6 Community facilities

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

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

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

- (b) the number of members of the public permitted in each indoor space or outdoor space at any one time is limited (with infants under one year of age not counting towards these limits) to the density quotient; and

Note 1: 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 (3)(b).

Note 2: 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) the number of members of the public in each indoor space (whether seated or non-seated) at the facility at any one time is limited to no more than 100 (with infants under one year old not counting towards this limit); and
- (d) the number of members of the public in each outdoor space (whether seated or non-seated) at the facility at any one time is limited to no more than 300 (with infants under one year old not counting towards this limit); and
- (e) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
- (f) any dancefloor in the community facility is closed.
- (4) Despite subclause (3), a person who owns, controls or operates a community facility in the State of 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) 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).

Note: a community 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 (3) apply.

Playgrounds, outdoor skatepark or outdoor communal exercise equipment

- (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).

7 Creative arts facility

- (1) A person who owns, controls or operates a **creative arts facility** in the State of Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A person who owns, controls or operates a creative arts facility in the State of Victoria may only operate the facility if:
- (a) the number of members of the public permitted in each indoor space or each outdoor space at any one time is limited (with infants under one year of age not counting towards these limits) to the density quotient; 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 (2)(a).*
- (b) the number of members of the public in all indoor spaces combined (whether seated or non-seated) at the facility at any one time is limited to no more than 100 (with infants under one year old not counting towards this limit); and

- (c) the number of members of the public in all outdoor spaces combined (whether seated or non-seated) at the facility at any one time is limited to no more than 300 (with infants under one year old not counting towards this limit); and
- (d) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
- (e) any equipment used in an activity is cleaned between users; and
- (f) any dancefloor in the creative arts facility is closed.

Exception – exclusive use by a single school

- (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 requirement in subclause (2).

Note: a creative arts facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if people other than students and staff are permitted to attend. If other guests attend, then the limits in subclause (2) apply.

8 Entertainment and function facilities

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

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

- (2) An **entertainment or function facility** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a theatre;
 - (b) a cinema, including 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**;
 - (q) a convention centre;
 - (r) a **function facility**; and
 - (s) a **casino**, except to the extent of:
 - (i) providing food and drink in accordance with clause 13; or
 - (ii) providing accommodation in accordance with clause 14.

General entertainment facilities

- (3) A person who owns, controls or operates a facility in subclause (2)(a) (theatre), (2)(b) (cinema, but excluding a drive-in cinema), (2)(c) (music hall, concert hall or auditorium), (2)(d) (gallery or a museum), (2)(e) (State Library), (2)(f) (arena or stadium), (2)(h) (amusement park) or (2)(n) (animal facility), (2)(q) (convention centre) or (2)(r) (function facility) in the State of Victoria may only operate the facility if:
- (a) the number of members of the public in each non-seated indoor space or non-seated outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit) the density quotient; and
 - (b) the number of members of the public in each indoor space (whether seated or non-seated) at any one time is limited to no more than 100 (with infants under one year of age not counting towards this limit); and
 - (c) the number of members of the public in each discrete outdoor space is limited to no more than 300 (with infants under one year of age not counting towards this limit); and
- Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits in subclause (c) above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 18.*
- (d) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; 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 11 (**retail facilities**); and
 - (g) any dancefloor in the entertainment facility is closed.

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 subclause (3).

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 (3) apply.

Retail betting venue

- (5) A person who owns, controls or operates a retail betting venue in the State of Victoria may only operate the venue during the restricted activity period if:
- (a) a COVID Check-in Marshal is present at all entrances to the retail betting venue open to members of the public whenever the retail betting venue is operational; and
 - (b) the number of members of the public permitted in any indoor space or outdoor space is limited (with infants under one year of age not counted towards this limit) to the density quotient; and
 - (c) the total number of members of the public permitted in the whole of the retail betting venue at any time is limited (with infants under one year of age not counted towards this limit) to the lesser of:
 - (i) the density quotient; and
 - (ii) 100,

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

Example: a retail betting venue located within a food and drink facility.

Arcades, escape rooms and bingo centres

- (6) A person who owns, controls or operates an arcade, escape room or bingo centre in the State of Victoria may only operate the facility during the restricted activity period if:
- (a) the number of members of the public permitted in any outdoor space or indoor space at any one time is limited (with infants under one year of age not counted towards this limit) to the density quotient; and
 - (b) the total number of members of the public permitted in the whole of the arcade, escape room or bingo facility at any time is limited (with infants under one year of age not counted towards this limit) to the lesser of:
 - (i) the density quotient; and
 - (ii) 100; and
 - (c) a COVID Check-in Marshal is present at all entrances to the arcade, escape room or bingo facility open to members of the public whenever that facility is operational; and
 - (d) any dancefloor in the arcade, escape room or bingo facility is closed.

Drive-in cinemas

- (7) A person who owns, controls or operates a drive-in cinema in the State of Victoria may operate the facility if:
- (a) the cinema is in an outdoor space accessed by **vehicles**; and
 - (b) members of the public are not permitted to be seated outside of their vehicles;
*Note: members of the public are permitted to leave a vehicle to access toilet facilities or a **food and drink facility**.*
 - (c) a COVID Check-in Marshal is present at all entrances to the drive-in cinema open to members of the public whenever that facility is operational; and
 - (d) the number of members of the public permitted in any non-seated space is limited (with infants under one year of age not counted towards this limit) to the density quotient; and
 - (e) any **food and drink facility** within the drive-in cinema operates in accordance with the requirements of clause 13 (***food and drink facilities***).

Casino

- (8) A person who owns, controls or operates a facility in subclause (2)(s) (a casino) in the State of Victoria may only operate that facility during the restricted activity period if:
- (a) the number of members of the public permitted in each indoor space or outdoor space is limited (with infants under one year of age not counted towards this limit) to the density quotient; and
 - (b) the number of members of the public permitted in each indoor space at any one time is limited to 100 (with infants under one year of age not counting towards this limit); and
 - (c) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
 - (d) each **gaming machine** is either spaced at least 1.5 metres apart or every second gaming machine is closed; and
 - (e) the person:
 - (i) requires **workers** to complete an online COVID-19 training package arranged by the person that addresses personal hygiene, physical distancing and symptom awareness; and
 - (ii) retains security camera footage for at least 14 days after it is recorded; and
 - (f) a COVIDSafe Plan for the facility is published on the facility's Internet site; and

- (g) an employee or employees of the operator have been designated as a **COVID Marshal**; and
- (h) any dancefloor in the casino is closed.

Gaming machine area

- (9) A person who owns, controls or operates a gaming machine area in the State of Victoria may only operate the gaming machine area during the restricted activity period if:
- (a) each gaming machine is either spaced at least 1.5m apart or every second gaming machine is closed; and
 - (b) an employee or employees of the operator have been designated as a COVID Marshal; and
 - (c) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
 - (d) the number of members of the public permitted in any outdoor space or indoor space at any one time is limited (with infants under one year of age not counting towards this limit) to the density quotient; and
 - (e) the total number of members of the public permitted in the whole of the gaming machine area at any time is limited (with infants under one year of age not counted towards this limit) to the lesser of:
 - (i) the density quotient; and
 - (ii) 100,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.

Example: a gaming machine area located within a food and drink facility

Sex on premises, brothels and sexually explicit entertainment venues

- (10) A person who owns, controls or operates a sex on premises venue, brothel or a sexually explicit entertainment venue in the State of Victoria may only operate the facility during the restricted activity period if:
- (a) 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 in the whole of the venue at any time is limited (with infants under one year of age not counted towards this limit) to the lesser of:
 - (i) the density quotient; and
 - (ii) 100; and
 - (c) a COVID Check-in Marshal is present at all entrances to the venue open to members of the public whenever the venue is operational; and
 - (d) any dancefloor in the sex on premises, brothel or sexually explicit entertainment venue is closed.

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

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

Karaoke facilities and nightclubs

- (11) A person who owns, controls or operates a karaoke facility or a nightclub in the State of Victoria may only operate the facility during the restricted activity period if:
- (a) the number of members of the public permitted in any outdoor space or indoor space at any one time is limited (with infants under one year of age not counting towards this limit) to the density quotient; and

- (b) the total number of members of the public permitted in the whole of the facility at any time is limited (with infants under one year of age not counted towards this limit), to the lesser of:
 - (i) the density quotient; and
 - (ii) 100; and
- (c) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
- (d) members of the public at the facility remain seated except when ordering food or drink, using toilets or entering and leaving the facility; and
- (e) any dancefloor in the karaoke facility or nightclub is closed.

9 Places of worship

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

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

- (2) A person who owns, controls or operates a place of worship in the State of Victoria may 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 one year of age not counting towards this limit) to the density quotient; 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 (2)(a).

- (b) the number of members of the public in all indoor spaces combined (whether seated or non-seated) at the facility at any one time is limited to no more than 100 (with infants under one year old not counting towards this limit); and
- (c) the number of members of the public in all outdoor spaces combined (whether seated or non-seated) at the facility at any one time is limited to no more than 300 (with infants under one year old not counting towards this limit); and
- (d) a COVID Check-in Marshal is present at all entrances to the place of worship open to members of the public whenever the facility is operational; and
- (e) any weddings and funerals are compliant with the requirements of the **Stay Safe Directions (Victoria)**; and
- (f) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by any members of the public; and
- (g) any dancefloor in a place of worship is closed.

- (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); and

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

Note 1: support groups do not fall within this exception and must comply with the restrictions in subclause (2).

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 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.

- (4) Despite subclause (2), a person may operate a place of worship without complying with the requirement in subclause (2)(a) (density quotient) if:
 - (a) the total area of all indoor spaces and outdoor spaces accessible to members of the public is less than 100 square metres; and
 - (b) the number of members of the public permitted at the facility at any one time is limited to 25 (with infants under one year of age not counting towards this limit).

10 Funeral providers and crematoriums

- (1) A person who owns, controls or operates a funeral home or crematorium in the State of 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 (Victoria)**; and
 - (b) the number of members of the public in any indoor space and outdoor space is limited (with infants under one year of age not counting towards this limit) to the density quotient; and
 - (c) the total number of members of the public at the whole of the facility at any time is limited (with infants under one year of age not counted towards this limit) to the lesser of:
 - (i) the density quotient; and
 - (ii) 50; and
 - (d) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
 - (e) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by any members of the public.

11 Retail facilities

- (1) A person who owns, controls or operates a retail facility, including a restricted retail facility or an auction house, in the State of Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A **restricted retail facility** means the following:
 - (a) a beauty and personal care facility; or
 - (b) a **hairdressing facility**.
- (3) A person who owns, controls or operates a retail facility, including a restricted retail facility and auction house, in the State of Victoria may only operate that facility if:
 - (a) the number of members of the public in any indoor space and outdoor space is limited (with infants under one year of age not counting towards this limit) to the density quotient; and
 - (b) 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 (Victoria)**; and
 - 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.*
 - (c) any dancefloor in the retail facility is closed.

Exception – small retail facilities

- (4) Despite subclause (3), a person who owns, controls or operates a retail facility, including a restricted retail facility and auction house, in the State of Victoria is not required to comply with the requirement in subclause (3)(a) if:
- (a) the total area of all indoor spaces and outdoor spaces accessible to members of the public (excluding all **communal or shared spaces**) is less than 100 square metres; and
 - (b) the number of members of the public permitted at the facility at any one time is limited to 25 (with infants under one year of age not counting towards this limit).

12 Licensed premises

- (1) A person who owns, controls or operates a **licensed premises** in the State of Victoria may only operate that premises during the restricted activity period in accordance with these directions.
- (2) A **licensed premises** means a business characterised as a pub, bar, club, nightclub or hotel that supplies alcohol under a **general licence**, an **on-premises licence**, a **late night licence**, a **producer’s licence**, a **club licence** or a **packaged liquor licence**.
- (3) A person who owns, controls or operates a licensed premises in the State of Victoria may operate those premises only for the purposes of:
- (a) operating a **bottleshop**; or
 - (b) providing food or drink in accordance with clause 13; or
 - (c) providing accommodation in accordance with clause 14; or
 - (d) operating a retail betting venue in accordance with clause 8(5); or
 - (e) operating a gaming machine area in accordance with clause 8(9); or
 - (f) operating a sexually explicit entertainment venue in accordance with clause 8(10); or
 - (g) operating a karaoke facility or nightclub in accordance with clause 8(11).

*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**.*

13 Food and drink facilities

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

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

- (2) A **food and drink facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a cafe;
 - (b) a restaurant;
 - (c) a fast-food store;
 - (d) a cafeteria;
 - (e) a canteen;
 - (f) a winery;
 - (g) 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 the State of Victoria may operate that facility to permit members of the public to consume food or drinks only if:
- (a) the number of members of the public in any indoor space or outdoor space is limited (with infants under one year of age not counting towards these limits) to the density quotient; and
 - (b) the total number of members of the public at the whole of the facility at any time is limited (with infants under one year of age not counted towards this limit), to the lesser of:
 - (i) the density quotient; and
 - (ii) 100; and

*Note 1: 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 (Victoria)**).*

Note 2: the person must also comply with the conditions of any liquor licence or planning permit.

Note 3: members of the public in a retail betting venue or gaming machine area in an indoor space of the food and drink facility are included in this limit.

- (c) unless the food and drink facility is a food court, the number of members of the public in a group at any one time is limited to 10 (with infants under one year of age not counting towards this limit); and
- (d) unless the food and drink facility is a food court, a COVID Check-in Marshal is present at all entrances to the food and drink facility open to members of the public whenever the facility is operational; and
- (e) if the food and drink facility is a food court, an employee or employees of the operator have been designated as a **COVID Marshal**; and
- (f) members of the public at the premises remain seated except when ordering food or drink, using toilets or entering and leaving the facility; and
- (g) any dancefloor in the food and drink facility is closed; and
- (h) any weddings held at the facility comply with the **Stay Safe Directions (Victoria)**.

Exception – small food and drink facilities

- (4) Despite subclause (3), a person who owns, controls or operates a food and drink facility in the State of Victoria is not required to comply with the requirement in subclause (3)(a) if:
- (a) the total area of all indoor spaces and outdoor spaces accessible to members of the public (but excluding all communal or shared space) at the facility is less than 100 square metres; and
 - (b) the total number of members of the public at the facility at any time does not exceed 25 (with infants under one year of age not counting towards this limit).

Exception – exclusive use of a school

- (5) 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: a food and drink 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.

14 Accommodation facilities

- (1) A person who owns, controls or operates an accommodation facility in the State of Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) 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; or
 - (h) a serviced apartment.
- (3) A person who owns, controls or operates an accommodation facility in the State of Victoria may operate that facility for the purposes of providing accommodation 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 (with infants under one year of age not counting towards this limit);
 - (i) members of the one household, and any intimate partners of the members in that household; or
 - (ii) a **nominated person** or a **nominee person** and any child or dependant of the nominated person and 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; and
 - (e) any food and drink facility within the accommodation facility operates in accordance with the requirements of clause 13 (**food and drink facilities**); and
 - (f) any function facility within the accommodation facility operates in accordance with the requirements of clause 8 (**entertainment and function facilities**); and
 - (g) any dancefloor in the retail facility is closed.

Accommodation facilities – other

- (4) Despite subclause (3) a person who owns, controls or operates an accommodation facility in the State of 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: 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 are permitted to attend.

15 Real estate auctions and inspections

- (1) During the restricted activity period, in the State of Victoria, an **estate agent** may organise an auction to take place for the sale of **real estate** or an inspection by members of public, only if:
 - (a) a COVID Check-in Marshal is present at all entrances to the property open to members of the public whenever an auction or inspection is taking place; and
 - (b) the number of members of the public permitted to attend an auction in person is limited (with any infant under one year of age not counting towards these limits) to the lesser of:
 - (i) the density quotient; and
 - (ii) 100; and
 - (c) an inspection by members of the public is arranged by private appointment and the number of members of the public permitted to attend an inspection in person is limited (with any infant under one year of age not counting towards these limits) to the lesser of:
 - (i) the density quotient; and
 - (ii) 10,

excluding the owners or residents of the property and the minimum number of persons required to conduct or broadcast the auction, or facilitate an inspection whether or not other members of the public also attend remotely.

16 Tours and transport

Licensed tourism operator

- (1) During the restricted activity period in the State of Victoria, a **licensed tourism operator** may only organise or operate licensed **tourism services** 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) a maximum of 10 people; and
 - (b) no more than one tour group (regardless of whether the tour group is from the same tourism operator or different tourism operators) attends the same indoor space or outdoor space at any one time unless a reasonable distance can be maintained between each tour group at all times; and
 - (c) if the tour involves members of the public being transported in a **vehicle**, no more than 10 members of the public are transported in a vehicle at any one time; and
 - (d) any shared equipment used is cleaned between users and is not shared between members of the public in a tour group; and
 - (e) the licensed tourism services are not operated by more than the minimum number of persons required.

Note 1: the minimum number of persons required to operate a tour is in addition to the limit in subclause (a).

*Note 2: tourism services conducted in a facility or workplace must comply with the requirements under these directions and the **Workplace Directions**. If people participate in tourism services in a public place, they must comply with the public gathering limits in the **Stay Safe Directions (Victoria)**. People participating in tourism services must 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 (Victoria)**).*

17 Dancefloors

- (1) A person who owns, controls or operates any facility in the State of Victoria may not operate a dancefloor at the facility during the restricted activity period.

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 13 (food and drink facilities).

(v) a private gathering;

(vi) a wedding, funeral or end of life activity;

(vii) a routine religious gathering or ceremony,

to which these directions and the **Stay Safe Directions (Victoria)** otherwise continue to apply; and

(b) **exempt public event** means an eligible public event which, subject to the process described in the **Public Event Framework**, the Chief Health Officer or Deputy Chief Health Officer has exempted from a requirement in the Directions currently in force in accordance with subclause (3) or the equivalent subclause in any **revoked Restricted Activity Direction**.

(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 in respect of that exempt public event (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:
 - (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 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 (including any conditions on an exemption); or
 - (ii) the requirements of all other Directions currently in force.

Transitional provisions

- (6) Any exemption granted under any revoked Restricted Activity Directions continues to have effect but is suspended for the duration of the restricted activity period.

Note: events are not permitted to occur during the restricted activity period, but events approved for after the restricted activity period are not revoked by these directions.

- (7) Any application for an exemption made under any revoked Restricted Activity Directions continues to have effect.

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

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) **accommodation facility** has the meaning in clause 14(2);
- (2) **animal facility** means the following:
 - (a) a **zoological park**;
 - (b) a wildlife centre;
 - (c) a petting zoo;
 - (d) an aquarium;
 - (e) an animal farm that is not being operated for the purpose of producing food;
- (3) **bottleshop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the **premises**;
- (4) **brothel** has the same meaning as in the **Sex Work Act 1994**;

- (5) **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**);
- (6) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (7) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (8) **communal or shared space** means toilets, separate hallways, separate foyers or playgrounds at the facility;
- (9) **community facility** has the meaning in clause 6(2);
- (10) **COVID Check-in Marshal** means an employee, or employees, of a facility who monitors compliance with the **records requirement** at all entrances to the facility open to **members of the public** by checking whether patrons have provided their details prior to entry;
- (11) **COVID Marshal** means an employee or employees of the operator of a facility that have been designated as a COVID Marshal:
- (a) whose role is to monitor compliance with these directions; and
 - (b) who has successfully completed training provided by the operator that is in accordance with guidance from the **Department**; and
 - (c) who is present at the facility whenever it is operational;
- (12) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (13) **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; or
 - (d) a rehearsal room or studio,
- but does not include:
- (e) a **physical recreation facility**;
 - (f) a **community facility**; or
 - (g) a **place of worship**.
- (14) **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;
- (15) **Department** means the Department of Health;
- (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 (Victoria)**;
- (18) **discrete outdoor space** means an **outdoor space** (whether a seated space, non-seated space or a combination of seated and non-seated) where crowding or congregation of people may occur and where either:
- (a) people are attending to participate in a shared purpose or activity; or
Example: an area for participating in a competition.
 - (b) people are attending as the audience of the same performance, activity or entertainment.
Example: an area where an audience views a performance on an outdoor stage or watches an outdoor cinema screen.

- (19) **eligible public event** has the meaning in clause 18(1)(a);
- (20) **entertainment or function facility** has the meaning in clause 8(2);
- (21) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (22) **exemption** means an exemption granted by the Chief Health Officer or the Deputy Chief Health Officer for an **eligible public event** or class of eligible public events under clause 18(3) of these directions or the equivalent provision in any **revoked Restricted Activity Direction**;
- (23) **face covering** has the same meaning as in the **Workplace Directions**;
- (24) **food and drink facility** has the meaning in clause 13(2);
- (25) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (26) **function facility** means a building, room or space that is used for the purpose of holding events, functions, conferences or receptions and, for the avoidance of doubt, includes spaces within an **entertainment or function facility** or **accommodation facility**;
- (27) **gaming machine** has the same meaning as in the **Gambling Regulation Act 2003**;
- (28) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (29) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (30) **hairdressing** has the same meaning as in the **PHW Act**;
- (31) **hairdressing facility** means a business that is registered as a business of **hairdressing** under the **PHW Act**;
- (32) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (33) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are temporary (in a **physical recreational facility** 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;
- (34) **karaoke facility** means a facility used predominately for karaoke by **members of the public**;
- Example: a facility with private rooms for use by members of the public for karaoke is a karaoke facility. A bar with one open karaoke stage is not a karaoke facility.*
- (35) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (36) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (37) **licensed premises** has the meaning in clause 12(2);
- (38) **licensed tourism operator** means a person:
- (a) granted a tour operator licence under:
- (i) section 21B of the **Crown Land (Reserves) Act 1978**; or
- (ii) section 57F of the **Forests Act 1958**; or
- (iii) section 140I of the **Land Act 1958**; or
- (iv) section 27D of the **National Parks Act 1975**; or
- (v) section 21B of the **Wildlife Act 1975**; or
- (b) providing a tour of an entertainment facility;
- (39) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;
- (40) **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;

- (41) **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**;
- (42) **nominated person** has the same meaning as in the **Stay Safe Directions (Victoria)**;
- (43) **nominee person** has the same meaning as in the **Stay Safe Directions (Victoria)**;
- (44) **non-seated indoor space** means an **indoor space** that is not a **seated indoor space**;
- (45) **non-seated outdoor space** means an **outdoor space** that is not a **seated outdoor space**;
Note: this can include settings such as outdoor animal facilities.
- (46) **non-seated space** means a **non-seated indoor space** or a **non-seated outdoor space**;
- (47) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (48) **outdoor space** means a space that is not an **indoor space**;
- (49) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (50) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (51) **physical recreational facility** has the meaning in clause 5(2);
- (52) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (53) **play centre** means a **premises**, whether indoor or outdoor, that has play equipment to be used predominantly by children under the age of 12 years, but does not mean a **playground**;
- (54) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**;
- (55) **premises** has the same meaning as in the **PHW Act**;
- (56) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (57) **professional or high-performance sports person** means an individual who meets one or more of the following criteria:
- (a) perform a sporting activity in an open-aged national or international competition (at the highest level as identified by the recognised national body); or
 - (b) employed to perform a sporting activity as their primary source of income (e.g. employed by a professional club or recognised national body); or
 - (c) a National Institute Network Scholarship holder or equivalent level national categorised athlete;
- (58) **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;
- (59) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (60) **records requirement** has the same meaning as in the **Workplace Directions**;
- (61) **restricted activity period** has the meaning in clause 4;
- (62) **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;
- (63) **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;

- (64) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (65) **revoked Restricted Activity Directions** means any of the Restricted Activity Directions (Victoria), the Restricted Activity Directions (Regional Victoria) or the Restricted Activity Directions (Metropolitan Melbourne) that came into effect on or after 27 May 2021;
- (66) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (67) **seated indoor space** means an **indoor space** with fixed seating;
- (68) **seated outdoor space** means an **outdoor space** with fixed seating;
- (69) **seated space** means a **seated indoor space** or a **seated outdoor space**;
- (70) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (71) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (72) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (73) **State Library** means the State Library Victoria;
- (74) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No. 27)** as amended or replaced from time to time;
- (75) **tourism services** means an activity, guided tour or recreation programme conducted or coordinated by an employee or officer of a **licensed tourism operator** that is undertaken for profit for tourism purposes including, but not limited to, ballooning, a walking tour or bushwalking tour, a bicycle tour, abseiling, rock climbing, canoeing, kayaking, white water rafting, diving, snorkelling, horse trail riding, marine based tours and surfing, or a guided tour of a museum or gallery;
- (76) **vehicle** has the same meaning as in the **PHW Act**;
- (77) **visitor** means a person who is not registered to stay overnight at an **accommodation facility**;
- (78) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (79) **worker** has the same meaning as in the **Workplace Directions**;
- (80) **Workplace Directions** means the **Workplace Directions (No. 40)** as amended or replaced from time to time;
- (81) **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 29 July 2021

PROFESSOR BENJAMIN COWIE
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 (Victoria) (No. 27)

I, Professor Benjamin Cowie, 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 the State of Victoria 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 Safe Directions (Victoria) (No. 26)**.
- (4) These directions require everyone in the State of Victoria to:
 - (a) limit interactions with others by restricting private and public gatherings; and
 - (b) carry and wear **face coverings** at all times except in limited circumstances.

2 Citation

These directions may be referred to as the **Stay Safe Directions (Victoria) (No. 27)**.

3 Revocation

The **Stay Safe Directions (Victoria) (No. 26)** are revoked at 11:59:00 pm on 29 July 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 29 July 2021 and ending at 11:59:00 pm on 26 August 2021.

PART 2 – STAY SAFE**5 Direction – staying safe**

- (1) A person in the State of Victoria must, during the stay safe period:
 - (a) comply with the face covering requirements in subclauses (2), (3), (4) and (5); and
 - (b) must not travel to an **alpine resort** other than in accordance with subclauses (7) and (8); and
 - (c) if attending work, do so in accordance with clause 6 (**attending work**); and
 - (d) comply with the restrictions on gatherings in clause 7 (**restrictions on gatherings**); and
 - (e) comply with the Directions currently in force, including (without limitation) by:
 - (i) not engaging in an activity that is prohibited under the **Restricted Activity Directions (Victoria)**; and
 - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Victoria)** in accordance with any requirements set out in those directions.

Note 1: a person should take reasonable steps to maintain a distance of 1.5 metres from all other persons (except those people with whom they ordinarily reside) when leaving their premises, and should practise hand hygiene in accordance with the Department of Health'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**.*

Face covering requirements

- (2) A person in the State of Victoria must:
- (a) carry a face covering at all times, except where:
 - (i) subclause (3)(a), (c), (d), (e), (f) or (bb) applies; or
 - (ii) that person is a student to whom subclause (3)(b) applies; and
 - (b) wear a face covering:
 - (i) while in an **indoor space**; and
 - (ii) while in an **outdoor space**; and
 - (iii) while visiting a **hospital**; and
 - (iv) while visiting a **care facility**; and
 - (v) while on **public transport** or in a **commercial passenger vehicle** or in a **vehicle** being operated by a **licensed tourism operator**; and
 - (vi) if the person is a diagnosed person or close contact and is leaving the premises in accordance with the **Diagnosed Persons and Close Contacts Direction**; and
 - (vii) if the person has been tested for SARS-CoV-2 and is awaiting the results of that test, except where that test was taken as part of a surveillance or other asymptomatic testing program; and
- Note: the Workplace (Additional Industry Obligations) Directions set out the surveillance testing requirements for relevant industries and workers.*
- (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: it is strongly recommended that face coverings be worn in other situations when physical distancing is not possible.

- (3) Subclauses (2)(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 on site at a primary **school** or outside school hours care for a primary school; 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) it is not practicable for the person to comply with subclauses (2)(b) or (c) because the person is escaping harm or the risk of harm, including harm relating to family violence or violence of another person; or
 - (g) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
 - (h) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or

- (i) 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.
- (j) 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.
- (k) the person is visiting a person with whom they are in an intimate personal relationship in accordance with clause 7(2)(i); or
- (l) the person is attending a permitted social gathering in accordance with clause 7(2)(j); or
- (m) the person is one of two persons being married, during their wedding ceremony, or while being photographed at the wedding; 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 (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 (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 the State of 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
Example: 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; or
- (bb) the person is at a premises that is their ordinary place of residence or their temporary place of residence.

Face covering requirements in airports and on aircraft

- (4) Without limiting subclause (2)(b), during the stay safe period, a person in the State of Victoria at an **airport** or travelling in an **aircraft** must:
 - (a) carry a face covering at all times, except where subclause (5)(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

- (5) Subclauses (4)(b) and (c) do not apply if a person complies with any other requirements under any other Directions currently in force and:
 - (a) the person is an infant or a child under the age of 12 years; or
 - (b) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or

Examples: persons who have obstructed breathing, a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.
 - (c) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
 - (d) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
 - (e) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or

Examples: teaching, lecturing, broadcasting.
 - (f) the person is consuming food, drink or medicine; or
 - (g) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
 - (h) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Victoria)**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
 - (i) the person is providing a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Victoria)**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
 - (j) the person is asked to remove the face covering to ascertain identity; or

Examples: a person may be asked by police, security, or airport staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.
 - (k) for emergency purposes; or
 - (l) when required or authorised by law; or
 - (m) when doing so is not safe in all the circumstances.
- (6) An **authorised officer** may require a person to attest in writing that they have complied with the requirements of subclause (4) to wear a face covering on an aircraft (subject to subclause (5)).

Travel to an alpine resort

- (7) Subject to subclause (8), a person in the State of Victoria during the stay safe period and who is aged 12 years or older must not enter an alpine resort unless the person:
 - (a) has undertaken a SARS-CoV-2 test no more than:
 - (i) 72 hours before entering an alpine resort if the person is not an **alpine worker**; or
 - (ii) 7 days before entering an alpine resort if the person is an alpine worker; and
 - (b) has received a negative result for that SARS-CoV-2 test; and

- (c) carries and presents upon request to:
- (i) an authorised officer or a Victoria Police member; or
 - (ii) any employee or representative of an **alpine resort management board** for the purposes of meeting the requirements of the **Restricted Activity Directions (Victoria)**,

the following:

- (iii) if the person is aged 12 years or older, evidence of the negative SARS-CoV-2 test result obtained by the person in accordance with subclauses (a) and (b); and

Note 1: evidence of a negative test result includes an email or text message notification of the test result.

Note 2: where evidence of a negative test result does not show the testing date, the date the test was undertaken should be presumed to be 12 hours before the results were received.

Note 3: evidence of a negative test for any child or dependant over the age of 12 can be provided by a parent or guardian.

- (iv) if the person is an alpine worker, evidence that they are an alpine worker.

Note: evidence may include a letter from an alpine worker's employer or a payslip.

Note: subject to subclause (8), a person who ordinarily resides in Victoria and who attends work in an alpine resort is required to comply with the testing and other requirements in subclause (7) in order to travel to the alpine resort for work.

- (8) A person in the State of Victoria is not required to comply with subclause (7) if:
- (a) they are required to travel to an alpine resort:
 - (i) for the purpose of delivering an **essential service**; or
 - (ii) for emergency purposes; or
 - (iii) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises,
 and it is not practicable for the person to undertake a SARS-CoV-2 test in accordance with subclause (7) prior to entering the alpine resort; or
 - (b) they have a disability, illness, or chronic health condition, if it is not practicable for the person to undertake a SARS-CoV-2 test in accordance with subclause (7) due to the person's disability, illness or chronic health condition; or
 - (c) the person's ordinary place of residence is in an alpine resort; or
 - (d) they are travelling to or through an alpine resort to attend a school or transport a child to a school.

PART 3 – WORK

6 Attending work

- (1) A person may attend work (whether paid or voluntary, including for charitable or religious purposes) at a **work premises** in the State of Victoria if:
- (a) it is not reasonably practicable for the person to work from the premises where they ordinarily reside or another suitable premises; or
 - (b) 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.

*Note 1: the **Workplace Directions** and the **Workplace (Additional Industry Obligations) Directions** address how certain workplaces should facilitate onsite work.*

*Note 2: these Directions do not restrict persons in Victoria from travelling to another State or Territory to attend work. Persons travelling to another State or Territory to attend work must comply with the requirements under that State or Territory's laws and with the requirements of the **Victorian Border Crossing Permit Directions**.*

Note 3: a person in the State of Victoria who attends work in an alpine resort is required to comply with the testing and other requirements in clause 5(7) in order to travel to the alpine resort for work.

PART 4 – GATHERINGS**7 Restrictions on gatherings***Private gatherings*

- (1) Subject to subclause (2), during the stay safe period, a person must not:
- (a) permit another person to enter any premises at which they are residing in the State of Victoria (whether or not entering any building on the premises); or
 - (b) intentionally enter any premises at which another person is residing in the State of Victoria (whether or not entering any building on the premises).
- (2) Subclause (1) does not prevent any person from permitting entry to another person or from entering a premises:
- (a) if the person entering the premises 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 child-minding, **childcare or early childhood service**, 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 the person entering the premises is a parent or guardian of a child and they are entering 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 July 2021 and for the duration of these directions; or
- (k) to attend a wedding or funeral or **end of life** activity, if that wedding, funeral or end of life activity complies with the requirements in subclauses (5) to (9); or
 - (l) to attend a 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 or to attend an auction provided that the inspection and auction is carried out in accordance with the Restricted Activity Directions (Victoria); 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).

Public gatherings

- (4) During the stay safe period, a person in the State of Victoria must not arrange to meet, or organise or intentionally attend a gathering of, more than 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 (4), 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 (4) 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 (Victoria)**; or
- (c) for the purpose of a wedding in the State of Victoria that complies with the requirements in subclause (5) and (6); or
- (d) for the purpose of a funeral in the State of Victoria that complies with the requirements in subclause (7) and (8); 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 (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

- (5) The requirements for a wedding that is held at a person's ordinary place of residence in the State of Victoria are that:
 - (a) one or both of the two persons being married are experiencing end of life; and
 - (b) it involves no more than:
 - (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 **Marriage Act 1961** of the Commonwealth; and
 - (iv) any person who ordinarily resides at the premises; and
 - (v) any other person with whom a person in subparagraph (iv) is in an intimate personal relationship.
- (6) The requirements for a wedding in the State of Victoria 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) 48 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
 - (e) it complies with the requirements of the **Restricted Activity Directions (Victoria)**.

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

- (7) The requirements for a funeral held at a person's ordinary place of residence in the State of Victoria are that:
 - (a) it only involves 5 **members of the public** with the following persons not counting towards this limit:
 - (i) any infant under one year of age; and
 - (ii) the minimum number of persons reasonably necessary for the conduct of the funeral; and

- (iii) any person who ordinarily resides at the premises; and
- (iv) any other person with whom a person in subparagraph (i) is in an intimate personal relationship.

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.

- (8) The requirements for a funeral held in the State of Victoria that is held other than at a person's ordinary place of residence 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) it complies with the requirements of the **Restricted Activity Directions (Victoria)**.

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

- (9) The requirements for end of life activity that is held at a person's ordinary place of residence in the State of Victoria 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 (a) or (b) is in an intimate personal relationship; and
 - (d) two other people,
with infants under one year of age not counting towards these limits.

PART 5 – OTHER PROVISIONS

8 Relationship with other Directions

- (1) If there is any inconsistency between Parts 2, 3 and 4 of these directions and the **Diagnosed Persons and Close Contacts Directions**, Parts 2, 3 and 4 of these directions are inoperative to the extent of any inconsistency.
- (2) If there is any inconsistency between these directions and a direction or other requirement contained in a **Direction and Detention Notice**, these directions are inoperative to the extent of the inconsistency.
- (3) If there is any inconsistency between these directions and a direction or other requirement contained in the **Care Facilities Directions**, these directions are inoperative to the extent of the inconsistency.
- (4) Unless the context otherwise requires, a reference in any Directions currently in force, in any Direction and Detention Notice, or in any approved form under a Direction currently in force or a Direction and Detention Notice to:
 - (a) a Direction currently in force or these directions, or a defined term in a Direction currently in force or these directions, will be taken to mean that direction (and hence that defined term) as amended or replaced from time to time; or
 - (b) an earlier version of a particular Direction currently in force or these directions will be taken to be a reference to the current version of that particular direction.

9 Definitions

For the purposes of these directions:

- (1) **aircraft** means 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;
- (2) **airport** means an aerodrome at which facilities are available for the arrival or departure of **aircraft** into or from the State of Victoria;

- (3) **alpine resort** means any of the following as defined in the **Alpine Resorts (Management) Act 1997**:
- (a) Falls Creek Alpine Resort;
 - (b) Lake Mountain Alpine Resort;
 - (c) Mount Baw Baw Alpine Resort;
 - (d) Mount Buller Alpine Resort;
 - (e) Mount Hotham Alpine Resort;
 - (f) Mount Stirling Alpine Resort; and
- the Dinner Plain Village as defined under the Dinner Plain Planning Provisions in the Alpine Planning Scheme;
- (4) **alpine resort management board** has the same meaning as in the **Alpine Resorts (Management) Act 1997**;
- (5) **alpine worker** means an employee or contractor of an **alpine resort management board**, Alpine Shire Council, Mansfield Shire Council, Baw Baw Shire Council, Murrindindi Shire Council, Yarra Ranges Shire Council or any business located within an **alpine resort** who is required to enter an **alpine resort** for work purposes;
- (6) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (7) **authorised officer** has the same meaning as in the **PHW Act**;
- (8) **bus company** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (9) **Care Facilities Directions** means **Care Facilities Directions (No. 39)** as amended or replaced from time to time;
- (10) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (11) **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;
- (12) **commercial passenger vehicle** has the same meaning as in the **Workplace Directions**;
- (13) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 25)** as amended or replaced from time to time;
- (14) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (15) **Directions currently in force** means the **Restricted Activity Directions (Victoria)**, the **Stay Safe Directions (Victoria)**, the **Diagnosed Persons and Close Contacts Directions**, the **Hospital Visitor Directions**, the **Care Facilities Directions**, the **Workplace Directions**, the **Victorian Border Crossing Permit Directions** and the **Workplace (Additional Industry Obligations) Directions**, each as amended or replaced from time to time;
- (16) **emergency worker** has the same meaning as in the **Sentencing Act 1991**;
- (17) **end of life** means:
- (a) a situation where a person's death is expected within days (including periods of 28 days or less), 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));
- (18) **essential service** means emergency services or services to ensure the provision of telecommunications, critical infrastructure, critical supplies, essential prevention and recovery from emergencies or essential public services, including services provided by **emergency workers**, child protection workers and time-critical essential services provided by healthcare workers and care facility workers;
- (19) **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);
- (20) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (21) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 35)** as amended or replaced from time to time;
- (22) **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;
- (23) **licensed tourism operator** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (24) **members of the public** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (25) **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**;
- (26) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (27) **nominated person** means a person nominated by a nominee person for social interaction permitted in accordance with these directions;
- (28) **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;
- (29) **outdoor space** means a space that is not an **indoor space**;
- (30) **passenger transport company** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (31) **photographer** means a person who takes photographs as a business and has an Australian Business Number for this purpose;
- (32) **premises** means:
- (c) a building, or part of a building; and
- (d) any land on which the building is located, other than land that is available for communal use;
- (33) **prison** has the same meaning as in the **Corrections Act 1986**;
- (34) **prisoner** has the same meaning as in the **Corrections Act 1986**;

- (35) **public transport** means a vehicle operated by a **passenger transport company** or by a **bus company** in the provision of **public transport service**;
- (36) **public transport service** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (37) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (38) **Restricted Activity Directions (Victoria)** means the **Restricted Activity Directions (Victoria) (No. 21)** as amended or replaced from time to time;
- (39) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (40) **stay safe period** has the meaning in clause 4;
- (41) **vehicle** has the same meaning as in the **PHW Act**;
- (42) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 25)** as amended or replaced from time to time;
- (43) **work premises** has the same meaning as in the **Workplace Directions**;
- (44) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 35)** as amended or replaced from time to time;
- (45) **Workplace Directions** means the **Workplace Directions (No. 40)** as amended or replaced from time to time;
- (46) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (47) **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 29 July 2021

PROFESSOR BENJAMIN COWIE
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. 35)**

I, Professor Benjamin Cowie, 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. 34)**.

2 Citation

These directions may be referred to as the **Workplace (Additional Industry Obligations) Directions (No. 35)**.

3 Revocation

The **Workplace (Additional Industry Obligations) Directions (No. 34)** are revoked at 11:59:00 pm on 29 July 2021.

4 Commencement

These directions commence 11:59:00 pm on 29 July 2021 and end at 11:59:00 pm on 26 August 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 SARS-CoV-2 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) 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
 - (b) 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).

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) 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 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 subclause (3)(a)(ii)(A) unless an exception pursuant to clause 5(3)(e), (g) – (i), (r) – (t), or (x) – (aa) of the **Stay Safe Directions (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 exception from the requirement to wear a face covering pursuant to clause 5(3)(j) of the **Stay Safe Directions (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 SARS-CoV-2 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 exception pursuant to clause 5(3)(e), (g) – (i), (r) – (t), or (x) – (aa) of the **Stay Safe Directions (Victoria)** 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 exception from the requirement to wear a face covering pursuant to clause 5(3)(j) of the **Stay Safe Directions (Victoria)** does not apply to a worker at a Work Premises that is a supermarket Work Premises or perishable food Work Premises whilst working at the Work Premises in Victoria. Additional measures to prevent SARS-CoV-2 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 exception pursuant to clause 5(3)(e), (g) – (i), (r) – (t), or (x) – (aa) of the **Stay Safe Directions (Victoria)** 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 exception from the requirement to wear a face covering pursuant to clause 5(3)(j) of the **Stay Safe Directions (Victoria)** does not apply to a worker at a Work Premises that is a chilled distribution facility in relation to warehousing and distribution centres 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 the care facility; or

(b) any outdoor space at the care facility, unless an exception pursuant to clause 5(3)(e), (g) – (i), (r) – (t), or (x) – (aa) of the **Stay Safe Directions (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 exception from the requirement to wear a face covering pursuant to clause 5(3)(j) of the **Stay Safe Directions (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 28 days have elapsed since the last time the employee or contractor worked at that other facility while a confirmed case was present; or
 - (d) 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
 - (e) the employee or contractor:
 - (i) has undertaken a test for SARS-CoV-2 on or after 13 days from the day that the employee or contractor last worked at that other facility while a confirmed case was present; and
 - (ii) received confirmation that the results of the test undertaken pursuant to (i) were negative; and
 - (f) the employee or contractor has provided evidence of the negative test result pursuant to subclause (e) 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 from when they last worked a shift while a confirmed case was present at the facility and test negative for SARS-CoV-2, before moving from that care facility to commence work at another care facility. No test is required if it has been 28 days or more since the employee or contractor last worked a shift while a confirmed case was present at the 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.
- (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**; and
 - (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.
- (36) 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:
- (a) whether the worker has completed a shift or shifts at another hospital in a high-risk hospital Work Premises in the 14 days prior to making the declaration; and
 - (b) if the worker declares that they have completed a shift or shifts at another hospital in a high-risk hospital Work Premises in the 14 days prior to making the declaration:
 - (i) the name of the relevant hospital; and
 - (ii) whether a shift, or any shifts, declared under subclause (a) were on the roster of a **COVID streaming area**; and
Note: a shift on the roster of a COVID streaming area includes a shift where the worker is primarily assigned to caring for COVID positive patients in a negative pressure room (for example, a nurse allocated to care for COVID positive patients in a negative pressure room). A shift on the roster of a COVID streaming area also includes staff who were rostered on to work and worked in the COVID streaming area and staff who were not originally rostered but worked in the area to cover a gap in the roster.
 - (iii) if the answer to subclause (b)(ii) is yes:
 - (A) at least 72 hours has elapsed since the worker finished the last shift declared in subclause (b)(ii); and
 - (B) the worker has received a negative SARS-CoV-2 test in the 48 hours prior to making the declaration.
- (37) An employer in relation to a Work Premises that is a hospital in Victoria must not permit a worker to enter the hospital where:
- (a) the worker has worked a shift on the roster of a COVID streaming area at another hospital in the 14 days prior to making the declaration referred to in subclause (36),
unless:
 - (b) 72 hours has elapsed since the worker finished their last shift in a COVID streaming area; and
 - (c) the worker has received confirmation of a negative SARS-CoV-2 test result in the 48 hours prior to making the declaration in subclause (36); and
 - (d) the worker has provided evidence of the negative test result referred to in subclause (c) to the employer prior to commencing work at that hospital.
Note: providing the employer with hardcopy or electronic notification confirming the negative test result from a testing provider is sufficient evidence.

Australian Air Transport Services (Passenger)

- (38) 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 (38)(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** of the Commonwealth;
- (6) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (7) **Border Directions** means the **Victorian Border Crossing Permit Directions (No. 25)** as amended or replaced from time to time;
- (8) **Care Facilities Directions** means the **Care Facilities Directions (No. 39)** 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** and includes the period of time prior to the diagnosis during which the **confirmed case** is considered infectious;

*Note: the period during which a person is considered infectious is generally considered to be 48 hours prior to the onset of **SARS-CoV-2 Symptoms**, however, alternative infectious periods may be determined at the discretion of an officer or nominated representative of the **Department** (for instance, in high-risk settings or if the **confirmed case** is asymptomatic).*

- (15) **COVID Marshal** has the meaning in clauses 7(22)(b), 7(25)(b), 7(31)(a) (as the case may be);
- (16) **COVID streaming area** means any patient treatment area in a **COVID streaming hospital**, nominated by the relevant health service as an area dedicated to treating a confirmed case or confirmed cases, including negative pressure rooms for SARS-CoV-2 patients;
- (17) **COVID streaming hospital** means:
- (a) The Alfred Hospital;
 - (b) Box Hill Hospital;
 - (c) Royal Melbourne Hospital;
 - (d) Monash Medical Centre Clayton (obstetric services);
 - (e) The Royal Children’s Hospital Parkville;
 - (f) The Royal Women’s Hospital Parkville;
 - (g) Epping Private Hospital;
 - (h) La Trobe Private Hospital;
- (18) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (19) **Department** means the Department of Health;
- (20) **Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (21) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 25)** as amended or replaced from time to time;
- (22) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (23) **employee** includes a person who is self-employed;
- (24) **employer** means a person who owns, operates or controls a **Work Premises** and includes a person who is self-employed or a sole-trader;
- (25) **face covering** has the same meaning as in the **Workplace Directions**;
- (26) **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.*
- (27) **high-risk hospital Work Premises** means any **hospital** ward treating a **confirmed case** or cases of **SARS-CoV-2**;
- (28) **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**;
- (29) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (30) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 35)** as amended or replaced from time to time;
- (31) **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;
- (32) **inspector** has the same meaning as in the **OHS Act**;
- (33) **meat processing facility** has the meaning under the PrimeSafe licence category ‘further meat processing facilities’;

- (34) **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**;
- (35) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (36) **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.*
- (37) **perishable food Work Premises** means a **Work Premises** that is predominantly a perishable food facility that is a chilled distribution facility;
- (38) **personal protective equipment** has the same meaning as in the **Occupational Health and Safety Regulations 2017**;
- (39) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (40) **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**;
- (41) **port of entry** means a **port** or **airport**;
- (42) **port of entry worker** has the meaning in clause 7(20);
- (43) **poultry processing facility** has the meaning under the PrimeSafe licence category ‘poultry meat processing facilities’;
- (44) **premises** has the same meaning as in the **PHW Act**;
- (45) **reasonably practicable** is to have its ordinary and common sense meaning;
- (46) **SARS-CoV-2 Symptoms** has the same meaning as in the **Workplace Directions**;
- (47) **seafood processing facility** has the meaning under the PrimeSafe licence category ‘seafood processing facilities’;
- (48) **seasonal horticultural work** means work that is seasonal in nature in the horticulture (ie production of fruit and vegetables) sector of the agriculture industry, including the picking, packing and harvesting of seasonal produce, but does not include:
- (a) the production of nuts, wine grapes and olives; or
 - (b) storage and distribution activities that occur post production;
- (49) **seasonal Work Premises** means a farm or workplace where **seasonal horticultural work** is undertaken;
- (50) **seasonal worker** means a **worker** temporarily employed or engaged to perform **seasonal horticultural work** at **seasonal Work Premises**;
- (51) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (52) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (53) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No. 27)** 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. 40)** 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 –
- give information that is false or misleading in a material particular; or
 - make a statement that is false or misleading in a material particular; or
 - produce a document that is false or misleading in a material particular –
- to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information.
- Penalty: In the case of a natural person, 60 penalty units;
 In the case of a body corporate, 300 penalty units.
- (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.

- (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 – 10 penalty units;

(ii) aged 15 years or older but under the age of 18 years – 4 penalty units;

(iii) aged under 15 years – 1 penalty unit; or

- (b) in the case of a body corporate – 60 penalty units.

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 29 July 2021

PROFESSOR BENJAMIN COWIE
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. 40)**

I, Professor Benjamin Cowie, 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. 39)**.

2 Citation

These directions may be referred to as the **Workplace Directions (No. 40)**.

3 Revocation

The **Workplace Directions (No. 39)** are revoked at 11:59:00 pm on 29 July 2021.

4 Commencement

These directions commence at 11:59:00 pm on 29 July 2021 and end at 11:59:00 pm on 26 August 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 where it is not **reasonably practicable** for the worker to work at the worker's place of residence or another suitable **premises** which is not the Work Premises; and
 - (b) must comply with the **Stay Safe Directions (Victoria)**, the **Workplace (Additional Industry Obligations) Directions** and all other Directions currently in force where they apply to that employer.
- (2) An employer in relation to office-based Work Premises:
 - (a) may, despite subclause (1)(a) and subject to subclauses (b) and (c), permit workers who do not fall within subclause (1)(a) to work from the employer's Work Premises; and
 - (b) must use their best endeavours to ensure that the number of workers permitted to attend the Work Premises at any one time is limited to the greater of:
 - (i) 25 per cent of the total number of workers for that Work Premises; and
 - (ii) 10; and
 - (c) the cap in subclause (b) does not apply, and may be exceeded, where it is not reasonably practicable for more than 25 per cent of the total number of workers for that Work Premises or 10 workers (whichever is greater), to work at the worker's place of residence or another suitable premises which is not the Work Premises.

Example 1: where an employer has 100 workers employed at a Work Premises, 25 per cent of the total number of workers for that Work Premises is 25. If it is not reasonably practicable for 10

workers to work from home, those workers may attend the work premises and represent 10 per cent of the total number of workers for that Work Premises. Therefore another 15 workers may be permitted to attend the workplace.

Example 2: where an employer has 100 workers employed at a Work Premises, 25 per cent of the total number of workers from that Work Premises is 25. If it is not reasonably practicable for 30 workers to work from home, those workers may attend the work premises under subclause (2)(c) and represent 30 per cent of the total number of workers for that Work Premises. As the workplace cap has been filled with workers who cannot work from home, workers for whom it is reasonably practicable to work from home are not permitted to attend the Work Premises.

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

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

Face coverings requirement

- (1) An employer must take reasonable steps to ensure a worker, when working at a Work Premises:
 - (a) carries a **face covering** at all times, except where the exception in subclause 5(3)(e) of the **Stay Safe Directions (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(3) of the **Stay Safe Directions (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; or

Note: each vehicle used predominantly as a Work Premises (e.g. food trucks, dental vans) requires a COVIDSafe Plan.
 - (c) in relation to a premises governed by an **owners corporation** where that premises has:
 - (i) no shared spaces; or
 - (ii) only shared **outdoor spaces** (such as shared driveways, lawns or gardens).

*Note: an owners corporation is required to have a COVIDSafe Plan for all premises where there are shared **indoor spaces** (for example: hallways, underground carparking facilities, or gyms).*
- (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.

- (7) Subject to subclauses (8) – (13), an employer must:
- (a) comply with subclause (6) using the **Victorian Government QR code system**; and
 - (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 the Victorian Government QR code system for that purpose even where they do not have access to a personal mobile phone or other device that enables them to do so; and
Note: 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 the Victorian Government QR code system and staff available to provide assistance to persons to do so.
 - (c) prominently display signage at each entrance to the Work Premises so that **members of the public** can record their attendance using the Victorian Government QR code system; and
Note: signage may also be displayed nearby to an entrance as well as at the entrance (for example, inside the Work Premises, in a hallway or waiting room near the entrance) if required to prevent people lining up outside or congregating at the entrance.
 - (d) where a Work Premises is:
 - (i) a **retail facility** other than a **supermarket**, where the total of all indoor spaces accessible to members of the public is 2,000 square metres or more; or
 - (ii) a **market**,then:
 - (iii) the Work Premises must prominently display signage at all points of sale at the Work Premises so that members of the public can record their attendance using the Victorian Government QR code system; and
Note 1: Work Premises to which subclause (d) apply are required to comply with the signage requirements in subclause (d) in addition to the signage requirements in subclause (c).
Note 2: a point of sale includes where a customer pays for goods or services.
 - (iv) other than for Work Premises that are markets, a staff member must request all members of the public who attend the Work Premises to record their attendance at an entrance to the Work Premises; and
 - (e) where a Work Premises is:
 - (i) a retail facility other than a supermarket, where the total of all indoor spaces accessible to members of the public is less than 2,000 square metres; or
 - (ii) a market stall,then:
 - (iii) the Work Premises must prominently display signage at all points of sale at the Work Premises so that members of the public can record their attendance using the Victorian Government QR code system; and
Note 1: Work Premises to which subclause (e) applies are required to comply with the signage requirements in subclause (e) in addition to the signage requirements in subclause (c).
Note 2: a point of sale includes where a customer pays for goods or services.
 - (iv) staff members who interact with a member of the public at a point of service must request that the member of the public record their attendance at the Work Premises; and
Note: a point of service includes where an employee interacts with a customer other than at a point of sale during their attendance, for example, a waiter attending a table to take an order, or when greeting a customer once they have entered the Work Premises.

- (f) where a Work Premises is a **food and drink facility**, then:
- (i) the Work Premises must prominently display signage at all points of sale and at all points of service, so that members of the public can record their attendance using the Victorian Government QR code system; and
Note: Work Premises to which subclause (f) applies are required to comply with the signage requirements in subclause (f) in addition to the signage requirements in subclause (c).
 - (ii) a staff member must request all members of the public attending the Work Premises to record their attendance at:
 - (A) an entrance to the Work Premises; or
 - (B) a point of sale; or
 - (C) a point of service; and

Note: a point of sale includes where a customer pays for goods or services. A point of service includes where an employee interacts with a customer other than at a point of sale during their attendance, for example, a waiter attending a table to take an order, or when greeting a customer once they have entered the Work Premises. Where a food and drink facility is a food court, a point of service includes the tables provided within the food court.

- (g) where a Work Premises is a supermarket, then:
- (i) the Work Premises must prominently display signage at all points of sale at the Work Premises so that members of the public can record their attendance using the Victorian Government QR code system; and
Note 1: Work Premises to which subclause (g) apply are required to comply with the signage requirements in subclause (g) in addition to the signage requirements in subclause (c).
Note 2: a point of sale includes where a customer pays for goods or services.
 - (ii) staff members who interact with a member of the public at a point of sale must request that the member of the public record their attendance at the Work Premises.

- (8) Where:
- (a) it is not reasonably practicable for a person to record an attendance at a Work Premises using the Victorian Government QR code system; or
 - (b) there is an access issue that prevents the Victorian Government QR code system 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 the Victorian Government QR code system 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.

- (8A) Information collected by an employer using an alternative record-keeping method under subclause (8) must be provided by the employer to **Service Victoria** if requested to do so by the Department or Service Victoria.
- (9) Where a person who attends a Work Premises is unable to check in using the Victorian Government QR code system 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 the Victorian Government QR code system for that purpose.
- (10) An employer is not required to comply with the records requirement in subclause (6):
- (a) subject to subclause (13), 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.
 - (c) in relation to common property areas governed by an owners corporation;
*Note: where a common property area is a facility such as a gym, pool, or cinema subject to the **Restricted Activity Directions (Victoria)**, that facility is required to comply with the record-keeping requirements and any other relevant requirements in the applicable Restricted Activity Directions.*
 - (d) in relation to persons receiving contactless ‘click and collect’ services where the transaction does not involve entering any indoor space at a Work Premises;
or
Example: attending a retail facility where an employee drops the goods into the boot of a customer’s car whilst the customer remains in the car.
 - (e) in relation to takeaway food providers in respect of customers attending the premises for the sole purpose of collecting food at a drive-through window; or
 - (f) in relation to service stations in respect of members of the public who do not enter a building and pay using contactless payment methods at the petrol bowser; or
 - (g) in relation to **emergency workers** attending a Work Premises for the purposes of responding to an **emergency** where complying with the records requirement is not practicable in the circumstances; or
 - (h) in relation to attendances at a Work Premises for the purposes of police matters (including investigations), and the administration of justice where the person who is the subject of the record requests that their attendance is kept confidential; or
 - (i) in relation to **public transport** or at a stop or station for passenger services of a **public transport service**, except in relation to workers operating or delivering the public transport service; or
 - (j) in relation to employees of, or visitors to premises owned or operated by, intelligence agencies who attend that premises for reasons of national security; or
 - (k) in relation to parents, guardians and carers attending a **school, childcare or early childhood service** or outside school hours care service for the purposes of picking up or dropping off children or students, provided the parent, guardian or carer does not enter an indoor space at the school, childcare or early childhood service or outside school hours care service.
- (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) **care facilities** in respect of residents; or
 - (c) a **health service entity**; or
 - (d) farms in respect of workers and other persons attending for work-related purposes; or
 - (e) premises where pre-ordered goods are being delivered via contactless delivery; or
Example: a meal delivery service driver attending a premises to drop a meal ordered via an app at the door is not required to check-in at that premises.

- (f) a private residence attended by workers for the purposes of undertaking work; or
Note: this excludes common property areas governed by an owners corporation.
 - (g) a **prison, remand centre, youth residential centre, or youth justice centre**; or
 - (h) a site operated by COVID-19 Quarantine Victoria; or
 - (i) public transport or a stop or station for passenger services of a public transport service or a **tour and charter bus service**; or
 - (j) a site where the use of electronic devices is prohibited due to safety concerns; or
Example: petrochemical bulk storage and transport, and other flammable liquids sites.
 - (k) a **school bus**; or
 - (l) an **early stage land development site**, excluding any site office at that site.
Example: workers conducting scoping work on empty land prior to the commencement of construction will not be required to check-in using the Victorian Government QR code system. However, a worker entering a site office on otherwise empty land will need to check-in to that office using the Victorian Government QR code system.
- (12) An employer to whom clause 14 (**accommodation facilities**) of the **Restricted Activity Directions (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 the Victorian Government QR code system.
- (14) In handling any information collected under subclause (6):
- (a) an employer who uses or an owner who makes available a system other than the Victorian Government QR code system, 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 the Victorian Government QR code system, whether or not:
 - (a) the employer also uses or the owner also uses the Victorian Government QR code system to comply with subclauses (6) or (13); or

- (b) *the system used by the employer or made available by the owner links to the Victorian Government QR code system.*
- (b) Service Victoria and/or another operator of the Victorian Government QR code system 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 (15), 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 space.

*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 in relation to Work Premises in Victoria 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 (Victoria)** specifies which facilities should calculate the density quotient by reference to the number of persons in the accessible area or alternatively the number of members of the public in the accessible area.*

at any one time to the number calculated by dividing the total accessible space (measured in square metres) by 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; and
- (g) for a Work Premises that is the employer's ordinary place of residence, to each space of the residence accessible to persons for the purposes of receiving goods or services from the employer or a worker.

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 (Victoria)** and, in those circumstances, the density quotient will not apply.
- (20) Despite subclauses (17), (18) and (19), 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 requirement** under subclause (21).*

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)

- (21) 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.

- (22) 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.
- (23) 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 exception under a Direction currently in force applies.

Cleaning requirements (cleaning requirement)

- (24) 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.
- (25) 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.
- (26) 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 2021** 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 SARS-CoV-2 Symptoms 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 2021**.*

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) **accommodation facility** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (2) **additional records requirement** has the meaning in clause 6(15) and 6(16) (both inclusive);
- (3) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (4) **bus company** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;
- (5) **Care Facilities Directions** means the **Care Facilities Directions (No. 39)** 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(25);
- (9) **cleaning requirement** has the meaning in clause 6(24) to (26) (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, 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(17);
- (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. 25)** 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 **Stay Safe Directions (Victoria)**, the **Restricted Activity Directions (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) **early stage land development site** means an open air, greenfields site where civil works are being undertaken that are associated with, and preparatory to, the construction of multiple individual residential dwellings or an industrial or commercial development on that site, including but not limited to:
- (a) site remediation works; and
 - (b) site preparation works; and
 - (c) construction of utilities, roads, bridges and trunk infrastructure; and
 - (d) stormwater or flood management works;
- but such a site ceases to be an early stage land development site:
- (e) for a residential development where the development is, or will be, subdivided to facilitate the construction of individual dwellings, on the day that the construction of a dwelling on that part of the subdivision (or planned subdivision) of the early stage land development site commences; and
 - (f) for a residential development where the development has not been subdivided and it is not intended that the development will be subdivided in the future, on the day that construction commences; and
- Examples: this type of residential development includes a high-rise apartment complex or a retirement village.*
- (g) for an industrial or commercial development, on the day that construction of a building, warehouse or other physical structure commences;
- (24) **emergency** has the same meaning as in the **Emergency Management Act 2013**;
- (25) **emergency worker** has the same meaning as in the **Sentencing Act 1991**;
- (26) **employee** includes a person who is self-employed;
- (27) **employer** means a person who owns, operates or controls **Work Premises** (or a Work Premises) and includes a person who is self-employed;
- (28) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection;
- (29) **food and drink facility** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (30) **health and safety representative** has the same meaning as in the **OHS Act**;
- (31) **health service entity** has the same meaning as in the **Health Services Act 1988**;
- (32) **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;
- (33) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (34) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 35)** as replaced or amended from time to time;
- (35) **indoor space** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (36) **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;
- (37) **inspector** has the same meaning as in the **OHS Act**;
- (38) **market** means a public market, whether indoor or outdoor, including a food market;

- (39) **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;
- (40) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (41) **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.*
- (42) **outdoor space** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (43) **owner** has the same meaning as in the **Commercial Passenger Vehicle Industry Act 2017**;
- (44) **owners corporation** has the same meaning as in the **Owners Corporations Act 2006**;
- (45) **passenger services** has the same meaning as in the **Transport Integration Act 2010**;
- (46) **passenger transport company** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;
- (47) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (48) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (49) **PPE** means personal protective equipment;
- (50) **premises** has the same meaning as in the **PHW Act**;
- (51) **prison** has the same meaning as in the **Corrections Act 1986**;
- (52) **public transport** means a vehicle operated by a **passenger transport company** or by a **bus company** in the provision of **public transport service** but does not include a **school bus**;
- (53) **public transport service** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;
- (54) **reasonably practicable** is to have its ordinary and common sense meaning;
- (55) **records requirement** has the meaning in clause 6(6) to (14) (both inclusive);
- (56) **Relevant Period** has the meaning given in clause 8(1);
- (57) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (58) **Restricted Activity Directions (Victoria)** means the **Restricted Activity Directions (Victoria) (No. 21)** as amended or replaced from time to time;
- (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, 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) **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;
- (62) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (63) **school bus** means any bus while being used as part of:
- (a) the **School Bus Program**; or
 - (b) the **Students with Disabilities Transport Program**; or
 - (c) a private arrangement between a **school** at a **bus company**;
- (64) **School Bus Program** means the program of that name administered by the Department of Education and Training;
- (65) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (66) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (67) **Service Victoria** has the same meaning as in the **Service Victoria Act 2018**;
- (68) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (69) **signage requirement** has the meaning in clauses 6(21), (22) and (23);
- (70) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No. 27)** as amended or replaced from time to time;
- (71) **Students with Disabilities Transport Program** means the program of that name administered by the Department of Education and Training;
- (72) **supermarket** has the same meaning as supermarket business in **the Food Act 1984**;
- (73) **suspected case** means a person who is displaying one or more **SARS-CoV-2 Symptoms**;
- (74) **tour and charter bus service** has the same meaning as in the **Bus Safety Act 2009**;
- (75) **vehicle** has the same meaning as in the **PHW Act**;
- (76) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 25)** as amended or replaced from time to time;
- (77) **Victorian Government QR code system** means the digital system provided by the **Service Victoria CEO** and other parts of the Victorian Government that is known as the ‘Service Victoria app’ or the ‘Victorian Government QR Code Service’;
- (78) **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**, or a home or residential property when a business is operated from that home or residential property.*
- (79) **worker** includes **employees**, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work;
- (80) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 35)** as amended or replaced from time to time;

- (81) **WorkSafe** means WorkSafe Victoria;
- (82) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (83) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

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 29 July 2021

PROFESSOR BENJAMIN COWIE
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**Victorian Border Crossing Permit Directions (No. 25)**

I, Professor Benjamin Cowie, 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 sections 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

1 Preamble

- (1) These directions replace the **Victorian Border Crossing Permit Directions (No. 24)** and continue to provide a ‘traffic light’ border crossing scheme for persons seeking to enter Victoria from any other **State** or **Territory** in Australia or, after entering Australia from a **Green Zone Country** in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.

2 Citation

These directions may be referred to as the **Victorian Border Crossing Permit Directions (No. 25)**.

3 Commencement, revocation and transitional provisions

- (1) The **Victorian Border Crossing Permit Directions (No. 24)** are revoked at 11:59:00 pm on 29 July 2021.
- (2) These directions commence at 11:59:00 pm on 29 July 2021 and end at 11:59:00 pm on 26 August 2021.
- (3) Any **permit** issued under a **revoked Border Crossing Permit Scheme Direction** continues to have effect until the validity period expires under the revoked Border Crossing Permit Scheme Direction.
Note: a person who has a permit under previous directions may continue to enter Victoria under that permit.
- (4) Any request for exemption submitted under a revoked Border Crossing Permit Scheme Direction continues to have effect.
- (5) Any exemption granted under a revoked Border Crossing Permit Scheme Direction continues to have effect.

4 Restrictions on persons entering Victoria

- (1) A **prohibited person** must not enter Victoria unless the prohibited person:
 - (a) is an **aircrew services worker** who is permitted to enter Victoria under clause 9; or
 - (b) has a valid **transit permit** under clause 10; or
 - (c) has a valid **specified worker (other) permit** under clause 11(1); or
 - (d) has a valid **specified worker (exclusive outdoor activities) permit** under clause 11(2); or
 - (e) has a valid **specified worker (low workplace interaction) permit** under clause 11(7); or
 - (f) is an **excepted person** under clause 13; or
 - (g) has a valid exemption under clause 3(5) or 14.

Note: a prohibited person is not eligible to enter Victoria from a Green Zone Country under a specified worker (low workplace interaction) permit under clause 11(7).

- (2) A **restricted person** must not enter Victoria unless the restricted person:
- (a) has a valid **green zone permit** under clause 5; or
 - (b) has a valid **orange zone permit** under clause 6; or
 - (c) has a valid **red zone permit** under clause 7; or
 - (d) is a **cross border community member** under clause 8; or
 - (e) is an aircrew services worker who is permitted to enter Victoria under clause 9; or
 - (f) has a valid transit permit under clause 10; or
 - (g) has a valid specified worker (other) permit under clause 11(1); or
 - (h) has a valid specified worker (exclusive outdoor activities) permit under clause 11(2); or
 - (i) has a valid specified worker (low workplace interaction) permit under clause 11(7); or
 - (j) is an excepted person under clause 13(1); or
 - (k) has a valid exemption under clause 3(5) or 14.

Note: a restricted person is not eligible to enter Victoria from a Green Zone Country under a specified worker (low workplace interaction) permit under clause 11(7).

4A Definition of zones

- (1) For the purposes of these directions:
- (a) a **green zone** means an area in a State, Territory or **Green Zone Country** that is not an **extreme risk zone**, **red zone** or an **orange zone**; and
 - (b) an **orange zone** means an area in a State, Territory or Green Zone Country at any time after the **zone commencement time** for that area; and
 - (c) a **red zone** means an area in a State, a Territory or Green Zone Country at any time after the zone commencement time for that area; and
 - (d) an **extreme risk zone** means an area in a State, Territory or Green Zone Country at any time after the zone commencement time for that area.

- (2) A **zone commencement time** is the time from which the Chief Health Officer has determined that an area is an orange zone, red zone or extreme risk zone as amended from time to time by the Chief Health Officer and detailed on the Department's website available at www.coronavirus.vic.gov.au/victorian-border-crossing-permit

Note: the zone commencement time is not the date of the announcement by the Chief Health Officer or the Department that an area has been designated as a green zone, orange zone, red zone or extreme risk zone.

- (3) An extreme risk zone, red zone or orange zone ceases to be an extreme risk zone, red zone or orange zone (as applicable) at a time determined by the Chief Health Officer, and amended from time to time by the Chief Health Officer and detailed on the Department's website available at www.coronavirus.vic.gov.au/victorian-border-crossing-permit

5 Green zone permit

Eligibility

- (1) Subject to the requirements in subclause (2), a restricted person may enter Victoria from any other State or Territory in Australia or, after entering Australia, from a Green Zone Country if the person, at the time they enter Victoria:
- (a) has not been at a **very high risk exposure site** in a State, Territory or Green Zone Country at any time during a **very high risk period**; and
 - (b) either:
 - (i) has not been in an area that is an extreme risk zone, red zone or an orange zone in a State, Territory or Green Zone Country at any time after the relevant **zone commencement time** in the previous 14 days; or

Note 1: a person that is in an extreme risk zone, red zone or orange zone some of the time during the 14 day period and in a green zone at other times (including entering Victoria from a green zone) will not be permitted to enter Victoria under this subclause.

Note 2: if a person has been in an area that is a green zone and one day prior to entering Victoria, the Chief Health Officer determines the area is an extreme risk zone, red zone or orange zone effective from a date 14 days prior to the announcement, the person cannot enter Victoria with a green zone permit.

Note 3: if a person leaves an area before the zone commencement time for an extreme risk zone, red zone or an orange zone and travels to Victoria, that person remains eligible for a green zone permit pursuant to subclause (2) (provided they have not been in any other area that is an extreme risk zone, red zone or orange zone 14 days prior to entry to Victoria).

(ii) has been in an area that is an extreme risk zone, red zone or an orange zone in a State, Territory or Green Zone Country at any time after the relevant zone commencement time in the previous 14 days only for the purpose of:

(A) completing the required period of **hotel quarantine** in any other State, Territory or Green Zone Country immediately followed by direct and **short term transit** through an extreme risk zone, red zone or orange zone in that State, Territory or Green Zone Country to Victoria; or

(B) direct and short term transit through an extreme risk zone, red zone or orange zone in a State, Territory or Green Zone Country to Victoria; and

Note: short term transit means a transit time of less than 24 hours. If a person spends more than 24 hours in any extreme risk zone or red zone, they will be a prohibited person. If a person spends more than 24 hours in any orange zone, they will remain a restricted person, however they will need to enter Victoria with an orange zone permit, unless any other exception applies or an exemption has been granted.

(c) is not a **diagnosed person** or a close contact of a diagnosed person (or equivalent) and/or required to self-isolate or self-quarantine (or equivalent) in a State, Territory or Green Zone Country; and

(d) is not experiencing **SARS-CoV-2 symptoms**.

(2) A person referred to in subclause (1)(b)(ii) is permitted to enter Victoria if in transiting to Victoria the person:

(a) travelled directly from their place of departure to Victoria; and

(b) whilst in direct and short term transit to Victoria through an extreme risk zone, red zone or orange zone:

(i) minimised contact with other persons (except in cases of emergency); and

(ii) did not enter or stay in any **vehicle** (other than the vehicle used for transit) or indoor space, except to the extent that such entry and stay was reasonable and necessary for the purpose of:

(A) departing for Victoria from an airport, seaport or railway station; or

(B) travel to Victoria on a plane, train or sea vessel; or

(C) accessing toilet and bathroom facilities; or

(D) paying for fuel; or

(E) purchasing essential items; or

(F) purchasing takeaway food or drink; or

Note: the person must have purchased takeaway food and drink only and must have eaten or drunk in the vehicle used for transit and not in any other vehicle or indoor space whilst in transit through an extreme risk zone, red zone or orange zone.

(G) accessing accommodation; and

(iii) practised **physical distancing**; and

(iv) kept detailed records of each place they stopped (including accommodation) in an extreme risk zone or red zone; and

- (v) wore a **face covering** at all times in all:
 - (A) indoor public places; and
 - (B) outdoor public spaces (where it was not practicable to practise physical distancing); and
 - (C) vehicles, if the restricted person or prohibited person was in a vehicle with any other person (unless the other person ordinarily resides with the person),

unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person; and

- (c) if applicable, wore a face covering at all times during any flight to Victoria unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person.

Requirements for entry

- (3) A person referred to in subclause (1) may enter Victoria from any other State or Territory in Australia or, after entering Australia, from a Green Zone Country, if the person:
 - (a) has a valid green zone permit which includes:
 - (i) the person's full name; and
 - (ii) the person's contact phone number; and
 - (iii) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and
 - (iv) the address from which the person is departing when entering Victoria; and
 - (v) where applicable, the current address where the person ordinarily resides; and
 - (vi) the address where the person will reside after entering Victoria; and
 - (vii) the date of entry to Victoria; and
 - (viii) if applicable, any planned date of departure from Victoria; and
 - (ix) an attestation by the person stating that (as at the date of attestation) the person and each person under the age of 18 or other dependant entering Victoria with the person:
 - (A) meet all the eligibility requirements in subclause (1); and
 - (B) has provided information in the permit that is true and correct; and
 - (C) will not re-enter Victoria using a valid green zone permit if they have entered an extreme risk zone, red zone or an orange zone in a State, Territory or Green Zone Country in the 14 days prior to the attempted re-entry, other than where subclause (1)(b)(ii)(A) or (B) applies; and
 - (D) subject to subclause (E), will comply with the conditions in subclause (4); and
 - (E) acknowledges that any zone in a State, Territory or Green Zone Country may change from time to time and the person may be required to comply with different conditions in these directions (as amended from time to time); and
 - (x) a QR code capable of being scanned by an **authorised officer**, a Victoria Police member or a Protective Services Officer (or other person under such person's direction); and

- (b) has been in hotel quarantine (including for the purpose of completing the required period of hotel quarantine or for any other purpose, including work) in Victoria or in other State, Territory or Green Zone Country in the 14 days prior to entry to Victoria, provides (at the time of applying for the green zone permit):
 - (i) the name of the facility attended; and
 - (ii) the name of the State, Territory or Green Zone Country of the facility attended.

Obligations after entry

- (4) A person who enters Victoria under subclause (1) must, during the green zone permit's validity period in subclause (5)(a) (or, if clause 6(6)(b) or clause 7(6)(b) applies, the relevant validity period in clause 6(5)(a) or clause 7(5)(a)):
 - (a) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (i) a valid green zone permit (or, if clause 6(6)(b) applies, a valid orange zone permit or if clause 7(6)(b) applies, a valid red zone permit); and
 - (ii) subject to subclauses (iii) and (iv), photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and
 - Example: photographic personal identification includes a driver's licence issued by any State, Territory or Green Zone Country or a passport issued by Australia or a Green Zone Country. Evidence of the current address where the person ordinarily resides includes a driver's licence or any other document issued by any State, Territory or Green Zone Country or any **municipal district**, local government area, unincorporated local government area (not including Lord Howe Island) or local authority, including a rates notice.*
 - (iii) if the person is unable to provide photographic personal identification in accordance with subclause (ii), two forms of documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) to prove the person's identity (unless the person is under the age of 18); and
 - Example: documentary evidence includes Medicare card, Australian, State, Territory or Green Zone Country government correspondence, credit card or utility bill.*
 - (iv) if the person is unable to provide evidence of the current address where the person ordinarily resides in accordance with subclause (ii), other documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) of the person's address (unless the person is under the age of 18); and
 - Example: a letter from an Indigenous community leader or community services provider confirming the person's identity and confirming the person's address or other place of residence arrangements.*
 - (v) if the person has entered Victoria in accordance with subclause (1)(b) (ii)(A) (after completing the required period of hotel quarantine in any other State, Territory or Green Zone Country), documentary evidence that the person has completed hotel quarantine in any other State, Territory or Green Zone Country; and
 - (b) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms; and
 - (c) comply with all Directions currently in force.

Note: a person who enters Victoria under a green zone permit under subclause (1) must continue to comply with the Directions currently in force at all times when in Victoria.

Validity and revocation

- (5) A green zone permit:
- (a) is valid for 14 days from the date the person first enters Victoria (unless revoked earlier); and
 - (b) may be used by the person to enter Victoria multiple times during the validity period in subclause (a); and
 - (c) is revoked immediately if the person, other than for a purpose referred to in subclause (1)(b)(ii)(A) (hotel quarantine in any other State, Territory or Green Zone Country) or (B) (direct and short term transit to Victoria) is outside Victoria and:
 - (i) enters an extreme risk zone, red zone or orange zone in a State, Territory or Green Zone Country after the delivery of the green zone permit; or
 - (ii) a determination is made by the Chief Health Officer prior to the person's first entry to Victoria that results in the person having been in an extreme risk zone, red zone or orange zone in a State, Territory or Green Zone Country after the relevant zone commencement time in the 14 days prior to the delivery of the green zone permit.

Note: a person who has entered Victoria with a valid green zone permit and remains in Victoria does not need to apply for nor produce a new green zone permit after the initial green zone permit's validity period has expired.

Change to obligations after entry under green zone permit

- (6) If a person has entered Victoria from any other State or Territory in Australia or, after entering Australia, from a Green Zone Country with a green zone permit and during the green zone permit validity period in subclause (5)(a), the Chief Health Officer determines that any **relevant green zone** is:
- (a) an extreme risk zone or red zone and the person was in the extreme risk zone or red zone after the relevant zone commencement time, at a time within the 14 days prior to the person's entry to Victoria, then the higher, red zone obligations under clause 7(4)(b) – (n); or
 - (b) an orange zone and the person was in the orange zone after the relevant zone commencement time, at a time within the 14 days prior to the person's entry to Victoria, then the higher, orange zone obligations under clause 6(4)(b) – (g),

will apply to that person from the time of notification by the Department for the remainder of the green zone permit validity period in subclause (5)(a).

Example: a person arrives in Victoria with a green zone permit which is valid for 14 days from their arrival date. Two days after entering Victoria, an area the person was in is determined to be a red zone and the person was in the red zone at a time after the relevant zone commencement time. The Department notifies the person that the green zone permit obligations which applied after entering Victoria have changed to align with the higher, red zone permit obligations in clause 7(4) for the remaining 12 days of the green zone permit's validity period. This includes requirements for the person to self-quarantine for the remaining 12 days and get tested at certain times.

6 Orange zone permit*Eligibility*

- (1) Subject to the requirements in subclause (2), a restricted person may enter Victoria from any other State, or Territory or, after entering Australia, from a Green Zone Country if the person, at the time they enter Victoria:
- (a) has not been at a **very high risk exposure site** in a State, Territory or Green Zone Country at any time during a **very high risk period**; and
 - (b) either:
 - (i) has not been in an area that is an extreme risk zone or red zone in a State, Territory or Green Zone Country at any time after the relevant zone commencement time in the previous 14 days; or

Note 1: a person that is in an extreme risk zone or red zone some of the time during the 14 day period and in an orange zone or green zone at other times (including entering Victoria from an orange zone or green zone), will not be permitted to enter Victoria under this subclause.

Note 2: if a person has been in an area that is an orange zone and one day prior to entering Victoria, the Chief Health Officer determines the area is an extreme risk zone or red zone effective from a date 14 days prior to the announcement, the person cannot enter Victoria with an orange zone permit.

Note 3: if a person leaves an area before the zone commencement time for an extreme risk zone or red zone and travels to Victoria, that person remains eligible for an orange zone permit pursuant to subclause (2) (provided they have not been in any other area that is an extreme risk zone or red zone 14 days prior to entry to Victoria).

- (ii) has been in an area that is an extreme risk zone or red zone in a State, Territory or Green Zone Country at any time after the relevant zone commencement time in the previous 14 days only for the purpose of direct and short term transit through a red zone in that State, Territory or Green Zone Country to Victoria; and

Note: short term transit means a transit time of less than 24 hours. If a person spends more than 24 hours in any extreme risk zone or red zone, they will be a prohibited person.
 - (c) is not a diagnosed person or a close contact of a diagnosed person (or equivalent) and/or required to self-isolate or self-quarantine (or equivalent) in a State, Territory or Green Zone Country; and
 - (d) is not experiencing SARS-CoV-2 symptoms.
- (2) A person referred to in subclause (1)(b)(ii) is permitted to enter Victoria if in transiting to Victoria the person:
- (a) travelled directly from their place of departure to Victoria; and
 - (b) whilst in direct and short term transit to Victoria through an extreme risk zone or red zone
 - (i) minimised contact with other persons (except in cases of emergency); and
 - (ii) did not enter or stay in any vehicle (other than the vehicle used for transit) or indoor space, except to the extent that such entry and stay was reasonable and necessary for the purpose of:
 - (A) departing for Victoria from an airport, seaport or railway station; or
 - (B) travel to Victoria on a plane, train or sea vessel; or
 - (C) accessing toilet and bathroom facilities; or
 - (D) paying for fuel; or
 - (E) purchasing essential items; or
 - (F) purchasing takeaway food or drink; or

Note: the person must have purchased takeaway food and drink only and must have only eaten or drank in the vehicle used for transit and not in any other vehicle or indoor space whilst in transit through an extreme risk zone or red zone.

 - (G) accessing accommodation; and
 - (iii) practised physical distancing; and
 - (iv) kept detailed records of each place they stopped (including accommodation); and
 - (v) wore a face covering at all times in all:
 - (A) indoor public places; and
 - (B) outdoor public spaces (where it was not practicable to practise physical distancing); and
 - (C) vehicles, if the person was in a vehicle with any other person (unless the other person ordinarily resides with the person),

unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person; and

- (vi) if applicable, wore a face covering at all times during any flight to Victoria unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person.

Requirements for entry

- (3) A person referred to in subclause (1) may enter Victoria from any other State or Territory in Australia or, after entering Australia, from a Green Zone Country, if the person:
 - (a) has a valid orange zone permit which includes:
 - (i) the person's full name; and
 - (ii) the person's contact phone number; and
 - (iii) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and
 - (iv) the address from which the person is departing when entering Victoria; and
 - (v) where applicable, the current address where the person ordinarily resides; and
 - (vi) the address where the person will reside after entering Victoria; and
 - (vii) the date of entry to Victoria; and
 - (viii) if applicable, any planned date of departure from Victoria; and
 - (ix) an attestation by the person stating that (as at the date of attestation) the person and each person under the age of 18 or other dependant entering Victoria with the person:
 - (A) meet all the eligibility requirements in subclause (1); and
 - (B) has provided information in the permit that is true and correct; and
 - (C) subject to sub-subclause (D), will comply with the conditions in subclause (4); and
 - (D) acknowledges that any zone in a State, Territory or Green Zone Country may change from time to time and the person may be required to comply with different conditions in these directions (as amended from time to time); and
 - (x) a QR code capable of being scanned by an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction); and
 - (b) has been in hotel quarantine (including for the purpose of completing the required period of hotel quarantine or for any other purpose, including work) in Victoria or in other State, Territory or Green Zone Country in the 14 days prior to entry to Victoria, provides (at the time of applying for the orange zone permit):
 - (i) the name of the facility attended; and
 - (ii) the name of the State, Territory or Green Zone Country of the facility attended.

Obligations after entry

- (4) A person who enters Victoria under subclause (1) must, during the orange zone permit validity period in subclause (5)(a) (or, if clause 5(6)(b) or clause 7(6)(a) applies, the relevant validity period in clause 5(5)(a) or clause 7(5)(a)):
 - (a) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (i) a valid orange zone permit (or, if clause 5(6)(b) applies, a valid green zone permit and if clause 7(6)(a) applies, a valid red zone permit); and

- (ii) subject to subclauses (iii) and (iv), photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and
- Example: photographic personal identification includes a driver's licence issued by any State, Territory or Green Zone Country or a passport issued by Australia or a Green Zone Country. Evidence of the current address where the person ordinarily resides includes a driver's licence or any other document issued by any State, Territory or Green Zone Country or any municipal district, local government area, unincorporated local government area (not including Lord Howe Island) or local authority, including a rates notice.*
- (iii) if the person is unable to provide photographic personal identification in accordance with subclause (ii), two forms of documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) to prove the person's identity (unless the person is under the age of 18); and
- Example: documentary evidence includes Medicare card, Australian, State, Territory or Green Zone Country government correspondence, credit card or utility bill.*
- (iv) if the person is unable to provide evidence of the current address where the person ordinarily resides in accordance with subclause (ii), other documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) of the person's address (unless the person is under the age of 18); and
- Example: a letter from an Indigenous community leader or community services provider confirming the person's identity and confirming the person's address or other place of residence arrangements.*
- (b) get tested for SARS-CoV-2 within 72 hours of:
- (i) the time the person enters Victoria; or
- (ii) if clause 5(6)(a) applies, the time of notification by the Department; or
- (iii) if clause 7(6)(a) applies and the person has not been tested in accordance with clause 7(4)(e)(i) since entry to Victoria, the time the person enters Victoria; and
- (c) travel immediately and directly to, and self-quarantine at, the premises at which the person ordinarily resides or another premises that is suitable for the person to reside in for the purpose of self-quarantine until the person (including a person where clause 7(6)(a) and requirements to test under clause 7(4)(e)(i) applied) receives a negative SARS-CoV-2 test result; and
- (i) for the purposes of subclause (c), must not self-quarantine at premises located at an **alpine resort**; and
- Note: if a person has been tested in accordance with clause 7(4)(e) since entering Victoria under red zone obligations, the Department has notified the person that they are now subject to orange zone obligations and the person has already received a negative SARS-CoV-2 test result, they may cease self-quarantining immediately.*
- (d) reside at the premises described in subclause (c) and not leave the premises except:
- (i) to obtain medical care or medical supplies; or
- (ii) to get tested for SARS-CoV-2; or
- (iii) in an emergency situation; or
- (iv) if required to do so by law; or
- (v) to leave Victoria,
- during the period of self-quarantine under subclause (c); and

- (e) if the person leaves the premises described in subclause (c) in accordance with subclause (d) during the period of self-quarantine under subclause (c), wear a face covering in all:
 - (i) indoor public places; and
 - (ii) outdoor public places; and
 - (iii) vehicles, if the person is in a vehicle with any other person (unless the other person ordinarily resides with the person),
 unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person; and
- (f) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms; and
- (g) comply with all Directions currently in force.

Validity and revocation

- (5) An orange zone permit:
 - (a) is valid for 14 days from the date the person enters Victoria (unless revoked earlier); and
 - (b) may only be used once by a person to enter Victoria during the validity period in subclause (a); and
 - (c) is revoked immediately if the person is outside Victoria and:
 - (i) enters an extreme risk zone or red zone in a State, Territory or Green Zone Country after the delivery of the orange zone permit but prior to entry to Victoria; or
 - (ii) a determination is made by the Chief Health Officer prior to the person's first entry to Victoria that results in the person having been in an extreme risk zone or red zone in a State, Territory or Green Zone Country after the relevant zone commencement time in the 14 days prior to delivery of the orange zone permit.

Note: a person who has entered Victoria with a valid orange zone permit and remains in Victoria does not need to apply for nor produce a new orange zone permit after the initial orange zone permit's validity period has expired.

Change to obligations after entry under orange zone permit

- (6) If a person has entered Victoria from any other State or Territory in Australia or, after entering Australia, from a Green Zone Country with an orange zone permit and during the orange zone permit validity period in subclause 5(a), the Chief Health Officer determines that:
 - (a) any **relevant orange zone** is an extreme risk zone or red zone and the person was in the extreme risk zone or red zone after the relevant zone commencement time, at a time within the 14 days prior to the person's entry to Victoria, then the higher, red zone obligations under clause 7(4)(b) – (n) will apply to the person from the time of notification by the Department for the remainder of the orange zone permit validity period in subclause (5)(a); or
 - (b) all relevant orange zones are green zones and the person was in only those, or other, green zones after the relevant zone commencement time, at a time within the 14 days prior to the person's entry to Victoria, then the lesser, green zone obligations under clause 5(4)(b) – (c) will apply to the person from the time of notification by the Department for the remainder of the orange zone permit validity period in subclause (5)(a).

Example: a person arrives in Victoria with an orange zone permit which is valid for 14 days from their arrival date. Two days after entering Victoria, an area the person was in is determined to be

a red zone and the person was in the red zone at a time after the relevant zone commencement time. The Department notifies the person that the orange zone permit obligations which applied after entering Victoria have changed to align with the higher, red zone permit obligations in clause 7(4) for the remaining 12 days of the orange zone permit's validity period. This includes requirements for the person to continue or recommence self-quarantining for the remaining 12 days and get tested at certain times, including just prior to the end of the self-quarantine period.

7 Red zone permit

Eligibility

- (1) Subject to the requirements in subclause (2), a **Victorian resident** may enter Victoria from any other State, or Territory or, after entering Australia, from a Green Zone Country if the Victorian resident, at the time the person enters Victoria:
 - (a) has not been at a very high risk exposure site in a State, Territory or Green Zone Country at any time during the very high risk period; and
 - (b) either:
 - (i) has not been an extreme risk zone in a State, Territory or Green Zone Country at any time after the relevant zone commencement time in the previous 14 days; or

Note 1: a person that is in an extreme risk zone some of the time during the 14 day period and in a red zone, orange zone or green zone at other times (including entering Victoria from a red zone, orange zone or green zone), will not be permitted to enter Victoria under this subclause.

Note 2: if a person has been in an area that is a red zone and one day prior to entering Victoria, the Chief Health Officer determines the area is an extreme risk zone effective from a date 14 days prior to the announcement, the person cannot enter Victoria with a redzone permit.

Note 3: if a person leaves an area before the zone commencement time for an extreme risk zone and travels to Victoria, that person remains eligible for a red zone permit pursuant to subclause (2) (provided they have not been in any other area that is an extreme risk zone 14 days prior to entry to Victoria).
 - (ii) has been in an area that is an extreme risk zone in a State, Territory or Green Zone Country at any time after the relevant zone commencement time in the previous 14 days only for the purpose of direct and short term transit through an extreme risk zone in that State, Territory or Green Zone Country to Victoria; and

Note: short term transit means a transit time of less than 24 hours. If a person spends more than 24 hours in any extreme risk zone, they will be a prohibited person.
 - (c) is not a diagnosed person or a close contact of a diagnosed person (or equivalent) and/or required to self-isolate or self-quarantine (or equivalent) in any State, Territory or Green Zone Country; and
 - (d) is not experiencing SARS-CoV-2 symptoms.
- (2) A person referred to in subclause (1)(b)(ii) is permitted to enter Victoria if in transiting to Victoria the person:
 - (a) travelled directly from their place of departure to Victoria; and
 - (b) whilst in direct and short term transit to Victoria through an extreme risk zone:
 - (i) minimised contact with other persons (except in cases of emergency); and
 - (ii) did not enter or stay in any vehicle (other than the vehicle used for transit) or indoor space, except to the extent that such entry and stay was reasonable and necessary for the purpose of:
 - (A) departing for Victoria from an airport, seaport or railway station; or
 - (B) travel to Victoria on a plane, train or sea vessel; or

- (C) accessing toilet and bathroom facilities; or
- (D) paying for fuel; or
- (E) purchasing essential items; or
- (F) purchasing takeaway food or drink; or

Note: the person must have purchased takeaway food and drink only and must have only eaten or drunk in the vehicle used for transit and not in any other vehicle or indoor space whilst in transit through an extreme risk zone.
- (G) accessing accommodation; and
- (iii) practised physical distancing; and
- (iv) kept detailed records of each place they stopped (including accommodation); and
- (v) wore a face covering at all times in all:
 - (A) indoor public places; and
 - (B) outdoor public spaces (where it was not practicable to practise physical distancing); and
 - (C) vehicles, if the person was in a vehicle with any other person (unless the other person ordinarily resides with the person), unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person; and
- (vi) if applicable, wore a face covering at all times during any flight to Victoria unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person.

Requirements for entry

- (3) A person referred to in subclause (1) may enter Victoria from any other State or Territory in Australia or, after entering Australia, from a Green Zone Country, if the person:
- (a) has a valid red zone permit which includes:
 - (i) the person's full name; and
 - (ii) the person's contact phone number; and
 - (iii) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and
 - (iv) the address from which the person is departing when entering Victoria; and
 - (v) the address where the person ordinarily resides in Victoria; and
 - (vi) the address where the person will reside after entering Victoria; and
 - (vii) the date of entry to Victoria; and
 - (viii) if applicable, any planned date of departure from Victoria; and
 - (ix) an attestation by the person stating that (as at the date of attestation) the person and each person under the age of 18 or other dependant entering Victoria with the person:
 - (A) meet all the eligibility requirements in subclause (1); and
 - (B) has provided information in the permit that is true and correct; and
 - (C) is a Victorian resident; and
 - (D) subject to sub-subclause (E), will comply with the conditions in subclause (4); and

- (E) acknowledges that any zone in a State, Territory or Green Zone Country may change from time to time and the person may be required to comply with different conditions in these directions (as amended from time to time); and
- (x) a QR code capable of being scanned by an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction); and
- (b) has been in hotel quarantine (including for the purpose of completing the required period of hotel quarantine or for any other purpose, including work) in Victoria or in other State, Territory or Green Zone Country in the 14 days prior to entry to Victoria, provides (at the time of applying for the red zone permit):
 - (i) the name of the facility attended; and
 - (ii) the name of the State, Territory or Green Zone Country of the facility attended.

Obligations after entry

- (4) A person who enters Victoria under subclause (1) must, during the red zone permit's validity period in subclause (5)(a) (or, if clause 5(6)(a) or clause 6(6)(a) applies, the relevant validity period in clause 5(5)(a) or clause 6(5)(a)):
 - (a) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (i) a valid red zone permit (or, if clause 5(6)(a) applies, a valid green zone permit and if clause 6(6)(a) applies, a valid orange zone permit); and
 - (ii) subject to subclauses (iii) and (iv), photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and

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

 - (iii) if the person is unable to provide photographic personal identification in accordance with subclause (ii), two forms of documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) to prove the person's identity (unless the person is under the age of 18); and

Example: documentary evidence includes Medicare card, Australian, State, Territory or Green Zone Country government correspondence, credit card or utility bill.

 - (iv) if the person is unable to provide evidence of the current address where the person ordinarily resides in accordance with subclause (ii), other documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) of the person's address (unless the person is under the age of 18); and

Example: a letter from an Indigenous community leader or community services provider confirming the person's identity and confirming the person's address or other place of residence arrangements.
- (b) wear a face covering during each flight to Victoria unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person; and

- (c) travel immediately and directly to, and self-quarantine at, the premises at which the person ordinarily resides or another premises that is suitable for the person to reside in for the purpose of self-quarantine for 14 days (subject to subclauses (g) and (h)(ii)); and
- (d) reside at the premises described in subclause (c) and not leave the premises except:
 - (i) to obtain medical care or medical supplies; or
 - (ii) to get tested for SARS-CoV-2; or
 - (iii) in an emergency situation; or
 - (iv) if required to do so by law; or
 - (v) to leave Victoria,
 during the period of self-quarantine under subclause (c); and
- (e) get tested for SARS-CoV-2 within 72 hours of:
 - (i) the time the person enters Victoria; or
 - (ii) if clause 5(6)(a) applies, the time of notification by the Department; or
 - (iii) if clause 6(6)(a) applies and the person has not been tested in accordance with clause 6(4)(b)(i) since entry to Victoria, the time the person enters Victoria; and
- (f) get tested for SARS-CoV-2:
 - (i) on day 13 during the period of self-quarantine under subclause (c); or
 - (ii) if clause 5(6)(a) or 6(6)(a) applies, on or about the day before the period of self-quarantine under subclause (c) ends; and
- (g) if, during the period of self-quarantine, the person refuses or otherwise fails to take a test for SARS-CoV-2 in accordance with subclause (f), the period of self-quarantine in subclause (c) (as extended under subclause (h)(ii)) is extended for an additional period being the earlier of:
 - (i) an additional 14 days; or
 - (ii) until the person gets tested for SARS-CoV-2 and receives a negative test result; and

Note: any test undertaken in accordance with subclause (4)(e) will not satisfy the requirement in subclause (4)(g)(ii).

Note: persons entering Victoria with a red zone permit will be required to test for SARS-CoV-2 on or around day 13 of their self-quarantine (or the day before the end of self-quarantine), as testing at this time is likely to detect the presence of SARS-CoV-2, even if a person has not yet developed symptoms. As a person may be infectious for up to 14 days after the 14 day incubation period, if this test does not occur, an additional 14 days of quarantine is required to prevent a person who develops SARS-CoV-2 towards the end of the 14 day incubation period, even if not symptomatic, transmitting SARS-CoV-2 to the broader community.
- (h) if, during the period of self-quarantine:
 - (i) the person is tested for SARS-CoV-2; and
 - (ii) subject to subclause (iii), the period for which the person is required to self-quarantine under subclause (c) expires during the period in which the person is awaiting the result of that test, the period of self-quarantine is extended until the person receives a negative SARS-CoV-2 test result; and
 - (iii) if the person receives a negative SARS-CoV-2 test result and:
 - (A) the period for which the person is required to self-quarantine under subclause (c) has not expired, the person must continue to self-quarantine under subclause (c) for the remainder of that period; or

- (B) the period for which the person is required to self-quarantine under subclause (c) (as extended under either or both of subclauses (g) and (h)(ii)) has expired, the person may cease self-quarantining immediately;
- (i) provide documentary evidence that the person has been tested in accordance with subclauses (e) and (f) (including evidence of the person's most recent test) to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) when requested to do so; and
- (j) minimise contact with other persons in Victoria (except in an emergency); and
- (k) practise physical distancing; and
- (l) wear a face covering in all public places unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person; and
- (m) monitor for SARS-CoV-2 symptoms and, if experiencing SARS-CoV-2 symptoms:
 - (i) notify the Department; and
 - (ii) immediately get tested for SARS-CoV-2; and
- (n) comply with all Directions currently in force.

Validity and revocation

- (5) A red zone permit:
- (a) is valid for 14 days from the date the person first enters Victoria (unless revoked earlier); and
 - (b) may only be used once by a person to enter Victoria during the validity period in subclause (a); and
 - (c) is revoked immediately if the person is outside Victoria and:
 - (i) has been at a very high risk exposure site in a State, Territory or Green Zone Country during the very high risk period:
 - (A) prior to delivery of the red zone permit; or
 - (B) after delivery of the red zone permit; or
 - (ii) enters an extreme risk zone in a State, Territory or Green Zone Country after the delivery of the red zone permit but prior to entry to Victoria; or
 - (iii) a determination is made by the Chief Health Officer prior to the person's first entry to Victoria that results in the person having been in an extreme risk zone in a State, Territory or Green Zone Country after the relevant zone commencement time in the 14 days prior to delivery of the red zone permit; or
 - (iv) is or becomes a diagnosed person or a close contact of a diagnosed person (or equivalent) in any State, Territory or Green Zone Country and/or required to self-isolate or self-quarantine (or equivalent) in any State Territory or Green Zone Country:
 - (A) prior to delivery of the red zone permit; or
 - (B) after delivery of the red zone permit.

Note: a person who has entered Victoria with a valid red zone permit and remains in Victoria does not need to apply for nor produce a new red zone permit after the initial red zone permit's validity period has expired.

Change to obligations after entry under red zone permit

(6) If a person has entered Victoria from any other State or Territory in Australia or, after entering Australia, from a Green Zone Country, with a red zone permit and during the red zone permit validity period in subclause (5)(a), the Chief Health Officer determines that:

- (a) all **relevant red zones** and all **relevant extreme risk zones** are orange zones (or a combination of orange zones and green zones) and the person was in only those, or other, orange zones or green zones after the relevant zone commencement time, at a time within the 14 days prior to the person's entry to Victoria, then the lesser, orange zone obligations under clause 6(4)(b) – (g) will apply to the person from the time of notification by the Department for the remainder of the red zone permit validity period in subclause (5)(a); or
- (b) all relevant red zones and all relevant extreme risk zones are green zones and the person was in only those, or other, green zones after the relevant zone commencement time, at a time within the 14 days prior to the person's entry to Victoria, then the lesser, green zone obligations under clause 5(4)(b) – (c) will apply to the person from the time of notification by the Department for the remainder of the red zone permit validity period in subclause (5)(a).

Example: a person arrives in Victoria with a red zone permit which is valid for 14 days from their arrival date. Two days after entering Victoria, all areas that the person was in are determined to be orange zones (or a combination of orange and green zones) and the person was in all of those orange zones or green zones at a time after the relevant zone commencement time. The Department notifies the person that the red zone permit obligations which applied after entering Victoria have changed to align with the lesser, orange zone permit obligations in clause 6(4) for the remaining 12 days of the red zone permit's validity period. This includes requirements for the person to continue self-quarantining until they are tested for SARS-CoV-2 and receive a negative SARS-CoV-2 test result. If the person has already been tested for SARS-CoV-2 in accordance with subclauses (4)(e) or (4)(f) and has received a negative SARS-CoV-2 test result, the person may cease self-quarantining immediately.

8 Cross border community members

- (1) Despite clauses 5, 6, and 7, a restricted person or a prohibited person may enter Victoria from a **cross border community area** without a permit if the restricted person:
 - (a) is a cross border community member; and
 - (b) is not a diagnosed person or a close contact of a diagnosed person and/or required to self-isolate or self-quarantine in any State or Territory; and
 - (c) is not experiencing SARS-CoV-2 symptoms; and
 - (d) if the person, at the time they enter Victoria, has been in an orange zone in a State, Territory or Green Zone Country outside of the cross border community area at any time after the relevant zone commencement time in the previous 14 days, the person has been tested for SARS-CoV-2 since they last left the orange zone in a State, Territory or Green Zone Country and has received a negative SARS CoV-2 test result; and
 - (e) at the time the person enters Victoria, has not been in an extreme risk zone or red zone in a State, Territory or Green Zone Country outside of the cross border community area at any time after the relevant zone commencement time in the previous 14 days.
- (2) A cross border community member who enters Victoria under subclause (1) must:
 - (a) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (i) proof that the person is a cross border community member (unless the person is under the age of 18); and

- (ii) subject to subclause (iii), photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and

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

- (iii) if the person is unable to provide proof that the person is a cross border community member or photographic personal identification and evidence of the current address where the person ordinarily resides in accordance with subclause (i) or (ii), other documentary evidence satisfactory to the authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) that the person is a cross border community member (unless the person is under the age of 18); and

Example: a letter from an Indigenous community leader or community services provider from the cross border community area confirming that the person is a cross border community member, confirming the person's identity and confirming the person's address or other place of residence arrangements.

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

9 Aircrew

- (1) Despite clauses 5, 6 and 7, a prohibited person or a restricted person who is an aircrew services worker may enter Victoria from any other State or Territory in Australia or, after entering Australia from a Green Zone Country, if the person:
 - (a) subject to subclause (3), whose ordinary place of residence is outside of Victoria and within an extreme risk zone, red zone or orange zone in the 14 days prior to entry to Victoria, is required to enter and be physically present in Victoria for the purpose of providing aircrew services; or
 - (b) subject to subclause (4), whose ordinary place of residence is outside of Victoria and within a green zone in the 14 days prior to entry to Victoria, is required to enter and be physically present in Victoria for the purpose of providing aircrew services; or
 - (c) subject to subclause (5), is a Victorian resident who is required to enter and be physically present in any other State or Territory in Australia, or in a Green Zone Country, for the purpose of providing aircrew services and is entering Victoria for the purpose of returning to their ordinary place of residence in Victoria; and
 - (d) is not a diagnosed person or a close contact of a diagnosed person and/or required to self-isolate or self-quarantine in a State or Territory in Australia or in a Green Zone Country; and
 - (e) is not experiencing SARS-CoV-2 Symptoms.
- (2) An aircrew services worker who enters Victoria under subclause (1) must:
 - (a) comply with all Directions currently in force; and
 - (b) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms.

- (3) An aircrew services worker who enters Victoria under subclause (1)(a) must:
- (a) travel directly by private transport between the designated crew hotel and any airport of arrival or departure; and
 - (b) not leave the designated crew hotel other than:
 - (i) to travel to the airport of departure; or
 - (ii) in an emergency; or
 - (iii) to undertake required simulator training or emergency procedures training; or
 - (iv) to obtain medical care or medical supplies; or
 - (v) to get tested for SARS-CoV-2; or
 - (vi) if required to do so by law; or
 - (vii) to leave or depart from Victoria; and
 - (c) wear a face covering during each flight to and from Victoria and when travelling between the designated crew hotel and the airport (unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person); and
 - (d) otherwise comply with relevant airline requirements and **COVIDSafe Plan** whilst in Victoria and in any other State or Territory in Australia or in a Green Zone Country.
- (4) An aircrew services worker who enters Victoria under subclause (1)(b) must comply with their respective airline's COVIDSafe Plan while travelling to and from an extreme risk zone, red zone or orange zone in the 14 days prior to entry to Victoria.
- (5) An aircrew services worker who enters Victoria under subclause (1)(c), who travels to or from an extreme risk zone, red zone or orange zone in the 14 days prior to entry to Victoria must:
- (a) travel directly by private transport between the designated crew hotel and any airport of arrival or departure whilst in the extreme risk zone, red zone or orange zone; and
 - (b) not leave the designated crew hotel whilst in the extreme risk zone, red zone or orange zone, other than:
 - (i) to travel to the airport of departure; or
 - (ii) in an emergency; or
 - (iii) to undertake required simulator training or emergency procedures training; or
 - (iv) to obtain medical care or medical supplies; or
 - (v) to get tested for SARS-CoV-2; or
 - (vi) if required to do so by law; or
 - (vii) to leave or depart from Victoria; and
 - (c) otherwise comply with relevant airline requirements and COVIDSafe Plan whilst in Victoria and in any other State or Territory in Australia or in a Green Zone country.

10 Transit through Victoria

- (1) Despite clauses 6 and 7, a restricted person or a prohibited person whose ordinary place of residence is not in Victoria may enter Victoria from any other State or Territory in Australia or, after entering Australia, from a Green Zone Country, if:
- (a) the person is required to enter and be physically present in Victoria for the purpose of direct and short term transit through Victoria by air, sea, rail or road; and

Note: short term transit means a transit time of less than 24 hours. If a person transiting through Victoria under clause 10 spends more than 24 hours in Victoria, they will be a prohibited person or a restricted person and must either have a valid permit, an exception or an exemption (as applicable).

- (b) the person has a valid transit permit which includes:
 - (i) the person's full name; and
 - (ii) the person's contact phone number; and
 - (iii) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and
 - (iv) the address from which the person is departing when entering Victoria; and
 - (v) where applicable, the current address where the person ordinarily resides; and
 - (vi) the address where the person will reside after entering Victoria; and
 - (vii) the date of entry to Victoria; and
 - (viii) if applicable, any planned date of departure from Victoria; and
 - (ix) an attestation by the person stating that (as at the date of attestation) the person (and any person under the age of 18 or other dependant entering Victoria with the person):
 - (A) is entering Victoria for the purpose of direct and short term transit through Victoria by air, sea, rail or road; and
 - (B) is not a diagnosed person or a close contact of a diagnosed person (or equivalent) and/or required to self-isolate or self-quarantine (or equivalent) in a State, Territory or Green Zone Country; and
 - (C) is not experiencing SARS-CoV-2 symptoms; and
 - (D) has provided information in the permit that is true and correct; and
 - (E) will comply with the conditions in subclause (2) and (3) (as applicable); and
 - (x) a QR code capable of being scanned by an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction); and
 - (c) the person has been in hotel quarantine (including for the purpose of completing the required period of hotel quarantine or for any other purpose, including work) in Victoria or in other State, Territory or Green Zone Country in the 14 days prior to entry to Victoria, provides (at the time of applying for the transit permit):
 - (i) the name of the facility attended; and
 - (ii) the name of the State, Territory or Green Zone Country of the facility attended.
- (2) A person who enters Victoria under subclause (1) must:
- (a) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (i) a valid transit permit; and
 - (ii) subject to subclauses (iii) and (iv), photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and

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

- (iii) if the person is unable to provide photographic personal identification in accordance with subclause (ii), two forms of documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) to prove the person's identity (unless the person is under the age of 18); and

Example: documentary evidence includes Medicare card, Australian, State, Territory or Green Zone Country government correspondence, credit card or utility bill.
 - (iv) if the person is unable to provide evidence of the current address where the person ordinarily resides in accordance with subclause (ii), other documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) of the person's address (unless the person is under the age of 18); and

Example: a letter from an Indigenous community leader or community services provider confirming the person's identity and confirming the person's address or other place of residence arrangements.
 - (b) comply with all Directions currently in force; and
 - (c) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms.
- (3) Without limiting subclause (2), if a person, at the time they enter Victoria, has been in an area that is an extreme risk zone, a red zone or an orange zone in a State, Territory or Green Zone Country at any time after the relevant zone commencement time in the previous 14 days, the person must:
- (a) not enter or stay in any vehicle (other than the vehicle used for transit) or indoor space, except to the extent that such entry and stay is reasonable and necessary for the purpose of:
 - (i) departing for Victoria from an airport, seaport or railway station; or
 - (ii) travel to Victoria on a plane, train or sea vessel; or
 - (iii) accessing toilet and bathroom facilities; or
 - (iv) paying for fuel; or
 - (v) purchasing essential items; or
 - (vi) purchasing takeaway food or drink; or
 - (vii) accessing accommodation; and

Note: the person is permitted to purchase takeaway food and drink only and must eat or drink in the vehicle used for transit and not in any other vehicle or indoor space whilst in transit through Victoria.
 - (b) minimise contact with other persons in Victoria (except in an emergency); and
 - (c) practise physical distancing; and
 - (d) keep detailed records of each place they stop (including accommodation) in Victoria; and
 - (e) wear a face covering in all public places unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person; and
 - (f) if applicable, wear a face covering during each flight to Victoria unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person.
- (4) A transit permit:
- (a) is valid for 24 hours from the time the person first enters Victoria (unless revoked earlier); and
 - (b) may only be used once by a person to enter Victoria during the validity period in subclause (a).

11 Specified workers

Specified worker (other) permit – eligibility

- (1) Despite clauses 6 and 7, a prohibited person or a restricted person who is:
 - (a) required to enter and be physically present in Victoria for the purpose of providing **specified work** in an occupation included in the **Specified Worker List – Single Entry** and performs any of that specified work indoors; or
 - (b) a Victorian resident who is:
 - (i) required to enter and be physically present in another State or Territory or a Green Zone Country for the purpose of providing specified work in an occupation included in the Specified Worker List – Single Entry and performs any of that specified work indoors; and
 - (ii) is entering Victoria for the purpose of returning to their ordinary place of residence in Victoria,

may enter Victoria from any other State or Territory in Australia or, after entering Australia, from a Green Zone Country, if:

- (c) the person has a valid specified worker (other) permit which includes:
 - (i) the person's full name; and
 - (ii) the person's contact phone number; and
 - (iii) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and
 - (iv) the address from which the person is departing when entering Victoria; and
 - (v) where applicable, the current address where the person ordinarily resides; and
 - (vi) the address where the person will reside after entering Victoria; and
 - (vii) the date of entry to Victoria; and
 - (viii) if applicable, any planned date of departure from Victoria; and
 - (ix) an attestation by the person stating that (as at the date of attestation) the person (and any person under the age of 18 or other dependant entering Victoria with the person):
 - (A) is a **specified worker (other)** and is entering Victoria for the relevant purpose in subclause (a) or (b)(ii); and
 - (B) is not a diagnosed person or a close contact of a diagnosed person (or equivalent) and/or required to self-isolate or self-quarantine (or equivalent) in a State, Territory or Green Zone Country; and
 - (C) has not been at a very high risk exposure site during the very high risk period; and
 - (D) is not experiencing SARS-CoV-2 symptoms; and
 - (E) has provided information in the permit that is true and correct; and
 - (F) will comply with the conditions in subclauses (3), (4) and (5), as applicable; and
 - (x) a QR code capable of being scanned by an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction); and
- (d) if the person has been in hotel quarantine (including for the purpose of completing the required period of hotel quarantine or for any other purpose,

including work) in Victoria or in other State, Territory or Green Zone Country in the 14 days prior to entry to Victoria, provides (at the time of applying for the specified worker (other) permit):

- (i) the name of the facility attended; and
 - (ii) the name of the State, Territory or Green Zone Country of the facility attended; and
- (e) if the person, at the time they enter Victoria, has been in an area that is an extreme risk zone, red zone or an orange zone in a State, Territory or Green Zone Country at any time after the relevant zone commencement time in the previous 14 days, they:
- (i) are performing specified work in an occupation listed in the Specified Worker List – Single Entry in Victoria that is urgent, essential to the operations of their employer or customer and cannot be carried out in a timely manner by workers who ordinarily reside in Victoria or another area that is a green zone; and
 - (ii) have evidence that the work they are performing meets the requirements in subclause (e)(i) from their employer or customer.

Note: a letter from an employer or customer on company letterhead that confirms that the work undertaken by the person meets the requirements in subclause (e)(i) would be sufficient evidence.

Specified worker (exclusive outdoor activities) permit – eligibility

- (2) Despite clauses 6 and 7, a prohibited person or a restricted person who is:
- (a) required to enter and be physically present in Victoria for the purpose of providing specified work in an occupation included in the Specified Worker List – Single Entry and performs all of that specified work exclusively outdoors; or
 - (b) a Victorian resident who is:
 - (i) required to enter and be physically present in another State or Territory or a Green Zone Country for the purpose of providing specified work in an occupation included in the Specified Worker List – Single Entry and performs all of that specified work exclusively outdoors; and
 - (ii) is entering Victoria for the purpose of returning to their ordinary place of residence in Victoria,

may enter Victoria from any other State or Territory in Australia or, after entering Australia, from a Green Zone Country, if:

- (c) the person has a valid specified worker (exclusive outdoor activities) permit which includes:
 - (i) the person’s full name; and
 - (ii) the person’s contact phone number; and
 - (iii) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and
 - (iv) the address from which the person is departing when entering Victoria; and
 - (v) where applicable, the current address where the person ordinarily resides; and
 - (vi) the address where the person will reside after entering Victoria; and
 - (vii) the date of entry to Victoria; and
 - (viii) if applicable, any planned date of departure from Victoria; and

- (ix) an attestation by the person stating that (as at the date of attestation) the person (and any person under the age of 18 or other dependant entering Victoria with the person):
 - (A) is a **specified worker (exclusive outdoor activities)** and is entering Victoria for the relevant purpose in subclause (a) or (b) (ii); and
 - (B) is not a diagnosed person or a close contact of a diagnosed person (or equivalent) and/or required to self-isolate or self-quarantine (or equivalent) in a State, Territory or Green Zone Country; and
 - (C) has not been at a very high risk exposure site during the very high risk period; and
 - (D) is not experiencing SARS-CoV-2 symptoms; and
 - (E) has provided information in the permit that is true and correct; and
 - (F) will comply with the conditions in subclauses (3), (4) and (5), as applicable; and
- (x) a QR code capable of being scanned by an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction); and
- (d) if the person has been in hotel quarantine (including for the purpose of completing the required period of hotel quarantine or for any other purpose, including work) in Victoria or in other State, Territory or Green Zone Country in the 14 days prior to entry to Victoria, provides (at the time of applying for the specified worker (exclusive outdoor activities) permit):
 - (i) the name of the facility attended; and
 - (ii) the name of the State, Territory or Green Zone Country of the facility attended; and
- (e) if the person, at the time they enter Victoria, has been in an area that is an extreme risk zone, red zone or an orange zone in a State, Territory or Green Zone Country at any time after the relevant zone commencement time in the previous 14 days, they:
 - (i) are performing specified work in an occupation listed in the Specified Worker List – Single Entry in Victoria that is urgent, essential to the operations of their employer or customer and cannot be carried out in a timely manner by workers who ordinarily reside in Victoria or another area that is a green zone; and
 - (ii) have evidence that the work they are performing meets the requirements in subclause (e)(i) from their employer or customer.

Note: a letter from an employer or customer on company letterhead that confirms that the work undertaken by the person meets the requirements in subclause (e)(i) would be sufficient evidence.

Specified worker (other) permit and specified worker (exclusive outdoor activities) permit – conditions after entry

- (3) A person who enters Victoria under subclauses (1) or (2) must:
 - (a) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (i) a valid specified worker (other) permit or specified worker (exclusive outdoor activities) permit; and

- (ii) subject to subclauses (iii) and (iv), photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and
Example: photographic personal identification includes a driver's licence issued by any State, Territory or Green Zone Country or a passport issued by Australia or a Green Zone Country. Evidence of the current address where the person ordinarily resides includes a driver's licence or any other document issued by any State, Territory or Green Zone Country or any municipal district, local government area, unincorporated local government area (not including Lord Howe Island) or local authority, including a rates notice.
- (iii) if the person is unable to provide photographic personal identification in accordance with subclause (ii), two forms of documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) to prove the person's identity (unless the person is under the age of 18); and
Example: documentary evidence includes Medicare card, Australian, State, Territory or Green Zone Country government correspondence, credit card or utility bill.
- (iv) if the person is unable to provide evidence of the current address where the person ordinarily resides in accordance with subclause (ii), other documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) of the person's address (unless the person is under the age of 18); and
Example: a letter from an Indigenous community leader or community services provider confirming the person's identity and confirming the person's address or other place of residence arrangements.
- (v) if the person at the time they enter Victoria, has been in an area that is an extreme risk zone, red zone or an orange zone in a State, Territory or Green Zone Country at any time after the relevant zone commencement time in the previous 14 days, evidence from their employer or customer in accordance with the requirements in subclause (1)(e) or (2)(e); and
- (b) unless the person is a Victorian resident, only remain in Victoria for the period reasonably necessary to provide the specified work; and
- (c) comply with all Directions currently in force; and
- (d) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms; and
- (e) otherwise comply with the relevant COVIDSafe Plan while in Victoria and in any other State, Territory or Green Zone Country (including while travelling to and from an extreme risk zone, red zone or orange zone in the other State, Territory or Green Zone Country in the 14 days prior to entry to Victoria); and
- (f) without limiting subclause (e), if the person is specified worker permitted to enter Victoria for the purpose of a Tier 1 or Tier 2 event under the **Public Event Framework**, comply with the relevant COVIDSafe Plan for the Tier 1 or Tier 2 Event.

Note: a specified worker (other) or a specified worker (exclusive outdoor activities) may be accompanied by a dependent child under the age of 18 years or other dependent person, such as an adult with a disability, if the dependant is to receive emergency or essential medical care or other urgent care, provided the dependant complies with the requirements under subclause (1) or (2) whilst in Victoria.

- (4) If a restricted person enters Victoria under subclauses (1) or (2) and at the time the person enters Victoria, has been in an area that is an orange zone in a State, Territory or Green Zone Country at any time after the relevant zone commencement time in the previous 14 days, that person must, in addition to the obligations in subclause (3):
- (a) get tested for SARS-CoV-2 within 72 hours of the time the person enters Victoria; and

- (b) travel immediately and directly to, and self-quarantine at, the premises at which the person will reside for the period of the specified worker permit or alternative premises that are suitable for the person to reside in for the purpose of self-quarantine until the person receives a negative SARS-CoV-2 test result; and
 - (c) reside at the premises described in subclause (b) and not leave the premises except:
 - (i) for the purpose of undertaking the relevant specified work; or
 - (ii) to obtain medical care or medical supplies; or
 - (iii) to obtain takeaway food and drink; or
 - (iv) to access toilet and bathroom facilities; or
 - (v) to get tested for SARS-CoV-2; or
 - (vi) in an emergency situation; or
 - (vii) if required to do so by law; or
 - (viii) to leave Victoria,during the period of self-quarantine under subclause (b); and
 - (d) if the person leaves the premises described in subclause (b) in accordance with subclause (c) during the period of self-quarantine under subclause (b), wear a face covering in all:
 - (i) indoor public places; and
 - (ii) outdoor public places; and
 - (iii) vehicles, if the person is in a vehicle with any other person (unless the other person ordinarily resides with the person),unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person.
- (5) If a prohibited person enters Victoria:
- (a) under subclause (1), that person must, in addition to the obligations in subclause (3):
 - (i) subject to subclause (ii), get tested for SARS-CoV-2:
 - (A) within 72 hours of the time the person enters Victoria; and
 - (B) during the period that is 4 to 7 days from the day the person enters Victoria; and
 - (C) during the period that is 12 to 14 days from the day the person enters Victoria; and
 - (ii) if the person is a worker at an **offshore petroleum or gas storage facility** who cannot reasonably get tested for SARS-CoV-2 while working, get tested for SARS-CoV-2 within 72 hours of the time the person first enters Victoria during each specified worker (other) permit or specified worker (exclusive outdoor activities) permit validity period in subclause (6); and
 - (iii) travel immediately and directly to, and self-quarantine at, the premises at which the person will reside for the period of the specified worker permit or another premises that is suitable for the person to reside in for the purposes of self-quarantine, for 14 days (subject to subclauses (v) and (vi)(A)); and
 - (iv) reside at the premises described in subclause (iii) and not leave the premises except:
 - (A) for the purpose of undertaking the relevant specified work, but only after the person receives a negative SARS-CoV-2 test result; or

- (B) to obtain takeaway food and drink; or
 - (C) to access toilet and bathroom facilities; or
 - (D) to obtain medical care or medical supplies; or
 - (E) to get tested for SARS-CoV-2; or
 - (F) in an emergency situation; or
 - (G) if required to do so by law; or
 - (H) to leave Victoria,
- during the period of self-quarantine under subclause (iii); and
- (v) if, during the period of self-quarantine, the person refuses or otherwise fails to take a test for SARS-CoV-2 in accordance with subclause (i) (C) (including as extended under subclause (vi)(A)), the period of self-quarantine in subclause (iii) is extended for an additional period being the earlier of:
- (A) an additional 14 days; or
 - (B) until the person gets tested for SARS-CoV-2 and receives a negative test result; and

Note: any tests undertaken pursuant to subclauses (5)(a)(i)(A) or (B) do not satisfy the requirement in subclause (5)(a)(v)(B).

Note: prohibited persons entering Victoria pursuant to subclause 11(1) will be required to test for SARS-CoV-2 on or around day 13 of their self-quarantine (or the day before the end of self-quarantine), as testing at this time is likely to detect the presence of SARS-CoV-2, even if a person has not yet developed symptoms. As a person may be infectious for up to 14 days after the 14 day incubation period, if this test does not occur, an additional 14 days of quarantine is required to prevent a person who develops SARS-CoV-2 towards the end of the 14 day incubation period, even if not symptomatic, transmitting SARS-CoV-2 to the broader community.

- (vi) if, during the period of self-quarantine:
- (A) the period for which the person is required to self-quarantine under subclause (iii) expires during the period in which the person is awaiting the result of a test required by subclause (i), the period of self-quarantine is extended until the person receives a negative SARS-CoV-2 test result; and
 - (B) if the person receives a negative SARS-CoV-2 test result and:
 1. the period for which the person is required to self-quarantine under subclause (iii) has not expired, the person must continue to self-quarantine under subclause (iii) for the remainder of that period; and
 2. the period for which the person is required to self-quarantine under subclause (iii) (as extended under either or both of subclauses (v) and (vi)(A)) has expired, the person may cease self-quarantining immediately; and
- (vii) if the person leaves the premises described in subclause (iii) in accordance with subclause (iv) during the period of self-quarantine under subclause (iii), wear a face covering in all:
- (A) indoor public places; and
 - (B) outdoor public places; and
 - (C) vehicles, if the person is in a vehicle with any other person (unless the other person ordinarily resides with the person);
- unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person;

- (b) under subclause (2), that person must, in addition to the obligations in subclause (3):
- (i) subject to subclause (ii), get tested for SARS-CoV-2:
 - (A) within 7 days of the day the person enters Victoria; and
 - (B) during the period that is 12 to 14 days from the day the person enters Victoria; and
 - (ii) if the person is a worker at an offshore petroleum or gas storage facility who cannot reasonably get tested for SARS-CoV-2 while working, get tested for SARS-CoV-2 within 72 hours of the time the person first enters Victoria during each specified worker (other) permit or specified worker (exclusive outdoor activities) permit validity period in subclause (6); and
 - (iii) travel immediately and directly to, and self-quarantine at, the premises at which the person will reside for the period of the specified worker permit or another premises that is suitable for the person to reside in for the purposes of self-quarantine, for 14 days (subject to subclauses (v) and (vi)(A)); and
 - (iv) reside at the premises described in subclause (iii) and not leave the premises except:
 - (A) to perform the relevant specified work; or
 - (B) to purchase takeaway food and drink; or
 - (C) to access toilet and bathroom facilities; or
 - (D) to obtain medical care or medical supplies; or
 - (E) to get tested for SARS-CoV-2; or
 - (F) in an emergency situation; or
 - (G) if required to do so by law; or
 - (H) to leave Victoria,during the period of self-quarantine under subclause (iii); and
 - (v) if, during the period of self-quarantine, the person refuses or otherwise fails to take a test for SARS-CoV-2 in accordance with subclause (i) (B) (including as extended under subclause (vi)(A)), the period of self-quarantine in subclause (iii) is extended for an additional period being the earlier of:
 - (A) 14 days; or
 - (B) until the person gets test for SARS-CoV-2 and receives a negative test result; and

Note: a test undertaken pursuant to subclause (5)(b)(i)(A) does not satisfy the requirement in subclause (5)(b)(v)(B).

Note: prohibited persons entering Victoria pursuant to subclause (2) will be required to test for SARS-CoV-2 on or around day 13 of their self-quarantine (or the day before the end of self-quarantine), as testing at this time is likely to detect the presence of SARS-CoV-2, even if a person has not yet developed symptoms. As a person may be infectious for up to 14 days after the 14 day incubation period, if this test does not occur, an additional 14 days of quarantine is required to prevent a person who develops SARS-CoV-2 towards the end of the 14 day incubation period, even if not symptomatic, transmitting SARS-CoV-2 to the broader community.
 - (vi) if, during the period of self-quarantine:
 - (A) the period for which the person is required to self-quarantine under subclause (iii) expires during the period in which the

- person is awaiting the result of a test required by subclause (i), the period of self-quarantine is extended until the person receives a negative SARS-CoV-2 test result; and
- (B) if the person receives a negative SARS-CoV-2 test result and:
1. the period for which the person is required to self-quarantine under subclause (iii) has not expired, the person must continue to self-quarantine under subclause (iii) for the remainder of that period; and
 2. the period for which the person is required to self-quarantine under subclause (iii) (as extended under either or both of subclauses (v) and (vi)(A)) has expired, the person may cease self-quarantining immediately; and
- (vii) if the person leaves the premises described in subclause (iii) in accordance with subclause (iv) during the period of self-quarantine under subclause (iii), wear a face covering in all:
- (A) indoor public places; and
 - (B) outdoor public places; and
 - (C) vehicles, if the person is in a vehicle with any other person (unless the other person ordinarily resides with the person),
- unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person.
- (6) A specified worker (other) permit and a specified worker (exclusive outdoor activities) permit:
- (a) is valid for 14 days from the date the person first enters Victoria (unless revoked earlier); and
 - (b) may be used by a person to enter Victoria on a single occasion during the validity period in subclause (a).

Specified worker (low workplace interaction) permit

- (7) Despite clauses 6 and 7, a prohibited person or a restricted person who is:
- (a) required to enter and be physically present in Victoria for the purpose of providing specified work in an occupation included in the **Specified Worker (Low Workplace Interaction) List**; or
 - (b) a Victorian resident who is:
 - (i) required to enter and be physically present in any other State or Territory in Australia for the purpose of providing specified work in an occupation included in the Specified Worker (Low Workplace Interaction) List; and
 - (ii) is entering Victoria from any other State or Territory in Australia for the purpose of returning to their ordinary place of residence in Victoria,
 may enter Victoria from any other State or Territory in Australia if:
 - (c) during all times the person was in an orange zone in the 14 days prior to entry to Victoria, the person:
 - (i) has not carried any person as a passenger in the driver's cabin of a vehicle, other than for the purpose of providing specified work in an occupation included in the Specified Worker (Low Workplace Interaction) List; and
 - (ii) minimised contact with other persons (except in cases of emergency); and
 - (iii) practised physical distancing; and

- (d) during all times the person was in an extreme risk zone or red zone in the 14 days prior to entry to Victoria, the person:
 - (i) has not carried any person as a passenger in the driver's cabin of a vehicle, other than for the purpose of providing specified work in an occupation listed in the Specified Worker (Low Workplace Interaction) List; and
 - (ii) kept detailed records of all travel and each place they stopped (including accommodation); and
 - (iii) wore a face covering at all times in all:
 - (A) indoor public places; and
 - (B) outdoor public places; and
 - (C) vehicles, if the person was in a vehicle with any other person (unless the other person ordinarily resides with the person); and
 - (iv) minimised contact with other persons (except in cases of emergency); and
 - (v) practised physical distancing; and
- (e) the person has a valid specified worker (low workplace interaction) permit which includes:
 - (i) the person's full name; and
 - (ii) the person's contact phone number; and
 - (iii) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and
 - (iv) the address from which the person is departing when entering Victoria; and
 - (v) where applicable, the current address where the person ordinarily resides; and
 - (vi) the address where the person will reside after entry to Victoria; and
 - (vii) the date of entry to Victoria; and
 - (viii) if applicable, any planned date of departure from Victoria; and
 - (ix) an attestation by the person stating that (as at the date of attestation) the person (and any person under the age of 18 or other dependant entering Victoria with the person):
 - (A) is a **specified worker (low workplace interaction)** and is entering Victoria for the relevant purpose in subclause (a) or (b) (ii); and
 - (B) is not a diagnosed person or a close contact of a diagnosed person (or equivalent) and/or required to self-isolate or self-quarantine in a State, Territory or Green Zone Country; and
 - (C) has not been at a very high risk exposure site during the very high risk period; and
 - (D) is not experiencing SARS-CoV-2 symptoms; and
 - (E) has provided information in the permit that is true and correct; and
 - (F) will comply with the conditions in subclause (8); and
 - (x) a QR code capable of being scanned by an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction); and

- (f) the person has been in hotel quarantine (including for the purpose of completing the required period of hotel quarantine or for any other purpose, including work) in Victoria or in other State, Territory or Green Zone Country in the 14 days prior to entry to Victoria, provides (at the time of applying for the specified worker (low workplace interaction) permit):
- (i) the name of the facility attended; and
 - (ii) the name of the State, Territory or Green Zone Country of the facility attended; and
- (g) if the person, at the time they enter Victoria, has been in an area that is an extreme risk zone, red zone or an orange zone in a State, Territory or Green Zone Country at any time after the relevant zone commencement time in the previous 14 days, they:
- (i) are performing specified work in an occupation included in the Specified Worker (Low Workplace Interaction) List in Victoria that is urgent, essential to the operations of their employer or customer and cannot be carried out in a timely manner by workers who ordinarily reside in Victoria or another area that is a green zone; and
 - (ii) have evidence that the work they are performing meets the requirements in subclause (g)(i) from their employer or customer.
- Note: a letter from an employer or customer on company letterhead that confirms that the work undertaken by the person meets the requirements in subclause (g)(i) would be sufficient evidence.*
- (8) A person who enters Victoria under subclause (7) and who is:
- (a) a restricted person who, at the time the person enters Victoria, has been in an area that is an orange zone in a State, Territory or Green Zone Country at any time after the relevant zone commencement time in the previous 14 days and has not received a negative SARS-CoV-2 test since arriving in Victoria; or
 - (b) a prohibited person,
- must:
- (c) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (i) a valid specified worker (low workplace interaction) permit; and
 - (ii) subject to subclauses (iii) and (iv), photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and

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

 - (iii) if the person is unable to provide photographic personal identification in accordance with subclause (ii), two forms of documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) to prove the person's identity (unless the person is under the age of 18); and

Example: documentary evidence includes Medicare card, Australian, State, Territory or Green Zone Country correspondence, credit card, or utility bill.

 - (iv) if the person is unable to provide evidence of the current address where the person ordinarily resides in accordance with subclause (ii), other documentary evidence satisfactory to the authorised officer, Victoria

Police member or Protective Services Officer (or other person under such person's direction) of the person's address (unless the person is under the age of 18); and

Example: a letter from an Indigenous community leader or community services provider confirming the person's identity and confirming the person's address or other place of residence arrangements.

- (v) if the person, at the time they enter Victoria, has been in an area that is an extreme risk zone, red zone or an orange zone in a State, Territory or Green Zone Country at any time after the relevant zone commencement time in the previous 14 days, evidence in accordance with the requirements in subclause (7)(g); and
- (d) not work while experiencing SARS-CoV-2 symptoms; and
- (e) unless the person is a Victorian resident, only remain in Victoria for the period reasonably necessary to provide the relevant specified work; and
- (f) get tested for SARS-CoV-2 at least once every 3 days during each specified worker (low workplace interaction) permit validity period in subclause (9); and
Note: nothing in subclause (f) is intended to require a person to be tested for SARS-CoV-2 more than four times in any 14 day period, including where a person enters Victoria more than once in any 14 day period.
- (g) carry and provide documentary evidence that the person has been tested in accordance with subclause (f) (including evidence of the person's most recent test) to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) when requested to do so; and
- (h) minimise contact with other persons unless the person is a Victorian resident and they are not working or travelling for work; and
- (i) wear a face covering unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person, for 14 days commencing from when the person enters Victoria or, if the person is a person referred to in subclause (a), until the person receives a negative SARS-CoV-2 test result, when in:
 - (i) indoor public places; and
 - (ii) outdoor public places; and
 - (iii) a vehicle if the person is in the vehicle with any other person with whom the person does not ordinarily reside at a private premises; and
- (j) not carry a person as a passenger in the driver's cabin of a vehicle other than for the purpose of providing specified work unless the person is a Victorian resident and they are not working or travelling for work; and
- (k) keep detailed records of each place they stop (including accommodation) in Victoria; and
- (l) comply with all Directions currently in force; and
- (m) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms; and
- (n) not enter or stay in any other vehicle or indoor space except when reasonably necessary for the purposes of:
 - (i) providing the specified work in an occupation listed in the Specified Worker (Low Workplace Interaction) List, that they have entered Victoria to perform; or
 - (ii) accessing toilet or bathroom facilities; or

- (iii) paying for fuel; or
- (iv) purchasing essential items; or
- (v) purchasing takeaway food or drink; or

Note: the person is permitted to purchase takeaway food or drink only and must eat or drink in that person's vehicle or the room at their accommodation and not in any other vehicle or indoor space while in transit through Victoria.

- (vi) accessing accommodation; or
- (vii) departing Victoria from an airport, seaport, or railway station; or
- (viii) travel from Victoria on a plane, train or sea vessel;

unless the person is a Victorian resident and they are not working or travelling for work.

Note: a specified worker (low workplace interaction) may be accompanied by a dependent child under the age of 18 years or other dependent person, such as an adult with a disability, if the dependant is to receive emergency or essential medical care or other urgent care, provided the dependant complies with the requirements under subclause (8) whilst in Victoria.

- (9) A specified worker (low workplace interaction) permit:
 - (a) is valid for 14 days from the date the person first enters Victoria from any other State or Territory in Australia (unless revoked earlier); and
 - (b) may be used by a person to enter Victoria from any other State or Territory in Australia multiple times during the validity period in subclause (a).

12 Applications for a permit

- (1) A person may apply for a **permit** using a digital system provided by the **Service Victoria CEO** and other parts of the Victorian Government.
- (2) An application for a permit must contain all information reasonably required by the Department from time to time, for the purpose of protecting public health.
- (3) The Service Victoria CEO:
 - (a) may deliver a permit to a person if clause:
 - (i) 5 (green zone permit); or
 - (ii) 6 (orange zone permit); or
 - (iii) 7 (red zone permit); or
 - (iv) 10 (transit permit); or
 - (v) 11(1) (specified worker (other) permit); or
 - (vi) 11(2) (specified worker (exclusive outdoor activities) permit); or
 - (vii) 11(7) (specified worker (low workplace interaction) permit),
 applies, the person makes an application under subclause (1) and the application complies with the requirements under subclause (2); and
 - (b) may provide a copy of the permit to the Department; and
 - (c) will provide any information contained in an application to the Department on behalf of the person.
- (4) A person must not give information, or make a statement, in an application for a permit that is false or misleading in a material particular.

13 Excepted persons

- (1) A restricted person or prohibited person may enter Victoria from any other State or Territory in Australia or, after entering Australia, from a Green Zone Country, without a permit:
 - (a) to provide emergency or time-critical essential medical care or other urgent care; or

- (b) to receive or accompany a dependant who is to receive, emergency or essential medical care or other urgent care; or

Note: for the purposes of subclauses (b) and (c), a dependant includes a person who is dependent on another to facilitate attendances to receive essential medical care, or is dependent on others for the provision of essential medical care.

Example 1: a person is a dependant of their intimate partner where they require essential medical care in Victoria and rely on their intimate partner to transport and support them to receive that essential medical care.

Example 2: essential medical care includes medical care requiring continuity of treatment, such as chemotherapy or dialysis treatment.

Example 3: other urgent care may include essential care for a person with a disability or a dependant of a person, if there are no alternate care arrangements available, but does not include ordinary child-minding services.

- (c) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria to:

(i) provide emergency or time-critical essential medical care or other urgent care; or

(ii) receive or accompany a dependant who received, emergency or essential medical care or other urgent care; or

- (d) to provide or receive emergency services or to ensure the provision of telecommunications, critical infrastructure, essential prevention and recovery from emergencies or essential public services (including services provided by **emergency workers** and child protection workers and time-critical essential services provided by healthcare workers and care facility workers); or

Note 1: nothing in subclause (d) is intended to permit a person who is a Victorian resident but is or has been in a green zone, orange zone, red zone or extreme risk zone in any other State, Territory or Green Zone Country for travel and leisure purposes, to enter Victoria for the purpose of resuming and/or returning to the provision of emergency services, telecommunications, critical infrastructure, essential prevention and recovery from emergencies and essential public services in the ordinary course of the person's work. Such persons are required to apply for and obtain a valid permit for entry to Victoria.

Note 2: a person entering Victoria under subclause (d) is required to carry a letter from their employer evidencing the need for that worker to enter Victoria under subclause (d).

Note 3: for the purposes of subclause (d), emergency services includes responses to environmental emergencies such as oil spills or bushfires.

- (e) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria to provide or receive emergency services or ensure the provision of telecommunications, critical infrastructure, essential prevention and recovery from emergencies and essential public services (including services provided by emergency workers and child protection workers and time-critical essential services provided by healthcare workers and care facility workers); or
- (f) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
- (g) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
- (h) if the person is a **school** student travelling on a bus undertaking a usual or regular route to or from the school that the student is enrolled at; or
- (i) if the person remains on the same premises where that premises is both in the State of Victoria and either:
- (i) the State of New South Wales; or
- (ii) the State of South Australia; or

- (j) for purposes related to the administration of justice in Victoria, any other State or Territory in Australia or the Commonwealth of Australia; or
Example: State, Territory or Commonwealth judicial officers and essential court or tribunal staff entering Victoria for the purpose of necessary, in-person court or tribunal hearings in Victoria, and prison transfers.
- (k) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria for purposes related to the administration of justice in Victoria, any other State or Territory in Australia or the Commonwealth of Australia; or
Example: State, Territory or Commonwealth judicial officers and essential court or tribunal staff returning to Victoria after necessary in-person court or tribunal hearing in any other State or Territory in Australia, and prison transfers.
- (l) for purposes related to shared custody arrangements (court ordered or non-court ordered); or
- (m) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria for purposes related to shared custody arrangements (court ordered or non-court ordered); or
- (n) as required or authorised by law; or
- (o) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria as required or authorised by law; or
- (p) for the purposes of:
- (i) state security or **national security**; or
 - (ii) giving effect to a military transfer; or
 - (iii) official orders given to a member of the Australian Defence Force; or
- (q) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria for the purposes of:
- (i) state security or national security; or
 - (ii) giving effect to a military transfer; or
 - (iii) official orders given to a member of the Australian Defence Force; or
- Note: nothing in subclause (q) is intended to permit a person who is a Victorian resident but is currently in or has been in a green zone, orange zone, red zone or extreme risk zone in any other State, Territory or Green Zone Country for travel and leisure purposes, to enter Victoria for the purpose of resuming and/or returning to the provision of state security or national security services in the ordinary course of the person's work. Such persons are required to apply for and obtain a valid permit for entry to Victoria.*
- (r) if the person leaves Victoria to travel along the Murray River but only if the person:
- (i) does not set foot on the banks of the Murray River on the New South Wales side or South Australian side of the Murray River (unless the person is a restricted person from a cross border community area); and
 - (ii) prohibits or prevents any prohibited person from travelling on the Murray River with them or entering Victoria with them; or
- (s) if the person is a Victoria Police member or Protective Services Officer (or equivalent person in New South Wales or South Australia) stationed on border duties or otherwise engaged in policing duties; or
- (t) if the person is a passenger or **public transport** worker travelling on a public transport service which leaves and re-enters Victoria without stopping at a place outside of Victoria during the course of its usual and regular route and operations.
Note: a person who boards a public transport service in Victoria where the route goes through New South Wales or South Australia and back into Victoria without stopping before disembarking in is not required to apply for a permit.

- (2) A restricted person who enters Victoria as an excepted person under subclause (1) (except where the restricted person enters Victoria as an excepted person in accordance with subclause (1)(h) or (i)) must:
- (a) where the person is entering Victoria from a green zone in a State, Territory or Green Zone Country:
- (i) subject to subclause (ii), carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
- (A) subject to sub-subclauses (B) and (C), photographic personal identification and evidence of the address where the person ordinarily resides (unless the person is under the age of 18); and
Example: photographic personal identification includes a driver's licence issued by any State, Territory or Green Zone Country or a passport issued by Australia or a Green Zone Country. Evidence of the current address where the person ordinarily resides includes a driver's licence or any other document issued by any State, Territory or Green Zone Country or any municipal district, local government area, unincorporated local government area (not including Lord Howe Island) or local authority, including a rates notice.
- (B) if the person is unable to provide photographic personal identification in accordance with sub-subclause (A), two forms of documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) to prove the person's identity (unless the person is under the age of 18); and
Example: documentary evidence includes Medicare card, Australian, State, Territory or Green Zone Country government correspondence, credit card or utility bill.
- (C) if the person is unable to provide evidence of the current address where the person ordinarily resides in accordance with sub-subclause (A), other documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) of the person's address (unless the person is under the age of 18); and
Example: a letter from an Indigenous community leader or community services provider confirming the person's identity and confirming the person's address or other place of residence arrangements.
- (ii) if subclause (1)(s) applies, carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) photographic identification and documentary evidence that the person is stationed on border duties or otherwise engaged in policing duties; and
- (iii) comply with all Directions currently in force; and
- (iv) monitor for SARS-CoV-2 symptoms; and
- (v) unless the person is a Victorian resident, only remain in Victoria for the period reasonably necessary for the purpose they entered Victoria; and
- (vi) if they are a diagnosed person or someone who has been in close contact with a diagnosed person, comply with the requirements of the **Diagnosed Persons and Close Contacts Directions**; and
- (b) subject to subclause (d), where the person is a Victorian resident entering Victoria from an orange zone in any other State, Territory or a Green Zone Country who, at the time the person enters Victoria, has not been in an orange zone in a State, Territory or a Green Zone Country outside the cross border

community area at any time after the relevant zone commencement time in the previous 14 days:

- (i) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (A) subject to sub-subclauses (B) and (C), photographic personal identification and evidence of the address where the person ordinarily resides (unless the person is under the age of 18); and
Example: photographic personal identification includes a driver's licence issued by any State, Territory or Green Zone Country or a passport issued by Australia or a Green Zone Country. Evidence of the current address where the person ordinarily resides includes a driver's licence or any other document issued by any State, Territory or Green Zone Country or any municipal district, local government area, unincorporated local government area (not including Lord Howe Island) or local authority, including a rates notice.
 - (B) if the person is unable to provide photographic personal identification in accordance with subclause (i), two forms of documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) to prove the person's identity (unless the person is under the age of 18); and
Example: documentary evidence includes Medicare card, Australian, State, Territory or Green Zone Country correspondence, credit card, or utility bill.
 - (C) if the person is unable to provide evidence of the current address where the person ordinarily resides in accordance with subclause (i), other documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) of the person's address (unless the person is under the age of 18); and
Example: a letter from an Indigenous community leader or community services provider confirming the person's identity and confirming the person's address or other place of residence arrangements.
- (ii) comply with all Directions currently in force; and
- (iii) monitor for SARS-CoV-2 symptoms; and
- (iv) if they are a diagnosed person or someone who has been in close contact with a diagnosed person, comply with the requirements of the **Diagnosed Persons and Close Contacts Directions**; and
- (c) subject to subclause (d), where the person is entering Victoria from an orange zone in any other State, Territory or a Green Zone Country is not a Victorian resident or at the time the person enters Victoria, has been in an orange zone in a State, Territory or a Green Zone Country outside the cross border community area at any time after the relevant zone commencement time in the previous 14 days:
 - (i) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (A) subject to sub-subclauses (B) and (C), photographic personal identification and evidence of the address where the person ordinarily resides (unless the person is under the age of 18); and
Example: photographic personal identification includes a driver's licence issued by any State, Territory or Green Zone Country or a passport issued by Australia or a Green Zone Country. Evidence of the current address where the person ordinarily resides includes a driver's licence or any other document issued by any State, Territory or Green Zone Country or any municipal district, local

government area, unincorporated local government area (not including Lord Howe Island) or local authority, including a rates notice.

- (B) if the person is unable to provide photographic personal identification in accordance with sub-subclause (A), two forms of documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) to prove the person's identity (unless the person is under the age of 18); and

Example: documentary evidence includes Medicare card, Australian, State, Territory or Green Zone Country government correspondence, credit card or utility bill.

- (C) if the person is unable to provide evidence of the current address where the person ordinarily resides in accordance with sub-subclause (A), other documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) of the person's address (unless the person is under the age of 18); and

Example: a letter from an Indigenous community leader or community services provider confirming the person's identity and confirming the person's address or other place of residence arrangements.

- (ii) be tested for SARS-CoV-2 within 72 hours of entering Victoria; and
- (iii) self-quarantine at the premises at which the person ordinarily resides or another premises that is suitable for the person to reside in for the purpose of self-quarantine for 14 days or until the person receives a negative SARS-CoV-2 test result (whichever is earlier) and not leave the premises except:
- (A) if subclause (1) (a), (b), (d), (f), (j), (l), (n), (p) or (s) applies, to perform the activity for which they were permitted to enter Victoria; or
 - (B) to obtain medical care or medical supplies; or
 - (C) to get tested for SARS-CoV-2; or
 - (D) in an emergency situation; or
 - (E) if required to do so by law; or
 - (F) to leave Victoria; or
 - (G) if the restricted person has entered Victoria to escape harm, only self-quarantine to the extent it is reasonably practicable to do so in all the circumstances,
- during the period of self-quarantine under this subclause; and
- (iv) provide documentary evidence that the person has been tested in accordance with subclause (ii) (including evidence of the person's most recent test) to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) when requested to do so; and
- (v) comply with all Directions currently in force; and
- (vi) monitor for SARS-CoV-2 symptoms; and
- (vii) wear a face covering when in public for a period of 14 days from entry to Victoria or until the person receives a negative SARS-CoV-2 test result (whichever is earlier) (over and above the Directions currently in force unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person); and

- (viii) if they are a diagnosed person or someone who has been in close contact with a diagnosed person, comply with the requirements of the **Diagnosed Persons and Close Contacts Directions**; and
- (d) where the person is entering Victoria from an orange zone and subclause (1)(s) applies:
 - (i) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) photographic identification and documentary evidence that the person is stationed on border duties or otherwise engaged in policing duties; and
 - (ii) if the person, at the time the person enters Victoria, has been in an orange zone outside of the cross border community area at any time after the relevant zone commencement time in the previous 14 days, comply with the requirements under subclauses (c)(ii)-(viii) as if those requirements applied to the person.
- (3) Subject to subclause (4), a prohibited person who enters Victoria as an excepted person under subclause (1) must:
 - (a) where the person is a Victorian resident entering Victoria from an extreme risk zone or red zone who, at the time the person enters Victoria, has not been in an extreme risk zone or red zone outside the cross border community area at any time after the relevant zone commencement time in the previous 14 days:
 - (i) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (A) subject to sub-subclauses (B) and (C), photographic personal identification and evidence of the address where the person ordinarily resides (unless the person is under the age of 18); and
Example: photographic personal identification includes a driver's licence issued by a State or Territory in Australia or a passport issued by Australia. Evidence of the current address where the person ordinarily resides includes a driver's licence or any other document issued by a State or Territory in Australia or any municipal district, local government area or unincorporated local government area (not including Lord Howe Island), including a rates notice.
 - (B) if the person is unable to provide photographic personal identification in accordance with sub-subclause (A), two forms of documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) to prove the person's identity (unless the person is under the age of 18); and
Example: documentary evidence includes Medicare card, Centrelink correspondence, credit card, or utility bill.
 - (C) if the person is unable to provide evidence of the current address where the person ordinarily resides in accordance with sub-subclause (A), other documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) of the person's address (unless the person is under the age of 18); and
Example: a letter from an Indigenous community leader or community services provider confirming the person's identity and confirming the person's address or other place of residence arrangements.
 - (ii) comply with all Directions currently in force; and
 - (iii) monitor for SARS-CoV-2 symptoms; and

- (iv) if they are a diagnosed person or someone who has been in close contact with a diagnosed person, comply with the requirements of the **Diagnosed Persons and Close Contacts Directions**; and
- (b) where the person is entering Victoria from an extreme risk zone or red zone and is not a Victorian resident or, at the time the person enters Victoria, has been in an extreme risk zone or red zone outside the cross border community area at any time after the relevant zone commencement time in the previous 14 days:
 - (i) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (A) subject to sub-subclauses (B) and (C), photographic personal identification and evidence of the address where the person ordinarily resides (unless the person is under the age of 18); and

Example: photographic personal identification includes a driver's licence issued by any State, Territory or Green Zone Country or a passport issued by Australia or a Green Zone Country. Evidence of the current address where the person ordinarily resides includes a driver's licence or any other document issued by any State, Territory or Green Zone Country or any municipal district, local government area, unincorporated local government area (not including Lord Howe Island) or local authority, including a rates notice.
 - (B) if the person is unable to provide photographic personal identification in accordance with sub-subclause (A), two forms of documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) to prove the person's identity (unless the person is under the age of 18); and

Example: documentary evidence includes Medicare card, Australian, State, Territory or Green Zone Country government correspondence, credit card or utility bill.
 - (C) if the person is unable to provide evidence of the current address where the person ordinarily resides in accordance with sub-subclause (A), other documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) of the person's address (unless the person is under the age of 18); and

Example: a letter from an Indigenous community leader or community services provider confirming the person's identity and confirming the person's address or other place of residence arrangements.
 - (ii) self-quarantine at the premises at which the person ordinarily resides or another premises that is suitable for the person to reside in for the purpose of self-quarantine for 14 days (subject to subclauses (iv) and (v)(B)) and not leave the premises except:
 - (A) if subclause (1) (a), (b), (d), (f), (j), (l), (n), (p) or (s) applies to perform the activity for which they were permitted to enter Victoria; or
 - (B) to obtain medical care or medical supplies; or
 - (C) to get tested for SARS-CoV-2; or
 - (D) in an emergency situation; or
 - (E) if required to do so by law; or

- (F) to leave Victoria; or
- (G) if the prohibited person has entered Victoria to escape harm, only self-quarantine to the extent it is reasonably practicable to do so in all the circumstances,
 - during the period of self-quarantine under this subclause; and
- (iii) get tested for SARS-CoV-2:
 - (A) within 72 hours of the time the person enters Victoria; and
 - (B) on or about day 13 during the period of self-quarantine under subclause (ii); and
- (iv) if, during the period of self-quarantine, the person refuses or otherwise fails to take a test for SARS-CoV-2 on or about day 13 of the period of self-quarantine, the period of self-quarantine in subclause (ii) (as extended under sub-subclause (v)(B)) is extended for an additional period being the earlier of:
 - (A) an additional 14 days; or
 - (B) until the person gets tested for SARS-CoV-2 and receives a negative test result; and

Note: a test undertaken pursuant to subclause (3)(b)(iii)(A) does not satisfy the requirement in subclause (3)(b)(iv)(B).

Note: persons entering Victoria from an extreme risk zone or red zone will be required to test for SARS-CoV-2 on or around day 13 of their self-quarantine (or the day before the end of self-quarantine), as testing at this time is likely to detect the presence of SARS-CoV-2, even if a person has not yet developed symptoms. As a person may be infectious for up to 14 days after the 14 day incubation period, if this test does not occur, an additional 14 days of quarantine is required to prevent a person who develops SARS-CoV-2 towards the end of the 14 day incubation period, even if not symptomatic, transmitting SARS-CoV-2 to the broader community.
- (v) if, during the period of self-quarantine:
 - (A) the person is tested for SARS-CoV-2; and
 - (B) subject to sub-subclause (C) the period for which the person is required to self-quarantine under subclause (ii) expires during the period in which the person is awaiting the result of that test, the period of self-quarantine is extended until the person receives a negative SARS-CoV-2 test result; and
 - (C) if the person receives a negative SARS-CoV-2 test result and:
 1. if the period for which the person is required to self-quarantine under subclause (ii) has not expired, the person must continue to self-quarantine under subclause (ii) for the remainder of that period; or
 2. if the period for which the person is required to self-quarantine under subclause (ii) (as extended under either or both subclauses (iv) and (v)(B)) has expired, the person may cease self-quarantining immediately; and
- (vi) provide documentary evidence that the person has been tested in accordance with subclause (iii) and (iv) (including evidence of the person's most recent test) to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) when requested to do so; and
- (vii) comply with all Directions currently in force; and
- (viii) monitor for SARS-CoV-2 symptoms; and

- (ix) only remain in Victoria for the period reasonably necessary for the purpose (except in case of emergency); and
 - (x) minimise contact with other persons in Victoria; and
 - (xi) practise physical distancing; and
 - (xii) keep detailed records of each place they stop (including accommodation) in Victoria; and
 - (xiii) wear a face covering (unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person):
 - (A) during each flight to and from Victoria; and
 - (B) when in public for a period of 14 days from entry to Victoria (over and above the Directions currently in force); and
 - (xiv) if they are a diagnosed person or someone who has been in close contact with a diagnosed person, comply with the requirements of the **Diagnosed Persons and Close Contacts Directions**.
- (4) A prohibited person who enters Victoria as an excepted person under subclause (1)(s) must:
- (a) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) photographic identification and documentary evidence that the person is stationed on border duties or otherwise engaged in policing duties; and
 - (b) if the person, at the time the person enters Victoria, has been in an extreme risk zone or red zone outside of the cross border community area at any time after the relevant zone commencement time in the previous 14 days, comply with the requirements under subclauses (3)(b)(i)-(xiv) as if those requirements applied to the person.

14 Exemption power

Request for exemption

- (1) A restricted person or a prohibited person is not required to comply with a requirement of these directions if the person is granted an exemption from that requirement under:
 - (a) subclause (6) (specific circumstances); or
 - (b) subclause (11).
- (2) A person may request an exemption by:
 - (a) using a digital system provided by the Service Victoria CEO and other parts of the Victorian Government; or
 - (b) contacting the Department by phone (or other method determined by the Department from time to time).
- (3) A request for exemption must contain all information reasonably required by the Department from time to time, for the purpose of protecting public health.
- (4) The Service Victoria CEO will provide any information contained in a request for exemption under subclause (2)(a) to the Department.

Exemptions for specific circumstances

- (5) A person may request an exemption from any or all requirements contained in these directions:
 - (a) to attend a funeral or end of life event; or
 - (b) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal; or

- (c) to return to the person's ordinary place of residence for health, wellbeing, care or compassionate reasons; or
 - (d) to effect an emergency relocation.
- (6) The Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) may exempt a person from any or all requirements contained in these directions, if satisfied that an exemption is appropriate, having regard to the:
- (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the PHW Act, as appropriate.
- (7) Before granting any exemption under subclause (6) the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) must consider:
- (a) if the person is:
 - (i) a diagnosed person or close contact of a diagnosed person (or equivalent), lawfully permitted to leave a State, Territory or Green Zone Country in accordance with the laws in force in that jurisdiction; and
 - (ii) seeking to enter Victoria:
 - (A) to attend a funeral or end of life event; or
 - (B) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal; or
 - (C) to return to the person's ordinary place of residence for health, wellbeing, care or compassionate reasons; or
 - (D) to effect an emergency relocation; and
 - (b) documentary evidence provided by the person of:
 - (i) the circumstances described in subclause (a); or
 - (ii) test results or other medical information in relation to the person, including any negative SARS-CoV-2 test result received by the person within 72 hours prior to the person's proposed or actual entry to Victoria; or

Note: a Victorian resident may not need to be tested for SARS-CoV-2 in any other State, Territory or Green Zone Country before entering Victoria but if not tested within 72 hours prior to the person's proposed or actual entry to Victoria, must be tested for SARS-CoV-2 within 72 hours of returning to Victoria (unless the exemption specifically provides otherwise).
 - (iii) directions or permissions given to that person from a State, Territory or Green Zone Country not to self-isolate or self-quarantine (or equivalent); and
 - (c) any further documentary evidence requested by the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) and provided by the person.
- (8) An exemption granted under subclause (6):
- (a) must:
 - (i) be given by the Department, in writing, to the person who is the subject of the exemption; and
 - (ii) specify the requirement or requirements that the person need not comply with; and

- (b) may be subject to additional or different conditions approved by the Chief Health Officer or Deputy Chief Health Officer.
- (9) An exemption granted under subclause (6) does not prevent an authorised officer from exercising an emergency power to give the person a different direction or impose a different requirement or condition of exemption on the person.

Exemptions, generally

- (10) A person may request an exemption from any or all requirements contained in these directions.
- (11) The Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) may exempt a person or group of persons from any or all requirements contained in these directions, if satisfied that an exemption is appropriate, having regard to the:
 - (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the PHW Act, as appropriate.
- (12) Before granting any exemption under subclause (11) the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) must consider:
 - (a) the circumstances set out in any request; and
 - (b) any documentary evidence provided by the person, including test results or other medical information in relation to the person; and
 - (c) any further documentary evidence requested by the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) and provided by the person.
- (13) An exemption under subclause (11):
 - (a) must:
 - (i) be given by the Department, in writing, to the person who is the subject of the exemption; or
 - (ii) be published by the Department, in writing, for the purpose of any group of persons who are the subject of the exemption; and
 - (iii) specify the requirement or requirements that the person or group of persons need not comply with; and
 - (b) may be subject to additional or different conditions approved by the Chief Health Officer or Deputy Chief Health Officer.
- (14) An exemption granted under subclause (11) does not prevent an authorised officer from exercising an emergency power to give the person or group of persons a different direction or impose a different requirement on the person or group of persons.

Conditions of exemption

- (15) A restricted person who enters Victoria under an exemption granted under subclauses (6) or (11) must:
 - (a) enter Victoria within 72 hours of the time set out in the exemption; and
 - Note 1: an exemption will expire if the restricted person does not enter Victoria within 72 hours of the time set out in the exemption and the prohibited person will need to re-apply for a new exemption.*
 - Note 2: an exemption may be subject to a condition to enter at a particular point of entry into Victoria under subclause (13)(b).*
 - (b) comply with any conditions imposed on the exemption.

- (16) A prohibited person who enters Victoria under an exemption granted under subclauses (6) or (11) must:
- (a) enter Victoria within 72 hours of the time set out in the exemption; and

Note 1: an exemption will expire if the prohibited person does not enter Victoria within 72 hours of the time set out in the exemption and the prohibited person will need to re-apply for a new exemption.

Note 2: an exemption may be subject to a condition to enter at a particular point of entry into Victoria under subclause (13)(b).
 - (b) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (i) the exemption; and
 - (ii) documentary evidence supporting the grounds for the exemption, if applicable; and
 - (iii) subject to subclauses (iv) and (v), the prohibited person's photographic personal identification including the address at which the prohibited person ordinarily resides (unless the person is under the age of 18); and

Example: photographic personal identification includes a driver's licence issued by any State, Territory or Green Zone Country or a passport issued by Australia or a Green Zone Country. Evidence of the current address where the person ordinarily resides includes a driver's licence or any other document issued by any State, Territory or Green Zone Country or any municipal district, local government area, unincorporated local government area (not including Lord Howe Island) or local authority, including a rates notice.
 - (iv) if the prohibited person is unable to provide photographic personal identification in accordance with subclause (iii), two forms of documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) to prove the prohibited person's identity (unless the prohibited person is under the age of 18); and

Example: documentary evidence includes Medicare card, Australian, State, Territory or Green Zone Country government correspondence, credit card or utility bill.
 - (v) if the prohibited person is unable to provide evidence of the current address where the person ordinarily resides in accordance with subclause (iii), other documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) of the prohibited person's address (unless the prohibited person is under the age of 18); and

Example: a letter from an Indigenous community leader or community services provider confirming the prohibited person's identity and confirming the prohibited person's address or other place of residence arrangements.
 - (c) unless the specific conditions of the exemption granted to the prohibited person provide that the person is not required to be tested for SARS-CoV-2, get tested for SARS-CoV-2:
 - (i) unless the person has received a negative SARS-CoV-2 test result within 72 hours prior to entry to Victoria, within 72 hours of the time the person enters Victoria; and
 - (ii) on or about day 13 during the period of self-quarantine under subclause (g); and
 - (d) travel directly from their place of departure to Victoria; and
 - (e) whilst in direct and short term transit to Victoria, minimise contact with other persons; and

- (f) travel directly to the premises at which the prohibited person ordinarily resides or such other premises suitable for the prohibited person to reside in for the purpose of self-quarantine in accordance with subclause (g); and
- (g) self-quarantine at the premises at which the prohibited person ordinarily resides or another premises that is suitable for the prohibited person to reside in for the purpose of self-quarantine for 14 days (subject to subclauses (h) and (i)(ii)), and only leave that premises:
 - (i) to attend a specified event or place, subject to additional requirements set out in the exemption in relation to:
 - (A) the period the prohibited person may spend at the specified event or place; and
 - (B) whether other persons with whom the prohibited person does not ordinarily reside are permitted to be present at the specified event or place; and
 - (C) if the prohibited person is permitted to attend a worksite, record keeping requirements of any worksite the prohibited person attends; or
 - (ii) to obtain medical care or medical supplies; or
 - (iii) to get tested for SARS CoV-2; or
 - (iv) in an emergency situation; or
 - (v) if required to do so by law; or
 - (vi) to leave Victoria; and
- (h) unless the specific conditions of the exemption granted to the prohibited person provide that the person is not required to be tested for SARS-CoV-2, if, during the period of self-quarantine, the person refuses or otherwise fails to take a test for SARS-CoV-2 on or about day 13 of the period of self-quarantine, the period of self-quarantine in subclause (g) (as extended under subclause (i)(ii)) is extended for an additional period being the earlier of:
 - (i) an additional 14 days; or
 - (ii) until the person gets tested for SARS-CoV-2 and receives a negative test result; and

Note: any tests undertaken pursuant to subclause (16)(c)(i) do not satisfy the requirement in subclause (16)(h)(ii).
- (i) unless the specific conditions of the exemption granted to the prohibited person provide that the person is not required to be tested for SARS-CoV-2, if, during the period of self-quarantine:
 - (i) the person is tested for SARS-CoV-2; and
 - (ii) subject to subclause (iii), the period for which the person is required to self-quarantine under subclause (g) expires during the period in which the person is awaiting the result of that test, the period of self-quarantine is extended until the person receives a negative SARS CoV-2 test result; and
 - (iii) if the person receives a negative SARS-CoV-2 test result and:
 - (A) the period for which the person is required to self-quarantine under subclause (g) has not expired, the person must continue to self-quarantine under subclause (g) for the remainder of that period; or
 - (B) the period for which the person is required to self-quarantine under subclause (g) (as extended under either or both of

- subclauses (h) and (i)(ii) has expired, the person may cease self-quarantining immediately; and
- (j) unless the specific conditions of the exemption granted to the prohibited person provide that the person is not required to be tested for SARS-CoV-2, provide documentary evidence:
 - (i) of any negative SARS-CoV-2 test result received by the person within 72 hours prior to the person's proposed or actual entry to Victoria; and
 - (ii) that the person has been tested in accordance with subclause (c) (including evidence of the person's most recent test) to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) when requested to do so; and
 - (k) wear a face covering when in public (over and above the Directions currently in force), unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person; and
 - (l) practise physical distancing; and
 - (m) advise the Department immediately if the prohibited person experiences any SARS-CoV-2 Symptoms; and
 - (n) comply with any conditions imposed on the exemption.
- (17) Nothing in subclauses (15) and (16) prevents an authorised officer from exercising an emergency power to give a person a different direction or impose a different requirement or condition of exemption on the person.

15 Definitions

In these directions:

- (1) **aircrew services worker** means a pilot or a member of cabin crew undertaking operational flying duties or proficiency training on an aircraft that is not an aircraft of any part of the Australian Defence Force (including any aircraft that is commanded by a member of that Force in the course of duties as such a member);
- (2) **alpine resort** has the same meaning as in the **Alpine Resorts Act 1983**;
- (3) **authorised officer** has the same meaning as in the PHW Act;
- (4) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (5) **cross border community area** means a **municipal district**, local government area or unincorporated local government area adjacent to or in close proximity to the border between the **State** of New South Wales and Victoria, or the border between the **State** of South Australia and Victoria, as detailed on the **Department's** website available at: <https://www.coronavirus.vic.gov.au/information-cross-border-communities> as amended from time to time by the Victorian Government with the approval of the Chief Health Officer;
- (6) **cross border community member** means a person whose ordinary place of residence is in the **cross border community area**;
- (7) **Department** means the Victorian Department of Health;
- (8) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (9) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 25)** as amended from time to time;
- (10) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (11) **emergency worker** has the same meaning as in the **Sentencing Act 1991**;
- (12) **excepted person** has the meaning in clause 13(1);
- (13) **extreme risk zone** has the meaning in clause 4A(1)(d);

- (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) **green zone** has the meaning in clause 4A(1)(a);
- (16) **Green Zone Country** means a country with a current, valid (and not temporarily or permanently suspended) safe travel zone agreement with the Commonwealth of Australia;
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 from time to time.
- (17) **green zone permit** has the meaning in clause 5;
- (18) **hotel quarantine** means a program requiring a person to quarantine at a hotel in accordance with a public health order, public health directions, regulations or any other law of any **State, Territory**, the Commonwealth of Australia or **Green Zone Country** made in order to limit the spread **SARS-CoV-2**;
- (19) **municipal district** has the same meaning as in the **Local Government Act 1989**;
- (20) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (21) **offshore petroleum or gas storage facility** has the meaning that facility has in Schedule 3 to the **Offshore Petroleum and Greenhouse Gas Storage Act 2010**;
- (22) **orange zone** has the meaning in clause 4A(1)(b);
- (23) **orange zone permit** has the meaning in clause 6;
- (24) **permit** means the written notice (digital or otherwise) provided under clause 12 and includes:
- (a) **green zone permit**; and
 - (b) **orange zone permit**; and
 - (c) **red zone permit**; and
 - (d) **specified worker (other) permit**; and
 - (e) **specified worker (exclusive outdoor activities) permit**; and
 - (f) **specified worker (low workplace interaction) permit**; and
 - (g) **transit permit**;
- (25) **physical distancing** means the practice of physically maintaining a distance, where it is reasonably practicable to do so, of at least 1.5 metres from any other person except those persons with whom a person ordinarily resides;
- (26) **prohibited person** means a person who, at the time they enter Victoria, has been in an **extreme risk zone** or **red zone** in a **State, Territory** or **Green Zone Country** at any time after the relevant zone commencement time in the previous 14 days but does not include:
- (a) a person described in clause 5(1)(b);
 - (b) a person described in clause 6(1); or
 - (c) a **Victorian resident** described in clause 7(1);
- (27) **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;
- (28) **public transport** means a **vehicle** operated by a **passenger transport company** or by a **bus company** in the provision of a **public transport service**;
- (29) **red zone** has the meaning in clause 4A(1)(c);

- (30) **red zone permit** has the meaning in clause 7;
- (31) **relevant extreme risk zone** means, in relation to a person who entered Victoria, any **extreme risk zone** in a **State, Territory or Green Zone Country** that the person had been in after the zone commencement time in the 14 days prior to the person's entry to Victoria;
- (32) **relevant green zone** means, in relation to a person who entered Victoria, any **green zone** in a **State, Territory or Green Zone Country** that the person had been in after the zone commencement time in the 14 days prior to the person's entry to Victoria;
- (33) **relevant orange zone** means, in relation to a person who entered Victoria, any **orange zone** in a **State, Territory or Green Zone Country** that the person had been in after the zone commencement time in the 14 days prior to the person's entry to Victoria;
- (34) **relevant red zone** means, in relation to a person who entered Victoria, any **red zone** in a **State, Territory or Green Zone Country** that the person had been in after the zone commencement time in the 14 days prior to the person's entry to Victoria;
- (35) **restricted person** means any person who is not a **prohibited person**;
- (36) **revoked Border Crossing Permit Scheme Directions** means any of the **New South Wales Border Crossing Permit Scheme Directions, New South Wales and Queensland Border Crossing Scheme Directions** or the **Victorian Border Crossing Permit Directions**;
- (37) **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;
- (38) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (39) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (40) **short term transit** means a transit period of less than 24 hours, except in an emergency;
- (41) **specified work** has the same meaning as in the Department's document titled 'Travellers eligible to apply for a permit under specified workers categories' (www.coronavirus.vic.gov.au/travellers-eligible-to-apply-for-specified-worker-permit), as amended from time to time by the Victorian Government with the approval of the Chief Health Officer;
- (42) **specified worker (exclusive outdoor activities)** means a person employed or engaged to provide **specified work** in an occupation included in the **Specified Worker List – Single Entry** and who performs all of that work exclusively outdoors;
- (43) **specified worker (exclusive outdoor activities) permit** has the meaning in clause 11(2);
- (44) **Specified Worker List – Single Entry** means the list on the Department's website at www.coronavirus.vic.gov.au/travellers-eligible-to-apply-for-specified-worker-permit as amended from time to time by the Victorian Government with the approval of the Chief Health Officer;
- (45) **specified worker (low workplace interaction)** means a person employed or engaged to provide **specified work** in an occupation included in the **Specified Worker (Low Workplace Interaction) List**;

- (46) **Specified Worker (Low Workplace Interaction) List** means the list on the Department's website at www.coronavirus.vic.gov.au/travellers-eligible-to-apply-for-specified-worker-permit as amended from time to time by the Victorian Government with the approval of the Chief Health Officer;
- (47) **specified worker (low workplace interaction) permit** has the meaning in clause 11(7);
- (48) **specified worker (other)** means a person employed or engaged to provide **specified work** in an occupation included in the **Specified Worker List – Single Entry** and who performs any of that work indoors;
- (49) **specified worker (other) permit** has the meaning in clause 11(1);
- (50) **State** means a State in Australia (and otherwise has the meaning in the Australian Constitution);
- (51) **Territory** means a territory in Australia (and otherwise has the meaning in the Australian Constitution);
- (52) **transit permit** has the meaning in clause 10;
- (53) **vehicle** has the same meaning as in the **PHW Act**;
- (54) **very high risk exposure site** means a site in a **State**, a **Territory** or **Green Zone Country**:
- (a) assessed as very high risk for **SARS-CoV-2** transmission described:
 - (i) by a State, Territory, the Commonwealth of Australia or a Green Zone Country on the relevant government website, as amended from time to time; or
 - (ii) on the **Department's** website available at www.coronavirus.vic.gov.au/victorian-border-crossing-permit as amended from time to time with the approval of the Chief Health Officer; and
 - (b) which is subject to:
 - (i) any public health order, public health directions, regulations or any other law made in order to limit the spread **SARS-CoV-2** currently in force in a State, Territory, the Commonwealth of Australia or a Green Zone Country; or
 - (ii) any **Directions currently in force**,
requiring any persons who have been at the site at any time during the **very high risk period** to self-isolate or to self-quarantine (or equivalent) until a period of 14 days (or such longer period as may be directed) has elapsed from the time the persons had been at the site during the very high risk period;
- (55) **very high risk period** means the period of time in which a **very high risk exposure site** in a **State**, a **Territory** or **Green Zone Country** is assessed as very high risk for **SARS-CoV-2** transmission, as specified:
- (a) by a State, Territory, the Commonwealth of Australia or a Green Zone Country on the relevant government website, as amended from time to time; or
 - (b) on the **Department's** website available at www.coronavirus.vic.gov.au/victorian-border-crossing-permit as amended from time to time with the approval of the Chief Health Officer;
- (56) **Victorian resident** means a person who ordinarily resides in Victoria;
- (57) **Workplace Directions** means the **Workplace Directions (No. 40)** as amended from time to time;

(58) the following expressions have the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**:

- (a) **bus company**;
- (b) **passenger transport company**;
- (c) **public transport service**;

(59) **zone commencement time** has the meaning in clause 4A(2).

16 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.

- (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.

- (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 – 10 penalty units
 - (ii) aged 15 years or older but under the age of 18 years – 4 penalty units;
 - (iii) aged under 15 years – 1 penalty unit; or
- (b) in the case of a body corporate – 60 penalty units; or

*Note: it is intended that subclauses (a) and (b) are a reference to Item 74 of Table 2 of Schedule 8 of the **Public Health and Wellbeing Regulations 2019**. Item 74 establishes the infringement offence constituted by refusing or failing 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 of the PHW Act. This includes a direction or requirement in relation to travelling from a green zone or orange zone and seeking to enter Victoria.*

- (c) if the contravention of these directions is constituted by refusing or failing to comply with a requirement to self-isolate or self-quarantine:
- (i) in the case of a person aged 18 years or older – 30 penalty units;
 - (ii) in the case of a child aged 15 years or older but under the age of 18 years – 5 penalty units;
 - (iii) in the case of a child under the age of 15 years – 1 penalty unit; or

*Note: it is intended that subclause (c) is a reference to Item 76 of Table 2 of Schedule 8 of the **Public Health and Wellbeing Regulations 2019**. Item 76 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 to self-isolate or self-quarantine.*

- (d) if the contravention of these directions is constituted by refusing or failing to comply with a requirement in relation to a person travelling from a restricted area and seeking to enter Victoria without a reasonable excuse or other valid reason or excuse, in the case of a natural person:
- (i) aged 15 years or older but under the age of 18 years – 5 penalty units;
 - (ii) under the age of 15 years – 1 penalty unit;
 - (iii) in any other case – 30 penalty units.

*Note: it is intended that subclause (d) is a reference to Item 79 of Table 2 of Schedule 8 of the **Public Health and Wellbeing Regulations 2019**. Item 79 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 a person travelling from a restricted area (however described) and seeking to enter Victoria without a reasonable excuse or other valid reason or excuse. For the purposes of Item 79, a red zone and an extreme risk zone are each a restricted area.*

- (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 29 July 2021

PROFESSOR BENJAMIN COWIE
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. 39)**

I, Professor Benjamin Cowie, 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. 38)**.

2 Citation

- (1) These directions may be referred to as the **Care Facilities Directions (No. 39)**.
- (2) A reference in any other direction to the **Care Facilities Directions (No. 38)** is taken to be a reference to these directions.

3 Revocation

The **Care Facilities Directions (No. 38)** are revoked at 11:59:00 pm on 29 July 2021.

4 Commencement

The **Care Facilities Directions (No. 39)** commence at 11:59:00 pm on 29 July 2021 and end at 11:59:00 pm on 26 August 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 29 July 2021 and 11:59:00 pm on 26 August 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 or the person is visiting as a prospective 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 or a prospective resident of the care facility, must not enter, or remain on, the premises of the facility between (and including) 11:59:00 pm on 29 July 2021 and 11:59:00 pm on 26 August 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 subclauses (2)(c) and (2)(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 care and support for the resident's physical or emotional wellbeing (including mental health supports and support for people living with dementia); or
- Note: this may include a person who is visiting to prevent harm to a person's mental or emotional health due to social isolation.*
- (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 caps in subclauses (9)(a) and (b) will not include the child or dependant accompanying the person visiting the facility.

Restrictions on visitors as prospective residents

(10A) Where a visitor under subclause (1)(c) is visiting the facility as a prospective resident of the facility, the operator of a care facility in Victoria must not permit:

- (a) more than one other person accompanying the prospective resident to enter or remain on the premises; and
- (b) more than one visit at the facility for this purpose at any one time.

Note: the care facility may allow multiple visits from prospective residents of the facility over the course of a day, however only one prospective resident and a maximum of one person accompanying the prospective resident may occur at any one time.

Transitional provision – excluded persons exemption

- (11) An authorisation granted to an excluded person to enter or remain at a care facility under any **Revoked Care Facilities Directions** continues to have effect, until the validity period expires under the authorisation.
- (12) A request for exemption to authorise an excluded person to enter or remain at a care facility made under any Revoked Care Facilities Directions continues to have effect.

7 Definition of worker

- (1) A person is a **worker** in relation to a care facility if:
 - (a) the person is the operator of a 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 a 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** and includes the period of time prior to the diagnosis during which the confirmed case is considered infectious;
- Note: the period during which a person is considered infectious is generally considered to be 48 hours prior to the onset of SARS-CoV-2 Symptoms, however, alternative infectious periods may be determined at the discretion of an officer or nominated representative of the Department (for instance, in high-risk settings or if the confirmed case is asymptomatic).*
- (4) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 25)** 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 a care facility, and includes a person who **provides labour hire services** to the operator of a 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 28 days or less), 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. 35)** 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) **Revoked Care Facilities Directions** means any of the previous Care Facilities Directions, as amended or replaced from time to time, which are no longer in force;
- (23) **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;
- (24) **secure welfare service** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (25) **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (26) **Surveillance Testing Industry List and Requirements** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions**;
- (27) the following expressions have the same meaning as they have in the **Disability Act 2006**:
- (a) **disability service provider**;
 - (b) **SDA enrolled dwelling**;
 - (c) **SDA provider**;
 - (d) **short-term accommodation and assistance dwelling**;
 - (e) **treatment plan**;

- (28) **Thomas Embling Hospital** means the hospital of that name operated by the **Victorian Institute of Forensic Mental Health**;
- (29) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 25)** as amended or replaced from time to time;
- (30) **Victorian Institute of Forensic Mental Health** has the same meaning as in the **Mental Health Act 2014**;
- (31) **worker** has the meaning in clause 7(1);
- (32) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 35)** as amended or replaced from time to time;
- (33) **Workplace Directions** means the **Workplace Directions (No. 40)** 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 29 July 2021

PROFESSOR BENJAMIN COWIE
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**Diagnosed Persons and Close Contacts Directions (No. 25)**

I, Professor Benjamin Cowie, 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 purpose of these directions is to require persons:
 - (a) diagnosed with severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) to self-isolate;
 - (b) who are living with a **diagnosed person**, or who have been in close contact with a diagnosed person, to self-quarantine,
 in order to limit the spread of SARS-CoV-2.
- (2) These directions replace the **Diagnosed Persons and Close Contacts Directions (No. 24)**.

2 Citation

These directions may be referred to as the **Diagnosed Persons and Close Contacts Directions (No. 25)**.

3 Commencement and revocation

- (1) These directions commence at 11:59:00 pm on 29 July 2021 and end at 11:59:00 pm on 26 August 2021.
- (2) The **Diagnosed Persons and Close Contacts Directions (No. 24)** are revoked at 11:59:00 pm on 29 July 2021.

4 Self-isolation for diagnosed persons

Who is a diagnosed person?

- (1) A person is a **diagnosed person** if the person:
 - (a) at any time between midnight on 25 March 2020 and 11:59:00 pm on 26 August 2021 has been informed that they have been diagnosed with SARS-CoV-2; and
 - (b) has not been given, or is not taken to have been given, **clearance from self-isolation** under clause 5.

Requirement to self-isolate

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

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

Location of self-isolation

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

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

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

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

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

Self-isolation period

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

Notifications by the diagnosed person

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

5 Clearance from self-isolation

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

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

6 Self-quarantine for close contacts

Who is a close contact?

- (1) For the purposes of this clause, a person is a **close contact** if:
 - (a) an officer or nominated representative of the Department has made a determination under subclause (2) in relation to the person; and
 - (b) between midnight on 11 May 2020 and 11:59:00 pm on 26 August 2021, the person has been given notice of the determination in accordance with subclause (3).
- (2) For the purposes of subclause (1)(a), an officer or nominated representative of the Department may make a determination in relation to a person if the officer or nominated representative is satisfied, having regard to, and in accordance with, Departmental Requirements, that the person is a close contact for the purposes of the Departmental Requirements.

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

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

- (3) For the purposes of subclause (1)(b), the notice:
 - (a) must specify the time (including by reference to an event) at which the person will no longer be required to self-quarantine, having regard to Departmental Requirements; and

Example: the notice could specify that a person is no longer required to self-quarantine from 14 days after the last diagnosed person in their household has received clearance from self-isolation.
 - (b) may be given orally or in writing, and, if given orally, must be confirmed in writing as soon as reasonably practicable; and
 - (c) is not required to be in a particular form.

Requirement to self-quarantine

- (4) Subject to subclause (8), a close contact must self-quarantine under these directions.

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

Location of self-quarantine

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

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

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

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

End of self-quarantine period

- (7) For the purposes of this clause, the period of self-quarantine ends:
- (a) subject to subclauses (b) and (c), at the time specified in the notice given under subclause (1)(b) as given or as varied under subclause (10); or
 - (b) if the notice given to the person under subclause (1)(b) is revoked under subclause (10), at the time that revocation takes effect; or
 - (c) if the person becomes a diagnosed person following a test for SARS-CoV-2, when the diagnosis is communicated to the person.

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

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

Exception – previous clearance

- (8) A person is not required to self-quarantine under this clause if the person has been given clearance from self-quarantine by the **Expert Review Panel** in accordance with subclause (9).
- (9) For the purposes of subclause (8):
- (a) the Expert Review Panel may make a determination in relation to a person if the Expert Review Panel is satisfied that the person is at negligible risk of infection of SARS-CoV-2, on the basis that the person has previously been a diagnosed person and has since been given clearance from self-isolation in accordance with clause 5(1); and
 - (b) for the purposes of subclause (9)(a), the notice must be in writing but is not required to be in a particular form.

Review of determination and notice

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

Transitional provision – close contacts under Revoked Isolation Directions

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

Notifications by the close contact

- (12) Immediately after choosing a premises under subclause (5), a close contact must notify the Department of:
- (a) the address of the premises chosen by the close contact; and
 - (b) the name of any other person who is residing at the premises chosen by the close contact.

- (13) If, during the period that a close contact is self-quarantining at a premises for the purposes of clause 6, another person informs the close contact that they intend to commence residing at the premises chosen by the close contact:
- (a) the close contact must inform the other person of their self-quarantine; and
 - (b) if the other person commences residing at the premises, the close contact must notify the Department that a person has commenced residing with the close contact and of the name of that person.

7 Testing of persons in self-quarantine

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

Note 1: persons who are in self-quarantine and experience a temperature higher than 37.5 degrees or symptoms of acute respiratory infection are encouraged to get tested. In certain circumstances, a person may be required to comply with an order that they undergo a medical test: PHW Act, section 113(3).

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

Note 3: a person is not required to continue to self-quarantine under subclause (1) if the person is exempted in accordance with clause 9, either before or after the period of self-quarantine is extended pursuant to subclause (1).

- (2) If a person is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person receives a test result stating that they have been diagnosed with SARS-CoV-2, the person becomes a diagnosed person and must self-isolate under clause 4.
- (3) If a person is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person receives a test result stating that they have not been diagnosed with SARS-CoV-2, the person:
- (a) if the period for which the person is required to self-quarantine under clause 6 has not expired—must continue to self-quarantine under that clause for the remainder of that period; or
 - (b) if the period of self-quarantine was extended under subclause (1)—may cease self-quarantining; or
 - (c) if the period of self-quarantine was extended under subclause (4)—may cease self-quarantining at the time referred to in clause 6(7)(a) and, if that time has already passed, may cease self-quarantining immediately.
- (4) If a person is required to self-quarantine under clause 6 because they are a close contact of a diagnosed person and:
- (a) the person refuses or otherwise fails to take a test for SARS-CoV-2 when offered on the thirteenth day of their period of self-quarantine; and
 - (b) an authorised officer notifies the person to continue to self-quarantine for a further 14 days or until such other time (including by reference to an event) specified in the notice as given under this subclause,

then the period of self-quarantine is extended by the period set out in the notice in subclause (b) after the time specified in the notice given under clause 6(1)(b) or as varied under clause 6(10).

Note 1: close contacts of diagnosed persons will be offered a test for SARS-CoV-2 on day 13 of their initial self-quarantine period, as testing at this time is likely to detect the presence of SARS-CoV-2 even if the person has not yet developed symptoms. As a person may be infectious for up to 14 days after the 14 day

incubation period, if this test does not occur an authorised officer may give a further direction under section 200(1)(d) to extend the initial period of self-quarantine for an extended period of self-quarantine, being a period of up to 14 days. Such extended period of quarantine is required to prevent a person who develops SARS-CoV-2 towards the end of the 14 day incubation period, even if not symptomatic, transmitting SARS-CoV-2 to the broader community.

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

Note 3: a person is not required to continue to self-quarantine under subclause (4) if the person is exempted in accordance with clause 9, either before or after the period of self-quarantine is extended pursuant to subclause (4).

8 Requirements of self-isolation and self-quarantine

- (1) This clause applies to a person who is required to:
 - (a) self-isolate at a premises under clause 4; or
 - (b) self-quarantine at a premises under clause 6.
 - (2) The person identified in subclause (1):
 - (a) must reside at that premises for the entirety of the period of self-isolation or self-quarantine, as the case requires, except for any period that the person is admitted to a hospital or other facility for the purposes of receiving medical care; and
 - (b) must not leave the premises, except:
 - (i) for the purposes of obtaining medical care or medical supplies; or
 - (ii) for the purposes of getting tested for SARS-CoV-2; or
 - (iii) in any emergency situation; or
 - (iv) if required to do so by law; or
 - (v) for the purposes of visiting a patient in hospital if permitted to do so under the **Hospital Visitor Directions**; or
 - (vi) for the purposes of working in a **care facility** if permitted to do so under the **Care Facilities Directions**; and
 - (c) must not permit any other person to enter the premises unless:
 - (i) that other person:
 - (A) ordinarily resides at the premises; or
 - (B) is required to self-isolate or self-quarantine at the premises under these directions; or
 - (ii) it is necessary for the other person to enter for medical or emergency purposes; or
 - (iii) the other person is a **disability worker**, and it is necessary for the disability worker to enter for the purpose of providing a **disability service** to a person with a **disability**; or
 - (iv) it is necessary for the other person to enter for the purpose of providing personal care or household assistance to the person as a result of that person's age, disability or chronic health condition; or
- Examples: personal care includes assistance with showering, toileting, eating; household assistance includes help with cooking, house cleaning, laundry and gardening.*
- (v) the entry is otherwise required or authorised by law.
- (3) Subclause (2)(c) does not apply to a person who is a **resident** of a care facility.

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

9 Exemption power

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

Transitional provision – exemption

- (5) Any exemption granted under any Revoked Isolation Direction continues to have effect.
- (6) Any application for exemption under any Revoked Isolation Direction continues to have effect.

10 Definitions

In these directions:

- (1) **authorised officer** has the same meaning as in the **PHW Act**;
- (2) **Care Facilities Directions** means the **Care Facilities Directions (No. 39)** as amended or replaced from time to time;
- (3) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (4) **clearance from self-isolation** has the meaning in clause 5(1);
- (5) **close contact** has the meaning in clause 6(1);
- (6) **Department** means the Victorian Department of Health;
- (7) **Departmental Requirements** means the document titled ‘Case and contact management guidelines for health services and general practitioners’ available at www.dhhs.vic.gov.au/health-services-and-professionals-coronavirus-covid-19 as amended or reissued from time to time by the Victorian Government with the approval of the Chief Health Officer or a Deputy Chief Health Officer;
- (8) **diagnosed person** has the meaning in clause 4(1);
- (9) **emergency powers** has the same meaning as in the **PHW Act**;
- (10) **exemption** means an exemption granted by the Chief Health Officer or the Deputy Chief Health Officer under clause 9(2) of these directions or the equivalent provision in any Revoked Isolation Direction;
- (11) **Expert Review Panel** means the group of public health specialists convened on an as-required basis to review the available medical, epidemiological and laboratory information for the purposes of clinical assessments, case review, close contact designations and to provide evidence-based advice to the Chief Health Officer and Deputy Chief Health Officer. The panel is comprised of experts from public health medicine, infectious disease, microbiology, epidemiology and Department of Health representatives from Intelligence, Case and Contact Outbreak Management and Pathology;
- (12) **hospital** has the same meaning as in the **Hospital Visitor Directions**;

- (13) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 35)** as amended or replaced from time to time;
- (14) **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;
- (15) **resident of a care facility** has the same meaning as in the **Care Facilities Directions**;
- (16) **Revoked Isolation Direction** means the following directions:
- (a) **Isolation (Diagnosis) Direction**, given on 25 March 2020;
 - (b) **Isolation (Diagnosis) Direction (No. 2)**, given on 13 April 2020;
 - (c) **Diagnosed Persons and Close Contacts Directions**, given on 11 May 2020;
 - (d) **Diagnosed Persons and Close Contacts Directions (No. 2)**, given on 31 May 2020;
 - (e) **Diagnosed Persons and Close Contacts Directions (No. 3)**, given on 21 June 2020;
 - (f) **Diagnosed Persons and Close Contacts Directions (No. 4)**, given on 1 July 2020;
 - (g) **Diagnosed Persons and Close Contacts Directions (No. 5)**, given on 15 July 2020;
 - (h) **Diagnosed Persons and Close Contacts Directions (No. 6)**, given on 19 July 2020;
 - (i) **Diagnosed Persons and Close Contacts Directions (No. 7)**, given on 22 July 2020;
 - (j) **Diagnosed Persons and Close Contacts Directions (No. 8)**, given on 3 August 2020;
 - (k) **Diagnosed Persons and Close Contacts Directions (No. 9)**, given on 13 August 2020;
 - (l) **Diagnosed Persons and Close Contacts Directions (No. 10)**, given on 16 August 2020;
 - (m) **Diagnosed Persons and Close Contacts Directions (No. 11)**, given on 13 September 2020;
 - (n) **Diagnosed Persons and Close Contacts Directions (No. 12)**, given on 11 October 2020;
 - (o) **Diagnosed Persons and Close Contacts Directions (No. 13)**, given on 8 November 2020;
 - (p) **Diagnosed Persons and Close Contacts Directions (No. 14)**, given on 6 December 2020;
 - (q) **Diagnosed Persons and Close Contacts Directions (No. 15)**, given on 3 January 2021;
 - (r) **Diagnosed Persons and Close Contacts Directions (No. 16)**, given on 29 January 2021;
 - (s) **Diagnosed Persons and Close Contacts Directions (No. 17)**, given on 26 February 2021;
 - (t) **Diagnosed Persons and Close Contacts Directions (No. 18)**, given on 15 March 2021;
 - (u) **Diagnosed Persons and Close Contacts Directions (No. 19)**, given on 26 March 2021;

- (v) **Diagnosed Persons and Close Contacts Directions (No. 20)**, given on 27 March 2021;
 - (w) **Diagnosed Persons and Close Contacts Directions (No. 21)**, given on 9 April 2021;
 - (x) **Diagnosed Persons and Close Contacts Directions (No. 22)**, given on 7 May 2021;
 - (y) **Diagnosed Persons and Close Contacts Directions (No. 23)**, given on 3 June 2021;
 - (z) **Diagnosed Persons and Close Contacts Directions (No. 24)**, given on 1 July 2021;
- (17) the following expressions have the same meaning that they have in the **Disability Service Safeguards Act 2018**:
- (a) **disability**;
 - (b) **disability service**;
 - (c) **disability worker**.

11 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

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 29 July 2021

PROFESSOR BENJAMIN COWIE
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. 35)**

I, Professor Benjamin Cowie, 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. 34)**.

2 Citation

- (1) These directions may be referred to as the **Hospital Visitor Directions (No. 35)**.
- (2) A reference in any other direction to the **Hospital Visitors Directions (No. 34)** is taken to be a reference to these directions.

3 Revocation

The **Hospital Visitor Directions (No. 34)** are revoked at 11:59:00 pm on 29 July 2021.

3A Commencement

The **Hospital Visitor Directions (No. 35)** commence at 11:59:00 pm on 29 July 2021 and end at 11:59:00 pm on 26 August 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 29 July 2021 and 11:59:00 pm on 26 August 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 29 July 2021 and 11:59:00 pm on 26 August 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; or
- (f) in the case of a visitor – the person has been tested for SARS-CoV-2 and has not yet received the results of that test.

*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 subclauses (2)(a) or (2)(e) may enter or remain at a hospital if:
 - (a) the person is:
 - (i) the **parent, carer or guardian** of the patient, or has temporary care of the patient, 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 of 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) or (d) 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 of 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 caps 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 caps in subclauses (12)(a) and (12)(b) will not include that child or dependent visitor.

Transitional provision – excluded persons exemption

- (15) An authorisation granted to an excluded person to enter or remain at a hospital under any **Revoked Hospital Visitor Directions** continues to have effect, until the validity period expires under the authorisation.
- (16) A request for exemption to authorise an excluded person to enter or remain at a hospital made under any Revoked Hospital Visitor Directions continues to have effect.

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

- (1) 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:
 - (a) the nature of the area; or
 - (b) 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).

Transitional provision – area exemption

- (2) Any **area exemption** granted under any Revoked Hospital Visitor Directions continues to have effect.
- (3) Any application for an area exemption under any Revoked Hospital Visitor Directions continues to have effect.

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) **area exemption** means an exemption granted by the Chief Health Officer or the Deputy Chief Health Officer under clause 6(1) of these directions or the equivalent provision in any **Revoked Hospital Visitor Directions**;
- (2) **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.

- (3) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 25)** as amended or replaced from time to time;
- (4) **end of life** in relation to a **patient**:
 - (a) means a situation where the patient's death is expected within days (including periods of 28 days or less), 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));
- (5) **Green Zone Country** has the same meaning as in the **Victorian Border Crossing Permit Directions (No. 25)** as amended or replaced from time to time;
- (6) **hospital** means:
 - (a) a **public hospital**;
 - (b) a **denominational hospital**;
 - (c) a **multi-purpose service**;
 - (d) a **private hospital**;
 - (e) a **day procedure centre**;
- (7) **nominated person** in relation to a **patient** has the same meaning as in the **Mental Health Act 2014**;
- (8) **operator** of a **hospital** means a person who owns, controls or operates the hospital;
- (9) **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;
- (10) **patient** of a **hospital** means a person who requests or is being provided with health, medical or pharmaceutical services by the hospital;
- (11) **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;
- (12) **Revoked Hospital Visitor Directions** means any of the previous Hospital Visitor Directions, as amended or replaced from time to time, which are no longer in force;
- (13) **Surveillance Testing Industry List and Requirements** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions**;
- (14) **worker** in relation to a hospital has the meaning given to it in clause 5;
- (15) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 35)** as amended or replaced from time to time;
- (16) 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**;
- (17) 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 29 July 2021

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

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