



# Victoria Government Gazette

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## Public Health and Wellbeing Act 2008 Section 200

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

#### Restricted Activity Directions (Victoria) (No. 23)

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. 22)**.

#### 2 Citation

These directions may be referred to as the **Restricted Activity Directions (Victoria) (No. 23)**.

#### 3 Revocation

The **Restricted Activity Directions (Victoria) (No. 22)** are revoked at 8:00:00 pm on 5 August 2021.

#### 4 Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 8:00:00 pm on 5 August 2021 and ending at 11:59:00 pm on 12 August 2021.

#### 5 Authorised work premises

- (1) For the purposes of this clause, an **Authorised Work Premises** is a **work premises** at which:
  - (a) an **Authorised Provider** operates; or
  - (b) an **Authorised Worker** performs work.
- (2) Subject to subclause (3), a person who owns, controls or operates an Authorised Work Premises in the State of Victoria may operate that **premises** during the restricted activity period to the extent permitted by the Directions currently in force.

*Note: restrictions on Authorised Work Premises include the relevant restrictions applying under the **Workplace Directions**, which include requirements for work premises in relation to **face coverings**, the **density quotient**, **signage** and **cleaning requirements** and **COVIDSafe Plans**, and the **Workplace (Additional Industry Obligations) Directions**.*
- (3) Despite subclause (2), a person who owns, controls or operates an Authorised Work Premises in the State of Victoria may also operate that premises:
  - (a) for the purpose of **essential maintenance**; or
  - (b) by permitting employees to work from the place where they ordinarily reside; or
  - (c) as required or authorised by law; or
  - (d) in an emergency; or
  - (e) for the reason outlined in the clause 6(2)(b); or
  - (f) as otherwise permitted by the Directions currently in force.

**SPECIAL**

- (4) If a work premises includes multiple functions and some of those functions are functions which are prohibited under these directions or any other Directions currently in force, then only those functions which are not prohibited may be undertaken.
- (5) Where there is any inconsistency between the general obligations and the specific obligations set out in the Directions currently in force, the specific obligations will prevail.

## 6 Closed work premises

- (1) Subject to subclause (2), a person who owns, controls or operates a **closed work premises** in the State of Victoria must not permit persons to attend that premises during the restricted activity period.
- (2) Despite subclause (1), a person who owns, controls or operates a closed work premises in the State of Victoria may permit persons to attend that premises or operate the premises:
  - (a) for the purpose of essential maintenance; or
  - (b) to ensure that the premises is closed safely for the duration of the restricted activity period; or
  - (c) as required or authorised by law; or
  - (d) in an emergency; or
  - (e) for the purposes of an exception in clause 7; or
  - (f) as otherwise permitted by the Directions currently in force.

## 7 Exceptions

### *Permitted operations – physical recreational facilities*

- (1) A person who owns, controls or operates a **physical recreational facility** in the State of Victoria may operate that facility during the restricted activity period only for the purposes of:
  - (a) the exclusive use of training for **professional or high-performance sports persons** provided that only persons who are necessary for the conduct of the training are permitted to attend the facility;
  - (b) operating that facility if it is necessary for an Authorised Worker to perform work that is authorised at that site with only the minimum number of persons necessary in attendance onsite and where the purpose of their attendance is for professional sport;
  - (c) conducting a professional sporting event that has been approved to proceed with no spectators by the Chief Health Officer through the **Public Event Framework**;
  - (d) for the provision of hydrotherapy services specified in clause 7(3);
  - (e) essential maintenance of the facility for its use for one of the purposes in subclauses in (a), (b) or (c) above.

*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) an indoor skatepark;
- (f) a trampolining centre;
- (g) a swimming pool, **hydrotherapy pool**, spa, sauna, steam room or **spring** facility;  
 but does not include:
- (h) a skatepark in an **outdoor space**;
- (i) outdoor communal exercise equipment;
- (j) a **creative arts facility**.

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

*Permitted operations – non-residential swimming pool or hydrotherapy pool for hydrotherapy services*

- (3) A person who owns, controls or operates a swimming pool or a hydrotherapy pool at a non-residential premises in the State of Victoria may operate that facility during the restricted activity period for the purpose of the provision of hydrotherapy services to **members of the public** at the facility if the person ensures that:
  - (a) no access is permitted to saunas within the facility; and
  - (b) any member of the public accessing hydrotherapy services is accompanied by:
    - (i) a health **worker**; or
    - (ii) a carer, parent or guardian (if required); and
  - (c) no group hydrotherapy services are permitted; and
  - (d) the number of persons permitted at any one time in any water or non-water part of the facility is the lesser of:
    - (i) 10 in any pool; and
    - (ii) in respect of the water and non-water parts of the facility, the number that is the number calculated by dividing the total accessible space (measured in square metres) by 8; and

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

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

*Permitted operations – community facilities*

- (4) A person who owns, controls or operates a **community facility** in the State of Victoria may operate that facility during the restricted activity period only for the purposes of:
  - (a) conducting a wedding or funeral that is compliant with the requirements of the **Stay at Home Directions (Victoria)**;
  - (b) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise), with only the minimum number of persons required to conduct and/or facilitate the essential public support service and with a maximum of 10 persons attending the community facility to receive the essential public support service at any one time; or

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

*Note: the persons required to conduct and/or facilitate the service are not included in the maximum of 10 persons.*

- (c) contactless collection or delivery of pre-ordered goods.

*Example: A library is permitted to operate for the purpose of a 'click and collect' service to facilitate the loaning of and/or returning of books, toys and other similar goods.*

*Note: A librarian, or other staff that will be required to facilitate a 'click and collect' service is permitted to leave their premises to attend the library for these purposes.*

- (5) Despite subclause (4), a person who owns, controls or operates a community facility in the State of Victoria may operate that facility during the restricted activity period if it is necessary for an Authorised Worker to perform work that is authorised at that site, with only the minimum number of persons necessary in attendance onsite.

- (6) Despite subclause (1) or (4), 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.

*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.*

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

- (a) a community centre or community hall;
- (b) a public library (including a toy library, but not the **State Library**);
- (c) a youth centre;
- (d) a playground;
- (e) a skatepark in an outdoor space;
- (f) outdoor communal exercise equipment;

but does not include:

- (g) a creative arts facility;
- (h) a physical recreational facility;
- (i) a swimming pool facility, hydrotherapy pool, spa, sauna, steam room or spring.

*Permitted operations – Educational facilities*

- (8) A person who owns, controls or operates an educational facility in the State of Victoria may operate that facility during the restricted activity period only for the purposes of:

- (a) providing childcare and early childhood education services; or
- (b) primary **school** or secondary school educational services (including at a school or non-school senior secondary provider and outside school hours care services) where education is being provided to:
  - (i) a **child, children or young person in a school experiencing vulnerability**; or
  - (ii) a child, children or young person who has:
    - (a) a single parent or carer and that person is an Authorised Worker and is:
      - (A) working outside of the home; or
      - (B) working at home and is unable to make alternative supervision arrangements for the child, children or young person; or
    - (b) two parents or carers and both of those people are Authorised Workers and:
      - (A) both are working outside of the home; or
      - (B) one or both of them are working at home and are unable to make alternative supervision arrangements for the child, children or young person; or

- (iii) secondary school students attending an assessment that has been approved to proceed onsite as specified in the **Authorised Provider and Authorised Worker List**; or

*Note: for the avoidance of doubt, the provision of childcare and early childhood education services, as permitted in subclause (a), is not restricted to the categories of children specified in this subclause (b).*

- (c) providing adult education or higher education services to students conducting final year assessments for a course accredited by the Tertiary Education Quality and Standards Agency where it is not reasonably practicable for the student to complete the assessments by any alternative means by 31 December 2021.

*Permitted operation – entertainment facilities*

- (9) A person who owns, controls or operates an **entertainment facility** in the State of Victoria may operate that facility during the restricted activity period only for the purposes of conducting an event that has been approved to proceed with no spectators by the Chief Health Officer through the Public Event Framework.
- (10) Despite clause (9), other goods and services are not permitted to be provided at this facility during the approved event, other than to the extent necessary to provide necessary goods and services to persons permitted to attend the facility in order to conduct the approved event.

*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.*

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

*Permitted operation – places of worship*

- (12) A person who owns, controls or operates a **place of worship** in the State of Victoria may operate that place of worship during the restricted activity period only for the purpose of:
  - (a) broadcasting (live or otherwise) via electronic means a religious ceremony, with only the minimum number of persons required to conduct the ceremony and facilitate the broadcasting, up to a maximum of five people in attendance; or
  - (b) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise), with only the minimum number of persons required to conduct and/or facilitate the essential public support service and with a maximum of 10 persons attending the place of worship to receive the essential public support services at any one time; or

*Note: the persons required to conduct and/or facilitate the service are not included in the maximum of 10 persons.*

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

- (c) conducting a wedding or funeral that is compliant with the requirements of the **Stay at Home Directions (Victoria)**.

*Permitted operation – retail facility*

- (13) A person who owns, controls or operates a **retail facility** that would otherwise be a closed work premises in the State of Victoria may operate that facility during the restricted activity period only for the purposes of contactless collection or delivery of pre-ordered goods.

*Example: pre-ordered goods may be ordered by a telephone call or by placing a 'click and collect' order using the Internet.*

*Permitted operation – pubs, bars, clubs, nightclubs and hotels*

- (14) A person who owns, controls or operates a **licensed premises** in the State of Victoria may operate that premises during the restricted activity period only for the purposes of:
- (a) operating as a **bottleshop** for the purposes of contactless collection or delivery of pre-ordered goods; or
  - (b) providing food or drink, for takeaway purposes only; or
  - (c) providing accommodation in accordance with subclause (20).

*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.*

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

*Permitted operation – food and drink facilities*

- (16) A person who owns, controls or operates a **food and drink facility** in the State of Victoria may operate that facility during the restricted activity period only for the purposes of takeaway collection or delivery of pre-ordered goods.
- (17) A person who owns, controls or operates a **food court** is not permitted to open seated areas within an **indoor space** or **outdoor space** which is accessible to members of the public.
- (18) Despite subclause (17), a person who owns, controls or operates a food court may operate that food court for the purposes of takeaway collection or delivery of pre-ordered goods only.

*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.*

- (19) 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.*

*Permitted operation – accommodation facilities*

- (20) A person who owns, controls or operates an **accommodation facility** in the State of Victoria may operate that facility during the restricted activity period only for the purposes of providing accommodation:
- (a) to a person whose place of residence is the accommodation facility; or
  - (b) to a person who is ordinarily a resident of Victoria but has no permanent place of residence in Victoria; or

- (c) to a person who has a permanent place of residence in Victoria, but that place is temporarily unavailable; or
  - (d) to a person who has no permanent place of residence in Victoria because their permanent place of residence is interstate or overseas; or
  - (e) to a person who requires accommodation, on a temporary basis, due to their travel within the State of Victoria for work purposes related to an Authorised Provider or their status as an Authorised Worker; or
  - (f) to a person who was a temporary guest of the accommodation facility on the date that these directions were given; or
  - (g) to a person who requires emergency accommodation, including in relation to family violence and other vulnerable groups; or
  - (h) to a person who requires accommodation for work purposes, where their work is for the purposes of responding to the state of emergency in existence under the PHW Act; or
  - (i) to a person who is subject to a **Direction and Detention Notice** or the **Diagnosed Persons and Close Contacts Directions**.
- (21) For the purposes of this clause **accommodation facility** includes, but is not limited to, any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a camping ground;
  - (b) a caravan park;
  - (c) a hotel;
  - (d) a hostel;
  - (e) a bed and breakfast;
  - (f) a private holiday rental facility, including Airbnbs;
  - (g) a motel;
  - (h) a serviced apartment.

## 8 Public Events

- (1) For the purpose of this clause:
- (a) **eligible public event** means an organised public gathering for a common purpose on a for profit or not-for-profit basis which is:
    - (i) an event (or a series of events):
      - (A) conducted on a one-off or periodic basis; and
      - (B) open to members of the public; and
      - (C) which may be subject to specific licences, approvals or permits; and

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

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

*Examples: an exhibition, sport event, festival, fair, parade, performance or trade show.*
- but does not mean:
- (iii) an ad hoc public gathering in a public place;



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

*Note: most public gatherings in a facility, venue or space (including any indoor space or outdoor space) are expected to remain subject to the requirements in these directions, including clause 7(16) (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 at Home 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), unless the relevant exemption for the exempt public event is suspended in accordance with subclause (6) during the restricted activity period.
  - (3) The Chief Health Officer or Deputy Chief Health Officer may exempt an eligible public event (or class of eligible public events) from any requirement of the Directions currently in force if satisfied that the exemption is appropriate, having regard to:
    - (a) the need to protect public health; and
    - (b) the principles in sections 5 to 10 of the PHW Act, as appropriate.
  - (4) An exemption:
    - (a) must be given in writing; and
    - (b) must be published at [www.coronavirus.vic.gov.au/public-events](http://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) an exemption granted (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 Direction 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 Direction 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.*

**9 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**.

**10 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.

**11 Other definitions**

For the purposes of these directions:

- (1) **accommodation facility** has the meaning in clause 7(20);
- (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) **Authorised Provider** means a provider of goods or services as set out in the **Authorised Provider and Authorised Worker List**;
- (4) **Authorised Provider and Authorised Worker List** means the ‘Authorised Provider and Authorised Worker List’ as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer, available at [www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-list](http://www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-list)
- (5) **Authorised Work Premises** has the meaning in clause 5(1);
- (6) **Authorised Worker** means a person who performs work as set out in the **Authorised Provider and Authorised Worker List**;
- (7) **bottleshop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the **premises**;
- (8) **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**);
- (9) **child, children or young person in a school experiencing vulnerability** means a child or young person who:
  - (a) resides in the care of the State or in out-of-home care; or
  - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or

- (c) identified by a **school** as vulnerable, (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service);
- (10) **closed work premises** means a **work premises** that is not an **Authorised Work Premises**;
- (11) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (12) **community facility** has the meaning in clause 7(7);
- (13) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (14) **creative arts facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) an art studio;
  - (b) a ceramics studio;
  - (c) a music room or studio;
  - (d) a rehearsal room or studio;
- but does not include:
- (e) a **physical recreational facility**;
  - (f) a **community facility**;
  - (g) a **place of worship**.
- (15) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 25)** as amended or replaced from time to time;
- (16) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (17) **Directions currently in force** has the same meaning as in the **Stay at Home Directions (Victoria)**;
- (18) **eligible public event** has the meaning in clause 8(1)(a);
- (19) **entertainment facility** has the meaning in clause 7(11);
- (20) **essential maintenance** means:
- (a) treating or caring for animals or performing an animal rescue function; or
  - (b) critical maintenance and safety works including to satisfy environmental obligations;
- (21) **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 8(3) of these directions or the equivalent provision in any **revoked Restricted Activity Direction**;
- (22) **face covering** has the same meaning as in the **Workplace Directions**;
- (23) **food and drink facility** has the meaning in clause 7(19);
- (24) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (25) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (26) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (27) **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;
- (28) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;

- (29) **licensed premises** has the meaning in clause 7(15);
- (30) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;
- (31) **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;
- (32) **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**;
- (33) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (34) **outdoor space** means a space that is not an **indoor space**;
- (35) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (36) **physical recreational facility** has the meaning in clause 7(2);
- (37) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (38) **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**;
- (39) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**;
- (40) **premises** has the same meaning as in the **PHW Act**;
- (41) **producer’s licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (42) **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;
- (43) **Public Event Framework** means the Public Event Framework available at [www.coronavirus.vic.gov.au/public-events](http://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;
- (44) **restricted activity period** has the meaning in clause 4;
- (45) **retail facility** means a **premises**, or part of a premises, at which a business operates to provide for the sale or hire of goods by retail or the retail provision of services and includes a **market**, **retail shopping centre** and supermarkets;
- (46) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (47) **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)**;
- (48) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;

- (49) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (50) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (51) **State Library** means the State Library Victoria;
- (52) **Stay at Home Directions (Victoria)** means the **Stay at Home Directions (Victoria) (No. 4)** as amended or replaced from time to time;
- (53) **vehicle** has the same meaning as in the **PHW Act**;
- (54) **work premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- (55) **worker** has the same meaning as in the **Workplace Directions**;
- (56) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 35)** as amended or replaced from time to time;
- (57) **Workplace Directions** means the **Workplace Directions (No. 41)** as amended or replaced from time to time;
- (58) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

## 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 5 August 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 at Home Directions (Victoria) (No. 4)**

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 at Home Directions (Victoria) (No. 3)**.
- (4) These directions require everyone who ordinarily resides in the State of Victoria to limit their interaction with others by:
  - (a) restricting the circumstances in which they may leave the **premises** where they ordinarily reside; and
  - (b) restricting public and private gatherings, including prohibiting visitors to another person's home other than in limited circumstances; and
  - (c) requiring **face coverings** to be worn indoors and outdoors.

**2 Citation**

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

**3 Revocation**

The **Stay Safe Directions (Victoria) (No. 27)** are revoked at 8:00:00 pm on 5 August 2021.

**4 Stay at home period**

For the purposes of these directions, the **stay at home period** is the period beginning at 8:00:00 pm on 5 August 2021 and ending at 11:59:00 pm on 12 August 2021.

**PART 2 – STAY AT HOME****5 Direction – staying at home other than in specified circumstances***Requirement to stay at home*

- (1) A person who ordinarily resides in the State of Victoria during the stay at home period must not leave the premises where the person ordinarily resides, other than for one or more of the reasons specified in:
  - (a) clause 6 (**necessary goods or services**);
  - (b) clause 7 (**care or other compassionate reasons**);
  - (c) clause 8 (**work or education**);
  - (d) clause 9 (**exercise**);
  - (e) clause 10 (**other specified reasons**); or
  - (f) clause 10A (**SARS-CoV-2 vaccination**).

*Note 1: a person may have more than one ordinary place of residence but is only permitted to move between those places in accordance with subclause (9).*

*Note 2: when leaving home in accordance with law a person must take all reasonable steps to comply with the obligations in these and all other Directions currently in force.*

- (2) When leaving their premises, a person:
- (a) must comply with the face covering requirements in subclauses (15), (16), (17) and (19); and
  - (b) must comply with the restrictions on gatherings in clause 11 (**gatherings**); and
  - (c) must comply with the Directions currently in force, including (without limitation) by:
    - (i) not engaging in an activity that is prohibited under the **Restricted Activity Directions (Victoria)**; and
    - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Victoria)** in accordance with any requirements set out in those directions.

*Note 1: a person should take reasonable steps to maintain a distance of 1.5 metres from all other persons (except those people with whom they ordinarily reside) when leaving their premises, and should practise hand hygiene in accordance with the Department of Health's guidelines as amended from time to time by the Victorian government, available at: [www.coronavirus.vic.gov.au/hygiene-physical-distancing](http://www.coronavirus.vic.gov.au/hygiene-physical-distancing)*

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

#### *Travel restrictions*

- (3) A person may only leave their premises under subclause (1) where it does not involve unreasonable travel or travelling to a place for an unreasonable period of time.

*Note: people who are in an intimate personal relationship or who are a **nominee person** and a **nominated person** may stay overnight at each other's premises provided they otherwise comply with these directions.*

- (4) A person must not travel in a **vehicle** with another person with whom they do not ordinarily reside unless it is not otherwise reasonably practicable for either person to leave their premises for a purpose permitted under these directions.

*Example: a person who does not hold a driver's licence may travel in a vehicle with another person with whom they do not ordinarily reside for the purposes of attending a medical appointment (including a vaccination) or doing their grocery shopping if it is not reasonably practicable for them to travel get there another way.*

- (5) A person who leaves their premises under either clause 6 (**necessary goods or services**) or clause 9 (**exercise**) must not:

*Note: a person may leave their premises once per day under clause 6 (necessary goods or services) and separately once per day under clause 9 (exercise), but should seek to minimise separate trips as much as possible.*

- (a) travel further than 5km from:
    - (ii) their premises; or
    - (iii) in the case of clause 9 (**exercise**), their **work premises** if they are an **authorised worker** or work for an **authorised provider**, provided that they only exercise outdoors and do not enter any facility open under the **Restricted Activity Directions (Victoria)**; or
  - (b) do so more than once per day; or
  - (c) do so for a period longer than 2 hours in the case of exercise.
- (6) Where a person leaves their premises under clause 6 (**necessary goods or services**):
- (a) subclause (5)(b) does not apply if the person leaves the premises to obtain goods or services provided by a:
    - (i) financial institution under clause 6(1)(e)(i); or
    - (ii) government body or government agency under clause 6(1)(e)(ii); and
  - (b) subclause (5) does not apply if:
    - (i) the person leaves the premises to obtain goods or services for health or medical purposes (including vaccinations) under clause 6(1)(d); or

- (ii) as a consequence of the requirements in that subclause, it is not reasonably practicable for the person to obtain necessary goods or services.

*Note 1: if the closest necessary goods or services are more than 5km from a person's ordinary place of residence, then it would not be reasonably practicable for that person to obtain goods and services within the travel limits imposed by subclause (5).*

*Note 2: where subparagraph (b) applies, the person must not travel any further than is reasonably necessary to obtain necessary goods or services.*

- (7) Only one person from a given residence per day may leave the premises under clause 6 (**necessary goods or services**), except where:
  - (a) the person leaves the premises to obtain goods or services:
    - (i) for health or medical purposes (including vaccinations) under clause 6(1)(d); or
    - (ii) provided by a:
      - (A) financial institution under clause 6(1)(e)(i); or
      - (B) government body or government agency under clause 6(1)(e)(ii); or
  - (b) the person is a parent or guardian of a child and they cannot access any child-minding assistance (whether on a paid or voluntary basis) so that they can leave the premises without the child; or
  - (c) it is necessary for the person to provide, or the person requires, care and support due to:
    - (i) age, infirmity, disability, illness or a chronic health condition; or
    - (ii) matters relating to the person's health (including mental health or pregnancy).
- (8) Where a person leaves the premises under clause 9 (**exercise**), the person must only use a vehicle where:
  - (a) the person is using it by themselves; or
  - (b) the person is using it with another person with whom they ordinarily reside in accordance with these directions,

and it is not otherwise reasonably practicable for the person to undertake exercise without using a vehicle.

*Note: if a person needs to access an area within 5km of their premises for exercise, but can only do so due to mobility (such as a parent with a young child or a person with disability) or safety reasons (such as needing to exercise in an area with greater passive surveillance) by using a vehicle with another person with whom they do not live, then it would not be reasonably practicable for that person to undertake exercise without sharing a vehicle to do so.*

#### *Principal place of residence*

- (9) If a person has more than one ordinary place of residence, their place of residence as at 8:00:00 pm on 5 August 2021 must remain their principal place of residence for the duration of the stay at home period. A person must not leave their principal place of residence to go to any other ordinary place of residence except:
  - (a) for the purposes of (and provided they comply with) clause 8 (**work or education**); or
  - (b) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
  - (c) for emergency maintenance of the other residence; or
  - (d) for emergency purposes; or
  - (e) as required or authorised by law.



*Ordinary place of residence*

(10) If a person:

- (a) no longer has an ordinary place of residence in the State of Victoria; or
- (b) has an ordinary place of residence or principal place of residence (as applicable) in the State of Victoria that has become temporarily unavailable or is unavailable because of a risk of harm (including harm relating to family violence or violence of another person at the premises),

then that person may move to alternative suitable premises that are available to that person.

(11) If a person moves to a new place of residence under subclause (10) or otherwise, the new premises is taken to be the premises at which the person ordinarily resides from midnight on the day that the person moves.

*Example 1: a person sells their ordinary place of residence, has purchased a new ordinary place of residence and moves between them for the purposes of relocating.*

*Example 2: a person's house is damaged due to an extreme weather event and the person relocates temporarily while repairs are undertaken.*

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

*Note: temporarily residing in Victoria includes when a person enters Victoria to travel to a location where they intend to temporarily reside in Victoria.*

(13) If a person's ordinary place of residence is outside the State of Victoria and the person is not temporarily residing in the State of Victoria, their ordinary place of residence outside of the State of Victoria is taken to be their ordinary place of residence and the rules applying to short-term entrants into the State of Victoria under clause 5A apply to that person.

*Note: a person who is visiting and staying in Victoria, whether from overseas or interstate, is taken to be temporarily residing in Victoria. A person who is visiting Victoria but not staying in Victoria is not taken to be temporarily residing in Victoria and instead the rules relating to short-term entry into Victoria under clause 5A apply.*

(14) *Not used**Face covering requirements*

(15) Subject to subclause (16), a person in the State of Victoria must:

- (a) carry a face covering at all times, except where subclause (16)(a), (b), (c), (d), (e), (f) or (bb) applies; and
- (b) wear a face covering at all times, except where subclause (16) applies; and
- (c) wear a face covering where required to do so in accordance with any other Directions currently in force.

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

(16) Subclauses (15)(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  
*Example: 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 (15)(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 working by themselves in an **outdoor space**, provided no other person is also in the outdoor space (except a person who ordinarily resides at the same premises with them); or  
*Example: a farmer working by themselves in a field, or with their family who lives in the same premises as them.*
- (l) the person is visiting a person with whom they are in an intimate personal relationship in accordance with clause 7(1)(l); or
- (m) the person is one of two persons being married while in the process of being married; or
- (n) the person is a professional sportsperson when training or competing; or
- (o) the person is engaged in any strenuous physical exercise; or  
*Examples: jogging, running, swimming, cycling.*
- (p) the person is riding a bicycle or a motorcycle; or
- (q) the person is travelling in a vehicle by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (r) the person is consuming food, drink or medicine; or
- (s) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (t) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (u) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (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  
*Examples: a person may be asked by police, security, bank or post office staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.*
- (y) for emergency purposes; or
- (z) when required or authorised by law; or
- (aa) when doing so is not safe in all the circumstances; or
- (bb) the person is at a premises that is their ordinary place or residence or their temporary place of residence.

*Face covering requirements in airports and on aircraft*

- (17) Without limiting subclause (15)(b), during the stay at home 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 (18)(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](http://www.coronavirus.vic.gov.au/face-masks)*

- (18) Subclauses (17)(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.
- (19) An **authorised officer** may require a person to attest in writing that they have complied with the requirements of subclause (17) to wear a face covering on an aircraft (subject to clause (18)).

## 5A Travel restrictions: short term entrants to the State of Victoria

### *Restriction on entry to the State of Victoria*

- (1) A person who does not have an ordinary place of residence in the State of Victoria and is not temporarily residing in the State of Victoria during the stay at home period must not enter the State of Victoria other than if they meet the requirement in subclause (2) and enter the State of Victoria:
- (a) for one or more of the reasons specified in:
    - (i) clause 6 (**necessary goods or services**);
    - (ii) clause 7 (**care or other compassionate reasons**);
    - (iii) clause 8 (**work or education**);
    - (iv) clause 9 (**exercise**);
    - (v) clause 10 (**other specified reasons**); or
    - (vi) clause 10A (**SARS-CoV-2 vaccination**); or
  - (b) for the purposes of transiting through the State of Victoria in accordance with a **transit permit**; or
  - (c) to undertake work under a **specified worker permit**; or
  - (d) for the purpose for which they have been granted an exemption under the **Victorian Border Crossing Permit Directions** or a **revoked Border Crossing Permit Scheme Direction**; or
  - (e) if the person is an **excepted person**.
- (2) A person referred to in subclause (1) may only enter the State of Victoria under that subclause if they are also permitted to do so under the **Victorian Border Crossing Permit Directions**.
- Note: a person referred to in subclause (1) and (2) must comply with the requirements in both subclause (1) and (2) to be permitted to enter the State of Victoria.*
- (3) A person who does not have an ordinary place of residence in the State of Victoria and is not temporarily residing in the State of Victoria but enters the State of Victoria during the stay at home period must:
- (a) comply with the face covering requirements in subclauses 5(15), (16), (17) and (18); and
  - (b) comply with the restrictions on gatherings in clause 11 (**gatherings**); and
  - (c) 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.

*Travel restrictions*

- (4) A person who does not ordinarily reside in the State of Victoria and is not temporarily residing in the State of Victoria may only enter the State of Victoria under subclause (1) where it does not involve unreasonable travel or travelling to a place for an unreasonable period of time.
- (5) A person who does not ordinarily reside in the State of Victoria and is not temporarily residing in the State of Victoria, but enters Victoria during the stay at home period, must not travel in a **vehicle** with another person with whom they do not ordinarily reside unless it is not otherwise reasonably practicable for either person to enter the State of Victoria for a purpose permitted under these directions.
- (6) A person who does not ordinarily reside in the State of Victoria and is not temporarily residing in the State of Victoria, but enters the State of Victoria under either clause 6 (*necessary goods or services*) or clause 9 (*exercise*) must not:
- (a) travel further than 5km from:
    - (i) their ordinary place of residence outside of the State of Victoria; or
    - (ii) in the case of clause 9 (*exercise*), their **work premises** if they are an **authorised worker** or work for an **authorised provider**, provided that they only exercise outdoors and do not enter any facility open under the **Restricted Activity Directions (Victoria)**; or
  - (b) do so more than once per day; or
  - (c) do so for a period longer than 2 hours in the case of exercise.
- (7) A person who does not ordinarily reside in the State of Victoria and is not temporarily residing in the State of Victoria, but enters the State of Victoria under clause 6 (*necessary goods or services*):
- (a) is not required to comply with subclause (6)(b) if the person obtains goods or services provided by:
    - (i) a financial institution under clause 6(1)(e)(i); or
    - (ii) a government body or government agency under clause 6(1)(e)(ii); and
  - (b) is not required to comply with subclause (6) if:
    - (i) the person enters the State of Victoria to obtain goods or services for health or medical purposes (including vaccinations) under clause 6(1)(d); or
    - (ii) as a consequence of the requirements in that subclause, it is not reasonably practicable for the person to obtain necessary goods or services.
- (8) A person who does not ordinarily reside in the State of Victoria and is not temporarily residing in the State of Victoria, but enters the State of Victoria under clause 6 (*necessary goods or services*) must be the only person that has entered the State of Victoria from their ordinary place of residence on that day, except where:
- (a) the person enters the State of Victoria to obtain goods or services:
    - (i) for health or medical purposes (including vaccinations) under clause 6(1)(d); or
    - (ii) provided by a:
      - (A) financial institution under clause 6(1)(e)(i); or
      - (B) government body or government agency under clause 6(1)(e)(ii); or
  - (b) the person is a parent or guardian of a child and they cannot access any child-minding assistance (whether on a paid or voluntary basis) so that they can enter the State of Victoria without the child; or

- (c) it is necessary for the person to provide, or the person requires, care and support due to:
  - (i) age, infirmity, disability, illness or a chronic health condition; or
  - (ii) matters relating to the person's health (including mental health or pregnancy).
- (9) Where a person who does not ordinarily reside in the State of Victoria and is not temporarily residing in the State of Victoria enters the State of Victoria under clause 9 (*exercise*), the person must only use a vehicle where:
  - (a) the person is using it by themselves; or
  - (b) the person is using it with another person with whom they ordinarily reside in accordance with these directions,and it is not otherwise reasonably practicable for the person to undertake exercise without using a vehicle.

### **PART 3 – REASONS TO LEAVE PREMISES OR ENTER THE STATE OF VICTORIA**

#### **6 Leaving premises or entering the State of Victoria to obtain necessary goods or services**

- (1) A person who:
  - (a) ordinarily resides in the State of Victoria may leave the premises; or
  - (b) does not have an ordinary place of residence in the State of Victoria and is not temporarily residing in the State of Victoria, may enter the State of Victoria, to obtain:
    - (c) take away food or drink; or  
*Note: a person who ordinarily resides in the State of Victoria may not leave their premises to have a dine-in meal at any location.*
    - (d) goods and services for health or medical purposes (including vaccinations); or
    - (e) other necessary goods or services, including (but not limited to) goods or services provided by:
      - (i) a financial institution;
      - (ii) a government body or government agency;
      - (iii) a post office;
      - (iv) a **pharmacy**;
      - (v) a petrol station;
      - (vi) a pet store or veterinary clinic;
      - (vii) a retail facility that is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Victoria)**.

#### **7 Leaving premises or entering the State of Victoria for care or other compassionate reasons**

- (1) A person who:
  - (a) ordinarily resides in the State of Victoria may leave the premises; or
  - (b) does not have an ordinary place of residence in the State of Victoria and is not temporarily residing in the State of Victoria, may enter the State of Victoria, for any of the following reasons:
    - (c) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
    - (d) if the person is a parent or guardian of a child (with or without that child):
      - (i) to visit the child if the child is in detention, or in the care of another person; or

- (ii) to meet any obligations in relation to care and support for that child; or
- (iii) to take the child to another person's premises for the purpose of that other person providing child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can do one of the things specified in clauses 6 (*necessary goods or services*), 7 (*care or other compassionate reasons*), 8 (*work or education*), 9 (*exercise*) or 10 (*other specified reasons*); or
- (iv) to take the child to:
  - (A) a **childcare or early childhood service**; or
  - (B) a school or outside school hours care service in which they are enrolled in accordance with clause 8(3); or
- (e) to provide care and support to a person:
  - (i) who has particular needs because of age, infirmity, disability, illness, a chronic health condition, homelessness or family violence; or
  - (ii) because of matters relating to the other person's health (including mental health or pregnancy); or
- (f) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions**; or
- (g) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions**; or
- (h) to attend a funeral, wedding or **end of life** activity, if that funeral, wedding or end of life activity complies with the requirements in clause 11; or
- (i) 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
- (j) to donate biological material at a blood bank or other similar donation facility; or
- (k) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises; or
- (l) to visit a person 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.*
- (m) if they are a nominee person or a nominated person for the purpose of social interaction in accordance with clause 11(3)(b)(iii); or
- (n) to provide child-minding assistance (whether on a paid or voluntary basis); or
- (o) if the person has a pet at their premises and it is necessary to take the pet outdoors to urinate or defecate, if it is not reasonably practicable for the pet to do so at the person's premises; or  
*Note: if a person takes their pet outdoors, the distance travelled and the time taken should be no more than is absolutely necessary.*
- (p) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal.  
*Examples: feeding a horse in a paddock; collecting a pet from an animal shelter.*  
*Note: the distance travelled and the time taken should be no more than is absolutely necessary.*



**8 Leaving premises or entering the State of Victoria to attend work or education**

- (1) Subject to subclauses (2) and (3), a person who:
  - (a) ordinarily resides in the State of Victoria may leave the premises; or
  - (b) does not have an ordinary place of residence in the State of Victoria and is not temporarily residing in the State of Victoria, may enter the State of Victoria, for any of the following reasons:
    - (c) to attend work (whether paid or voluntary, including for charitable or religious purposes); or
    - (d) to obtain a childcare or early childhood service; or
    - (e) to obtain educational services, which includes going to primary or secondary school and outside school hours care, but does not include higher education services unless otherwise provided in subclause (3).
- (2) A person may leave the premises under subclause (1)(c) only if:
  - (a) it is not reasonably practicable for the person to work from the premises where they ordinarily reside; and
  - (b) the person is:
    - (i) an authorised worker, works for an authorised provider, or is required to attend a closed work premises, each as defined in, and provided they are permitted to do so, under the **Restricted Activity Directions (Victoria)**; or
    - (ii) attending work in another State or Territory and the person complies with the requirements under that State's or Territory's laws.
- (3) A person may leave the premises under subclause (1)(e) only:
  - (a) if it is not reasonably practicable for the person to obtain educational services from the premises where they ordinarily reside; and
  - (b) for school educational services (including at a school or non-school senior secondary provider and outside school hours care services), if the person:
    - (i) has:
      - (A) two parents or guardians and both of them are; or
      - (B) a single parent or guardian and that parent or guardian is, an authorised worker or work for an authorised provider and:
        - (C) are not working from the premises; or
        - (D) are working from the premises and are unable to make alternative supervision arrangements for the person leaving the premises to attend school educational services; or
    - (ii) is a **vulnerable child or young person**; or
    - (iii) is a secondary school student attending an assessment that is approved to proceed on site as specified in the **Authorised Provider and Authorised Worker List**; and
  - (c) for higher education services, if it is in relation to final year assessments for Tertiary Education Quality and Standards Agency regulated courses where the students do not have alternative options to complete the study by the end of the year.

**9 Leaving premises or entering the State of Victoria for exercise**

- (1) A person who:
- (a) ordinarily resides in the State of Victoria may leave the premises; or
  - (b) does not have an ordinary place of residence in the State of Victoria and is not temporarily residing in the State of Victoria, may enter the State of Victoria, to exercise, but must:
    - (c) only exercise at a facility that is not prohibited by, and provided they comply with any requirements of, the **Restricted Activity Directions (Victoria)**; and
    - (d) comply with the gathering restrictions in clause 11; and
    - (e) take reasonable steps to maintain a distance of 1.5 metres from all other persons.
- (2) Subclause (1)(c) does not prevent a person from walking with other persons for the purposes of exercise where this is permitted in accordance with the gathering restrictions in clause 11(4)(a)(iii).

**10 Leaving premises or entering the State of Victoria for other reasons**

- (1) A person who:
- (a) ordinarily resides in the State of Victoria may leave the premises; or
  - (b) does not have an ordinary place of residence in the State of Victoria and is not temporarily residing in the State of Victoria, may enter the State of Victoria, in the following circumstances:
    - (c) for emergency preparation activities (together with any other person or people who ordinarily reside with them or any immediate family member), provided such work is urgent and essential; or
    - (d) for emergency purposes (other than emergency preparation activities); or
    - (e) as required or authorised by law; or
    - (f) for purposes relating to the administration of justice, including (but not limited to) attending:
      - (i) a police station; or
      - (ii) a court or other premises for purposes relating to the justice or law enforcement system; or
    - (g) to attend a **community facility**, which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Victoria)**; or
    - (h) for the purpose of driving a person with whom they ordinarily reside where it is not otherwise reasonably practicable for that person to leave their premises for a purpose permitted under, and provided they comply with, these directions; or  
*Examples: driving a household member who is an authorised worker or works for an authorised provider, and who does not have a driver's licence, to or from work.*
    - (i) if the premises in which the person ordinarily resides is no longer available for the person to reside in or is no longer suitable for the person to reside in; or
    - (j) for the purposes of moving to a new premises at which the person will ordinarily reside; or
    - (k) if the person ordinarily resides outside the State of Victoria, for the purposes of leaving the State of Victoria; or
    - (l) if the person is permitted to leave Australia, for the purposes of leaving Australia; or
    - (m) for the purposes of **national security**; or
    - (n) to attend a final inspection (including end of lease and settlement activities) of real estate for the purposes of a prospective sale or rental of the property that cannot be deferred.

*Note: circumstances in which an inspection of real estate cannot be deferred include where the person attending the inspection is at the end of their lease, has sold their home or their existing living arrangement has otherwise come to an end and needs to purchase or rent new premises*

**10A Leaving premises or entering the State of Victoria for vaccination**

- (1) A person who:
- (a) ordinarily resides in the State of Victoria may leave the premises; or
  - (b) does not have an ordinary place of residence in the State of Victoria and is not temporarily residing in the State of Victoria, may enter the State of Victoria, to receive a SARS-CoV-2 vaccination, provided that the distance travelled and the time taken should be no more than is reasonably necessary.

**PART 4 – GATHERINGS****11 Restrictions on gatherings***Private gatherings*

- (1) During the stay at home period, a person must not enter a premises (at which they do not ordinarily reside) in the State of Victoria, except for one or more of the purposes specified in (and provided they comply with) clauses 6 (**necessary goods or services**), 7 (**care or other compassionate reasons**), 8 (**work or education**), or 10 (**other specified reasons**).
- (2) During the stay at home period, a person who ordinarily resides or temporarily resides in the State of Victoria must not permit another person to enter the premises at which they ordinarily reside or temporarily reside (whether or not entering any building on the premises).
- (3) Subclause (1) does not prevent any person entering the premises:
- (a) if the other person also ordinarily resides at the premises; or
  - (b) if it is necessary for the other person to enter the premises for one or more of the purposes specified in:
    - (i) clause 6(1) (**necessary goods or services**); or
    - (ii) clause 7(1) (**care or other compassionate reasons**), subparagraphs (a), (b)(i)-(iii), (c), (f), (g), (i), (j), (l) or (n); or  
*Note: those entering the premises for a care or other compassionate purpose should be no more than the minimum number of people necessary to do so.*
    - (iii) clause 7(1)(k) (**social interaction**) provided that:
      - (A) the nominee person is permitting their nominated person (and any child permitted to accompany them) to enter the premises; or
      - (B) the nominated person is permitting their nominee person (and any child permitted to accompany them) to enter the premises, but only while the nominated person is otherwise by themselves at their premises,
- and:
- (C) the nominee person has only one nominated person; and
  - (D) the nominated person has only one nominee person,
- for the duration of these directions; or
- (iv) clause 8 (**work or education**), to attend or undertake work or to provide or receive educational services; or  
*Examples: a tradesperson for the purpose of carrying out urgent and essential 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.*
  - (v) clause 10(1) (**other specified reasons**), subparagraphs (a), (b), (c), (d), (g), (h), (k) or (n); or

- (c) if a person who enters a premises in accordance with subclause (b) 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 (b) without the child or dependant, then the child or dependant may accompany that person when entering the premises in accordance with subparagraph (b); or
- (d) if permitted under, and provided they comply with the requirements of, the Directions currently in force.

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

#### *Public gatherings*

- (4) During the stay at home period, a person in the State of Victoria must not arrange to meet, or organise or intentionally attend a gathering, with any other person (with any infant under one year of age not counting towards this limit) for a common purpose at a public place, except:

*Note: 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) if it is necessary to arrange a meeting or organise or attend a gathering for one or more of the purposes specified in:
  - (i) clause 7 (**care or other compassionate reasons**); or
  - (ii) clause 8 (**work or education**); or
  - (iii) clause 9 (**exercise**), provided it is only with:
    - (A) any other person (or people) who ordinarily reside at the same premises; or
    - (B) a person with whom they are in an intimate personal relationship; or
    - (C) one other person with whom the person does not ordinarily reside; or
- Note: a person may exercise with the other person (or people) who ordinarily reside at the same premises together with a person with whom they are in an intimate personal relationship, who is considered part of their household for this purpose.*
- (iv) clause 10 (**other specified reasons**), provided that if it is for approved emergency preparation activities and it is only with any other person (or other people) who ordinarily reside at the same premises or any immediate family member; or
- (b) where it is for one or more of the purposes specified in clause 6 (**necessary good or services**) and the exceptions in clause 5(7) apply; or
- (c) if the person attending the gathering in accordance with subclause (4) 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 attend the gathering in accordance with subclause (4) without the child or dependant, then the child or dependant may accompany the parent or guardian when attending the gathering in accordance with subclause (4); or
- (e) for the purpose of attending a wedding in the State of Victoria that complies with the requirements in subclause (5); or
- (f) for the purpose of attending a funeral in the State of Victoria that complies with the requirements in subclause (6); or

- (g) for the purpose of attending an end of life activity that complies with the requirements in subclause (7).

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

#### *Weddings and funerals*

- (5) The requirements for a wedding held in the State of Victoria are that:
- (a) one or both of the two persons being married:
    - (i) are experiencing end of life; or
    - (ii) would be deported from Australia unless the marriage takes place; and
  - (b) it involves only 5 persons:
    - (i) the two persons being married; and
    - (ii) the **authorised celebrant**; and
    - (iii) two persons witnessing the marriage for the purposes of section 44 of the **Marriages Act 1961** of the Commonwealth; and
  - (c) it complies with any applicable requirements of the **Restricted Activity Directions (Victoria)**; and
  - (d) in any case (other than at a person's ordinary place of residence), the total number of **members of the public** present at the same time in the space must not exceed the **density quotient**; and
  - (e) if held at a person's ordinary place of residence, it must comply with the gathering restrictions in subclauses (1) and (2).

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

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

- (6) The requirements for a funeral held in the State of Victoria are that:
- (a) it involves no more than:
    - (i) 10 members of the public (with any infant under one year of age not counting towards this limit); and
    - (i) no more than the minimum number of persons reasonably necessary for the conduct of the funeral; and
  - (b) in any case (other than at a person's ordinary place of residence), the total number of members of the public present at the same time in the space must not exceed the density quotient; and
  - (c) it complies with any applicable requirements of the **Restricted Activity Directions (Victoria)**; and
  - (d) if held at a person's ordinary place of residence, it must comply with the gathering restrictions in subclauses (1) and (2).

*Note: any other person who ordinarily resides at the premises, and the persons reasonably necessary for the conduct of the funeral who can enter the premises under subclause (3)(b)(iv) (work), are not subject to the gathering restrictions in subparagraph (a), but any nominee person or nominated person is subject to these restrictions on a funeral held at a private residence.*

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

- (7) The requirements for end of life activity in the State of Victoria are that:
- (a) it involves no more than:
    - (i) the person experiencing end of life; and
    - (ii) any other person (or people) who ordinarily reside at the premises of the person experiencing end of life; and

- (iii) any other person with whom a person in subparagraph (i) or (ii) is in an intimate personal relationship; and
  - (iv) two other people,
- with infants under one year of age not counting towards these limits; and
- (b) if the end of life activity is conducted:
    - (i) at a person's principal place of residence in accordance with subparagraph (a), permission is not required from the Chief Health Officer or the Deputy Chief Health Officer and this activity will not breach the gathering restrictions; or
    - (ii) in an indoor space (other than at a person's principal place of residence) or an outdoor space, permission is required from the Chief Health Officer or the Deputy Chief Health Officer in accordance with subparagraphs (c) and (d); and
  - (c) a person experiencing end of life, or someone on their behalf may apply to the Chief Health Officer or the Deputy Chief Health Officer for permission to conduct an end of life activity; and
  - (d) the Chief Health Officer or the Deputy Chief Health Officer may, in writing, grant permission for an end of life activity in public, subject to any time limit set for that activity, and any end of life activity conducted in accordance with the permission will not breach the gathering restrictions; and
  - (e) in any case (other than at a person's principal place of residence), the total number of members of the public present at the same time in the space must not exceed the density quotient.

## PART 6 – OTHER PROVISIONS

### 12 Relationship with other Directions

- (1) If there is any inconsistency between Parts 2, 3, 4 and 5 of these directions and the **Diagnosed Persons and Close Contacts Directions**, these directions are inoperative to the extent of any inconsistency.
- (2) If there is any inconsistency between these directions and a direction or other requirement contained in a **Direction and Detention Notice**, these directions are inoperative to the extent of the inconsistency.
- (3) If there is any inconsistency between these directions and a direction or other requirement contained in the **Care Facilities Directions**, these directions are inoperative to the extent of the inconsistency.
- (4) Unless the context otherwise requires, a reference in any Directions currently in force, in any Direction and Detention Notice, or in any approved form under a Direction currently in force or a Direction and Detention Notice to:
  - (a) a Direction currently in force or these directions, or a defined term in a Direction currently in force or these directions, will be taken to mean that direction (and hence that defined term) as amended or replaced from time to time; or
  - (b) an earlier version of a particular Direction currently in force or these directions will be taken to be a reference to the current version of that particular direction.

### 13 Transitional Provisions

- (1) For the purposes of the **Victorian Border Crossing Permit Directions**, a reference to the Stay Safe Directions is to be taken to be a reference to the **Stay at Home Directions (Victoria)**.
- (2) For the purposes of the **Workplace (Additional Industry Obligations) Directions**:
  - (a) the reference to clause 5(3)(e), (g) – (i), (r) – (t) or (x) – (aa) of the **Stay Safe Directions (Victoria)** in:
    - (i) Note 1 to subclause 7(3);
    - (ii) Note 2 to subclause 7(4);

- (iii) Note 2 to subclause 7(5); and
- (iv) subclause 7(14),  
is to be taken to be a reference to clause 5(16)(e), (g) – (i), (r) – (t) or (x) – (aa) of the **Stay at Home Directions (Victoria)**; and
- (b) the reference to clause 5(3)(j) of the **Stay Safe Directions (Victoria)** in:
  - (i) Note 2 to subclause 7(3);
  - (ii) Note 3 to subclause 7(4);
  - (iii) Note 3 to subclause 7(5); and
  - (iv) the Note to subclause 7(14),  
is to be taken to be a reference to clause 5(16)(j) of the **Stay at Home Directions (Victoria)**.

#### 14 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) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (4) **authorised officer** has the same meaning as in the **PHW Act**;
- (5) **authorised provider** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (6) **Authorised Provider and Authorised Worker List** is the document available at [www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-list](http://www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-list) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer;
- (7) **authorised worker** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (8) **Care Facilities Directions** means **Care Facilities Directions (No. 40)** as amended or replaced from time to time;
- (9) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (10) **childcare or early childhood service** means onsite early childhood education and care services or children’s services provided under the:
  - (a) **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; or
  - (b) **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;
- (11) **closed work premises** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (12) **community facility** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (13) **density quotient** has the same meaning as in the **Workplace Directions**;
- (14) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;



- (15) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 25)** as amended or replaced from time to time;
- (16) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (17) **Directions currently in force** means the **Restricted Activity Directions (Victoria)**, the **Stay at Home 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;
- (18) **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));
- (19) **excepted person** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (20) **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);
- (21) **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;
- (22) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (23) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 35)** as amended or replaced from time to time;
- (24) **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;
- (25) **member of the public** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (26) **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**;
- (27) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (28) **nominated person** means a person nominated by a **nominee person** for social interaction permitted in accordance with these directions;
- (29) **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;

- (30) **outdoor space** means a space that is not an **indoor space**;
- (31) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (32) **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;
- (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) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (36) **Restricted Activity Directions (Victoria)** means the **Restricted Activity Directions (Victoria) (No. 23)** as amended or replaced from time to time;
- (37) **revoked Border Crossing Permit Scheme Directions** has the meaning in the **Victorian Border Crossing Permit Directions**;
- (38) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (39) **specified worker (exclusive outdoor activities) permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (40) **specified worker (low workplace interaction) permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (41) **specified worker (other) permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (42) **specified worker permit** means the **specified worker (exclusive outdoor activities) permit**, **specified worker (low workplace interaction) permit** or the **specified worker (other) permit**;
- (43) **stay at home period** has the meaning in clause 4;
- (44) **transit permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (45) **vehicle** has the same meaning as in the **PHW Act**;
- (46) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 26)** as amended or replaced from time to time;
- (47) **vulnerable child or young person** means a child or young person who:
  - (a) resides in the care of the State or in out-of-home care; or
  - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or
  - (c) identified by a school as vulnerable, (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service);
- (48) **work premises** has the same meaning as in the **Workplace Directions**;
- (49) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 35)** as amended or replaced from time to time;
- (50) **Workplace Directions** means the **Workplace Directions (No. 41)** as amended or replaced from time to time;
- (51) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (52) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

**15 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 5 August 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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**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. 41)**

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. 40)**.

**2 Citation**

These directions may be referred to as the **Workplace Directions (No. 41)**.

**3 Revocation**

The **Workplace Directions (No. 40)** are revoked at 8:00:00 pm on 5 August 2021.

**4 Commencement**

These directions commence at 8:00:00 pm on 5 August 2021 and end at 11:59:00 pm on 12 August 2021.

**5 Operation of a Work Premises**

- (1) An employer in respect of a Work Premises:
  - (a) may permit a worker to perform work at the employer's Work Premises if the employer is an **Authorised Provider** permitted to operate under the **Restricted Activity Directions (Victoria)**;
  - (b) must not permit a worker to perform work at the Work Premises unless:
    - (i) the worker is an **Authorised Worker**:
      - (A) listed on the **Authorised Provider and Authorised Worker List**; or
      - (B) permitted to perform work at the Work Premises under the **Stay at Home Directions (Victoria)** or the **Restricted Activity Directions (Victoria)**; and
    - (ii) it is not reasonably practicable for the worker to perform work at their ordinary place of residence or another suitable premises which is not the Work Premises; and
  - (c) must comply with the **Stay at Home Directions (Victoria)**, the **Workplace (Additional Industry Obligations) Directions** and all other Directions currently in force where they apply to that employer.

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

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

### Face coverings requirement

- (1) An employer must take reasonable steps to ensure a worker, when working at a Work Premises:
  - (a) carries a **face covering** at all times, except where the exception in subclause 5(16)(e) of the **Stay at Home 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(16) of the **Stay at Home 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](http://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 a worker to travel between the Work Premises and the worker'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 a worker 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:

(C) an entrance to the Work Premises; or



- (D) a point of sale; or
- (E) 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 a worker 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 a worker 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 workers 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 7(20) (**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](http://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](http://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) **Authorised Provider** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (5) **Authorised Provider and Authorised Worker List** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (6) **Authorised Worker** has the same meaning as in the **Restricted Activity Directions (Victoria)**;

- (7) **bus company** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;
- (8) **Care Facilities Directions** means the **Care Facilities Directions (No. 40)** as amended or replaced from time to time;
- (9) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (10) **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;
- (11) **cleaned** has the meaning in clause 6(25);
- (12) **cleaning requirement** has the meaning in clause 6(24) to (26) (both inclusive);
- (13) **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**;
- (14) **commercial passenger vehicle service** has the meaning given in section 4 of the **Commercial Passenger Vehicle Industry Act 2017**;
- (15) **common areas** of a **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (16) **confirmed case** means a diagnosis of **SARS-CoV-2** in a **worker** at the **Work Premises**;
- (17) **court or tribunal** means a judicial and/or administrative review body established pursuant to legislation;
- (18) **COVIDSafe Plan** has the meaning in clause 6(2);
- (19) **density quotient** has the meaning in clause 6(17);
- (20) **Department** means the Department of Health;
- (21) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (22) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 25)** as amended or replaced from time to time;
- (23) **diagnosed worker** means a **worker** who is a **diagnosed person**;
- (24) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (25) **Directions currently in force** means the **Stay at Home 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**;
- (26) **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 individuals 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;
- (27) **emergency** has the same meaning as in the **Emergency Management Act 2013**;
- (28) **emergency worker** has the same meaning as in the **Sentencing Act 1991**;
- (29) **employee** includes a person who is self-employed;
- (30) **employer** means a person who owns, operates or controls **Work Premises** (or a Work Premises) and includes a person who is self-employed;
- (31) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection;
- (32) **food and drink facility** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (33) **health and safety representative** has the same meaning as in the **OHS Act**;
- (34) **health service entity** has the same meaning as in the **Health Services Act 1988**;
- (35) **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;
- (36) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (37) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 35)** as replaced or amended from time to time;
- (38) **indoor space** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (39) **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;
- (40) **inspector** has the same meaning as in the **OHS Act**;
- (41) **market** means a public market, whether indoor or outdoor, including a food market;
- (42) **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;
- (43) **OHS Act** means the **Occupational Health and Safety Act 2004**;

- (44) **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.*
- (45) **outdoor space** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (46) **owner** has the same meaning as in the **Commercial Passenger Vehicle Industry Act 2017**;
- (47) **owners corporation** has the same meaning as in the **Owners Corporations Act 2006**;
- (48) **passenger services** has the same meaning as in the **Transport Integration Act 2010**;
- (49) **passenger transport company** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;
- (50) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (51) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (52) **PPE** means personal protective equipment;
- (53) **premises** has the same meaning as in the **PHW Act**;
- (54) **prison** has the same meaning as in the **Corrections Act 1986**;
- (55) **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**;
- (56) **public transport service** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;
- (57) **reasonably practicable** is to have its ordinary and common sense meaning;
- (58) **records requirement** has the meaning in clause 6(6) to (14) (both inclusive);
- (59) **Relevant Period** has the meaning given in clause 8(1);
- (60) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (61) **Restricted Activity Directions (Victoria)** means the **Restricted Activity Directions (Victoria) (No. 23)** as amended or replaced from time to time;
- (62) **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**;
- (63) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (64) **SARS-CoV-2 Symptoms** means symptoms consistent with **SARS-CoV-2**, including but not limited to the following:
- (a) a fever ( $\geq 37.5^{\circ}\text{C}$ ) or consistent fever of less than  $37.5^{\circ}\text{C}$  (such as night sweats, chills);
  - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
  - (c) loss of smell;
  - (d) loss of taste;

- (65) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (66) **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**;
- (67) **School Bus Program** means the program of that name administered by the Department of Education and Training;
- (68) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (69) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (70) **Service Victoria** has the same meaning as in the **Service Victoria Act 2018**;
- (71) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (72) **signage requirement** has the meaning in clauses 6(21), (22) and (23);
- (73) **Stay at Home Directions (Victoria)** means the **Stay at Home Directions (Victoria) (No. 4)** as amended or replaced from time to time;
- (74) **Students with Disabilities Transport Program** means the program of that name administered by the Department of Education and Training;
- (75) **supermarket** has the same meaning as supermarket business in the **Food Act 1984**;
- (76) **suspected case** means a person who is displaying one or more **SARS-CoV-2 Symptoms**;
- (77) **tour and charter bus service** has the same meaning as in the **Bus Safety Act 2009**;
- (78) **vehicle** has the same meaning as in the **PHW Act**;
- (79) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 26)** as amended or replaced from time to time;
- (80) **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’;
- (81) **Work Premises** means the **premises** of an **employer** in which work is undertaken, including any **vehicle** whilst being used for work purposes, but excluding a **worker’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.*
- (82) **worker** includes **employees**, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work;
- (83) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 35)** as amended or replaced from time to time;
- (84) **WorkSafe** means WorkSafe Victoria;
- (85) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (86) **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 5 August 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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**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. 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 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. 39)**.

**2 Citation**

- (1) These directions may be referred to as the **Care Facilities Directions (No. 40)**.
- (2) A reference in any other direction to the **Care Facilities Directions (No. 39)** is taken to be a reference to these directions.

**3 Revocation**

The **Care Facilities Directions (No. 39)** are revoked at 8:00:00 pm on 5 August 2021.

**4 Commencement**

The **Care Facilities Directions (No. 40)** commence at 8:00:00 pm on 5 August 2021 and end at 11:59:00 pm on 12 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) 8:00:00 pm on 5 August 2021 and 11:59:00 pm on 12 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.

*Excluded persons*

- (2) Despite subclause (1), a person who is a worker in relation to the care facility or a visitor of a resident of the care facility, must not enter, or remain on, the premises of the facility between (and including) 8:00:00 pm on 5 August 2021 and 11:59:00 pm on 12 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 support 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.

*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  $37.5^{\circ}\text{C}$  (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. 26)** 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. 41)** 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 5 August 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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