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Public Health and Wellbeing Act 2008 Section 200

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

Restricted Activity Directions (Metropolitan Melbourne) (No. 9)

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

1 Preamble

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings in Metropolitan Melbourne to address the serious public health risk posed to Victoria by severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Restricted Activity Directions (Metropolitan Melbourne) (No. 8)**.

2 Citation

These directions may be referred to as the **Restricted Activity Directions (Metropolitan Melbourne) (No. 9)**.

3 Revocation

The **Restricted Activity Directions (Metropolitan Melbourne) (No. 8)** are revoked at 11:59:00 pm on 16 August 2021.

4 Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00 pm on 16 August 2021 and ending at 11:59:00 pm on 26 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 Metropolitan Melbourne 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 Metropolitan Melbourne 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 Metropolitan Melbourne 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 Metropolitan Melbourne 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 Metropolitan Melbourne 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, outdoor basketball courts, 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**;
 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 are part of the definition of 'community facility' and they are closed.

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 Metropolitan Melbourne 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) all reasonable endeavours are used 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 Metropolitan Melbourne 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 (Metropolitan Melbourne)**;
 - (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 Metropolitan Melbourne 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.

*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**.*

- (6) 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

- (7) A person who owns, controls or operates an educational facility in Metropolitan Melbourne 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:
 1. working outside of the home; or
 2. 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:
 1. both are working outside of the home; or
 2. 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

- (8) A person who owns, controls or operates an **entertainment facility** in Metropolitan Melbourne 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.
- (9) Despite subclause (8), 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**.*

- (10) 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

- (11) A person who owns, controls or operates a **place of worship** in Metropolitan Melbourne 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

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

Permitted operation - retail facility

- (12) A person who owns, controls or operates a **retail facility** that would otherwise be a closed work premises in Metropolitan Melbourne 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

- (13) A person who owns, controls or operates a **licensed premises** in Metropolitan Melbourne may operate that premises during the restricted activity period only for the purposes of:
- (a) operating as a **bottle shop** 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 (19).

*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**.*

- (14) 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

- (15) A person who owns, controls or operates a **food and drink facility** in Metropolitan Melbourne may operate that facility during the restricted activity period only for the purposes of takeaway collection or delivery of pre-ordered goods.
- (16) 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.
- (17) Despite subclause (16), 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**.*

- (18) 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

- (19) A person who owns, controls or operates an **accommodation facility** in Metropolitan Melbourne 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 Metropolitan Melbourne 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**.
- (20) 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(15) – (17) (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 (Metropolitan Melbourne)** and **Stay Safe Directions (Regional Victoria)** otherwise continue to apply; and

- (b) **exempt public event** means an eligible public event which, subject to the process described in the Public Event Framework, the Chief Health Officer or Deputy Chief Health Officer has exempted from a requirement in the Directions currently in force in accordance with subclause (3) 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 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 Metropolitan Melbourne where such use or operation is for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.

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) **Area Directions** means the **Area Directions (No. 13)** as amended or replaced from time to time;
- (4) **Authorised Provider** means a provider of goods or services as set out in the **Authorised Provider and Authorised Worker List**;
- (5) **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
- (6) **Authorised Work Premises** has the meaning in clause 5(1);
- (7) **Authorised Worker** has the same meaning as in the **Workplace Directions**;
- (8) **bottle shop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the **premises**;
- (9) **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**);
- (10) **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);
- (11) **closed work premises** means a **work premises** that is not an **Authorised Work Premises**;
- (12) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (13) **community facility** has the meaning in clause 7(6);
- (14) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (15) **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**.
- (16) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 25)** as amended or replaced from time to time;
- (17) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (18) **Directions currently in force** has the same meaning as in the **Stay at Home Directions (Metropolitan Melbourne)**;
- (19) **eligible public event** has the meaning in clause 8(1)(a);
- (20) **entertainment facility** has the meaning in clause 7(10);
- (21) **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;
- (22) **exempt public event** has the meaning in clause 8(1)(b);
- (23) **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**;
- (24) **face covering** has the same meaning as in the **Workplace Directions**;
- (25) **food and drink facility** has the meaning in clause 7(18);
- (26) **food court** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (27) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (28) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (29) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are temporary (in a **physical recreational facility** or **food and drink facility** only) or permanent structures rising either from floor to ceiling or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are open or closed;

- (30) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (31) **licensed premises** has the meaning in clause 7(14);
- (32) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;
- (33) **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;
- (34) **Metropolitan Melbourne** has the same meaning as in the **Area Directions**;
- (35) **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**;
- (36) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (37) **outdoor space** means a space that is not an **indoor space**;
- (38) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (39) **physical recreational facility** has the meaning in clause 7(2);
- (40) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (41) **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**;
- (42) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**;
- (43) **premises** has the same meaning as in the **PHW Act**;
- (44) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (45) **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;
- (46) **Public Event Framework** means the Public Event Framework available at www.coronavirus.vic.gov.au/public-events as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer;
- (47) **Regional Victoria** has the same meaning as in the **Area Directions**; **restricted activity period** has the meaning in clause 4;
- (48) **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;
- (49) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;

- (50) **revoked Restricted Activity Directions** means any of the **Restricted Activity Directions (Victoria)**, the **Restricted Activity Directions (Regional Victoria)** or the **Restricted Activity Directions (Metropolitan Melbourne)** that are no longer in force;
- (51) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (52) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**
- (53) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (54) **State Library** means the State Library Victoria;
- (55) **Stay at Home Directions (Metropolitan Melbourne)** means the **Stay at Home Directions (Metropolitan Melbourne) (No. 4)** as amended or replaced from time to time;
- (56) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 7)** as amended or replaced from time to time;
- (57) **vehicle** has the same meaning as in the **PHW Act**;
- (58) **work premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- (59) **worker** has the same meaning as in the **Workplace Directions**;
- (60) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 36)** as amended or replaced from time to time;
- (61) **Workplace Directions** means the **Workplace Directions (No. 44)** as amended or replaced from time to time;
- (62) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

12 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 16 August 2021

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

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Stay at Home Directions (Metropolitan Melbourne) (No. 4)**

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, consider it reasonably necessary to eliminate or reduce the serious risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to section 200(1)(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 (Metropolitan Melbourne) (No. 3)**.
- (4) These directions require everyone who ordinarily resides in Metropolitan Melbourne to limit their interaction with others by:
 - (a) restricting the circumstances in which they may leave 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 (Metropolitan Melbourne) (No. 4)**.

3 Revocation

The **Stay at Home Directions (Metropolitan Melbourne) (No. 3)** are revoked at 11:59:00 pm on 16 August 2021.

4 Stay at home period

For the purposes of these directions, the stay at home period is the period beginning at 11:59:00 pm on 16 August 2021 and ending at 11:59:00 pm on 26 August 2021.

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

Requirement to stay at home

- (1) During the stay at home period:
 - (a) an **ordinary resident of Metropolitan Melbourne**; or
 - (b) a **temporary resident of Metropolitan Melbourne**,
must not leave the premises where they are residing in Metropolitan Melbourne, other than for one or more of the reasons specified in:
 - (c) clause 6 (*necessary goods or services*);
 - (d) clause 7 (*care or other compassionate reasons*);
 - (e) clause 8 (*work or education*);
 - (f) clause 9 (*exercise*);

- (g) clause 10 (*other specified reasons*); or
- (h) 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 (10).

Note 2: when leaving their ordinary residence 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, an ordinary resident of Metropolitan Melbourne:
 - (a) must comply with the face covering requirements in subclauses (19), (20), (21) and (22); and
 - (b) must comply with the restrictions on gatherings in clause 11 (*gatherings*); and
 - (c) must not travel to Regional Victoria other than in accordance with subclause (11) and (12); and
 - (d) must comply with the Directions currently in force, including (without limitation) by:
 - (i) not engaging in an activity that is prohibited under the **Restricted Activity Directions (Metropolitan Melbourne)**; and
 - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Metropolitan Melbourne)** in accordance with any requirements set out in those directions.

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

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

Travel restrictions

- (3) 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) An ordinary resident of Metropolitan Melbourne 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 is not an ordinary resident of Metropolitan Melbourne must not travel in a vehicle with an ordinary resident of Metropolitan Melbourne unless it is not otherwise practicable for either person to leave their premises for a purpose permitted under these directions.
- (6) An ordinary resident of Metropolitan Melbourne or a temporary resident of Metropolitan Melbourne 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:
 - (i) their premises; or

- (ii) in the case of clause 9 (*exercise*), the premises of a person with whom they are in an intimate personal relationship, provided that they only exercise outdoors and do not enter any facility open under the **Restricted Activity Directions (Metropolitan Melbourne)**; 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 (Metropolitan Melbourne)**; 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) Where an ordinary resident of Metropolitan Melbourne or a temporary resident of Metropolitan Melbourne leaves their premises under clause 6 (*necessary goods or services*):
- (a) subclause (6)(a) does not apply if the person leaves the premises to obtain goods or services provided by a:
 - (i) financial institution under clause 6(1)(c)(i); or
 - (ii) government body or government agency under clause 6(1)(c)(ii); and
 - (b) subclause (6) 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)(b); 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 (6).*
- Note 2: where subparagraph (b) applies, the person must not travel any further than is reasonably necessary to obtain necessary goods or services.*
- (8) 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)(b); or
 - (ii) provided by a:
 - (A) financial institution under clause 6(1)(c)(i); or
 - (B) government body or government agency under clause 6(1)(c)(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).
- (9) Where an ordinary resident of Metropolitan Melbourne or a temporary resident of Metropolitan Melbourne leaves their 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; or
- (c) the person is using it with another person with whom they are in an intimate personal relationship,

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.

Travel restrictions – curfew

(10) A person may only leave their premises under subclause (1) or enter Metropolitan Melbourne under clause 5A between 9:00:00 pm and 5:00:00am during the stay at home period if:

- (a) they are leaving their premises (or the premises of their intimate partner, nominee person or nominated person (as applicable)) for work in accordance with clause 8 (including travelling to and from work); or

Note: the curfew applies to a person when they are staying with a person with whom they are in an intimate personal relationship, or their nominee person or nominated person (as applicable).

- (b) it is necessary:
 - (i) to obtain necessary goods and services:
 - (A) for health or medical purposes under clause 6(1)(b); or
 - (B) where the person is working, or travelling to or from their premises for work, between 9:00:00 pm and 5:00:00am; or
- (c) for the reasons set out in:
 - (A) clause 7(1)(b)(ii) (care and support of a child); or
 - (B) clause 7(1)(b)(iii) (take a child elsewhere for child-minding); or
 - (C) clause 7(1)(c) (care and support for another person); or
 - (D) clause 7(1)(i) (escape harm or the risk of harm); or
 - (E) clause 7(1)(l) (provide child-minding assistance); or
 - (F) clause 7(1)(m) (pet toilet break); or
 - (G) clause 10(1)(b) (emergency purposes, which includes, without limitation, seeking emergency medical assistance); or
 - (H) clause 10(1)(c) (as required or authorised by law); or
 - (I) clause 10(1)(d) (for purposes relating to the administration of justice, including attending a police station); or
 - (J) clause 10(1)(f) (driving a person as permitted under these directions); or
 - (K) clause 10(1)(g) (the premises in which the person ordinarily resides is no longer available); or
 - (L) clause 10(1)(i) (leaving Metropolitan Melbourne); or
 - (M) clause 10(1)(j) (leaving Australia); or
 - (N) clause 10(1)(k) (for the purposes of national security).

Requirement to stay in Metropolitan Melbourne

- (11) Subject to subclauses (12) and (13), an ordinary resident of Metropolitan Melbourne during the stay at home period must not leave Metropolitan Melbourne other than for one or more of the reasons specified in:
- (a) clause 6 (**necessary goods or services**), provided that the facility at which the person is obtaining necessary goods or services is the closest facility to their principal place of residence from which those necessary goods or services can be obtained;
 - (b) clause 7 (**care or other compassionate reasons**);
 - (c) clause 8 (**work or education**);
 - (d) clause 10 (**other specified reasons**);
 - (e) clause 10A (**SARS-CoV-2 vaccination**) provided that the place at which the person is obtaining the SARS-CoV-2 vaccination is the closest place to the person's principal place of residence at which a SARS-CoV-2 vaccination can be obtained.
- (12) If an ordinary resident of Metropolitan Melbourne leaves Metropolitan Melbourne in accordance with subclause (11) or (13):
- (a) these directions apply to that person when outside of Metropolitan Melbourne as if they were in Metropolitan Melbourne; and
 - (b) the person may only access facilities in **Regional Victoria**:
 - (i) that are permitted to operate under the **Restricted Activity Directions (Metropolitan Melbourne)**; and
 - (ii) the person is accessing those facilities:
 - (A) for the purpose for which they are permitted to travel to Regional Victoria in accordance with subclause (11) or (13); or
 - (B) in the case of a **retail facility** (other than a **restricted retail facility**), for the purpose of obtaining essential goods or services; or
 - (C) in the case of a **food and drink facility**, to obtain takeaway food or drink; or
 - (D) in the case of an **accommodation facility**, if required to facilitate the purpose for which the person is permitted to travel to Regional Victoria.

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

Principal place of residence

- (13) If a person has more than one ordinary place of residence, their place of residence as at 11:59:00 pm on 12 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, regardless of whether that place of residence is within Metropolitan Melbourne or Regional Victoria, 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

- (14) An **ordinary resident of Metropolitan Melbourne** is any person who:
- (a) has only one ordinary place of residence, and that ordinary place of residence is within Metropolitan Melbourne; or
 - (b) has more than one ordinary place of residence, and their ordinary place of residence that is their principal place of residence is within Metropolitan Melbourne.
- (15) If a person:
- (a) no longer has an ordinary place of residence in Metropolitan Melbourne; or
 - (b) has an ordinary place of residence or principal place of residence (as applicable) in Metropolitan Melbourne 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.
- (16) If a person moves to a new place of residence under subclause (15) 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.

- (17) A **temporary resident of Metropolitan Melbourne** includes any person temporarily residing in Metropolitan Melbourne during the stay at home period (or part thereof).
- (18) A **short-term entrant to Metropolitan Melbourne** includes any person who is not an ordinary resident of Metropolitan Melbourne or a temporary resident of Metropolitan Melbourne during the stay at home period.

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

Face covering requirements

- (19) Subject to subclause (20), a person in Metropolitan Melbourne must:
- (a) carry a face covering at all times, except where subclause (20)(a), (b), (c), (d), (e), (f) or (bb) applies; and
 - (b) wear a face covering at all times, except where subclause (20) applies; and
 - (c) wear a face covering where required to do so in accordance with any other Directions currently in force.
- Note 1: face shields on their own do not meet the face covering requirements. For further information, please refer to the Department of Health's guidelines as amended from time to time by the Victorian government, available at: www.coronavirus.vic.gov.au/face-masks*
- Note 2: it is strongly recommended that face coverings be worn in other situations when physical distancing is not possible.*
- (20) Subclauses (19)(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 (19)(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)(j); or
- (m) the person is one of two persons being married while in the process of being married; or
- (n) the person is a professional sportsperson when training or competing; or
- (o) the person is engaged in any strenuous physical exercise; or
Examples: jogging, running, swimming, cycling.
- (p) the person is riding a bicycle or a motorcycle; or
- (q) the person is travelling in a vehicle by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (r) the person is consuming food, medicine, a non-alcoholic drink or an alcoholic drink at a wedding or a funeral that complies with the requirements in clause 11; or
- (s) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (t) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (u) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Metropolitan Melbourne)**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
- (v) the person is providing a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Metropolitan Melbourne)**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or

- (w) the person is an accused person in a criminal case in any court located in Metropolitan Melbourne and the person is in the dock either alone or with a co-accused, provided that any co-accused also present in the dock is at least 1.5 metres away from the person; or
- (x) the person is asked to remove the face covering to ascertain identity; or
Examples: a person may be asked by police, security, bank or post office staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.
- (y) for emergency purposes; or
- (z) when required or authorised by law; or
- (aa) when doing so is not safe in all the circumstances; or
- (bb) the person is at a premises that is their ordinary place of residence or their temporary place of residence; or
- (cc) the person is attending a permitted social gathering in accordance with clause 11(3)(b)(iii).

Face covering requirements in airports and on aircraft

- (21) Without limiting subclause (19)(b), during the stay at home period, a person in Metropolitan Melbourne at an **airport** or travelling in an **aircraft** must:
- (a) carry a face covering at all times, except where subclause (22)(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

- (22) Subclauses (21)(b) and (c) do not apply if a person complies with any other requirements under any other Directions currently in force and:
- (a) the person is an infant or a child under the age of 12 years; or
 - (b) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or
Examples: persons who have obstructed breathing, a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.
 - (c) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
 - (d) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
 - (e) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or
Examples: teaching, lecturing, broadcasting.
 - (f) the person is consuming food, drink or medicine; or
 - (g) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
 - (h) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Metropolitan Melbourne)**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or

- (i) the person is providing a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Metropolitan Melbourne)**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
 - (j) the person is asked to remove the face covering to ascertain identity; or
Examples: a person may be asked by police, security, or airport staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.
 - (k) for emergency purposes; or
 - (l) when required or authorised by law; or
 - (m) when doing so is not safe in all the circumstances.
- (23) An **authorised officer** may require a person to attest in writing that they have complied with the requirements of subclause (21) to wear a face covering on an aircraft (subject to clause (22)).

5A Travel restrictions: short term entrants to Metropolitan Melbourne

Restriction on entry to Metropolitan Melbourne

- (1) A short-term entrant to Metropolitan Melbourne must not enter Metropolitan Melbourne other than if they enter Metropolitan Melbourne:
- (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 10 (**other specified reasons**);
 - (v) clause 10A (**SARS-CoV-2 vaccination**); or
 - (b) for the purposes of transiting through Metropolitan Melbourne 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 short-term entrant to Metropolitan Melbourne during the stay at home period must:
- (a) comply with the face covering requirements in subclauses 5(18), (19), (20) and (21); 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 (Metropolitan Melbourne)**; and
 - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Metropolitan Melbourne)** in accordance with any requirements set out in those directions.

Travel restrictions

- (3) A short-term entrant to Metropolitan Melbourne may only enter Metropolitan Melbourne under subclause (1) where it does not involve unreasonable travel or travelling to a place for an unreasonable period of time.
- (4) A short-term entrant to Metropolitan Melbourne, 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 Metropolitan Melbourne for a purpose permitted under these directions.

- (5) A short-term entrant to Metropolitan Melbourne, who enters Metropolitan Melbourne under clause 6 (*necessary goods or services*) or exercises after they have entered Metropolitan Melbourne under subclause (1) must not:
- (a) travel further than 5km from:
 - (i) their ordinary place of residence outside of Metropolitan Melbourne for obtaining necessary goods or services; or
 - (ii) their intimate partner's ordinary place of residence or work premises (as applicable) for exercise, if the place of residence or work premises is in Metropolitan Melbourne; 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) A short-term entrant to Metropolitan Melbourne who enters Metropolitan Melbourne under clause 6 (*necessary goods or services*):
- (a) is not required to comply with subclause (5)(b) if the person obtains goods or services provided by:
 - (i) a financial institution under clause 6(1)(c)(i); or
 - (ii) a government body or government agency under clause 6(1)(c)(ii); and
 - (b) is not required to comply with subclause (5) if:
 - (i) the person enters Metropolitan Melbourne to obtain goods or services for health or medical purposes (including vaccinations) under clause 6(1)(b); 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.
- (7) A short-term entrant to Metropolitan Melbourne who enters Metropolitan Melbourne under clause 6 (*necessary goods or services*) must be the only person that has entered Metropolitan Melbourne from their ordinary place of residence on that day, except where:
- (a) the person enters Metropolitan Melbourne to obtain goods or services:
 - (i) for health or medical purposes (including vaccinations) under clause 6(1)(b); or
 - (ii) provided by a:
 - (A) financial institution under clause 6(1)(c)(i); or
 - (B) government body or government agency under clause 6(1)(c)(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 Metropolitan Melbourne 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).

PART 3 – REASONS TO LEAVE PREMISES OR TO ENTER METROPOLITAN MELBOURNE**6 Leaving premises or entering or leaving Metropolitan Melbourne to obtain necessary goods or services**

(1) The reasons relating to necessary goods or services are to obtain:

- (a) take away food or drink; or

Note: a person who ordinarily resides in Metropolitan Melbourne may not leave their premises to have a dine-in meal at any location.

- (b) goods and services for health or medical purposes (including vaccinations); or

- (c) 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 (Metropolitan Melbourne)**.

7 Leaving premises or entering or leaving Metropolitan Melbourne for care or other compassionate reasons

(1) The reasons relating to care or compassion are:

- (a) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or

- (b) if the person is a parent or guardian of a child (with or without that child):

- (i) to visit the child if the child is in detention, or in the care of another person; or

- (ii) to meet any obligations in relation to care and support for that child; or

- (iii) to take the child to another person's premises for the purpose of that other person providing child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can do one of the things specified in clauses 6 (*necessary goods or services*), 7 (*care or other compassionate reasons*), 8 (*work or education*), 9 (*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

- (c) to provide care and support to a person who has, or to receive care or support because the person has:

- (i) particular needs because of age, infirmity, disability, illness, a chronic health condition, homelessness or family violence; or

- (ii) particular needs because of matters relating to the other person's health (including mental health or pregnancy); or

- (d) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions**; or

- (e) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions**; or
- (f) 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
Note: a person who ordinarily resides in Metropolitan Melbourne is permitted to attend a wedding, funeral or end of life activity in Regional Victoria, provided that activity complies with the requirements in clause 11. An authorised celebrant may leave Metropolitan Melbourne under clause 8 (work or education).
- (g) 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
- (h) to donate biological material at a blood bank or other similar donation facility; or
- (i) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises; or
- (j) 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.
- (k) 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
- (l) to provide child-minding assistance (whether on a paid or voluntary basis); or
- (m) 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.
- (n) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal.
Examples: feeding a horse in a paddock; collecting a pet from an animal shelter.
Note: the distance travelled and the time taken should be no more than is absolutely necessary.

8 Leaving premises or entering or leaving Metropolitan Melbourne to attend work or education

- (1) The reasons relating to work or education are:
 - (a) to attend work (whether paid or voluntary, including for charitable or religious purposes); or
 - (b) to obtain a childcare or early childhood service; or
 - (c) to obtain educational services provided in subclause (3).
- (2) A person may leave the premises under subclause (1)(a) only if attending work in:
 - (a) Metropolitan Melbourne if:
 - (i) it is not reasonably practicable for the person to work from the premises where they ordinarily reside; and
 - (ii) the person is 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 (Metropolitan Melbourne)**; or
 - (f) Regional Victoria if:
 - (iii) it is not reasonably practicable for the person to work from the premises where they ordinarily reside; and

- (iv) the person would be an authorised worker or would work for an authorised provider, and would be permitted to do so under the **Restricted Activity Directions (Metropolitan Melbourne)**, if the person worked in Metropolitan Melbourne; or
 - (g) 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)(c) only:
- (a) to attend a school in Regional Victoria that they were enrolled in on 11:59:00 pm on 12 August 2021; or
 - (b) if it is not reasonably practicable for the person to obtain educational services from the premises where they ordinarily reside; and
 - (c) 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
 - (d) 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 Exercising and leaving premises for exercise

- (1) The reason relating to exercise is to exercise provided that the person:
 - (a) only exercises at a facility that is not prohibited by, and provided they comply with any requirements of, the **Restricted Activity Directions (Metropolitan Melbourne)**; and
 - (b) complies with the gathering restrictions in clause 11; and
 - (c) takes 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)(c)(iii).

10 Leaving premises or entering or leaving Metropolitan Melbourne for other reasons

- (1) The reasons relating to other matters are:
 - (a) 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
 - (b) for emergency purposes (other than emergency preparation activities); or
 - (c) as required or authorised by law; or

- (d) 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
- (e) to attend a **community facility**, which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Metropolitan Melbourne)**; or
- (f) 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.
- (g) 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
- (h) for the purposes of moving to a new premises at which the person will ordinarily reside; or
- (i) if the person ordinarily resides outside Metropolitan Melbourne, for the purposes of leaving Metropolitan Melbourne; or
- (j) if the person is permitted to leave Australia, for the purposes of leaving Australia; or
- (k) for the purposes of **national security**; or
- (l) 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; or
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.
- (m) if the person is temporarily residing at a premises that is not their ordinary place of residence, to return to their ordinary place of residence.

10A Leaving premises or entering or leaving Metropolitan Melbourne for vaccination

The reason relating to vaccinations is 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 or temporarily reside) in Metropolitan Melbourne.
*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**.*
- (2) During the stay at home period, an ordinary resident of Metropolitan Melbourne or a temporary resident of Metropolitan Melbourne 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) Subclauses (1) and (2) do not prevent any person entering the premises:
 - (a) if the person also ordinarily resides at the premises; or
 - (b) if it is necessary for the 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 or dependant permitted to accompany them) to enter the premises; or
- (B) the nominated person is permitting their nominee person (and any child or dependant permitted to accompany them) to enter the premises, but only while the nominated person is otherwise by themselves at their premises,

and:

- (C) the nominee person has only one nominated person; and
- (D) the nominated person has only one nominee person,

from 11:59:00 pm on 12 August 2021; 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 (l); 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.

Public gatherings

- (4) During the stay at home period:

- (a) an ordinary resident of Metropolitan Melbourne 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 in the State of Victoria; and
- b) any 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 in Metropolitan Melbourne,

except:

Note 1: 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).

Note 2: 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.

- (c) 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 one other person and the dependants of either person; or

Note: A household of more than two people (excluding dependants) may not leave the residence and all exercise together under this clause. The maximum people permitted to exercise together is two, plus dependants, regardless of whether they ordinarily live together or not. The intent of this clause is to allow a person to exercise with someone else for their personal safety rather than for social reasons.

- (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
- (d) 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
- (e) 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
- (f) for the purpose of a wedding in Metropolitan Melbourne or Regional Victoria that complies with the requirements in subclause (5); or

Note: a person who ordinarily resides in Metropolitan Melbourne is permitted to attend a wedding in Regional Victoria, provided that wedding complies with the requirements in subclause (5). An authorised celebrant may leave Metropolitan Melbourne under clause 8 (work or education).

- (g) for the purpose of a funeral in Metropolitan Melbourne or Regional Victoria that complies with the requirements in subclause (6); or
- (h) for the purpose of an end of life activity in Metropolitan Melbourne or Regional Victoria that complies with the requirements in subclause (7).

Note: a person who ordinarily resides in Metropolitan Melbourne is permitted to attend an end of life activity in Regional Victoria, provided that the activity complies with the requirements in subclause (7).

Weddings and funerals

- (5) During the stay at home period:
 - (a) an ordinary resident of Metropolitan Melbourne must not attend a wedding held in the State of Victoria; and
 - (b) a person in the State of Victoria must not attend a wedding held in Metropolitan Melbourne,

unless the wedding meets the following requirements:

- (c) 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

- (d) 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
- (e) it complies with any applicable requirements of the **Restricted Activity Directions (Metropolitan Melbourne)**; and
- (f) 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**.

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) During the stay at home period:
 - (a) an ordinary resident of Metropolitan Melbourne must not attend a funeral held in the State of Victoria; and
 - (b) a person in the State of Victoria must not attend a funeral held in Metropolitan Melbourne,

unless the funeral meets the following requirements:

- (c) 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
 - (ii) no more than the minimum number of persons reasonably necessary for the conduct of the funeral; 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) it complies with any applicable requirements of the **Restricted Activity Directions (Metropolitan Melbourne)**.

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) During the stay at home period:
 - (a) an ordinary resident of Metropolitan Melbourne must not attend an end of life activity held in the State of Victoria; and
 - (b) a person in the State of Victoria must not attend an end of life activity in Metropolitan Melbourne,

unless the end of life activity meets the following requirements:

- (c) 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

- (d) 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 (e) and (f); and
- (e) 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
- (f) 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
- (g) 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 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) **Area Directions** means the **Area Directions (No. 13)** as amended or replaced from time to time;
- (4) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;

- (5) **authorised officer** has the same meaning as in the **PHW Act**;
- (6) **authorised provider** has the same meaning as in the **Restricted Activity Directions (Metropolitan Melbourne)**;
- (7) **Authorised Provider and Authorised Worker List** is the document available at 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;
- (8) **authorised worker** has the same meaning as in the **Workplace Directions**;
- (9) **Care Facilities Directions** means **Care Facilities Directions (No. 41)** as amended or replaced from time to time;
- (10) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (11) **childcare or early childhood service** means onsite early childhood education and care services or children's services provided under the:
 - (a) **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;
- (12) **closed work premises** has the same meaning as in the **Restricted Activity Directions (Metropolitan Melbourne)**;
- (13) **community facility** has the same meaning as in the **Restricted Activity Directions (Metropolitan Melbourne)**;
- (14) **density quotient** has the same meaning as in the **Workplace Directions**;
- (15) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (16) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 25)** as amended or replaced from time to time;
- (17) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (18) **Directions currently in force** means the **Area Directions**, the **Restricted Activity Directions (Metropolitan Melbourne)**, the **Stay at Home Directions (Metropolitan Melbourne)**, 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;
- (19) **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));
- (20) **excepted person** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (21) **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);

- (22) **higher education services** means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, and other post-compulsory education or training;
- (23) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (24) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 35)** as amended or replaced from time to time;
- (25) **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;
- (26) **member of the public** has the same meaning as in the **Restricted Activity Directions (Metropolitan Melbourne)**;
- (27) **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**;
- (28) **Metropolitan Melbourne** has the same meaning as in the **Area Directions**;
- (29) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (30) **nominated person** means a person nominated by a **nominee person** for social interaction permitted in accordance with these directions;
- (31) **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;
- (32) **ordinary resident of Metropolitan Melbourne** has the meaning in clause 5(14);
- (33) **outdoor space** means a space that is not an **indoor space**;
- (34) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (35) **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;
- (36) **prison** has the same meaning as in the **Corrections Act 1986**;
- (37) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (38) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (39) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (40) **Restricted Activity Directions (Metropolitan Melbourne)** means the **Restricted Activity Directions (Metropolitan Melbourne) (No. 9)** as amended or replaced from time to time;
- (41) **revoked Border Crossing Permit Scheme Directions** has the meaning in the **Victorian Border Crossing Permit Directions**;
- (42) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (43) **short-term entrant to Metropolitan Melbourne** has the meaning in clause 5(18);
- (44) **specified worker (exclusive outdoor activities) permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;

- (45) **specified worker (low workplace interaction) permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (46) **specified worker (other) permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (47) **specified worker permit** means the **specified worker (exclusive outdoor activities) permit**, **specified worker (low workplace interaction) permit** or the **specified worker (other) permit**;
- (48) **stay at home period** has the meaning in clause 4;
- (49) **temporary resident of Metropolitan Melbourne** has the meaning in clause 5(17);
- (50) **transit permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (51) **vehicle** has the same meaning as in the **PHW Act**;
- (52) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 28)** as amended or replaced from time to time;
- (53) **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);
- (54) **work premises** has the same meaning as in the **Workplace Directions**;
- (55) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 37)** as amended or replaced from time to time;
- (56) **Workplace Directions** means the **Workplace Directions (No. 44)** as amended or replaced from time to time;
- (57) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (58) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

14 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has refused or failed to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.

Dated 16 August 2021

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

Public Health and Wellbeing Act 2008

Section 200

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

Workplace Directions (No. 44)

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

1 Preamble

- (1) The presence of a person with a positive diagnosis of severe acute respiratory syndrome coronavirus 2 (**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. 43)**.

2 Citation

These directions may be referred to as the **Workplace Directions (No. 44)**.

3 Revocation

The **Workplace Directions (No. 43)** are revoked at 11:59:00 pm on 17 August 2021.

4 Commencement

These directions commence at 11:59:00 pm on 17 August 2021 and end at 11:59:00 pm on 26 August 2021.

5 Operation of a Work Premises

- (1) An employer in respect of a Work Premises located in Metropolitan Melbourne:
 - (a) may only permit a worker to perform work at the employer's Work Premises if:
 - (i) the employer is an **Authorised Provider** permitted to operate under the **Restricted Activity Directions (Metropolitan Melbourne)**; or
 - (ii) the worker is an Authorised Worker; and
 - (b) must not permit a worker to perform work at the Work Premises unless:
 - (i) the worker:
 - (A) is an **Authorised Worker** that has in their possession, photographic personal identification and a current Authorised Worker Permit issued by an Authorised Provider or their employer (unless an exception under subclause (7) applies); or
 - (B) is permitted to perform work at the Work Premises under the **Stay at Home Directions (Metropolitan Melbourne)** or the **Restricted Activity Directions (Metropolitan Melbourne)**; 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 (Metropolitan Melbourne)**, the **Workplace (Additional Industry Obligations) Directions** and all other Directions currently in force where they apply to that employer; and
 - (d) prior to permitting a worker to perform work at the employer's Work Premises under subclause (a) or (b), must:
 - (i) issue a worker with an Authorised Worker Permit that meets the requirements in subclause (6); and
 - (ii) take all reasonable steps to ensure that a worker does not enter, or remain on, the employer's Work Premises to perform work without an Authorised Worker Permit.
- Note 1: if a person is an Authorised Worker who is self-employed, a sole-trader, an independent contractor or sub-contractor, or a person appointed to or holding a statutory office, the person must issue themselves with an Authorised Worker Permit in the approved form, signed as both the employer and the worker.*
- Note 2: if a person is an Authorised Worker who is a contractor or sub-contractor who is ordinarily contracted for work through an agency (e.g. labour hire agency), the 'employer' will have satisfied their obligation to issue an Authorised Worker Permit if the permit is issued by the agency.*
- Note 3: an employer of a student enrolled at university, TAFE or a registered training organisation who is undertaking a student placement with them will have satisfied their obligation to issue an Authorised Worker Permit to the student if the permit is issued by the higher education provider.*
- (e) must keep a record of all Authorised Worker Permits issued under these directions; and
 - (f) must, on request, produce the records under subclause (e) to an Authorised Officer, a Victorian police officer or a Protective Services Officer.
- (2) An employer in respect of a Work Premises located in Regional Victoria:
- (a) may permit workers to perform work from the employer's Work Premises:
 - (i) if 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
 - (ii) if the worker ordinarily resides in Metropolitan Melbourne, the worker is an **Authorised Worker** who has in their possession, photographic personal identification and a current Authorised Worker Permit issued by an Authorised Provider or their employer (unless an exception under subclause (7) applies); and
 - (b) in relation to office-based Work Premises, an employer:
 - (i) subject to subclauses (b)(ii) and (b)(iii), may permit workers who reside in Regional Victoria and who do not fall within subclause (2)(a) to work from the employer's work premises; and
 - (ii) must use their best endeavours to ensure that the number of workers permitted to attend the Work Premises at any one time is limited to the greater of:
 - (A) 25 per cent of the total number of workers for that Work Premises; and
 - (B) 10; and
 - (iii) the cap in subclause (b)(ii) does not apply, and may be exceeded, where it is not reasonably practicable for more than 25 per cent of the total number of workers for that Work Premises or 10 workers (whichever is greater), to work at the worker's place of residence or another suitable premises which is not the Work Premises; and

Example 1: where an employer has 100 workers employed at a Work Premises, 25 per cent of the total number of workers for that Work Premises is 25. If it is not reasonably practicable for 10 workers to work from home, those workers may attend the work premises and represent 10 per cent of the total number of workers for that Work Premises. Therefore another 15 workers may be permitted to attend the workplace.

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

*Note: the **Stay Safe Directions (Regional Victoria)** permit a person who ordinarily resides in Regional Victoria to leave the premises at which they ordinarily reside to attend work in Regional Victoria if it is not reasonably practicable for the person to work from the premises at which they ordinarily reside. In relation to office-based Work Premises, the **Stay Safe Directions (Regional Victoria)** also permit a person who ordinarily resides in Regional Victoria to leave the premises at which they ordinarily reside to attend work in Regional Victoria if the person who has employed or engaged the person to work has advised that it is permissible for them to do so in accordance with the Directions currently in force. The **Stay at Home Directions (Metropolitan Melbourne)** permit a person who ordinarily resides in Metropolitan Melbourne to leave the premises at which they ordinarily reside to attend work in Regional Victoria or Metropolitan Melbourne if they are an Authorised Worker or work for an Authorised Provider and it is not reasonably practicable for the person to work from the premises at which they ordinarily reside.*

- (c) must comply with the **Stay Safe Directions (Regional Victoria)**, the **Workplace (Additional Industry Obligations) Directions** and all other Directions currently in force where they apply to that employer; and
- (d) prior to permitting a worker to perform work at the employer's Work Premises under subclause (a)(ii), must:
 - (i) issue a worker with an Authorised Worker Permit that meets the requirements in subclause (6); and
 - (ii) take all reasonable steps to ensure that a worker does not enter, or remain on, the employer's Work Premises to perform work without an Authorised Worker Permit.

Note 1: if a person is an Authorised Worker who is self-employed, a sole-trader, an independent contractor or sub-contractor, or a person appointed to or holding a statutory office, the person must issue themselves with an Authorised Worker Permit in the approved form, signed as both the employer and the worker.

Note 2: if a person is an Authorised Worker who is a contractor or sub-contractor who is ordinarily contracted for work through an agency (e.g. labour hire agency), the 'employer' will have satisfied their obligation to issue an Authorised Worker Permit if the permit is issued by the agency.

Note 3: an employer of a student enrolled at university, TAFE or a registered training organisation who is undertaking a student placement with them will have satisfied their obligation to issue an Authorised Worker Permit to the student if the permit is issued by the higher education provider.

- (e) must keep a record of all Authorised Worker Permits issued under these directions; and
 - (f) must, on request, produce the records under subclause (e) to an Authorised Officer, a Victorian police officer or a Protective Services Officer.
- (3) Where an employer permits or requires work to be performed at a Work Premises, the employer must comply with clauses 6 to 8.
 - (4) Workers must not attend a Work Premises if they have been tested for SARS-CoV-2 because they are symptomatic whilst awaiting the result of that test (excluding where a worker is awaiting results of a test taken in accordance with a surveillance testing obligation under the **Workplace (Additional Industry Obligations) Directions**).
 - (5) A worker that ordinarily resides in Metropolitan Melbourne or that performs work at a Work Premises located in Metropolitan Melbourne:
 - (a) must not enter, or remain at, a Work Premises to perform work if they do not hold a current Authorised Worker Permit; and
 - (b) must carry an Authorised Worker Permit at all times from when they leave the premises at which they ordinarily reside to attend work until they return to the premises at which they ordinarily reside; and

Note: a person may carry either a hardcopy or an electronic copy (or both) of the Authorised Worker Permit.

- (c) carry photographic personal identification at all times from when they leave the premises at which they ordinarily reside to attend work until they return to the premises at which they ordinarily reside.

Authorised Worker Permit

- (6) An Authorised Worker Permit must meet the following requirements:

- (a) be in the approved form;

Note 1: the approved Authorised Worker Permit form is available at <https://www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-permit>

- (b) only include details that are, to the best of the employer's and worker's knowledge, complete, accurate and not in any way false, misleading or deceptive; and

- (c) record relevant details of the employer including:

- (i) the employer's company name; and
- (ii) the employer's ABN and/or ACN; and
- (iii) the employer's company address; and
- (iv) the employer's trading name; and
- (v) the address of the Work Premises at which the worker is required to work; and

Note: if there is more than one Work Premises at which the worker is required to attend, this must be accompanied by a record detailing, as far as reasonably practicable, the expected place, date and time of attendance by the worker.

- (d) contact details of the employer (or an authorised representative of the employer) including:

- (i) contact name;
- (ii) contact title and role in the business;
- (iii) telephone number; and
- (iv) contact name and telephone number of a secondary representative of the employer; and

- (e) record relevant details of the worker including:

- (i) the worker's full name; and
- (ii) the worker's date of birth; and
- (iii) the worker's address; and
- (iv) record the expected dates, hours and duration of work required to be performed by the worker (or, if those details are irregular, the possible dates, hours and duration of work likely to be performed); and
- (v) record the expected rostered hours of work for the worker (or, if those details are irregular, the possible dates, hours and duration of work likely to be performed); and
- (vi) record the service the worker is required to provide; and

- (f) include a signed declaration by the employer (or an authorised representative of the employer) certifying that:

- (i) the employer has taken all reasonable steps to avoid the necessity for the worker to attend the Work Premises and is of the view that the worker's attendance at the Work Premises is required; and
- (ii) the employer's business is an Authorised Provider or they employ the Authorised Worker; and

- (iii) the Work Premises and work practices are compliant with all relevant legal obligations, including the public health directions issued under the PHW Act, in place at the relevant time, and the employer's obligations under the OHS Act (or, where applicable, the **Work Health and Safety Act 2011** of the Commonwealth); and
- (iv) the employer has a COVIDSafe Plan, if required by the Directions currently in force; and
- (v) the employer is and will otherwise be operating in accordance with any applicable directions issued under the PHW Act; and
- (vi) the information contained within the Authorised Worker Permit is true and correct; and

Note 1: the employer is not required to certify that the information provided by the worker is true and correct.

Note 2: the employer (or an authorised representative of the employer) may sign electronically.

- (g) include a signed declaration by the worker certifying that:
 - (i) their own name and address as contained in the Authorised Worker Permit are true and correct; and
 - (ii) their own work hours and place of work as contained in the Authorised Worker Permit are true and correct; and

Note: the worker may sign electronically.

- (h) be issued, signed and dated by the employer (or an authorised representative of the employer).

Note 1: the Authorised Worker Permit must be issued by a natural person residing in Victoria, unless there is no such person.

Note 2: the employer (or an authorised representative of the employer) may sign electronically.

Exceptions to holding a current Authorised Worker Permit

- (7) A worker that ordinarily resides in Metropolitan Melbourne or that performs work at a Work Premises located in Metropolitan Melbourne is permitted to travel to, and enter, a Work Premises, without a current Authorised Worker Permit where:
 - (a) the primary purpose of the worker's travel and attendance at the Work Premises is to obtain their first Authorised Worker Permit from an employer; or
 - (b) the worker is required to work from the Work Premises on short notice, rendering it impracticable for the worker to receive a current Authorised Worker Permit (or an Authorised Worker Permit that includes accurate details as to the worker's work hours or location) prior to attending the Work Premises. In these circumstances, the worker must carry an Authorised Worker Permit in relation to the same employer which has expired, is incomplete or applies to another time period, so that if necessary the worker's employer can be contacted to verify that the worker is required; or
 - (c) it is not reasonable for the worker to work from their ordinary place of residence because of a risk of harm (including harm relating to family violence or violence of another person at the premises); or
 - (d) in exceptional circumstances, if the worker is carrying a written document (other than in the approved form) that includes all of the details required in the approved form (without the employer's certification and signature); or
 - (e) they are an adult transporting a dependant or a person they ordinarily reside with, to or from the Work Premises and that worker is an Authorised Worker.

Note: this encompasses circumstances where, for reasons including because of age, impairment, medical condition, disability, or other reasons, a person is not able to transport themselves to the Work Premises listed on their Authorised Worker Permit and require a parent, guardian, carer or other responsible adult to transport them to their Work Premises.

- (8) Subject to subclause (9), the following persons are not required to be issued with, and to hold, an Authorised Worker Permit prior to entering, or remaining at, their Work Premises:
- (a) all Victoria Police employees, Australian Defence Force employees, Australian Criminal Intelligence Commission employees, Australian Border Force employees, Australian Federal Police employees and employees of government intelligence and security agencies; and
 - (b) emergency service workers, which include officers and employees of:
 - (i) Ambulance Victoria; or
 - (ii) Australian Red Cross; or
 - (iii) Bushfire Recovery Victoria; or
 - (iv) Country Fire Authority; or
 - (v) COVID-19 Quarantine Victoria; or
 - (vi) Emergency Management Victoria; or
 - (vii) Emergency Services Telecommunications Authority; or
 - (viii) Fire Rescue Victoria; or
 - (ix) Forest Fire Management Victoria; or
 - (x) Life Saving Victoria; or
 - (xi) Marine Search and Rescue; or
 - (xii) Victoria State Emergency Service Authority; or
 - (xiii) Victorian Institute of Forensic Medicine; or
 - (xiv) aged care workers directly employed by a residential aged care service; and
 - (c) hospital workers and health workers (including non-emergency patient transport workers); and
 - (d) judicial officers and Victorian Civil and Administrative Tribunal members; and
 - (e) any class of person approved by the Chief Health Officer in writing and subject to any conditions specified by the Chief Health Officer.
- (9) The persons listed above in subclause (8) are not required to hold an Authorised Worker Permit provided they:
- (a) have photographic personal identification issued by the organisation or body which employs or engages them in the capacity set out in subclause (8) and which identifies the person's place of work in that capacity; and
 - (b) must, on request, produce the photographic personal identification which identifies the person's place of work to an Authorised Officer, a Victoria Police Officer or a Protective Services Officer.

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(17)(e) of the **Stay at Home Directions (Metropolitan Melbourne)** or subclause 5(9)(e) of the **Stay Safe Directions (Regional Victoria)** applies to the worker; and

- (b) wears a face covering where required to do so in accordance with any other Directions currently in force, except where an exception in subclause 5(17) of the **Stay at Home Directions (Metropolitan Melbourne)** or subclause 5(9) of the **Stay Safe Directions (Regional Victoria)** applies to the worker.

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

Note 2: a worker is required to wear a face covering at all other times when the exceptions above do not apply, if required to do so in accordance with any other Directions currently in force.

COVIDSafe Plan

- (2) Subject to subclause (4), an employer must, for each Work Premises:
- (a) have in place a **COVIDSafe Plan**, which addresses the health and safety issues arising from SARS-CoV-2, including but not limited to:
- Note: employers can use the template plan accessible from the following website for guidance: www.coronavirus.vic.gov.au/covidsafe-plan as amended or replaced from time to time by the Victorian Government.*
- (i) the employer's process for implementing the record-keeping obligation under subclause (6);
- (ii) the appropriate level of **PPE** to be worn at the Work Premises;
- (iii) actions taken by the employer to mitigate the introduction of SARS-CoV-2 at the Work Premises;
- Examples: temperature testing, provision and training for PPE use, regular cleaning, specific **cleaning requirements** following an outbreak, physical distancing requirements (e.g. closing or reconfiguring **common areas** such as lunchrooms to support workers remaining 1.5 metres apart at all times).*
- (iv) the processes which the employer has put in place to respond to any **suspected case** or any **confirmed case** of SARS-CoV-2 at the Work Premises, taking into account the employer's obligations under these directions;
- (v) an acknowledgement that the employer understands its responsibilities and obligations under these directions; and
- (b) document and evidence, and require its managers to document and evidence, implementation of the COVIDSafe Plan.
- (3) The employer and the employer's workers must comply with the COVIDSafe Plan.
- (4) An employer is not required to comply with subclause (2):
- (a) for any Work Premises that have no workers working at that Work Premises; or
- (b) in relation to:
- (i) each individual **vehicle** that makes up a fleet of two or more vehicles; and
- Note 1: despite subclause (4)(b), an employer must have a COVIDSafe Plan in relation to a fleet of two or more vehicles.*
- Note 2: where an employer owns, operates or controls only one vehicle, then it must have a COVIDSafe Plan for that vehicle.*
- Example: where an employer owns, operates or controls only one vehicle used to provide **commercial passenger vehicle services** or a vehicle used to provide **passenger services**, then it must have a COVIDSafe Plan for that vehicle.*
- (ii) vehicles used predominantly by 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:

- (A) an entrance to the Work Premises; or

- (B) a point of sale; or

- (C) a point of service; and

Note: a point of sale includes where a customer pays for goods or services. A point of service includes where 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; or
- Note: where a common property area is a facility such as a gym, pool, or cinema subject to the **Restricted Activity Directions (Metropolitan Melbourne)** or the **Restricted Activity Directions (Regional 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 (Metropolitan Melbourne)** or clause 14 (*accommodation facilities*) of the **Restricted Activity Directions (Regional Victoria)** applies is only required to comply with subclause (7) in respect of a person who:
- (a) is not registered to stay overnight at the **accommodation facility**; and
 - (b) attends a communal or shared accommodation space.

- (13) Despite subclause (7)(a), an owner of a vehicle used as a commercial passenger vehicle service must make available and clearly visible and accessible in the vehicle, at all times, a sign that allows the drivers and passengers of the vehicle to use 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;
- 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 (Metropolitan Melbourne)** and the **Restricted Activity Directions (Regional 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 (Metropolitan Melbourne)** or the **Restricted Activity Directions (Regional 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 located in Regional Victoria 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 located in Regional Victoria 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; and
 - (b) surfaces are cleaned when visibly soiled; and
 - (c) if a function is to occur, a reasonable period of time has elapsed since the conclusion of any earlier function to allow for cleaning in between the functions; and

- (d) surfaces accessible to a particular group are cleaned between groups; and
Example: cleaning surfaces between shifts of workers.
 - (e) surfaces are cleaned immediately after a spill on the surface.
- (25) To ensure a surface is cleaned for the purposes of these directions, a person must wipe the surface with a disinfectant:
- (a) the label of which states a claim by the manufacturer that the disinfectant has anti-viral properties; or
 - (b) made by a person according to instructions issued by the Department.
- (26) A person who owns, operates or controls a market stall, market or retail shopping centre must comply with the cleaning requirement respectively for the market stall, market or the common areas of the retail shopping centre.

7 Responding to a suspected case of SARS-CoV-2 in a Work Premises

- (1) An employer must not require a worker to perform work at a Work Premises if the worker is displaying one or more **SARS-CoV-2 Symptoms**.
- (2) As soon as practicable after becoming aware of a suspected case in a worker who has attended a Work Premises in the period commencing 48 hours prior to the onset of symptoms, an employer must:
 - (a) advise the worker to **self-isolate** immediately and support the worker in doing so, by either:
 - (i) directing the worker to travel home immediately (and providing support to the worker to do so); or
 - (ii) where the worker is unable to travel home immediately, directing the worker to isolate themselves at the Work Premises and, whilst doing so, to wear a face covering and remain at least 1.5 metres from any other person at the Work Premises, until the worker can return home later that day to self-isolate; and
Note: the worker should isolate in a separate room from other persons, where possible.
 - (b) advise the worker to be tested for SARS-CoV-2 as soon as practicable, and to self-isolate whilst awaiting the result of that test; and
 - (c) take all reasonably practicable steps to manage the risk posed by the suspected case, including but not limited to:
 - (i) cleaning areas of the Work Premises used by the suspected case (including their personal workspace and any areas in the Work Premises frequently used by the suspected case);
 - (ii) cleaning high-touch surfaces at the Work Premises likely to have been frequented by the suspected case; and
Examples: lift buttons, door handles, washroom facilities, kitchen facilities, water coolers. For further information, see the guidance www.dhhs.vic.gov.au/coronavirus-cleaning-guidelines-for-workplaces-doc as amended or replaced from time to time by the Victorian Government.
 - (d) ensure appropriate records are maintained in accordance with clause 6(6) in order to support contact tracing if the suspected case becomes a confirmed case, particularly from the period commencing 48 hours prior to the onset of symptoms in the suspected case; and
Note: this will include, for example, rosters and worker details, and details of all visitors to the Work Premises, to ascertain which persons were present at the Work Premises and who they may have come into contact with.
 - (e) inform all workers (including the **health and safety representative**) to be vigilant about the onset of symptoms of SARS-CoV-2 and advise all workers to be tested for SARS-CoV-2 and self-isolate if they become symptomatic.

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

- (1) In these directions, in respect of a worker who has tested positive to SARS-CoV-2, **Relevant Period** means the period commencing 48 hours prior to:
- (a) the onset of symptoms of SARS-CoV-2 in the worker, if symptomatic; or
 - (b) the worker having been tested for SARS-CoV-2, if asymptomatic,
- and up to the **diagnosed person** receiving clearance from the Department.
- (2) A worker who has received a positive test result for SARS-CoV-2 must, as soon as practicable, notify the employer of any Work Premises which the worker has attended in the Relevant Period.
- (3) As soon as practicable after becoming aware of a confirmed case who has attended the Work Premises in the Relevant Period, the employer must:
- (a) notify the Department and WorkSafe in accordance with the **Occupational Health and Safety (COVID-19 Incident Notification) Regulations 2021** and the health and safety representative at the Work Premises; and
 - (b) to the extent not already completed, direct the **diagnosed worker** not to attend the Work Premises and advise them to self-isolate in accordance with clause 7(2)(a); and
 - (c) undertake a risk assessment to determine whether the Work Premises (or the relevant part of the Work Premises in which the diagnosed worker worked in the Relevant Period) must be closed to allow cleaning and contact tracing to occur or whether the risk can be managed whilst the Work Premises (or part of it) continues to operate; and
 - (d) undertake a comprehensive clean of the Work Premises (or the relevant part of the Work Premises in which the diagnosed worker worked in the Relevant Period, and any high touch areas likely to have been touched by the diagnosed worker) in accordance with guidelines published by the Department; and

Note: online guidance from the Department can be obtained from the following link: www.dhhs.vic.gov.au/coronavirus-cleaning-guidelines-for-workplaces-doc as amended or replaced from time to time by the Victorian Government.

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

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

- (i) if the close contact is a worker, direct them to leave the Work Premises and advise them to **self-quarantine**; and
 - (ii) if the close contact is not a worker, issue them a written communication to recommend that they self-quarantine in accordance with guidance from the Department; and
- (f) notify all workers when a worker has tested positive to SARS-CoV-2; and
- (g) inform all workers (including health and safety representatives) to be vigilant about the onset of SARS-CoV-2 Symptoms and advise all workers to be tested for SARS-CoV-2 and self-quarantine if they become symptomatic; and
- (h) put in place appropriate control and/or risk management measures to reduce the risk of spreading SARS-CoV-2 at the Work Premises; and

Note: employers are encouraged to ensure that any risks identified from the confirmed case are addressed in these control measures.

Examples: increasing the implementation and enforcement of control measures with respect to PPE (such as face coverings) and physical distancing.

- (i) contact the Department (or other entity nominated by the Department on its website) and:
 - (i) notify it of the actions taken in accordance with subclause (3)(a) to (h); and
 - (ii) provide it with a copy of the risk assessment conducted in accordance with subclause (3)(c); and
 - (iii) provide the Department (or other entity nominated by the Department) with contact details of any close contacts (whether or not workers) identified pursuant to subclause (3)(e); and
 - (iv) comply with any further directions given by the Department or WorkSafe in relation to closure of the Work Premises (or part of the Work Premises) and/or cleaning; and
- (j) where the Work Premises (or part of the Work Premises) is closed, not re-open that Work Premises (or that part of the Work Premises which was closed) until all of the following have occurred:
 - (i) the employer has complied with all of its obligations under subclause (3)(a) to (i); and
 - (ii) the Department has completed all relevant contact tracing; and
 - (iii) the Department has given clearance for the Work Premises to re-open.

*Note: employers must comply with their obligations under occupational health and safety laws, including notifying WorkSafe in accordance with the **Occupational Health and Safety (COVID-19 Incident Notification) Regulations 2021**.*

9 Relationship with other directions

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

10 Definitions

For the purposes of these directions:

- (1) **accommodation facility** has the same meaning as in the **Restricted Activity Directions (Metropolitan Melbourne)**;
- (2) **additional records requirement** has the meaning in clause 6(15) and 6(16) (both inclusive);
- (3) **Area Directions** means the **Area Directions (No. 13)** as amended or replaced from time to time;
- (4) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (5) **Authorised Provider** means a provider of goods or services as set out in the **Authorised Provider and Authorised Worker List**;
- (6) **Authorised Worker** means a person who performs work as set out in the **Authorised Provider and Authorised Worker List** and has been issued with an **Authorised Worker Permit** in accordance with clause 5 unless an exception in subclause 5(7) applies;
- (7) **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 <https://www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-list>
- (8) **Authorised Worker Permit** means the permit issued to an Authorised Worker by an employer in accordance with clause 5;

- (9) **bus company** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;
- (10) **Care Facilities Directions** means the **Care Facilities Directions (No. 41)** as amended or replaced from time to time;
- (11) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (12) **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;
- (13) **cleaned** has the meaning in clause 6(25);
- (14) **cleaning requirement** has the meaning in clause 6(24) to (26) (both inclusive);
- (15) **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**;
- (16) **commercial passenger vehicle service** has the meaning given in section 4 of the **Commercial Passenger Vehicle Industry Act 2017**;
- (17) **common areas of a retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (18) **confirmed case** means a diagnosis of SARS-CoV-2 in a **worker** at the **Work Premises**;
- (19) **court or tribunal** means a judicial and/or administrative review body established pursuant to legislation;
- (20) **COVIDSafe Plan** has the meaning in clause 6(2);
- (21) **density quotient** has the meaning in clause 6(17);
- (22) **Department** means the Department of Health;
- (23) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (24) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 25)** as amended or replaced from time to time;
- (25) **diagnosed worker** means a **worker** who is a **diagnosed person**;
- (26) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (27) **Directions currently in force** means the **Area Directions**, the **Stay at Home Directions (Metropolitan Melbourne)**, the **Stay Safe Directions (Regional Victoria)**, the **Restricted Activity Directions (Metropolitan Melbourne)**, the **Restricted Activity Directions (Regional Victoria)**, the **Workplace Directions**, the **Workplace (Additional Industry Obligations) Directions**, the **Victorian Border Crossing Permit Directions**, the **Hospital Visitors Directions**, the **Care Facilities Directions** and the **Diagnosed Persons and Close Contacts Directions**;
- (28) **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;
- (29) **emergency** has the same meaning as in the **Emergency Management Act 2013**;
- (30) **emergency worker** has the same meaning as in the **Sentencing Act 1991**;
- (31) **employee** includes a person who is self-employed;
- (32) **employer** means a person who owns, operates or controls **Work Premises** (or a Work Premises) and includes a person who is self-employed;
- (33) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection;
- (34) **food and drink facility** has the same meaning as in the **Restricted Activity Directions (Metropolitan Melbourne)**;
- (35) **health and safety representative** has the same meaning as in the **OHS Act**;
- (36) **health service entity** has the same meaning as in the **Health Services Act 1988**;
- (37) **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;
- (38) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (39) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 35)** as replaced or amended from time to time;
- (40) **indoor space** has the same meaning as in the **Restricted Activity Directions (Metropolitan Melbourne)**;
- (41) **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;
- (42) **inspector** has the same meaning as in the **OHS Act**;
- (43) **market** means a public market, whether indoor or outdoor, including a food market;
- (44) **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;
- (45) **Metropolitan Melbourne** has the same meaning as in the **Area Directions**;

- (46) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (47) **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.*
- (48) **outdoor space** has the same meaning as in the **Restricted Activity Directions (Metropolitan Melbourne)**;
- (49) **owner** has the same meaning as in the **Commercial Passenger Vehicle Industry Act 2017**;
- (50) **owners corporation** has the same meaning as in the **Owners Corporations Act 2006**;
- (51) **passenger services** has the same meaning as in the **Transport Integration Act 2010**;
- (52) **passenger transport company** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;
- (53) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (54) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (55) **PPE** means personal protective equipment;
- (56) **premises** has the same meaning as in the **PHW Act**;
- (57) **prison** has the same meaning as in the **Corrections Act 1986**;
- (58) **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**;
- (59) **public transport service** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;
- (60) **reasonably practicable** is to have its ordinary and common sense meaning;
- (61) **records requirement** has the meaning in clause 6(6) to (14) (both inclusive);
- (62) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (63) **Relevant Period** has the meaning given in clause 8(1);
- (64) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (65) **Restricted Activity Directions (Metropolitan Melbourne)** means the **Restricted Activity Directions (Metropolitan Melbourne) (No. 9)** as amended or replaced from time to time;
- (66) **Restricted Activity Directions (Regional Victoria)** means the **Restricted Activity Directions (Regional Victoria) (No. 7)** as amended or replaced from time to time;
- (67) **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**;
- (68) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (69) **SARS-CoV-2 Symptoms** means symptoms consistent with **SARS-CoV-2**, including but not limited to the following:
- (a) a fever ($\geq 37.5^{\circ}\text{C}$) or consistent fever of less than 37.5°C (such as night sweats, chills);
 - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);

- (c) loss of smell;
- (d) loss of taste;
- (70) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (71) **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**;
- (72) **School Bus Program** means the program of that name administered by the Department of Education and Training;
- (73) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (74) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (75) **Service Victoria** has the same meaning as in the **Service Victoria Act 2018**;
- (76) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (77) **signage requirement** has the meaning in clauses 6(21), (22) and (23);
- (78) **Stay at Home Directions (Metropolitan Melbourne)** means the **Stay at Home Directions (Metropolitan Melbourne) (No. 4)** as amended or replaced from time to time;
- (79) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 7)** as amended or replaced from time to time;
- (80) **Students with Disabilities Transport Program** means the program of that name administered by the Department of Education and Training;
- (81) **supermarket** has the same meaning as supermarket business in the **Food Act 1984**;
- (82) **suspected case** means a person who is displaying one or more **SARS-CoV-2 Symptoms**;
- (83) **tour and charter bus service** has the same meaning as in the **Bus Safety Act 2009**;
- (84) **vehicle** has the same meaning as in the **PHW Act**;
- (85) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 28)** as amended or replaced from time to time;
- (86) **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’;
- (87) **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.
- (88) **worker** includes **employees**, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work;
- (89) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 37)** as amended or replaced from time to time;
- (90) **WorkSafe** means WorkSafe Victoria;
- (91) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (92) **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 16 August 2021

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

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Workplace (Additional Industry Obligations) Directions (No. 37)**

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

1 Preamble

- (1) The presence of a person with a positive diagnosis of Novel Coronavirus 2019 (**SARS-CoV-2**) at a **Work Premises** is considered to pose an immediate risk of transmission to persons who attend, or may attend, the Work Premises.
- (2) The purpose of these directions is to establish additional specific obligations on **employers** and **workers** in specific industries in relation to managing the risk associated with SARS-CoV-2.
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions are intended to supplement any obligations an employer may have under the **OHS Act** and the **Workplace Directions** and are not intended to derogate from any such obligations.
- (5) These directions replace the **Workplace (Additional Industry Obligations) Directions (No. 36)**.

2 Citation

These directions may be referred to as the **Workplace (Additional Industry Obligations) Directions (No. 37)**.

3 Revocation

The **Workplace (Additional Industry Obligations) Directions (No. 36)** are revoked at 11:59:00 pm on 16 August 2021.

4 Commencement

- (1) These directions commence 11:59:00 pm on 16 August 2021 and end at 11:59:00 pm on 26 August 2021.

5 Application of directions to certain employers and roles

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

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

6 General Obligations

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

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

Compliance

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

Consultation

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

7 Additional Industry Obligations

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

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

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

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

Additional measures to prevent SARS-CoV-2 in abattoirs and meat processing facilities, poultry processing facilities, seafood processing facilities, warehousing and distribution centres, supermarket Work Premises, and perishable food Work Premises that are chilled distribution facilities

- (2) In relation to a Work Premises that is an abattoir, meat processing facility, poultry processing facility, seafood processing facility, warehousing and distribution centres, supermarket Work Premises, or a perishable food Work Premises that is a chilled distribution facility, an employer must:
- (a) arrange operations at the Work Premises (except in relation to a warehousing and distribution centre Work Premises, supermarket Work Premises and perishable food Work Premises) so as to have workers working consistently with the same group of other workers where reasonably practicable, including (but not limited to):
 - (i) developing separate shifts in a way that minimises physical interactions between groups of workers attending different shifts;
 - (ii) separating workers into work areas;
 - (iii) dividing work areas up further into separate teams;
 - (iv) providing separate break areas for the separate teams;
 - (v) requiring teams to use separate entrances and exits from other teams;
 - (vi) where workers are from the same household, ensuring they work in the same shift and work area; and
 - (b) provide regular training to workers (except in relation to warehousing and distribution centre Work Premises) (including, but not limited to, an induction for all workers commencing at, or returning to, the Work Premises) that covers:
 - (i) good hygiene practices; and
 - (ii) advising workers not to attend the Work Premises when unwell; and
 - (iii) where applicable, compliance with the requirements of subclause (2)(a).

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

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

*Note 1: an employer at a Work Premises that is an abattoir, meat processing facility, poultry processing facility or seafood processing facility is required to comply with subclause (3)(a)(ii)(A) unless an exception pursuant to clause 5(9)(e), (g) – (i), (r) – (t), or (x) – (aa) of the **Stay Safe Directions (Regional Victoria)** or clause 5(17)(e), (g) – (i), (r) – (t), or (x) – (aa) of the **Stay at Home Directions (Metropolitan Melbourne)** applies in respect of a worker, in which case the employer is exempted from requiring that worker to wear a **face covering**.*

*Note 2: the exception from the requirement to wear a face covering pursuant to clause 5(9)(j) of the **Stay Safe Directions (Regional Victoria)** or clause 5(17)(j) of the **Stay at Home Directions (Metropolitan Melbourne)** does not apply to a worker at a Work Premises that is an abattoir, meat processing facility, poultry processing facility or seafood processing facility whilst working at the Work Premises in Victoria.*

Additional measures to prevent SARS-CoV-2 in supermarket Work Premises or perishable food Work Premises

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

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

*Note 2: an employer at a Work Premises that is a supermarket Work Premises or perishable food Work Premises is required to comply with the requirements of subclause (4) unless an exception pursuant to clause 5(9)(e), (g) – (i), (r) – (t), or (x) – (aa) of the **Stay Safe Directions (Regional Victoria)** or clause 5(17)(e), (g) – (i), (r) – (t), or (x) – (aa) of the **Stay at Home Directions (Metropolitan Melbourne)** applies in respect of a worker, in which case the employer is exempted from requiring that worker to wear a face covering.*

*Note 3: the exception from the requirement to wear a face covering pursuant to clause 5(9)(j) of the **Stay Safe Directions (Regional Victoria)** or clause 5(17)(j) of the **Stay at Home Directions (Metropolitan Melbourne)** does not apply to a worker at a Work Premises that is a supermarket Work Premises or perishable food Work Premises whilst working at the Work Premises in Victoria.*

Additional measures to prevent SARS-CoV-2 in warehousing and distribution centres

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

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

*Note 2: an employer at a Work Premises that is a chilled distribution facility in relation to warehousing and distribution centres is required to comply with the requirements of subclause (5) unless an exception pursuant to clause 5(9)(e), (g) – (i), (r) – (t), or (x) – (aa) of the **Stay Safe Directions (Regional Victoria)** or clause 5(17)(e), (g) – (i), (r) – (t), or (x) – (aa) of the **Stay at Home Directions (Metropolitan Melbourne)** applies in respect of a worker; in which case the employer is exempted from requiring that worker to wear a face covering.*

*Note 3: the exception from the requirement to wear a face covering pursuant to clause 5(9)(j) of the **Stay Safe Directions (Regional Victoria)** or clause 5(17)(j) of the **Stay at Home Directions (Metropolitan Melbourne)** does not apply to a worker at a Work Premises that is a chilled distribution facility in relation to warehousing and distribution centres whilst working at the Work Premises in Victoria.*

Horticulture Work Premises using seasonal workers for seasonal horticultural work

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

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

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

for seasonal workers, in a location or locations that are reasonably adjacent to work areas and, as far as is practicable, separate from the employer’s **premises** or farm homestead.

Care facilities

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

Example: rosters.

- (14) An employer in relation to a Work Premises that is a care facility in Victoria must require care facility workers in relation to a care facility to wear a face covering while working in:
- (a) any indoor space at the care facility; or
 - (b) any outdoor space at the care facility,
- unless an exception pursuant to clause 5(9)(e), (g) – (i), (r) – (t), or (x) – (aa) of the **Stay Safe Directions (Regional Victoria)** or clause 5(17)(e), (g) – (i), (r) – (t), or (x) – (aa) of the **Stay at Home Directions (Metropolitan Melbourne)** applies in respect of a care facility worker in relation to a care facility, then the employer is exempted from requiring that care facility worker to wear a face covering.
- Example: where a care facility worker is communicating with a resident who is hard of hearing or deaf and visibility of the mouth is essential for communication, that care facility worker may remove their face covering whilst communicating with the resident.*
- Note: the exception from the requirement to wear a face covering pursuant to clause 5(9)(j) of the **Stay Safe Directions (Regional Victoria)** or clause 5(17)(j) of the **Stay at Home Directions (Metropolitan Melbourne)** does not apply to care facility workers whilst working in a care facility in Victoria.*
- (15) If a care facility worker is working at more than one Work Premises for two or more different employers:
- (a) the care facility worker must provide a written declaration to each employer to advise them that the worker is working at more than one Work Premises and must provide details of the other Work Premises to each employer; and
 - (b) each employer must maintain a record of all care facility workers who have disclosed to the employer under subclause (15)(a) that they are working across more than one Work Premises.
- (16) An employer in relation to a Work Premises that is a care facility in Victoria must require care facility workers in relation to the care facility to declare in writing at the start of each shift that the worker:
- (a) is free of **SARS-CoV-2 Symptoms**; and
- Note: for the purposes of these directions, SARS-CoV-2 Symptoms, including but not limited to acute respiratory infection (such as cough, shortness of breath, sore throat); loss of smell; and loss of taste do not include those symptoms where caused by an underlying health condition or medication.*
- (b) has, in the preceding 14 days, not been in contact with a **confirmed case** (except in the course of their duties while wearing appropriate personal protective equipment); and
 - (c) is not currently required to **self-isolate** or **self-quarantine** under the **Diagnosed Persons and Close Contacts Directions**.
- (17) Despite clause 6(1)(b) of the **Care Facilities Directions**, an employer in relation to a Work Premises that is a care facility in Victoria must not permit an employee or contractor to enter the care facility where:
- (a) the employee or contractor has, on or after 4 October 2020, worked at another care facility; and
 - (b) at the time the employee or contractor worked at that other care facility, a confirmed case was present at that other facility,
- unless:
- (c) at least 28 days have elapsed since the last time the employee or contractor worked at that other facility while a confirmed case was present; or
 - (d) at least 14 days have elapsed since the last time the employee or contractor worked at that other facility while a confirmed case was present; and

- (e) the employee or contractor:
 - (i) has undertaken a test for SARS-CoV-2 on or after 13 days from the day that the employee or contractor last worked at that other facility while a confirmed case was present; and
 - (ii) received confirmation that the results of the test undertaken pursuant to (i) were negative; and
- (f) the employee or contractor has provided evidence of the negative test result pursuant to subclause (e) to the employer prior to commencing work at that care facility.

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

*Note 2: the effect of subclause (17) is that, in the event of an **outbreak** of SARS-CoV-2 at a care facility, an employee or contractor present during the outbreak must only work at that facility, and cannot be permitted to work at other care facilities. Such employees or contractors must wait a minimum period of 14 days from when they last worked a shift while a confirmed case was present at the facility and test negative for SARS-CoV-2, before moving from that care facility to commence work at another care facility. No test is required if it has been 28 days or more since the employee or contractor last worked a shift while a confirmed case was present at the facility.*

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

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

Ports of entry

- (20) Subject to subclause (21), a **port of entry worker** means:
 - (a) any **airport** or maritime **port** worker who has direct contact (including occasional contact or interactions) with international passengers or crew (excluding international passengers and crew entering Victoria from a **Green Zone Country**), at the international **port of entry**; or
 - (b) a worker or person who interacts with the environment within the international port of entry (including any worker or person who boards a vessel, ship or **aircraft**) where international passengers and crew (excluding international passengers and crew entering Victoria from a Green Zone Country) are or have been.
- (21) Despite subclause (20), a port of entry worker does not include any worker who works in an international departures area of an airport.
- (22) In relation to a Work Premises that is a port of entry Work Premises servicing international arrivals, an employer must:

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

- (a) require port of entry workers to declare in writing at the start of each shift that the port of entry worker:
 - (i) is free of SARS-CoV-2 Symptoms; and

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

- (f) airport baggage handlers and airport cargo handlers;
- (g) aircraft engineers.

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

Hotel quarantine

- (24) Any worker in relation to a hotel quarantine Work Premises should provide the Department with the following details:
- (a) of the worker:
 - (i) the worker's name, contact number and address; and
 - (b) of any person with whom they ordinarily reside:
 - (i) the person's first name;
 - (ii) a contact phone number;
 - (iii) the person's workplace(s), including address;
 - (iv) if the person attends school, the name and address of the school.
- (25) In relation to a Work Premises that is a hotel quarantine Work Premises, an employer must:
- (a) require workers to declare in writing at the start of each shift that the worker:
 - (i) is free of SARS-CoV-2 Symptoms; and
 - (ii) has, in the preceding 14 days, not been in contact with a confirmed case (except in the course of their duties while wearing appropriate personal protective equipment, where relevant); and
 - (iii) is not currently required to self-isolate or self-quarantine under the **Diagnosed Persons and Close Contacts Directions**; and
 - (b) designate an employee or employees as a COVID Marshal:
 - (i) whose role is to monitor compliance with these directions, including (but not limited to) physical distancing requirements; and
 - (ii) who has successfully completed training provided by the employer that is in accordance with guidance from the Department; and
 - (iii) who is at the Work Premises whenever workers are on site; and
 - (c) arrange operations at the Work Premises so as to have workers working consistently with the same group of other workers where reasonably practicable, including (but not limited to):
 - (i) developing separate shifts in a way that minimises physical interactions between groups of workers attending different shifts;
 - (ii) separating workers into work areas;
 - (iii) dividing work areas up further into separate teams;
 - (iv) providing separate break areas for the separate teams;
 - (v) requiring teams to use separate entrances and exits from other teams;
 - (vi) where workers are from the same household, ensuring they work in the same shift and work area; and
 - (d) make available an adequate supply of personal protective equipment free of charge to workers; and
 - (e) ensure that all workers wear appropriate personal protective equipment in accordance with the requirements of the Department; and
 - (f) test the temperature of each worker each day before they enter the Work Premises and, if the worker's temperature is 37.5°C or more, direct the worker to:
 - (i) leave the Work Premises immediately; and

- (ii) be tested for SARS-CoV-2; and
 - (iii) self-isolate until a negative test result is received; and
 - (g) provide regular training to workers (including, but not limited to, an induction for all workers commencing at, or returning to, the Work Premises) that covers:
 - (i) good hygiene practices; and
 - (ii) advising workers not to attend the Work Premises when unwell; and
 - (iii) compliance with the requirements of subclause (25)(c).
- (26) Subject to subclause (27), an employer in relation to a hotel quarantine Work Premises must not require or permit a worker to perform work at more than one hotel quarantine Work Premises of the employer.
- (27) Subclause (26) does not apply where it is not practicable to limit a worker to only one hotel quarantine Work Premises.
- (28) Where subclause (27) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of workers working across multiple Work Premises.

Example: rosters.
- (29) If a worker is working at more than one Work Premises for two or more different employers:
 - (a) the worker must provide a written declaration to each employer to advise them that the worker is working at more than one Work Premises and must provide details of the other Work Premises to each employer; and
 - (b) each employer must maintain a record of all workers who have disclosed to the employer under subclause (29)(a) that they are working across more than one Work Premises.

Hospitals

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

- (ii) separating high-risk hospital Work Premises workers into work areas;
 - (iii) dividing work areas up further into separate teams;
 - (iv) providing separate break areas for the separate teams;
 - (v) requiring teams to use separate entrances and exits from other teams;
 - (vi) where high-risk hospital Work Premises workers are from the same household, ensuring they work in the same shift and work area.
- (32) Subject to subclause (33), an employer in relation to a high-risk hospital Work Premises must not require or permit a high-risk hospital Work Premises worker to perform work at more than one Work Premises of the employer.
- (33) Subclause (32) does not apply where it is not practicable to limit a high-risk hospital Work Premises worker to only one Work Premises.
- (34) Where subclause (33) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of high-risk hospital Work Premises workers working across multiple Work Premises.
- Example: rosters.*
- (35) If a high-risk hospital Work Premises worker working in a high-risk hospital Work Premises is working at more than one Work Premises for two or more different employers:
- (a) the high-risk hospital Work Premises worker must provide a written declaration to each employer to advise them that the high-risk hospital Work Premises worker is working at more than one Work Premises and must provide details of the other Work Premises to each employer; and
 - (b) each employer must maintain a record of all high-risk hospital Work Premises workers who have disclosed to the employer under subclause (35)(a) that they are working across more than one Work Premises.
- (36) In relation to a Work Premises that is a hospital, an employer must require workers to declare in writing at the start of each shift:
- (a) whether the worker has completed a shift or shifts at another hospital in a high-risk hospital Work Premises in the 14 days prior to making the declaration; and
 - (b) if the worker declares that they have completed a shift or shifts at another hospital in a high-risk hospital Work Premises in the 14 days prior to making the declaration:
 - (i) the name of the relevant hospital; and
 - (ii) whether a shift, or any shifts, declared under subclause (a) were on the roster of a **COVID streaming area**; and

Note: a shift on the roster of a COVID streaming area includes a shift where the worker is primarily assigned to caring for COVID positive patients in a negative pressure room (for example, a nurse allocated to care for COVID positive patients in a negative pressure room). A shift on the roster of a COVID streaming area also includes staff who were rostered on to work and worked in the COVID streaming area and staff who were not originally rostered but worked in the area to cover a gap in the roster.
 - (iii) if the answer to subclause (b)(ii) is yes:
 - (A) at least 72 hours has elapsed since the worker finished the last shift declared in subclause (b)(ii); and
 - (B) the worker has received a negative SARS-CoV-2 test in the 48 hours prior to making the declaration.
- (37) An employer in relation to a Work Premises that is a hospital in Victoria must not permit a worker to enter the hospital where:
- (a) the worker has worked a shift on the roster of a COVID streaming area at another hospital in the 14 days prior to making the declaration referred to in subclause (36),

unless:

- (b) 72 hours has elapsed since the worker finished their last shift in a COVID streaming area; and
- (c) the worker has received confirmation of a negative SARS-CoV-2 test result in the 48 hours prior to making the declaration in subclause (36); and
- (d) the worker has provided evidence of the negative test result referred to in subclause (c) to the employer prior to commencing work at that hospital.

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

Australian Air Transport Services (Passenger)

- (38) In relation to a Work Premises that is an Australian air transport operator's Work Premises, an employer must:
- (a) include in its **COVIDSafe Plan** the processes it will put in place to ensure compliance with requirements to wear a face covering, where any other Directions currently in force require a face covering to be worn in its Work Premises or part of its Work Premises; and
 - (b) provide appropriate facilities for the disposal of face coverings at its Work Premises covered under subclause (38)(a).

Construction sites

- (39) In relation to a Work Premises that is a construction site in Metropolitan Melbourne, an employer must:
- (a) comply with the requirements in the **Workplace Directions** including:
 - (i) subject to subclauses (40), (41) and (44), the density quotient; and
 - (ii) the face coverings and cleaning requirements; and
 - (b) comply with the applicable worker reductions for the construction site except in relation to:
 - (i) **critical and essential infrastructure**; or
 - (ii) critical repairs to any Work Premises where required for emergency and safety as set out in the Authorised Provider and Authorised Worker List; and
 - (c) limit movement of all workers (including supervisors and on-site specialists) between multiple Work Premises that are construction sites, except in relation to:
 - (i) supervisors on **small-scale construction sites**, who can move between multiple small-scale construction sites; or
 - (ii) **specialist contractors** who can move between up to 3 construction sites per week; or
 - (iii) specialists who provide safety services; or
 - (iv) those required to meet minimum statutory obligations or requirements (for example, auditors, building inspectors or surveyors).
- (40) An employer must not operate a Work Premises that is a small-scale construction site in Metropolitan Melbourne with more than 5 workers (excluding the site supervisor) at any one time.
- (41) An employer may only operate a Work Premises that is an **early stage land development site** in Metropolitan Melbourne if there are 10 workers (or fewer) per hectare on the Work Premises at any one time.
- (42) For an early stage land development site in Metropolitan Melbourne that is:
- (a) a residential development, once subdivision occurs, the construction of a dwelling on that part of the early stage land development site will be considered a small-scale construction site; and

- (b) a large-scale residential development (for example, a retirement village) with a single entity responsible for construction, once construction of dwellings has commenced it will be considered a **large-scale construction site**,

for the purposes of these directions.

- (43) In relation to an early stage land development site in Metropolitan Melbourne that is an industrial or commercial development, once construction of a building, warehouse or physical structure has commenced it will be considered a large-scale construction site for the purposes of these directions.
- (44) An employer must not operate a large-scale construction site in Metropolitan Melbourne in excess of 25 percent of the large-scale construction baseline daily workforce or 5 workers, whichever is higher.

8 Relationship with other directions

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

9 Other definitions

For the purposes of these directions:

- (1) **abattoir** has the meaning under the PrimeSafe licence categories ‘abattoirs (domestic)’ and ‘abattoirs (exports)’;
- (2) **Additional Obligation Industries** has the meaning in clause 5(1);
- (3) **aircraft** means an aircraft that is mainly used for the purpose of, or is engaged, or is intended or likely to be engaged, in a flight wholly within Australia;
- (4) **airport** means a facility that receives scheduled international passenger air transport services and / or passenger charter air services from international markets;
- (5) **Australian air transport operator** has the same meaning as in the **Civil Aviation Safety Amendment (Part 119) Regulations 2018** of the Commonwealth;
- (6) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (7) **Border Directions** means the **Victorian Border Crossing Permit Directions (No. 27)** as amended or replaced from time to time;
- (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) **care facility worker** has the same meaning as ‘worker’ in clause 7(1) of the **Care Facilities Directions**;
- (11) **cleaned** has the same meaning as in the **Workplace Directions**;
- (12) **commercial cleaning services** means a business that provides cleaning and sanitisation services to commercial **premises**;
- (13) **commercial passenger vehicle services** has the meaning given in section 4 of the **Commercial Passenger Vehicle Industry Act 2017**;
- (14) **confirmed case** means a **worker** or person diagnosed with **SARS-CoV-2** and includes the period of time prior to the diagnosis during which the **confirmed case** is considered infectious;

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

- (15) **construction site** means a Work Premises at which civil works, building or construction activities take place;
- (16) **COVID Marshal** has the meaning in clauses 7(22)(b), 7(25)(b), 7(31)(a) (as the case may be);
- (17) **COVID streaming area** means any patient treatment area in a **COVID streaming hospital**, nominated by the relevant health service as an area dedicated to treating a confirmed case or confirmed cases, including negative pressure rooms for SARS-CoV-2 patients;
- (18) **COVID streaming hospital** means:
- (a) The Alfred Hospital;
 - (b) Box Hill Hospital;
 - (c) Royal Melbourne Hospital;
 - (d) Monash Medical Centre Clayton (obstetric services);
 - (e) The Royal Children’s Hospital Parkville;
 - (f) The Royal Women’s Hospital Parkville;
 - (g) Epping Private Hospital;
 - (h) La Trobe Private Hospital;
- (19) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (20) **critical and essential infrastructure** means:
- (a) construction or maintenance (including civil works, building or construction activities) of critical and essential infrastructure (whether privately or publicly funded) where the Victorian Government has deemed, and the Chief Health Officer has endorsed, that it is urgently required for the purposes of sustaining human health, safety and wellbeing, on a case by case basis; or
 - (b) activities deemed by the Victorian Government from time to time as ‘State Critical Infrastructure Projects’; or
 - (c) construction for the purposes of national security or defence;
- (21) **density quotient** has the same meaning as in the **Workplace Directions**;
- (22) **Department** means the Department of Health;
- (23) **Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (24) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 25)** as amended or replaced from time to time;
- (25) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (26) **early stage land development sites** means all civil works undertaken on open air, large greenfield sites that are associated with and preparatory to construction of multiple individual residential dwellings or industrial or commercial development on that site (including site remediation and site preparation works, construction of utilities and construction of roads, bridges, stormwater/flood management works and trunk infrastructure);
- (27) **employee** includes a person who is self-employed;
- (28) **employer** means a person who owns, operates or controls a **Work Premises** and includes a person who is self-employed or a sole-trader;
- (29) **face covering** has the same meaning as in the **Workplace Directions**;
- (30) **Green Zone Country** has the same meaning as in the **Border Directions**;

Note: information regarding countries with current, valid (and not temporarily or permanently suspended) safe travel zone agreements with the Commonwealth of Australia is available at: www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert/coronavirus-covid-19-restrictions/coronavirus-covid-19-advice-for-international-travellers#travel-zones as amended or replaced from time to time by the Victorian Government.

- (31) **high-risk hospital Work Premises** means any **hospital** ward treating a **confirmed case** or cases of **SARS-CoV-2**;
- (32) **high-risk hospital Work Premises worker** means any **worker** involved in the direct care of patients, and those who interact with a **high-risk hospital Work Premises**;
- (33) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (34) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 35)** as amended or replaced from time to time;
- (35) **hotel quarantine** means a place (being a hotel or other facility or class of facility), designated by the Attorney-General and published in the Government Gazette, where people are detained in or directed to remain in, or are staying in, quarantine, isolation or emergency accommodation at, for the purpose of eliminating or reducing the serious risk to public health posed by the COVID-19 pandemic;
- (36) **inspector** has the same meaning as in the **OHS Act**;
- (37) **large-scale construction site** means, a construction site if :
- (a) it is for construction of a building where a planning permit has been issued in relation to the site for a building that is greater than three storeys tall (excluding basement level(s)); or
 - (b) the site size is more than 1,500 m² floor size (inclusive of all floors); or
 - (c) it is for construction of a premises that is predominantly for office use, or that is the internal fit-out of a retail **premises**; or
 - (d) it is for construction of a premises that is predominantly for industrial or large format retail use; or
 - (e) it is deemed to be so under subclause (42)(b) or (43);
- Note: the baseline daily workforce for a large-scale construction site is calculated based on the daily average number of workers on the large-scale construction site across the project lifecycle as derived from the large-scale construction site's resourcing plan as of 15 August 2021. For projects where no resourcing plan was available prior to 15 August 2021, the resource plan as at the date of project commencement should be used to determine the baseline daily workforce.*
- The project lifecycle commences from the date of on-site mobilisation and ends at handover.*
- (38) **meat processing facility** has the meaning under the PrimeSafe licence category 'further meat processing facilities';
- (39) **Metropolitan Melbourne** means the area within the municipal districts under the local government of the municipal councils set out in Schedule 2 of the **Planning and Environment Act 1987**;
- (40) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (41) **outbreak** means:
- (a) a single **confirmed case** of **SARS-CoV-2** in a resident, staff member or frequent attendee of a residential aged **care facility**; or
 - (b) two or more epidemiologically linked cases outside of a household with symptom onset within 14 days;
- Note: transmission within one household does not constitute an outbreak but will become part of an outbreak response if linked to a high priority setting. In some circumstances, the **Department** may identify other settings that are sensitive and where a single confirmed case will trigger an outbreak response. Relevant parties will be informed if this occurs. Determining whether a person is a frequent or infrequent visitor may be based on frequency of visits, time spent in the setting, and number of contacts within the setting.*
- (42) **perishable food Work Premises** means a **Work Premises** that is predominantly a perishable food facility that is a chilled distribution facility;
- (43) **personal protective equipment** has the same meaning as in the **Occupational Health and Safety Regulations 2017**;

- (44) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (45) **port** means the port of Melbourne, the port of Geelong, the port of Portland, the port of Hastings and any other port declared under section 6 of the **Port Management Act 1995** in relation to which port lands or port waters or both port lands and port waters have been declared under section 5 of the **Port Management Act 1995**;
- (46) **port of entry** means a **port** or **airport**;
- (47) **port of entry worker** has the meaning in clause 7(20);
- (48) **poultry processing facility** has the meaning under the PrimeSafe licence category ‘poultry meat processing facilities’;
- (49) **premises** has the same meaning as in the **PHW Act**;
- (50) **reasonably practicable** is to have its ordinary and common sense meaning;
- (51) **SARS-CoV-2 Symptoms** has the same meaning as in the **Workplace Directions**;
- (52) **seafood processing facility** has the meaning under the PrimeSafe licence category ‘seafood processing facilities’;
- (53) **seasonal horticultural work** means work that is seasonal in nature in the horticulture (ie production of fruit and vegetables) sector of the agriculture industry, including the picking, packing and harvesting of seasonal produce, but does not include:
- (a) the production of nuts, wine grapes and olives; or
 - (b) storage and distribution activities that occur post production;
- (54) **seasonal Work Premises** means a farm or workplace where **seasonal horticultural work** is undertaken;
- (55) **seasonal worker** means a **worker** temporarily employed or engaged to perform **seasonal horticultural work** at **seasonal Work Premises**;
- (56) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (57) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (58) **small-scale construction site** means a construction site other than a large-scale construction site or an early stage land development site.
- (59) **specialist contractor** means:
- (a) asphalters;
 - (b) carpenters;
 - (c) plasterers;
 - (d) carpet layers;
 - (e) sprinkler fitters;
 - (f) solar installers;
 - (g) security system installers;
 - (h) mobile cranes – operators and dogmen;
 - (i) electricians;
 - (j) plumbers, including roof plumbers;
 - (k) tile layers, including roof tilers;
 - (l) concreters;
 - (m) gold class riggers;
 - (n) steel fixers;
 - (o) post tensioners;

- (p) vertical access riggers;
 - (q) welders;
 - (r) precast installers;
 - (s) caulkers;
 - (t) floor layers;
 - (u) window and glass installers/glaziers;
 - (v) engineers;
 - (w) floor installers;
 - (x) insulation installers;
 - (y) brick layers;
 - (z) joiners;
 - (aa) painters;
 - (bb) appliance installers;
 - (cc) water proofers;
 - (dd) cladding installers;
 - (ee) termite specialists;
 - (ff) mechanics who install and repair plant;
 - (gg) landscape architects;
 - (hh) renderers;
 - (ii) cabinet installers;
 - (jj) shower screen/mirror installers;
- (60) **Stay at Home Directions (Metropolitan Melbourne)** means the **Stay at Home Directions (Metropolitan Melbourne) (No. 4)** as amended or replaced from time to time;
- (61) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 7)** as amended or replaced from time to time;
- (62) **supermarket** has the same meaning as ‘supermarket business’ in the **Food Act 1984**, and includes supermarket distribution and warehousing (including in relation to liquor products) but excludes retail facilities;
- (63) **supermarket Work Premises** means the total of all **supermarket** distribution facilities;
- (64) **Surveillance Testing Industry List and Requirements** means the **Department** document that lists the industries (as amended from time to time on the advice of the Chief Health Officer) that are required to carry out surveillance testing on their **workers**, and also sets out the surveillance testing requirements for those listed industries;
- Note: the Surveillance Testing Industry List and Requirements are available at www.dhhs.vic.gov.au/surveillance-testing-industry-list-covid-19 as amended from time to time by the Victorian Government.*
- (65) **vehicle** has the same meaning as in the **PHW Act**;
- Note: under the PHW Act, vehicle includes any means of transport, whether used on land, sea or in the air.*
- (66) **Workplace Directions** means the **Workplace Directions (No. 44)** as amended or replaced from time to time;
- (67) **Work Premises** means the **premises** of an **employer** in which work is undertaken, including any **vehicle** whilst being used for work purposes, and including a **seasonal Work Premises**;
- Note: a Work Premises does not include an **employee**'s ordinary place of residence.*
- (68) **worker** includes **employees**, labour hire, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work.

10 Penalties

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

False or misleading information

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

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

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

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

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

- (2) Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

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

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

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

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

Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has refused or failed to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal.

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

Dated 16 August 2021

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

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