



# Victoria Government Gazette

No. S 529 Friday 24 September 2021  
By Authority of Victorian Government Printer

## Public Health and Wellbeing Act 2008 (Section 198(7)(c))

### EXTENSION OF DECLARATION OF A STATE OF EMERGENCY

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

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

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

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

This extension takes effect at 11:59:00 pm on 23 September 2021 and remains in force until 11:59:00 pm on 21 October 2021.

Dated 23 September 2021

MARTIN FOLEY MP  
Minister for Health

**SPECIAL**

**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Stay at Home Directions (Restricted Areas) (No. 23)**

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

**PART 1 – PRELIMINARY****1 Preamble**

- (1) The purpose of these directions is to address the serious public health risk posed in the **Restricted Area** 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 (Restricted Areas) (No. 22)**.
- (4) These directions require everyone in the Restricted Area 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 (Restricted Areas) (No. 23)**.

**3 Revocation**

The **Stay at Home Directions (Restricted Areas) (No. 22)** are revoked at 11:59:00 pm on 23 September 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 23 September 2021 and ending at 11:59:00 pm on 21 October 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 the Restricted Area**; or
  - (b) a **temporary resident of the Restricted Area**,
 must not leave the premises where they are residing in the Restricted Area, 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 7A (*care or compassionate reasons: child minding*);
  - (f) clause 8 (*work or education*);
  - (g) clause 9 (*exercise or social interaction*);
  - (h) clause 10 (*other specified reasons*);

(i) 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 as required or authorised by 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 the Restricted Area:
- (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 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 (Restricted Areas)**; and
    - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Restricted Areas)** in accordance with any requirements set out in those directions.

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

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

*Travel restrictions*

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

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

- (4) An ordinary resident of the Restricted Area 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 there another way.*

- (5) A person who is not an ordinary resident of the Restricted Area, including a **temporary resident of the Restricted Area** or a **short-term entrant to the Restricted Area**, must not travel in a vehicle with an ordinary resident of the Restricted Area unless it is not otherwise reasonably practicable for either person to leave their premises for a purpose permitted under these directions.

- (6) An ordinary resident of the Restricted Area or a temporary resident of the Restricted Area who leaves their premises under either clause 6 (**necessary goods or services**) or clause 9 (**exercise or social interaction**) 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 or social interaction), but should seek to minimise separate trips as much as possible.*

- (a) travel further than 10km from:
  - (i) their premises; or
  - (ii) in the case of clause 9 (**exercise or social interaction**), the premises of a person with whom they are in an intimate personal relationship, provided that they only exercise or socially interact outdoors and do

- not enter any facility open under the **Restricted Activity Directions (Restricted Areas)**; or
- (iii) in the case of clause 9 (*exercise or social interaction*), their **work premises** if they are an **authorised worker** or work for an **authorised provider**, provided that they only exercise or socially interact outdoors and do not enter any facility open under the **Restricted Activity Directions (Restricted Areas)**; or
- (b) do so more than once per day for each of the following purposes:
- (i) to obtain necessary goods or services under clause 6 (*necessary goods or services*); or
- (ii) to exercise under clause 9 (*exercise or social interaction*); or
- (iii) to socially interact under clause 9 (*exercise or social interaction*); or
- Note: a person can only leave their house once to go shopping, once to exercise and once for social interaction on the same day.*
- (c) do so for a period longer than 4 hours in total for exercise and social interaction.
- (7) Where an ordinary resident of the Restricted Area or a temporary resident of the Restricted Area 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 10km 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 the Restricted Area or a temporary resident of the Restricted Area leaves their premises under clause 9 (*exercise or social interaction*), 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 or socially interact without using a vehicle.

*Note: if a person needs to access an area within 10km of their premises for exercise or social interaction, 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 or socially interact 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 or socially interact without sharing a vehicle to do so.*

#### *Travel restrictions – curfew*

- (10) During the stay at home period:
- (a) an ordinary resident of the Restricted Area (excluding the **Restricted Area – Regional Victoria**) or a temporary resident of the Restricted Area (excluding the Restricted Area – Regional Victoria) may only leave their premises under subclause (1); and
  - (b) a short-term entrant to the Restricted Area (excluding the Restricted Area – Regional Victoria) may only enter the Restricted Area,  
between 9:00:00 pm and 5:00:00 am during the stay at home period if:
    - (c) 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).*
- (d) 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 5:00:00 am; or
  - (e) it is for the reasons set out in:
    - (i) clause 7(1)(b)(ii) (care and support of a child);
    - (ii) clause 7(1)(c) (care and support for another person);
    - (iii) clause 7(1)(i) (escape harm or the risk of harm);
    - (iv) clause 7(1)(l) (provide child minding assistance);
    - (v) clause 7(1)(m) (pet toilet break);
    - (vi) clause 7A (take a child elsewhere for child minding);
    - (vii) clause 10(1)(b) (emergency purposes, which includes, without limitation, seeking emergency medical assistance);
    - (viii) clause 10(1)(c) (as required or authorised by law);
    - (ix) clause 10(1)(d) (for purposes relating to the administration of justice, including attending a police station);
    - (x) clause 10(1)(f) (driving a person as permitted under these directions);

- (xi) clause 10(1)(g) (the premises in which the person ordinarily resides is no longer available);
- (xii) clause 10(1)(i) (leaving the Restricted Area);
- (xiii) clause 10(1)(j) (leaving Australia);
- (xiv) clause 10(1)(k) (for the purposes of national security).

*Requirement to stay in the Restricted Area*

- (11) Subject to subclause (13), an ordinary resident of the Restricted Area during the stay at home period must not leave the Restricted Area other than for one or more of the reasons specified in:
- (a) clause 6 (***necessary goods or services***):
    - (i) 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; and
    - (ii) despite clause 6(1)(b), does not include the person leaving the Restricted Area for the purposes of receiving a SARS-CoV-2 vaccination, unless the location where they are receiving the SARS-CoV-2 vaccination is in an adjacent local government area to where they reside;
  - (b) clause 7 (***care or other compassionate reasons***);
  - (c) clause 8 (***work or education***);
  - (d) clause 10 (***other specified reasons***);
  - (e) clause 10A(1)(b) (***SARS-CoV-2 vaccination***).
- (12) If an ordinary resident of the Restricted Area leaves the Restricted Area in accordance with subclause (11) or (13):
- (a) these directions apply to that person when outside of the Restricted Area as if they were in the Restricted Area; and
  - (b) the person may only access facilities in **Regional Victoria**:
    - (i) that are permitted to operate under the **Restricted Activity Directions (Restricted Areas)**; and
    - (ii) if 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.*
- (c) despite subclause (b), the person must not enter an **alpine resort**, unless the person is an emergency services worker responding to an emergency.

*Principal place of residence*

- (13) If a person has more than one ordinary place of residence, and if they were residing at one of their ordinary places of residence at the time the area in which that residence is

located last became a Restricted Area, then that premises 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 the Restricted Area 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 excluding emergency preparation activities, unless such work is urgent and essential; or
- (d) for emergency purposes excluding emergency preparation activities, unless such work is urgent and essential; or
- (e) as required or authorised by law.

*Ordinary place of residence*

(14) An **ordinary resident of the Restricted Area** is any person who:

- (a) has only one ordinary place of residence, and that ordinary place of residence is within the Restricted Area; 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 the Restricted Area.

(15) If a person:

- (a) no longer has an ordinary place of residence in the Restricted Area; or
- (b) has an ordinary place of residence or principal place of residence in the Restricted Area 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 the Restricted Area** includes any person temporarily residing in the Restricted Area during the stay at home period (or part thereof).

(18) A **short-term entrant to the Restricted Area** includes any person who is not an ordinary resident of the Restricted Area or a temporary resident of the Restricted Area during the stay at home period.

*Note: a person who is visiting and staying in the Restricted Area, whether from overseas or interstate, is taken to be temporarily residing in the Restricted Area. A person who is visiting the Restricted Area but not staying in the Restricted Area is a short-term entrant to the Restricted Area.*

*Face covering requirements*

(19) Subject to subclause (20), a person in the Restricted Area 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](http://www.coronavirus.vic.gov.au/face-masks)*

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

- (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

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

- (f) it is not practicable for the person to comply with subclauses (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:
  - (i) medicine; or
  - (ii) food, a non-alcoholic drink or an alcoholic drink at a wedding or a funeral that complies with the requirements in clause 11; or
  - (iii) food or a non-alcoholic drink except if the person is in an indoor space within a retail facility or restricted retail facility unless the person is:
    - (A) a worker at the retail facility or restricted retail facility; or
    - (B) on the premises of a food and drink facility within the retail facility or restricted retail facility; 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 (Restricted Areas)**, 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 (Restricted Areas)**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
- (w) the person is an accused person in a criminal case in any court located in the Restricted Area 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 the Restricted Area 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](http://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 (Restricted Areas)**, 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 (Restricted Areas)**, 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 subclause (22)).

## 5A Travel restrictions: short term entrants to the Restricted Area

### *Restriction on entry to the Restricted Area*

- (1) A short-term entrant to the Restricted Area must not enter the Restricted Area other than if they enter the Restricted Area:
- (a) for one or more of the reasons specified in:
    - (i) clause 6 (**necessary goods or services**) except to obtain a SARS-CoV-2 vaccination;
    - (ii) clause 7 (**care or other compassionate reasons**);
    - (iii) clause 7A (**care or compassionate reasons: child minding**);
    - (iv) clause 8 (**work or education**);
    - (v) clause 10 (**other specified reasons**); or
  - (b) for the purposes of transiting through the Restricted Area 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 the Restricted Area during the stay at home period must:
- (a) comply with the face covering requirements in clause 5(19), (20), (21) and (22); 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 (Restricted Areas)**; and
    - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Restricted Areas)** in accordance with any requirements set out in those directions.

*Travel restrictions*

- (3) A short-term entrant to the Restricted Area may only enter the Restricted Area 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 the Restricted Area, must not travel in a **vehicle** with another person with whom they do not ordinarily reside unless it is not otherwise reasonably practicable for either person to enter the Restricted Area for a purpose permitted under these directions.
- (5) A short-term entrant to the Restricted Area, who enters the Restricted Area under clause 6 (**necessary goods or services**) or exercises or engages in social interaction after they have entered the Restricted Area under subclause (1), must not:
- (a) travel further than 10km from:
    - (i) their ordinary place of residence outside of the Restricted Area for obtaining necessary goods or services; or
    - (ii) their intimate partner's ordinary place of residence or work premises (as applicable) for exercise or social interaction, if the place of residence or work premises is in the Restricted Area; or
  - (b) do so more than once per day for each of the following purposes:
    - (i) to obtain necessary goods or services under clause 6 (**necessary goods or services**); or
    - (ii) to exercise after they have entered the Restricted Area; or
    - (iii) to socially interact after they have entered the Restricted Area; or

*Note: a person can only go shopping once, exercise once and socially interact once on the same day.*
  - (c) do so for a period longer than 4 hours in total for exercise and social interaction.
- (6) A short-term entrant to the Restricted Area who enters the Restricted Area 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 the Restricted Area 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 the Restricted Area who enters the Restricted Area under clause 6 (***necessary goods or services***) must be the only person that has entered the Restricted Area from their ordinary place of residence on that day, except where:
  - (a) the person enters the Restricted Area 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 the Restricted Area 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 THE RESTRICTED AREA**

#### **6 Leaving premises or entering Restricted Area 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 the Restricted Area 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 (Restricted Areas)**.

**7 Leaving premises or entering the Restricted Area 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:
      - (A) a **childcare or early childhood service** in accordance with clause 8(3) and (4); or
      - (B) a school or outside school hours care service in which they are enrolled in accordance with clause 8(6) and (7); 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 the Restricted Area 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 the Restricted Area 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 nominated social interaction in accordance with clause 11(3)(b)(iii); or
  - (l) to provide child-minding assistance (whether on a paid or voluntary basis) in accordance with clause 7A (**care or compassionate reasons: child minding**); 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; or

*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.*

- (o) if the person is a parent, guardian or carer of a child, children or dependants under 12 years of age, to take the child, children or dependants to a **playground** in accordance with clause 9(1)(d).

**7A Leaving premises or entering the Restricted Area for care or compassionate reasons: child minding**

- (1) The reasons relating to care or compassion in relation to child minding are to:

- (a) take a child, children or young person to another person's premises; or  
 (b) allow a person to enter the parent or guardian's premises,

where a child, children or young person is not able to be cared for at the premises by a suitable adult, for the purpose of that other person providing child-minding assistance (whether on a paid or voluntary basis):

- (c) because the child is a **vulnerable child or young person** and requires at home childcare; or

- (d) so that:

- (i) the parent or guardian can undertake work as an authorised worker, or for an authorised provider, where the child, children or young person is younger than primary school age; or

- (ii) where:

(A) there are two parents or guardians and at least one of them is; or

(B) there is a single parent or guardian and that parent or guardian is, an authorised worker, or works for an authorised provider:

(C) the parent(s) or guardian(s) can undertake work as an authorised worker, or for an authorised provider, where the child, children or young person is primary school aged; or

where there is a single parent or guardian and that parent or guardian is unable to make alternative supervision arrangements for that child, children or young person who is younger than primary school age, the parent or guardian can undertake work; or

- (iii) the parent or guardian, in circumstances where the parent or guardian cannot take the child with them, can:

(A) obtain goods and services for health or medical purposes (including vaccinations) in accordance with clauses 6(1)(b) or 10A; or

(B) obtain other necessary goods or services, in accordance with clauses 6(1)(c)(ii), or 10(1)(d); or

(C) attend an essential public support service permitted under the **Restricted Activity Directions (Restricted Areas)**; or

(D) undertake care and compassionate activities in accordance with clauses 7(1)(a), 7(1)(b)(i), 7(1)(b)(ii), 7(1)(c), 7(1)(d) – (f), 7(1)(h), 7(1)(i), 7(1)(n); or

- (E) meet any obligations in relation to care and support of another child, in order to ensure the health, safety and wellbeing of that child; or
  - (F) undertake activities in accordance with clause 10(1)(a) – (c) or (k); or
  - (G) exercise or socially interact in accordance with clause 9 (***exercise or social interaction***), where the parent or guardian is single; or
- (e) where the parent or guardian is an authorised worker who undertakes shift work, to:
- (i) facilitate the care of a child outside of school or childcare hours; or
  - (ii) rest in between shifts.

## 8 Leaving premises or entering the Restricted Area 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) provided in subclause (2); or
  - (b) to obtain a childcare or early childhood service provided in subclauses (3) and (4); or
  - (c) to obtain educational services or higher education services provided in subclauses (6) and (7).
- (2) A person may leave the premises under subclause (1)(a) only if attending work in:
- (a) the Restricted Area 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 (Restricted Areas)**; or
  - (b) Regional Victoria if:
    - (i) it is not reasonably practicable for the person to work from the premises where they ordinarily reside; and
    - (ii) 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 (Restricted Areas)**, if the person did in fact work in the Restricted Area; or
  - (c) 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)(b) only if obtaining childcare or early childhood services in the Restricted Area:
- (a) if it is not reasonably practicable for the person to obtain a childcare or early childhood service from the premises where they ordinarily reside; and
  - (b) for childcare or early childhood services, if the child, children or young person:
    - (i) has:
      - (A) two parents or guardians and at least one of them is; or
      - (B) a single parent or guardian and that parent or guardian is, an authorised worker or works for an authorised provider and holds an Authorised Worker Permit; and

- (C) is not working from the premises and is unable to make alternative supervision arrangements for that child, children or young person leaving the premises to attend childcare or early childhood services; or
- (D) is working from the premises and is unable to make alternative supervision arrangements for that child, children or young person leaving the premises to attend childcare or early childhood services; or

*Note 1: an authorised worker (or person who works for an Authorised Provider) working from home can access childcare if they have an Authorised Worker Permit.*

*Note 2: an authorised worker that is required to work shift work (e.g. overnight shift at a hospital) is permitted to send their child(ren) to childcare or an early childhood service outside their working hours so they can rest.*

- (ii) has a single parent or guardian and that parent or guardian is working and unable to make alternative supervision arrangements for that child, children or young person leaving the premises to attend childcare or early childhood services; or
  - (iii) is a vulnerable child or young person.
- (4) A person may leave the premises under subclause (1)(b) only if obtaining childcare or early childhood services in Regional Victoria:
- (a) if the requirements in subclauses (3)(a) and (b) are met; and
  - (b) if the person was enrolled to obtain the childcare or early childhood service in Regional Victoria at the time the area in which the person resides last became a Restricted Area.
- (5) A person who is an exception to holding a current Authorised Worker Permit pursuant to clause 5(6) and (7) of the **Workplace Directions** is not required to present an Authorised Worker Permit to a childcare or early childhood service provider, provided they:
- (a) have photographic personal identification issued by the organisation or body which employs or engages them in the capacity 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 the childcare or early childhood service provider.
- (6) A person may leave the premises under subclause (1)(c) only if obtaining educational services or higher education services in the Restricted Area:
- (a) if it is not reasonably practicable for the child, children or young person to obtain educational services from the premises where they ordinarily reside; and
  - (b) for school educational services (including at a school or non-school senior secondary provider and outside school hours care services), if the child, children or young 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 and are unable to make alternative supervision arrangements for that child, children or

young person leaving the premises to attend school education services; or

*Note: an authorised worker that cannot work from home that is required to work shift work (e.g. overnight shift at a hospital) is permitted to send their child(ren) to school education services outside their working hours so they can rest.*

- (ii) is a vulnerable child or young person; or
  - (iii) is a secondary school student attending an assessment that is approved to proceed on site as specified in the **Authorised Provider and Authorised Worker List**; and
  - (c) for higher education services, if it is in relation to final year assessments for Tertiary Education Quality and Standards Agency regulated courses where the students do not have alternative options to complete the study by the end of the year.
- (7) A person may leave the premises under subclause (1)(c) only if obtaining:
- (a) school educational services (including at a school or non-school senior secondary provider and outside school hours care services) in Regional Victoria:
    - (i) if the requirements in subclauses (6)(a) and (b) are met; and
    - (ii) the person was enrolled to obtain the education service in Regional Victoria at the time the area in which the person resides last became a Restricted Area; or
  - (b) higher education services in Regional Victoria:
    - (i) if the requirements in subclauses (6)(a) and (c) are met; and
    - (ii) the person was enrolled to obtain the higher education service in Regional Victoria at the time the area in which the person resides last became a Restricted Area.

## 9 Exercising or social interaction and leaving premises for exercise or social interaction

- (1) The reason relating to exercise or social interaction is to exercise or socially interact with any person, provided that the person:
- (a) only exercises or socially interacts at a facility that is not prohibited by, and provided they comply with any requirements of, the **Restricted Activity Directions (Restricted Areas)**; 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; and
  - (d) where exercising at a playground permitted to operate under the **Restricted Activity Directions (Restricted Areas)**, is:
    - (i) under 12 years of age; or
    - (ii) a parent, guardian or carer accompanying the person in (i), provided that:
      - (A) only one parent, guardian or carer accompanies the person in subclause (i) at any one time, unless the needs of a child, children or dependants are such that an additional carer is required for appropriate supervision; and
      - (B) the parent, guardian or carer does not remove their face covering for the purposes of consuming food or drink, whilst accompanying the person in subclause (i) at the playground.

*Note: the exception from the requirement to wear a face covering pursuant to clause 5(20)(r) does not apply to a parent, guardian or carer accompanying a child under subclause (1)(d)(ii).*

- (2) Subclause (1)(c) does not prevent a person from walking with other persons for the purposes of exercise or social interaction where this is permitted in accordance with the gathering restrictions in clause 11(4)(c)(iii).

#### 10 Leaving premises or entering the Restricted Area 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 (Restricted Areas)**; 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 the Restricted Area, for the purposes of leaving the Restricted Area; 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 an inspection of real estate for the purposes of a prospective sale of the property, or for end of lease activities; or
  - (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 for vaccination within the Restricted Area

- (1) 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 and the location where they are receiving the SARS-CoV-2 vaccination is either:
- (a) within the Restricted Area; or
  - (b) Regional Victoria, where the closest place to receive a SARS-CoV-2 vaccination is in an adjacent local government area to where they reside that is within Regional Victoria.

**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 the Restricted Area.

*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 the Restricted Area or a temporary resident of the Restricted Area 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)(a), (b)(i)-(ii), (c), (f), (g), (i), (j), (l) or (n) (**care or other compassionate reasons**), or clause 7A (**care or compassionate reasons: child minding**); 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) (**nominated 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 the time the area in which the person resides last became a Restricted Area; 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)(a), (b), (c), (d), (g), (h), (j) or (k) (**other specified reasons**); or
- (c) if a person who enters a premises in accordance with subparagraph (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 subparagraph (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 the Restricted Area 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) a person in the State of Victoria must not arrange to meet, or organise or intentionally attend a gathering, with any other person (with any infant under one year of age not counting towards this limit) for a common purpose at a public place in the Restricted Area,

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 or social interaction***), provided it is only with:
    - (A) 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 or socially interact together under this clause. The maximum people permitted to exercise or socially interact together is two, plus dependants, regardless of whether they ordinarily live together or not.*
    - (B) for the purpose of outdoor personal training, one other person and a personal trainer; or
    - (C) no more than four other persons and the dependants of any of the five persons provided that:
      - 1. all persons aged 18 years or over have received a **full COVID-19 vaccination** or have an **exception** with evidence from a **medical practitioner** certifying that an exception applies to them; and
      - 2. all persons (including any dependants) are from no more than two households, with any intimate partner of a person considered part of that person's household; or
  - (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 the State of Victoria that complies with the requirements in subclause (5); or

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

- (g) for the purpose of a funeral in the State of Victoria that complies with the requirements in subclause (6); or

*Note: a person who ordinarily resides in the Restricted Area is permitted to attend a funeral in Regional Victoria, provided that funeral complies with the requirements in subclause (6). A person reasonably necessary for the conduct of the funeral may leave the Restricted Area under clause 8 (work or education).*

- (h) for the purpose of an end of life activity in the State of Victoria that complies with the requirements in subclause (7).

*Note: a person who ordinarily resides in the Restricted Area 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) The requirements for a wedding held in the Restricted Area during the stay at home period are that:

- (a) one or both of the two persons being married:
- (i) are experiencing end of life; or
  - (ii) would be deported from Australia unless the marriage takes place; and
- (b) it involves only 5 persons:
- (i) the two persons being married; and
  - (ii) the **authorised celebrant**; and
  - (iii) two persons witnessing the marriage for the purposes of section 44 of the **Marriage Act 1961** of the Commonwealth; and
- (c) it complies with any applicable requirements of the **Restricted Activity Directions (Restricted Areas)**; 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**.

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

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

- (6) The requirements for a funeral held in the Restricted Area during the stay at home period are that:

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

*Note: any other person who ordinarily resides at the premises, and the persons reasonably necessary for the conduct of the funeral who can enter the premises under subclause (3)(b)(iv)*

(work), are not subject to the gathering restrictions in subparagraph (a), but any nominee person or nominated person is subject to these restrictions on a funeral held at a private residence.

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

- (7) The requirements for end of life activity in the Restricted Area during the stay at home period are that:
- (a) it involves no more than:
    - (i) the person experiencing end of life; and
    - (ii) any other person (or people) who ordinarily reside at the premises of the person experiencing end of life; and
    - (iii) any other person with whom a person in subparagraph (i) or (ii) is in an intimate personal relationship; and
    - (iv) two other people,
 with infants under one year of age not counting towards these limits; and
  - (b) if the end of life activity is conducted:
    - (i) at a person's principal place of residence in accordance with subparagraph (a), permission is not required from the Chief Health Officer or the Deputy Chief Health Officer and this activity will not breach the gathering restrictions; or
    - (ii) in an indoor space (other than at a person's principal place of residence) or an outdoor space, permission is required from the Chief Health Officer or the Deputy Chief Health Officer in accordance with subparagraphs (c) and (d); and
  - (c) a person experiencing end of life, or someone on their behalf may apply to the Chief Health Officer or the Deputy Chief Health Officer for permission to conduct an end of life activity; and
  - (d) the Chief Health Officer or the Deputy Chief Health Officer may, in writing, grant permission for an end of life activity in public, subject to any time limit set for that activity, and any end of life activity conducted in accordance with the permission will not breach the gathering restrictions; and
  - (e) in any case (other than at a person's principal place of residence), the total number of members of the public present at the same time in the space must not exceed the density quotient.

## PART 5 – OTHER PROVISIONS

### 12 Relationship with other Directions

- (1) If there is any inconsistency between Parts 2, 3 and 4 of these directions and the **Diagnosed Persons and Close Contacts Directions**, 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. 20)** 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 (Restricted Areas)**;
- (7) **Authorised Provider and Authorised Worker List** is the document available at [www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-list](http://www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-list) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer;
- (8) **authorised worker** has the same meaning as in the **Workplace Directions**;
- (9) **Authorised Worker Permit** has the same meaning as in the **Workplace Directions**;
- (10) **Care Facilities Directions** means **Care Facilities Directions (No. 46)** 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) **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 Act 2010** and the **Education and Care Services National Regulations 2011** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services;
- (13) **closed work premises** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (14) **community facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (15) **COVID-19 Mandatory Vaccination Directions** means the COVID-19 Mandatory Vaccination Directions as amended or replaced from time to time;
- (16) **density quotient** has the same meaning as in the **Workplace Directions**;
- (17) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (18) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 27)** as amended or replaced from time to time;
- (19) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (20) **Directions currently in force** means the **Area Directions**, the **Restricted Activity Directions (Restricted Areas)**, **Restricted Activity Directions (Regional Victoria)**, the **Stay at Home Directions (Restricted Areas)**, the **Stay Safe Directions (Regional**

Victoria), the **Diagnosed Persons and Close Contacts Directions**, the **Hospital Visitor Directions**, the **Care Facilities Directions**, the **Workplace Directions**, the **Victorian Border Crossing Permit Directions**, the **COVID-19 Mandatory Vaccination Directions**, and the **Workplace (Additional Industry Obligations) Directions**, each as amended or replaced from time to time;

(21) **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 subparagraph (a));

(22) **exception** has the meaning as in the **COVID-19 Mandatory Vaccination Directions** for the purpose of clause 11(4)(c);

(23) **excepted person** has the meaning as in the **Victorian Border Crossing Permit Directions**;

(24) **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);

(25) **full COVID-19 vaccination** has the meaning as in the **COVID-19 Mandatory Vaccination Directions**;

(26) **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;

(27) **hospital** has the same meaning as in the **Hospital Visitor Directions**;

(28) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 37)** as amended or replaced from time to time;

(29) **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;

(30) **medical practitioner** has the meaning as in the **COVID-19 Mandatory Vaccination Directions**;

(31) **member of the public** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;

(32) **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**;

(33) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;

(34) **nominated person** means a person nominated by a **nominee person** for social interaction permitted in accordance with these directions;

(35) **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;

- (36) **ordinary resident of the Restricted Area** has the meaning in clause 5(14);
- (37) **outdoor space** means a space that is not an **indoor space**;
- (38) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (39) **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**;
- (40) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**, but does not mean a **play centre**;
- (41) **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;
- (42) **prison** has the same meaning as in the **Corrections Act 1986**;
- (43) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (44) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (45) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (46) **restricted retail facility** has the same meaning as in the **Restricted Activity Directions (Regional Victoria)**;
- (47) **Restricted Activity Directions (Regional Victoria)** means the **Restricted Activity Directions (Regional Victoria) (No. 10)** as amended from time to time;
- (48) **Restricted Activity Directions (Restricted Areas)** means the **Restricted Activity Directions (Restricted Areas) (No. 17)** as amended or replaced from time to time;
- (49) **Restricted Area** has the same meaning as in the **Area Directions**;
- (50) **Restricted Area – Regional Victoria** has the same meaning as in the **Area Directions**;
- (51) **retail facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (52) **revoked Border Crossing Permit Scheme Directions** has the meaning in the **Victorian Border Crossing Permit Directions**;
- (53) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (54) **short-term entrant to the Restricted Area** has the meaning in clause 5(18);
- (55) **specified worker (multiple entry) permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (56) **specified worker permit** means the **specified worker (single entry) permit**, or the **specified worker (multiple entry) permit**;
- (57) **specified worker (single entry) permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (58) **Stay at Home Directions (Restricted Areas)** means the **Stay at Home (Restricted Areas) Directions (No. 23)** as amended or replaced from time to time;
- (59) **stay at home period** has the meaning in clause 4;
- (60) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 10)** as amended or replaced from time to time;
- (61) **temporary resident of the Restricted Area** has the meaning in clause 5(17);
- (62) **transit permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;

- (63) **vehicle** has the same meaning as in the **PHW Act**;
- (64) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 32)** as amended or replaced from time to time;
- (65) **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) is identified by a **school or childcare or early childhood service** 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); or
  - (d) is identified by a parent or guardian as vulnerable because the child or young person has a disability and cannot learn from home due to the circumstances of that disability;
- (66) **work premises** has the same meaning as in the **Workplace Directions**;
- (67) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 46)** as amended or replaced from time to time;
- (68) **Workplace Directions** means the **Workplace Directions (No. 50)** as amended or replaced from time to time;
- (69) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (70) **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 23 September 2021

ASSOCIATE PROFESSOR N. DEBORAH FRIEDMAN  
Acting Chief Health Officer,  
as authorised to exercise emergency powers  
under section 199(2)(a) of the PHW Act

**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Restricted Activity Directions (Restricted Areas) (No. 17)**

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

**1 Preamble**

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings in the **Restricted Area** 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 (Restricted Areas) (No. 16)**.

**2 Citation**

These directions may be referred to as the **Restricted Activity Directions (Restricted Areas) (No. 17)**.

**3 Revocation**

The **Restricted Activity Directions (Restricted Areas) (No. 16)** are revoked at 11:59:00 pm on 23 September 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 23 September 2021 and ending at 11:59:00 pm on 21 October 2021.

**5 Authorised Work Premises**

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

*Note: restrictions on Authorised Work Premises include the relevant restrictions applying under the **Workplace Directions**, which include requirements for work premises in relation to **face coverings**, the density quotient, signage and cleaning requirements and **COVIDSafe Plans**, and the **Workplace (Additional Industry Obligations) Directions**.*
- (3) Despite subclause (2), a person who owns, controls or operates an Authorised Work Premises in the Restricted Area 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.

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

## 6 Closed work premises

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

## 7 Exceptions

### *Permitted operations – physical recreational facilities*

- (1) A person who owns, controls or operates a **physical recreational facility** in the Restricted Area 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; or
  - (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; or
  - (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**; or
  - (d) for the provision of hydrotherapy services specified in clause 7(3); or
  - (e) broadcasting an online class from the physical recreational facility, provided that the total number of persons at the facility for the purpose of broadcasting the online class is no more than five.

*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'.*

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

- (3) A person who owns, controls or operates a swimming pool or a hydrotherapy pool at a non-residential premises in the Restricted Area 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 the Restricted Area 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 (Restricted Areas)**; 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 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 1: the persons required to conduct and/or facilitate the service are not included in the maximum of 10 persons.*

*Note 2: an essential public support service does not include people gathering for worship or prayer.*

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

*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.*

- (d) providing the facility for the exclusive use by a single **school** at any one time for the purpose of conducting **Senior Secondary examinations**.

- (4A) For the purposes of subclause (4)(d), a person who owns, controls or operates a community facility in the Restricted Area is required to comply with relevant restrictions that apply under the **Workplace Directions** (including requirements in relation to face coverings, signage and COVIDSafe Plans), but is exempt from the density quotient requirement in clause 6(18) of the **Workplace Directions**.

- (5) Despite subclause (4), a person who owns, controls or operates a community facility in the Restricted Area may operate that facility during the restricted activity period if:

- (a) 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; or

- (b) the community facility is a **playground**, that facility may operate for its ordinary use by members of the public under 12 years of age, in accordance with the requirements of the **Stay at Home Directions (Restricted Areas)**; or

*Note: playgrounds are open to children under 12 years of age to support young children's mental health and sensory and physical development. Parents supervising children must still comply with the public gathering limit and face covering requirements specified in the **Stay at Home Directions (Restricted Areas)**.*

- (c) the community facility is a skatepark in an outdoor space or outdoor communal exercise equipment and operates for its ordinary use by members of the public and in accordance with the requirements of the **Stay at Home Directions (Restricted Areas)**.

*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 the Restricted Area may operate that facility during the restricted activity period only for the purposes of:
- (a) providing 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 **vulnerable child or young person**; 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 working outside of the home and is unable to make alternative supervision arrangements for that child, children or young person; or
      - (B) two parents or carers and both of those people are Authorised Workers and both are working outside of the home and are unable to make alternative supervision arrangements for that 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
  - (b) providing childcare or early childhood education services where the education service is being provided to:
    - (i) a vulnerable child or young person in a **childcare or early childhood education service**; or
    - (ii) a child, children or young person who has:
      - (A) a single parent or carer, and that person is:
        - 1. working outside of the home and is unable to make alternative supervision arrangements for that child, children or young person; or
        - 2. working at home and is unable to make alternative supervision arrangements for that child, children or young person; or
      - (B) two parents or carers and one parent or carer is an Authorised Worker or work for an authorised provider and holds an Authorised Worker Permit and is:
        - 1. working outside of the home and are unable to make alternative supervision arrangements for that child, children or young person; or
        - 2. working at home and are unable to make alternative supervision arrangements for that child, children or young person; or
  - (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.

- (8) A person who is an exception to holding a current Authorised Worker Permit pursuant to clauses 5(6) and 5(7) of the **Workplace Directions** is not required to present an Authorised Worker Permit to a childcare or early childhood education service provider, provided they:
- (a) have photographic personal identification issued by the organisation or body which employs or engages them 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 a childcare or early childhood education service provider.

*Permitted operation – entertainment facilities*

- (9) A person who owns, controls or operates an **entertainment facility** in the Restricted Area 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, or for broadcasting a performance in accordance with the requirements in subclause (11).
- (10) Despite subclause (9), other goods and services are not permitted to be provided at this facility during the approved event or broadcast, 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, or broadcast.

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

- (11) A person who owns, controls or operates an **entertainment facility** in the Restricted Area may operate that facility for the purpose of broadcasting a performance from that entertainment facility, provided that the total number of persons attending the entertainment facility for the purpose of broadcasting the performance is no more than five.
- (12) 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*

- (13) A person who owns, controls or operates a **place of worship** in the Restricted Area 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 1: the persons required to conduct and/or facilitate the service are not included in the maximum of 10 persons.*

*Note 2: an essential public support service does not include people gathering for worship or prayer.*

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

*Permitted operation – retail facility*

- (14) A person who owns, controls or operates a **retail facility** that would otherwise be a closed work premises in the Restricted Area 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*

- (15) A person who owns, controls or operates a **licensed premises** in the Restricted Area 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 (20).

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

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

*Permitted operation – food and drink facilities*

- (17) A person who owns, controls or operates a **food and drink facility** in the Restricted Area may operate that facility during the restricted activity period only for the purposes of takeaway collection or delivery of pre-ordered goods.
- (18) 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.
- (19) Despite subclause (17), a person who owns, controls or operates a food court may operate that food court for the purposes of takeaway collection or delivery of pre-ordered goods only.

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

- (20) 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*

- (21) A person who owns, controls or operates an **accommodation facility** in the Restricted Area may operate that facility during the restricted activity period only for the purposes of providing accommodation:
- (a) to a person whose place of residence is the accommodation facility; or
  - (b) to a person who is ordinarily a resident of Victoria but has no permanent place of residence in Victoria; or
  - (c) to a person who has a permanent place of residence in Victoria, but that place is temporarily unavailable; or
  - (d) to a person who has no permanent place of residence in Victoria because their permanent place of residence is interstate or overseas; or
  - (e) to a person who requires accommodation, on a temporary basis, due to their travel within the Restricted Area 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**.
- (22) 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.

*Permitted operation – real estate inspections*

- (23) An **estate agent** that operates in the Restricted Area is permitted to arrange an inspection of **real estate** for the prospective sale of the property or for end of lease activities provided that the inspection must:
- (a) be arranged and occur on a private appointment basis; and
  - (b) only take place while the persons that ordinarily reside at the premises are not present; and
  - (c) only be attended by members of one household, while the estate agent remains outside the premises.

*Note: an inspection can be arranged at any time in relation to the potential, or actual sale of real estate. Inspections of rental properties can only be arranged as part of end of lease activities.*

## 8 Public Events

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

*Note: the person must continue to apply for and comply with all required licences, approvals and permits.*
    - (D) publicly announced or advertised; and
    - (E) which may be in a facility, venue or space where such an event (or a series of events) forms part of the routine operations, use, activities or services of the facility, venue or space; or
  - (ii) an event (or series of events) deemed by the Victorian Government to be a State-critical public event (or a series of events),
 

*Examples: an exhibition, sport event, festival, fair, parade, performance or trade show.*
- but does not mean:
- (iii) an ad hoc public gathering in a public place;
  - (iv) an ad hoc or routine public gathering in a facility, venue or space which forms part of the ad hoc or routine operations, use, activities or services of the facility, venue or space;
 

*Note: most public gatherings in a facility, venue or space (including any indoor space or outdoor space) are expected to remain subject to the requirements in these directions, including clause 7(16) – (18) (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 (Restricted Areas)** otherwise continue to apply; and
- (b) **exempt public event** means an eligible public event which, subject to the process described in the Public Event Framework, the Chief Health Officer or Deputy Chief Health Officer has exempted from a requirement in the Directions currently in force in accordance with subclause (3) or the equivalent subclause in any **revoked Restricted Activity Direction**.
- (2) A person who arranges to meet or organises or intentionally attends a public gathering for a common purpose in a public place is not required to comply with the requirements of the Directions currently in force in respect of such a public gathering:
- (a) if the public gathering is an exempt public event; and
  - (b) to the extent of an **exemption** granted in respect of that exempt public event (including any conditions on an exemption), unless the relevant exemption for the exempt public event is suspended in accordance with subclause (6) during the restricted activity period.
- (3) The Chief Health Officer or Deputy Chief Health Officer may exempt an eligible public event (or class of eligible public events) from any requirement of the Directions currently in force if satisfied that the exemption is appropriate, having regard to:
- (a) the need to protect public health; and
  - (b) the principles in sections 5 to 10 of the PHW Act, as appropriate.

- (4) An exemption:
- (a) must be given in writing; and
  - (b) must be published at [www.coronavirus.vic.gov.au/public-events](http://www.coronavirus.vic.gov.au/public-events), as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer; and
  - (c) must specify each requirement in the Directions currently in force to which, subject to subclause (d), an exemption is granted; and
  - (d) may impose conditions on an exemption.
- (5) An exemption does not prevent:
- (a) the Chief Health Officer or Deputy Chief Health Officer exercising any power the Chief Health Officer or Deputy Chief Health Officer is authorised to exercise under the PHW Act; or
  - (b) an authorised officer from exercising any power the authorised officer is authorised to exercise under the PHW Act, including ensuring compliance with:
    - (i) an exemption granted (including any conditions on an exemption); or
    - (ii) the requirements of all other Directions currently in force.

*Transitional provisions*

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

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

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

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

## 9 Emergency use and operations

Nothing in these directions is intended to prevent or otherwise affect the operation of a facility in the Restricted Area 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(21);
- (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. 20)** 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](http://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) **Authorised Worker Permit** has the same meaning as in the **Workplace Directions**;
- (9) **bottle shop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the **premises**;
- (10) **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**);
- (11) **childcare or early childhood education 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 Act 2010** and the **Education and Care Services National Regulations 2011** 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** means a **work premises** that is not an **Authorised Work Premises**;
- (13) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (14) **community facility** has the meaning in clause 7(6);
- (15) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (16) **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**;
- (17) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 27)** as amended or replaced from time to time;
- (18) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (19) **Directions currently in force** has the same meaning as in the **Stay at Home Directions (Restricted Areas)**;
- (20) **eligible public event** has the meaning in clause 8(1)(a);
- (21) **entertainment facility** has the meaning in clause 7(12);

- (22) **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;
- (23) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (24) **exempt public event** has the meaning in clause 8(1)(b);
- (25) **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**;
- (26) **face covering** has the same meaning as in the **Workplace Directions**;
- (27) **food and drink facility** has the meaning in clause 7(20);
- (28) **food court** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (29) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (30) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (31) **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;
- (32) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (33) **licensed premises** has the meaning in clause 7(16);
- (34) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;
- (35) **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;
- (36) **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**;
- (37) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (38) **outdoor space** means a space that is not an **indoor space**;
- (39) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (40) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (41) **physical recreational facility** has the meaning in clause 7(2);
- (42) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (43) **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**;

- (44) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**, but does not mean a **play centre**;
- (45) **premises** has the same meaning as in the **PHW Act**;
- (46) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (47) **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;
- (48) **Public Event Framework** means the Public Event Framework available at [www.coronavirus.vic.gov.au/public-events](http://www.coronavirus.vic.gov.au/public-events) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer;
- (49) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (50) **restaurant and café licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (51) **restricted activity period** has the meaning in clause 4;
- (52) **Restricted Area** has the same meaning as in the **Area Directions**;
- (53) **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;
- (54) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (55) **revoked Restricted Activity Directions** means any of the **Restricted Activity Directions (Victoria)**, the **Restricted Activity Directions (Regional Victoria)**, the **Restricted Activity Directions (Metropolitan Melbourne)**, the **Restricted Activity Directions (Non-Melbourne)**, or the **Restricted Activity Directions (Restricted Areas)**, that are no longer in force;
- (56) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (57) **Senior Secondary examination** means an examination relating to a senior secondary certificate;
- (58) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (59) **State Library** means the State Library Victoria;
- (60) **Stay at Home Directions (Restricted Areas)** means the **Stay at Home Directions (Restricted Areas) (No. 23)** as amended or replaced from time to time;
- (61) **vehicle** has the same meaning as in the **PHW Act**;
- (62) **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) is identified by a **school, childcare or early childhood education service** 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); or

- (d) is identified by a parent or guardian as vulnerable because the child or young person has a disability and cannot learn from home due to the circumstances of that disability;
- (63) **work premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- (64) **worker** has the same meaning as in the **Workplace Directions**;
- (65) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 46)** as amended or replaced from time to time;
- (66) **Workplace Directions** means the **Workplace Directions (No. 50)** as amended or replaced from time to time;
- (67) **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 23 September 2021

ASSOCIATE PROFESSOR N. DEBORAH FRIEDMAN  
Acting Chief Health Officer,  
as authorised to exercise emergency powers  
under section 199(2)(a) of the PHW Act

**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Stay Safe Directions (Regional Victoria) (No. 10)**

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

**PART 1 – PRELIMINARY****1 Preamble**

- (1) The purpose of these directions is to address the serious public health risk posed to the State of Victoria by the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Stay Safe Directions (Regional Victoria) (No. 9)**.
- (4) These directions require everyone who ordinarily resides in Regional Victoria to:
  - (a) restrict the circumstances in which they may leave Regional Victoria; and
  - (b) limit interactions with others by restricting private and public gatherings; and
  - (c) carry and wear **face coverings** at all times except in limited circumstances.

**2 Citation**

These directions may be referred to as the **Stay Safe Directions (Regional Victoria) (No. 10)**.

**3 Revocation**

The **Stay Safe Directions (Regional Victoria) (No. 9)** are revoked at 11:59:00 pm on 23 September 2021.

**4 Stay safe period**

For the purposes of these directions, the stay safe period is the period beginning at 11:59:00 pm on 23 September 2021 and ending at 11:59:00 pm on 21 October 2021.

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

- (1) A person who ordinarily resides in Regional Victoria must, during the stay safe period:
  - (a) comply with the face covering requirements in subclauses (8), (9), (10), (11) and (12); and
  - (b) not travel to an **alpine resort** other than in accordance with subclauses (13) and (14); and
  - (c) if attending work or obtaining education services, do so in accordance with clause 6 (**attending work or education**); and
  - (d) comply with the restrictions on gatherings in clause 7 (**restrictions on gatherings**); and
  - (e) comply with the Directions currently in force, including (without limitation) by:
    - (i) not engaging in an activity that is prohibited under the Restricted Activity Directions (Regional Victoria); and
    - (ii) only engaging in an activity permitted under the Restricted Activity Directions (Regional Victoria) in accordance with any requirements set out in those directions.

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

hand hygiene in accordance with the Department of Health's guidelines as amended from time to time by the Victorian Government, available at: [www.coronavirus.vic.gov.au/hygiene-physical-distancing](http://www.coronavirus.vic.gov.au/hygiene-physical-distancing)

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

*Travel to the Restricted Area*

- (2) Subject to subclauses (2A), (2B), (3) and (4), a person who ordinarily resides in Regional Victoria during the stay safe period must not travel to the Restricted Area other than for one or more of the reasons specified in:
- (a) clause 6 (**necessary goods or services**):
    - (i) provided that the place at which the person is obtaining the necessary goods or services is the closest place to the person's principal place of residence from which those goods or services can be obtained; and
    - (ii) despite clause 6(1)(b), does not include the person travelling to the Restricted Area for the purposes of receiving a SARS-CoV-2 vaccination, unless the location where they are receiving the SARS-CoV-2 vaccination is in an adjacent local government area to where they reside; or
  - (b) clause 7 (**care or other compassionate reasons**); or
  - (c) clause 7A (**care or other compassionate reasons: child minding**); or
  - (d) clause 8 (**work or education**); or
  - (e) clause 10 (**other specified reasons**),
- of, and provided they comply with the requirements set out in, the **Stay at Home Directions (Restricted Areas)**.
- (2A) Subject to subclauses (3) and (4), a person who ordinarily resides in Regional Victoria during the stay safe period may travel through the Restricted Area in order to travel to another part of Regional Victoria if necessary, but may only stop in the Restricted Area for one or more of the reasons specified in subclause (3).
- (2B) Subject to subclause (3), a person who ordinarily resides in Regional Victoria during the stay safe period may travel:
- (a) through the Restricted Area if required for the purpose of direct and short term transit in order to leave Regional Victoria or to return to their ordinary place of residence in Regional Victoria (by air, sea, road or rail); or
  - (b) to the Restricted Area for the purpose of picking up or dropping off a passenger from a **place of transit**.
- (3) If a person who ordinarily resides in Regional Victoria enters the Restricted Area in accordance with subclauses (2), (2A), (2B) or (4):
- (a) the **Stay at Home Directions (Restricted Areas)** apply to that person when they are in the Restricted Area as if that person ordinarily resided in the Restricted Area; and
  - (b) the person may only access facilities in the Restricted Area:
    - (i) for the purpose for which they are permitted to travel to the Restricted Area in accordance with subclauses (2), (2B) or (4); or
    - (ii) that are:
      - (A) a **retail facility** (other than a **restricted retail facility**), for the purpose of obtaining essential goods or services; or
      - (B) an **accommodation facility**, for the purpose of accommodation required for the purpose for which the person is permitted to travel to the Restricted Area in accordance with subclause (2), (2B) or (4).

*Principal place of residence*

- (4) If a person has more than one ordinary place of residence, their place of residence as at 11:59:00 pm on 22 August 2021 must remain their principal place of residence for the duration of the stay safe period. If the person's principal place of residence is:
- (a) within the Restricted Area, they must not leave to go to any other ordinary place of residence (regardless of whether it is within or outside the Restricted Area); or
  - (b) outside the Restricted Area, they must not leave to go to any other ordinary place of residence within the Restricted Area,
- except:
- (c) for the purposes of (and provided they comply with) clause 6 (***attending work or education***); or
  - (d) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
  - (e) for emergency maintenance of the other residence excluding emergency preparation activities, unless such work is urgent and essential; or
  - (f) for emergency purposes excluding emergency preparation activities, unless such work is urgent and essential; or
  - (g) as required or authorised by law.

*Ordinary place of residence*

- (5) If a person:
- (a) no longer has an ordinary place of residence in Regional Victoria; or
  - (b) has an ordinary place of residence or principal place of residence (as applicable) in Regional Victoria that has become temporarily unavailable or is unavailable because of a risk of harm (including harm relating to family violence or violence of another person at the premises),
- then that person may move to alternative suitable premises that are available to that person.
- (6) If a person moves to a new place of residence under subclause (5) 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.*

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

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

*Face covering requirements*

- (8) A person in Regional Victoria must:
- (a) carry a face covering at all times, except where:
    - (i) subclause (9)(a), (c), (d), (e), (f) or (bb) applies; or
    - (ii) that person is a student to whom subclause (9)(b) applies; and
  - (b) wear a face covering:
    - (i) while in an **indoor space**; and
    - (ii) while in an **outdoor space**; and

- (iii) while visiting a **hospital**; and
- (iv) while visiting a **care facility**; and
- (v) while on **public transport** or in a **commercial passenger vehicle** or in a **vehicle** being operated by a **licensed tourism operator**; and
- (vi) if the person is a diagnosed person or close contact and is leaving the premises in accordance with the **Diagnosed Persons and Close Contacts Direction**; and
- (vii) if the person has been tested for SARS-CoV-2 and is awaiting the results of that test, except where that test was taken as part of a surveillance or other asymptomatic testing program; and

*Note: the **Workplace (Additional Industry Obligations) Directions** set out the surveillance testing requirements for relevant industries and workers.*

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

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

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

- (9) Subclauses (8)(b) and (c) do not apply if a person complies with any other requirements under any other Directions currently in force and:

- (a) the person is an infant or a child under the age of 12 years; or
- (b) the person is a student while on site at a primary **school** or outside school hours care for a primary school; or
- (c) the person is a **prisoner** in a **prison** (either in their cell or common areas), subject to any policies of that prison; or
- (d) the person is detained in a **remand centre, youth residential centre or youth justice centre** (either in their room or common areas), subject to any policies of that centre; or
- (e) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or

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

- (f) it is not practicable for the person to comply with subclauses (10)(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(2)(i); or
- (m) the person is one of two persons being married, during their wedding ceremony, or while being photographed at the wedding; or
- (n) the person is a professional sportsperson when training or competing; or
- (o) the person is engaged in any strenuous physical exercise; or  
*Examples: jogging, running, swimming, cycling.*
- (p) the person is riding a bicycle or a motorcycle; or
- (q) the person is travelling in a vehicle by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (r) the person is consuming:
  - (i) medicine; or
  - (ii) food or drink in any space except an indoor space within a retail facility or restricted retail facility; or
  - (iii) food or drink in an indoor space within a retail facility or restricted retail facility only if the person is:
    - (A) a worker at the retail facility or restricted retail facility; or
    - (B) on the premises of a food and drink facility within the retail facility or restricted retail facility; or

*Example 1: a person buying takeaway food from a shopping centre food court cannot consume that food within the shopping centre unless they are a worker at the shopping centre.*

*Example 2: a person buying coffee at a café within a shopping centre can consume the coffee at that café but not elsewhere in the shopping centre, unless they are a worker at the shopping centre.*

- (s) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (t) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (u) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Regional Victoria)**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
- (v) the person is providing a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Regional Victoria)**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
- (w) the person is an accused person in a criminal case in any court located in Regional Victoria and the person is in the dock either alone or with a co-accused, provided that any co-accused also present in the dock is at least 1.5 metres away from the person; or
- (x) the person is asked to remove the face covering to ascertain identity; or  
*Example: a person may be asked by police, security, bank or post office staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.*
- (y) for emergency purposes; or
- (z) when required or authorised by law; or
- (aa) when doing so is not safe in all the circumstances; or
- (bb) the person is at a premises that is their ordinary place of residence or their temporary place of residence; or
- (cc) the person is attending a permitted social gathering in accordance with clause 7(2)(j).

*Face covering requirements in airports and on aircraft*

(10) Without limiting subclause (8)(b), during the stay safe period, a person in the State of Victoria at an **airport** or travelling in an **aircraft** must:

- (a) carry a face covering at all times, except where subclause (11)(a) or (b) applies; and
- (b) wear a face covering while in an indoor space at an airport (and at all times while inside an aircraft); and
- (c) wear a face covering where required to do so in accordance with any other Directions currently in force.

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

(11) Subclauses (10)(b) and (c) do not apply if a person complies with any other requirements under any other Directions currently in force and:

- (a) the person is an infant or a child under the age of 12 years; or
- (b) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or

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

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

*Examples: teaching, lecturing, broadcasting.*

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

- (j) the person is asked to remove the face covering to ascertain identity; or

*Examples: a person may be asked by police, security, or airport staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.*

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

(12) An **authorised officer** may require a person to attest in writing that they have complied with the requirements of subclause (10) to wear a face covering on an aircraft (subject to subclause (11)).

*Travel to an alpine resort*

- (13) Subject to subclause (14), a person who ordinarily resides in Regional Victoria during the stay safe period and who is aged 12 years or older and who is not an alpine worker, must not enter an alpine resort unless the person:
- (a) has undertaken a SARS-CoV-2 test no more than 72 hours before entering an alpine resort; and
  - (b) received a negative result for that SARS-CoV-2 test; and
  - (c) carries and presents upon request to:
    - (i) an authorised officer or Victoria Police member; or
    - (ii) any employee or representative of an **alpine resort management board** for the purposes of meeting the requirements of the **Restricted Activity Directions (Regional Victoria)**:  
the following:
      - (iii) if the person is 18 years or older, photographic identification and evidence of the current address where the person ordinarily resides; and
      - (iv) if the person is 12 years or older, evidence of the negative SARS-CoV-2 test result obtained in accordance with subclauses (a) and (b).
- Note 1: evidence of a negative test result includes an email or text message notification of the test result.*
- Note 2: where evidence of a negative test result does not show the testing date, the date the test was undertaken should be presumed to be 12 hours before the results were received.*
- Note 3: evidence of a negative test for any child or dependant 12 years or older can be provided by a parent or guardian.*
- (14) A person who ordinarily resides in Regional Victoria is not required to comply with subclause (13) if:
- (a) they are required to travel to an alpine resort:
    - (i) for emergency purposes; or
    - (ii) to escape harm or the risk of harm, including harm relating to family violence of another person at the premises;and it is not practicable for the person to undertake a SARS-CoV-2 test in accordance with subclause (13) prior to entering the alpine resort; or
  - (b) they have a disability, illness, or chronic health condition, if it is not practicable for the person to undertake a SARS-CoV-2 test in accordance with subclause (13) due to the person's disability, illness or chronic health condition; or
  - (c) the person's ordinary place of residence is in an alpine resort; or
  - (d) they are traveling to or through an alpine resort to attend a school or transport a child to a school.

**PART 3 – WORK AND EDUCATION****6 Attending work or education**

- (1) A person who ordinarily resides in Regional Victoria may only attend work (whether paid or voluntary, including for charitable or religious purposes) at a **work premises** in:
- (a) Regional Victoria if:
    - (i) it is not reasonably practicable for the person to work from the premises where they ordinarily reside or another suitable premises; or
    - (ii) in relation to office-based work premises, if the person who has employed or engaged the person to work has advised that it is permissible for them to do so in accordance with the Directions currently in force.

- (b) the Restricted Area if:
  - (i) it is not reasonably practicable for the person to work from the premises where they ordinarily reside or another suitable premises; and
  - (ii) they are an **authorised worker** or work for an **authorised provider**.
- (2) A person who ordinarily resides in Regional Victoria may only attend onsite **educational services** in:
  - (a) Regional Victoria if:
    - (i) the person is enrolled in a primary school in Foundation (Prep), Year 1 or Year 2; or
    - (ii) the person is enrolled in a secondary school in Year 12, undertaking Victorian Certificate of Education Units 3 or 4 or in their final year of the Victorian Certificate of Applied Learning, Vocational Education and Training or International Baccalaureate; or
    - (iii) the person has:
      - (A) two parents, guardians or carers and both of them would be; or
      - (B) a single parent, guardian or carer and that parent, guardian or carer would be,
 an authorised worker or would work for an authorised provider if the work premises of the parent, guardian or carer was in the Restricted Area and are required to attend the work premises; or
    - (iv) the person is a **vulnerable child or young person**; or
  - (b) the Restricted Area to the extent those educational services are permitted under the **Restricted Activity Directions (Restricted Areas)** and the **Stay at Home Directions (Restricted Areas)**, and in accordance with any requirements set out in those directions.
- (3) A person who ordinarily resides in Regional Victoria can only obtain **childcare or early childhood service** in the Restricted Area if they are permitted under the **Stay at Home Directions (Restricted Areas)**.
- (4) A person who ordinarily resides in Regional Victoria may only attend **higher education services** (whether in Regional Victoria or in the Restricted Area) if:
  - (a) it is in relation to final year assessments for Tertiary Education Quality and Standards Agency regulated courses; and
  - (b) where the person does not have alternative options to complete the study by the end of 2021.

#### **PART 4 – GATHERINGS**

##### **7 Restrictions on gatherings**

###### *Private gatherings*

- (1) Subject to subclause (2), during the stay safe period, a person who ordinarily resides in Regional Victoria must not:
  - (a) permit another person to enter any premises at which they are residing in Regional Victoria (whether or not entering any building on the premises); or
  - (b) intentionally enter any premises at which another person is residing in Regional Victoria (whether or not entering any building on the premises).
- (2) Subclause (1) does not prevent any person from permitting entry to another person or from entering a premises:
  - (a) if the person entering the premises also ordinarily resides at the premises; or
  - (b) if permitted under, and provided they comply with the requirements of, the Directions currently in force; or

- (c) to provide or receive necessary goods or services; or
- (d) to attend or undertake work that is solely outdoors where physical distancing can be maintained at all times or work that is urgent or essential, and in accordance with clause 6 (**attending work or education**); or
- Examples: a tradesperson for the purpose of carrying out urgent or 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. A person providing services that are not urgent or essential, including tutors, mobile hairdressers and tradespersons undertaking renovations that are not urgent or essential, are not permitted.*
- (e) to provide child-minding (where the child, children or young person is primary school age or younger), **childcare or early childhood service**, schooling or education services (whether paid or on a voluntary basis) only if the person also ordinarily resides in Regional Victoria; or
- (f) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
- (g) if the person entering the premises is a parent or guardian of a child and they are entering the premises:
- (i) to visit that child; or
- (ii) to meet any obligations in relation to care or support for that child; or
- (iii) to take the child to another person's premises for the purpose of that other person providing child-minding assistance; or
- (h) to provide care and support to a relative or other person who ordinarily resides at the premises and:
- (i) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or
- (ii) because of matters relating to the relative or other person's health (including mental health or pregnancy); or
- (i) to visit someone who ordinarily resides at those premises and with whom they are in an intimate personal relationship; or
- Note: people in an intimate personal relationship may stay overnight at each other's ordinary places of residence, and are not required to wear a face covering while visiting each other at those premises, provided they otherwise comply with these directions.*
- (j) for a social gathering of a **nominated person** and **nominee person**, provided that:
- (i) the nominee person is permitting their nominated person (and any child or dependant permitted to accompany them) to enter the premises; or
- (ii) the nominated person is permitting their nominee person (and any child or dependant permitted to accompany them) to enter the premises, but only while the nominated person is otherwise by themselves at their premises,
- and:
- (iii) the nominee person has only one nominated person; and
- (iv) the nominated person has only one nominee person,
- since 11:59:00 pm on 22 August 2021 and for the duration of these directions; or

- (k) to attend a wedding or funeral or **end of life** activity:
  - (i) in Regional Victoria if that wedding, funeral or end of life activity complies with the requirements in subclauses (7) to (11); or
  - (ii) in the Restricted Area if that wedding, funeral or end of life activity complies with the requirements of the **Stay at Home Directions (Restricted Areas)**; or
- (l) to attend a memorial site to pay respects to a deceased person provided that this is only with any other person (or people) who ordinarily resides at the same premises as that person or one other person; or
- (m) if the premises in which the person ordinarily resides is no longer available to, or is no longer suitable for, the person; or
- (n) to attend an inspection of real estate for the purposes of a prospective sale or rental of the property or to attend an auction provided that the inspection and auction is carried out in accordance with the **Restricted Activity Directions (Regional Victoria)**; or
- (o) for the purpose of moving to the premises as the place where they will ordinarily reside; or
- (p) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
- (q) for medical or emergency purposes (other than emergency maintenance); or
- (r) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal; or
- (s) for purposes relating to the administration of justice; or
- (t) as required or authorised by law; or
- (u) for the purposes of **national security**.

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

- (3) If a person who enters a premises in accordance with subclause (2) is a parent, guardian or carer of a child or dependant and they cannot access any alternative care arrangement (whether on a paid or voluntary basis) or leave their child or dependant unattended so that they can enter the premises in accordance with subclause (2) without the child or dependant, then the child or dependant may accompany that person when entering the premises in accordance with subclause (2).
- (4) During the stay safe period, a person who ordinarily resides in Regional Victoria must not permit a person who ordinarily resides in the Restricted Area to enter the premises at which they ordinarily reside (whether or not entering any building on the premises) unless that other person is entering the premises for one or more of the purposes specified in:
  - (a) clause 7 (*care or other compassionate reasons*);
  - (b) clause 8 (*work or education*);
  - (c) clause 10 (*other specified reasons*),
 of, and provided they comply with the requirements set out in, the **Stay at Home Directions (Restricted Areas)**.

#### *Public gatherings*

- (5) During the stay safe period, a person in Regional Victoria must not arrange to meet, or organise or intentionally attend a gathering of, more than 9 other persons who ordinarily reside in Regional Victoria (with any infant under one year of age not counting towards this limit), or arrange to meet, or organise or intentionally attend a

gathering of, any persons who ordinarily reside in the Restricted Area, for a common purpose at a public place, except:

*Note 1: under subclause (4), the limit on the number of people who may meet in a public place at any one time is 10, and all persons in attendance must ordinarily reside in Regional Victoria.*

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

*Note 3: subclause (4) does not prevent a person attending a public place (for example, a shopping centre) for a purpose (for example, shopping), where other people are also likely to be attending that public place for a similar purpose. It prevents people from attending a public place intending to gather with other people for a common purpose (for example, meeting family or friends at the shopping centre).*

- (a) where each other person ordinarily resides at the same premises; or
- (b) for the purpose of a religious gathering (including ceremonies) provided they comply with any requirements of the **Restricted Activity Directions (Regional Victoria)**; or
- (c) for the purpose of a wedding in Regional Victoria that complies with the requirements in subclause (7) or a wedding in the Restricted Area that complies with the requirements of the **Stay at Home Directions (Restricted Areas)**; or  
*Note: a person who ordinarily resides in the Restricted Area is permitted to attend a wedding in Regional Victoria, provided that wedding complies with the requirements in the **Stay at Home Directions (Restricted Areas)**, which require that one of the two persons being married is experiencing end of life or would be deported from Australia unless the marriage takes place. Such a wedding must not involve more than 5 persons, consisting of the two people being married, the authorised celebrant and two persons witnessing the marriage.*
- (d) for the purpose of a funeral in Regional Victoria that complies with the requirements in subclause (9) or a funeral in the Restricted Area that complies with the requirements of the **Stay at Home Directions (Restricted Areas)**; or  
*Note: a person who ordinarily resides in the Restricted Area is permitted to attend a funeral in Regional Victoria, provided that the funeral complies with the requirements in the **Stay at Home Directions (Restricted Areas)**. Such a funeral must not involve more than 10 members of the public.*
- (e) for the purpose of an end of life activity in the Restricted Area or in Regional Victoria that is attended by any person that ordinarily resides in the Restricted Area, provided that it complies with the requirements of the **Stay at Home Directions (Restricted Areas)**; or
- (f) it is necessary to arrange a meeting, or organise or attend a gathering, for one or more of the following purposes:
  - (i) engaging in an activity permitted under, and provided they comply with any requirements of, the **Restricted Activity Directions (Regional Victoria)**; or
  - (ii) to attend or undertake work in accordance with clause 6 (**attending work or education**); or
  - (iii) medical or emergency purposes; or
  - (iv) purposes as required or authorised by law; or
  - (v) purposes relating to the administration of justice.

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

#### *Weddings, funerals and end of life activity*

- (6) The requirements for a wedding that is held at a person's ordinary place of residence in Regional Victoria are that:
  - (a) one or both of the two persons being married are experiencing end of life; and

- (b) it involves no more than:
  - (i) the two persons being married; and
  - (ii) the **authorised celebrant**; and
  - (iii) two persons witnessing the marriage for the purposes of section 44 of the **Marriage Act 1961** of the Commonwealth; and
  - (iv) any person who ordinarily resides at the premises; and
  - (v) any other person with whom a person in subparagraph (iv) is in an intimate personal relationship.
- (7) The requirements for a wedding in Regional Victoria that is held in a place other than a person's ordinary place of residence are that:
  - (a) if all people in attendance have a principal place of residence in Regional Victoria it involves no more than:
    - (i) the two persons being married; and
    - (ii) the authorised celebrant; and
    - (iii) the wedding photographer; and
    - (iv) 8 other persons (with any infant under one year of age not counting towards this limit), including two persons witnessing the marriage for the purposes of section 44 of the **Marriage Act 1961** of the Commonwealth; and
    - (v) it complies with the requirements of the **Restricted Activity Directions (Regional Victoria)**; or

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

- (b) if any person in attendance has a principal place of residence in the Restricted Area, then the **Stay at Home Directions (Restricted Areas)** apply to the persons who arrange, organise or attend the wedding as if those persons ordinarily reside in the Restricted Area.

*Note: a person who ordinarily resides in the Restricted Area is permitted to attend a wedding in Regional Victoria, provided that wedding complies with the requirements in the **Stay at Home Directions (Restricted Areas)**, which require that one of the two persons being married is experiencing end of life or would be deported from Australia unless the marriage takes place. Such a wedding must not involve more than 5 persons, consisting of the two people being married, the authorised celebrant and two persons witnessing the marriage.*

- (8) The requirements for a funeral held at a person's ordinary place of residence in Regional Victoria are that:
  - (a) if all people in attendance have a principal place of residence in Regional Victoria, it involves only **5 members of the public** with the following persons not counting towards this limit:
    - (i) any infant under one year of age; and
    - (ii) the minimum number of persons reasonably necessary for the conduct of the funeral; and
    - (iii) any person who ordinarily resides at the premises; and
    - (iv) any other person with whom a person in subparagraph (i) is in an intimate personal relationship.

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

- (b) if any person in attendance has a principal place of residence in Restricted Area, then the **Stay at Home Directions (Restricted Areas)** apply to that funeral as if the premises was in the Restricted Area.

*Note: a person who ordinarily resides in the Restricted Area is permitted to attend a funeral in Regional Victoria, provided that the funeral complies with the requirements in the **Stay at Home Directions (Restricted Areas)**. Such a funeral must not involve more than 10 members of the public.*

- (9) The requirements for a funeral held in Regional Victoria that is held other than at a person's ordinary place of residence are that:
- (a) if all people in attendance have a principal place of residence in Regional Victoria, it involves no more than:
    - (i) 20 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
    - (iii) it complies with the requirements of the **Restricted Activity Directions (Regional Victoria)**; or
- Note: record-keeping requirements apply to funerals as set out in the **Workplace Directions**.*
- (b) if any person in attendance has a principal place of residence in the Restricted Area, then the **Stay at Home Directions (Restricted Areas)** apply to the persons who arrange, organise or attend the funeral as if those persons ordinarily reside in the Restricted Area.
- (10) The requirements for end of life activity that is held at a person's ordinary place of residence in Regional Victoria are that it involves no more than:
- (a) the person experiencing end of life; and
  - (b) any other person (or people) who ordinarily reside at the premises of the person experiencing end of life; and
  - (c) any other person with whom a person in subparagraph (a) or (b) is in an intimate personal relationship; and
  - (d) two other people,  
with infants under one year of age not counting towards these limits.

## PART 5 – OTHER PROVISIONS

### 8 Relationship with other Directions

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

### 9 Definitions

For the purposes of these directions:

- (1) **aircraft** means an aircraft that is mainly used for the purpose of, or is engaged, or is intended or likely to be engaged, in a flight wholly within Australia;

- (2) **airport** means an aerodrome at which facilities are available for the arrival or departure of **aircraft** into or from the State of Victoria;
- (3) **alpine resort** means any of the following as defined in the Alpine Resorts (Management) Act 1997:
  - (a) Falls Creek Alpine Resort;
  - (b) Lake Mountain Alpine Resort;
  - (c) Mount Baw Baw Alpine Resort;
  - (d) Mount Buller Alpine Resort;
  - (e) Mount Hotham Alpine Resort;
  - (f) Mount Stirling Alpine Resort;
  - (g) the Dinner Plain Village as defined under the Dinner Plain Planning Provisions in the Alpine Planning Scheme;
- (4) **alpine resort management board** has the same meaning as in the Alpine Resorts (Management) Act 1997;
- (5) **alpine worker** means an employee or contractor of an **alpine resort management board**, Alpine Shire Council, Mansfield Shire Council, Baw Baw Shire Council, Murrindindi Shire Council, Yarra Ranges Shire Council or any business located within an **alpine resort** who is required to enter an **alpine resort** for work purposes;
- (6) **Area Directions** means the **Area Directions (No. 20)** as amended or replaced from time to time;
- (7) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (8) **authorised officer** has the same meaning as in the **PHW Act**;
- (9) **authorised provider** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (10) **authorised worker** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (11) **bus company** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (12) **Care Facilities Directions** means **Care Facilities Directions (No. 46)** as amended or replaced from time to time;
- (13) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (14) **childcare or early childhood service** means onsite early childhood education and care services or children's services provided under the:
  - (a) **Education and Care Services National Law** and the **Education and Care Services National Regulations** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services; and
  - (b) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;
- (15) **commercial passenger vehicle** has the same meaning as in the **Workplace Directions**;
- (16) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 27)** 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 **Restricted Activity Directions (Restricted Areas)**, the **Restricted Activity Directions (Regional Victoria)**, the **Area Directions**, the **Stay at Home Directions (Restricted Areas)**, 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) **educational services** means school educational services (including at a school or non-school senior secondary provider and outside school hours care services), but does not include **childcare or early childhood services** or **higher education services**;
- (20) **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));
- (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 37)** 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) **licensed tourism operator** has the same meaning as in the **Restricted Activity Directions (Regional Victoria)**;
- (27) **members of the public** has the same meaning as in the **Restricted Activity Directions (Regional Victoria)**;
- 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) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (29) **nominated person** means a person nominated by a nominee person for social interaction permitted in accordance with these directions;
- (30) **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;

- (31) **outdoor space** means a space that is not an **indoor space**;
- (32) **passenger transport company** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (33) **photographer** means a person who takes photographs as a business and has an Australian Business Number for this purpose;
- (34) **place of transit** means an **airport, port**, train station or bus terminal;
- (35) **port** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions**;
- (36) **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;
- (37) **prison** has the same meaning as in the **Corrections Act 1986**;
- (38) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (39) **public transport** means a vehicle operated by a **passenger transport company** or by a **bus company** in the provision of **public transport service**;
- (40) **public transport service** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (41) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (42) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (43) **Restricted Activity Directions (Regional Victoria)** means the **Restricted Activity Directions (Regional Victoria) (No. 10)** as amended or replaced from time to time;
- (44) **Restricted Area** has the same meaning as in the **Area Directions**;
- (45) **retail facility** has the same meaning as in the **Restricted Activity Directions (Regional Victoria)**;
- (46) **restricted retail facility** has the same meaning as in the **Restricted Activity Directions (Regional Victoria)**;
- (47) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (48) **Stay at Home Directions (Restricted Areas)** means the **Stay at Home Directions (Restricted Areas) (No. 23)** as amended or replaced from time to time;
- (49) **stay safe period** has the meaning in clause 4;
- (50) **vehicle** has the same meaning as in the **PHW Act**;
- (51) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 32)** as amended or replaced from time to time;
- (52) **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) is identified by a **school, childcare or early childhood education service** 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); or
  - (d) is identified by a parent or guardian as vulnerable because the child or young person has a disability and cannot learn from home due to the circumstances of that disability;

- (53) **work premises** has the same meaning as in the **Workplace Directions**;
- (54) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 46)** as amended or replaced from time to time;
- (55) **Workplace Directions** means the **Workplace Directions (No. 50)** as amended or replaced from time to time;
- (56) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (57) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

## 10 Penalties

Section 203 of the PHW Act provides:

### **Compliance with direction or other requirement**

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

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

Dated 23 September 2021

ASSOCIATE PROFESSOR N. DEBORAH FRIEDMAN  
Acting Chief Health Officer,  
as authorised to exercise emergency powers  
under section 199(2)(a) of the PHW Act.

---

**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Restricted Activity Directions (Regional Victoria) (No. 10)**

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

**1 Preamble**

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings in **Regional Victoria** to address the serious public health risk posed to Victoria by severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Restricted Activity Directions (Regional Victoria) (No. 9)**.

**2 Citation**

These directions may be referred to as the **Restricted Activity Directions (Regional Victoria) (No. 10)**.

**3 Revocation**

The **Restricted Activity Directions (Regional Victoria) (No. 9)** are revoked at 11:59:00 pm on 23 September 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 23 September 2021 and ending at 11:59:00 pm on 21 October 2021.

**5 Residence checking requirement**

- (1) A person who owns, controls or operates in Regional Victoria:
  - (a) an **accommodation facility** to the extent it relates to tourism, or a business that manages bookings for that accommodation facility;
  - (b) a **food and drink facility** to the extent it relates to providing seated services;
  - (c) a **restricted retail facility**;
  - (d) an **entertainment and function facility**;
  - (e) a drive-in cinema; or
  - (f) a **physical recreational facility** that is a staffed facility,
 or a person who is:
  - (g) an **alpine operator**; or
  - (h) a **licensed tourism operator**; or
  - (i) an **estate agent** to the extent their activities relate to any activities other than a final inspection of a property,
 must use all reasonable endeavours to determine, as soon as practicable after each member of the public makes a booking (where bookings are taken) for, or accessing, entering or using, their services or facility, whether that member of the public's ordinary place of residence is in the Restricted Area, except for the following reasons:
  - (j) the person states that they are permitted to travel or stay in Regional Victoria for reasons set out in the **Stay at Home Directions (Restricted Areas)**;
  - (k) emergency purposes; or
  - (l) as required or authorised by law.

- (2) The residence checking requirement in subclause (1) must be satisfied for each member of the public:
- (a) aged 18 years or older, by that person or someone responsible for their care and support; or
  - (b) who is an unaccompanied person aged 15 years or older but under 18 years, by that person; or
  - (c) who is an accompanied person aged under 18 years, by their carer, parent or guardian.

*Note 1: an operator should refuse service, or not accept bookings, if the operator of the facility is not satisfied the person resides in Regional Victoria, or is not reasonably satisfied that the person has an authorised reason for travelling or staying in Regional Victoria, such as travel for authorised work.*

*Note 2: a person who ordinarily resides in the Restricted Area but is in Regional Victoria for an approved reason may use food and drink facilities for the purposes of take-away as well as accommodation facilities for their approved purpose as per the rules applying in the Restricted Area. However, while in Regional Victoria they cannot dine in at a food and drink facility or use facilities that are currently closed in the Restricted Area, such as restricted retail facilities, entertainment and function facilities, places of worship or physical recreation facilities.*

- (3) A person will have satisfied the requirement under subclause (1) where they have:
- (a) asked the member of the public for the address of their ordinary place of residence; and
  - (b) required the member of the public, and the group that person is travelling with, to:
    - (i) produce photo identification that evidences that their ordinary place of residence is not in the Restricted Area; or
    - (ii) make a declaration that their ordinary place of residence is not in the Restricted Area; or
    - (iii) make a declaration that they are permitted to travel or stay in Regional Victoria for reasons set out in the **Stay at Home Directions (Restricted Areas)**.

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

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

- (4) If a person collects personal information in the process of complying with the residence checking requirement in subclause (1), that person must:
- (a) use reasonable endeavours to protect the personal information from use or disclosure; and
  - (b) destroy the information as soon as reasonably practicable, unless another statutory requirement permits or requires the personal information to be retained.

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

## 6 Physical recreational facilities

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

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

- (2) A **physical recreational facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a facility used predominantly for indoor sport or physical recreation;  
*Examples: gymnasium, health club, fitness centre, yoga studio, pilates studio, barre studio, dance studio, spin facility, indoor basketball court, indoor climbing facility, squash court, table tennis centre.*
  - (b) a facility used predominantly for outdoor sport or physical recreation;  
*Examples: golf club, tennis club, basketball centre, go kart track, rifle range, equestrian centre, mini golf, paint ball, lawn bowling, water skiing.*
  - (c) a **personal training facility**;
  - (d) a **cardio or strength training facility**;  
*Examples: a cardio or strength facility featuring cardio equipment (such as exercise bikes, elliptical trainers, steppers and rowing machines), free weights, kettlebells and weight and / or strength training equipment and machines. A cardio or strength training facility may be a stand-alone facility or part of another facility (such as a gymnasium, health club, fitness centre or personal training facility).*
  - (e) a **play centre**;
  - (f) an indoor skatepark;
  - (g) a trampolining centre;
  - (h) a swimming pool, **hydrotherapy pool**, spa, sauna, steam room or **spring facility**, but does not include:
    - (i) a skatepark in an **outdoor space**;
    - (j) outdoor communal exercise equipment; or
    - (k) a **creative arts facility**.

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

*Physical recreation and community sport*

- (3) A person who owns, controls or operates a physical recreational facility in Regional Victoria may only operate that facility for the purpose of physical recreation or community sport by **members of the public** if:
- (a) the number of members of the public permitted in any **indoor space** (whether seated or non-seated) or any **non-seated outdoor space** at any one time is limited (with infants under one year of age not counting towards these limits) to the **density quotient**; and
  - (b) the number of members of the public permitted in all indoor spaces at the whole of the facility (other than in an indoor swimming pool) at any one time is limited to no more than 10 (with infants under one year of age not counting towards these limits); and
  - (c) the number of members of the public permitted in all outdoor spaces at the whole of the facility (other than in an outdoor swimming pool) at any one time is limited to no more than 20 (with infants under one year old not counting towards this limit); and
  - (d) the number of members of the public in any:
    - (i) indoor swimming pool at the facility at any one time is limited to no more than 20; and
    - (ii) outdoor swimming pool at the facility at any one time is limited to no more than 50; and

*Note 1: both indoor and outdoor pools can be used for the provision of hydrotherapy services, provided that all provisions of this subclause (3) are complied with.*

*Note 2: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the **Public Event Framework** and exemption process for 'eligible public events' described in clause 19.*

- (e) any spa, sauna, steam room or change room at a swimming pool facility is closed at all times to members of the public; and
- (f) the activity or community sport does not involve a participant who ordinarily resides in the Restricted Area; and
- (g) the number of members of the public in a group at any one time is limited to 10 (with infants under one year of age not counting towards this limit); and

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

- (h) at all times only the minimum number of people required to conduct the community sport activity are present for that purpose; and

*Note: only those persons required to facilitate the activity at the physical recreational facility are permitted to attend, which may include teachers, instructors, trainers, coaches, and umpires, as well as carer, parents and guardians attending to support participation of a child or person with disability.*

- (i) no spectators are permitted to attend any activity or community sport; and
- (j) any shared equipment is cleaned between users; and
- (k) in the case of staffed physical recreational facilities, a **COVID Check-in Marshal** is present at all entrances to the facility open to members of the public whenever the facility is operational; and
- (l) any **food and drink facility** within the physical recreational facility operates in accordance with the requirements of clause 14 (**food and drink facilities**); and
- (m) any **retail facility** within the physical recreational facility operates in accordance with the requirements of clause 12 (**retail facilities**); and
- (n) any dancefloor in the physical recreational facility is closed.

*Note: any person employed by the physical recreational facility is not included for the purpose of calculating the limits on the number of members of the public referred to in this subclause.*

*Exception – training for community sport*

- (4) Despite subclause (3), a person who owns, controls or operates a physical recreational facility in Regional Victoria:
  - (a) may operate that facility for the purpose of members of the public participating in training for community sport in an outdoor space, and for those purposes is not required to comply with the requirements in subclauses (3)(a) (density quotient), (3)(c) (capacity limit for outdoor spaces or (3)(g) (group limit), but must comply with all other requirements in subclause (3); and
  - (b) must not conduct competition activities for community sport at the facility.

*Exception – professional or high performance sport*

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

*Exception – large outdoor spaces*

- (6) Despite subclause (3), a person who owns, controls or operates an outdoor physical recreational facility in Regional Victoria is not required to comply with the

requirements in subclause (3)(a) (density quotient) or subclause (3)(c) (capacity limit for outdoor spaces) provided that:

- (a) at least a 50 metre distance can be maintained between each group participating in sport at the facility at all times; and
- (b) all other requirements in subclause (3) are complied with including the group limit specified in subclause (3)(g).

*Example: groups of people playing golf may be able to maintain at least 50m distance from other groups, in which case the density quotient and capacity limit do not apply to the golf course.*

*Exception – school or educational swimming purposes*

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

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

## 7 Community facilities

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

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

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

- (3) A person who owns, controls or operates a community facility in Regional Victoria may only operate that facility for members of the public if:
  - (a) any wedding or funeral held at the facility complies with the requirements of the **Stay Safe Directions (Regional Victoria)**; and
  - (b) the number of members of the public permitted in each indoor space or outdoor space at any one time is limited (with infants under one year of age not counting towards these limits) to the density quotient; and

*Note 1: the persons conducting an activity are not included for the purpose of calculating the limit on the number of members of the public referred to in subclause (3)(b).*

*Note 2: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.*

- (c) the number of members of the public at the whole of the facility at any one time is limited to no more than 20 (with infants under one year old not counting towards this limit); and
  - (d) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
  - (e) any dancefloor in the community facility is closed.
- (4) Despite subclause (3), a person who owns, controls or operates a community facility in Regional Victoria may do so:
- (a) for the purpose of hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise) and is not required to comply with subclause (3) except if the essential public support service is the provision of a support group service; or  
*Examples: a food bank or a service for homeless persons.*  
*Note 1: support groups do not fall within this exception and must comply with the restrictions in subclause (3).*  
*Note 2: only members of the public receiving this service and those conducting it can be present.*
  - (b) for the purpose of providing an exclusive venue for the exclusive use of a single school at any one time for educational or school gathering purposes, and is not required to comply with subclause (3).  
*Note: a community facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if people other than students and staff are permitted to attend. If other guests attend, then the limits in subclause (3) apply.*

*Playgrounds, outdoor skatepark or outdoor communal exercise equipment*

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

## 8 Creative arts facility

- (1) A person who owns, controls or operates a **creative arts facility** in Regional Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A person who owns, controls or operates a creative arts facility in Regional Victoria may only operate the facility if:
- (a) the number of members of the public permitted in each indoor space or each outdoor space at any one time is limited (with infants under one year of age not counting towards these limits) to the density quotient; and  
*Note: the persons conducting an activity are not included for the purpose of calculating the limit on the number of members of the public referred to in subclause (2)(a).*
  - (b) the number of members of the public (whether seated or non-seated) at the whole of the facility at any one time is limited to no more than 20 (with infants under one year old not counting towards this limit); and
  - (c) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
  - (d) any equipment used in an activity is cleaned between users; and
  - (e) any dancefloor in the creative arts facility is closed.

*Exception – exclusive use by a single school*

- (3) Despite subclause (2), a person who operates a facility described in subclause (2) may operate that facility for the purpose of providing an exclusive venue for the exclusive use of a single school at any one time for educational or school gathering purposes and is not required to comply with the requirement in subclause (2).  
*Note: a creative arts facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if people other than students and staff are permitted to attend. If other guests attend, then the limits in subclause (2) apply.*

**8A Educational facilities**

- (1) A person who owns, controls or operates an educational facility in Regional Victoria may operate that facility during the restricted activity period only for the purposes of:
- (a) providing **childcare or early childhood education services**; or
  - (b) providing 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 person who ordinarily resides in Regional Victoria enrolled in a primary school in Foundation (Prep), Year 1 or Year 2; or
    - (ii) a person who ordinarily resides in Regional Victoria enrolled in a secondary school in Year 12, undertaking Victorian Certificate of Education Units 3 or 4 or in their final year of the Victorian Certificate of Applied Learning, Vocational Education and Training or International Baccalaureate; or
    - (iii) a child, children or young person who 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**, or would be an Authorised Worker or would work for an Authorised Provider if the parent or guardian resided in the Restricted Area, and are required to attend the work premises and is unable to make alternative supervision arrangements for that child, children or young person; or
    - (iv) the person is a **vulnerable child or young person**; or
  - (c) providing higher education services if:
    - (i) it is in relation to final year assessments for Tertiary Education Quality and Standards Agency regulated courses; and
    - (ii) where the person does not have alternative options to complete the study by the end of 2021; or
  - (d) permitting any person to work (whether on a paid or voluntary basis) at the educational facility in accordance with the provisions of the **Stay Safe Directions (Regional Victoria)**.

**9 Entertainment and function facilities**

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

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

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

- (h) an amusement park;
- (i) a **retail betting venue**;
- (j) a **gaming machine area**;
- (k) a **brothel, sex on premises venue** or **sexually explicit entertainment venue**;
- (l) a bingo centre;
- (m) an escape room;
- (n) an **animal facility**;
- (o) a karaoke facility;
- (p) a nightclub;
- (q) a convention centre;
- (r) a **function facility**; and
- (s) a **casino**, except to the extent of:
  - (i) providing food and drink in accordance with clause 14; or
  - (ii) providing accommodation in accordance with clause 15.

*General entertainment or function facilities*

- (3) A person who owns, controls or operates a facility in subclause (2)(a) (theatre), (2)(b) (cinema, but excluding a drive-in cinema), (2)(c) (music hall, concert hall or auditorium), (2)(d) (gallery or a museum), (2)(e) (State Library), (2)(f) (arena or stadium), (2)(h) (amusement park) or (2)(n) (animal facility), (2)(q) (convention centre) or (2)(r) (function facility) in Regional Victoria may only operate the facility if:
- (a) the number of members of the public in each non-seated indoor space or non-seated outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit) the density quotient; and
  - (b) the number of members of the public in each indoor space (whether seated or non-seated) at any one time is limited to no more than 20 (with infants under one year of age not counting towards this limit); and
  - (c) the number of members of the public in each **discrete outdoor space** is limited to no more than the lesser of (with infants under one year of age not counting towards this limit):
    - (i) 300; or
    - (ii) 25% of the normal capacity of that outdoor space; and

*Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits in subclause (c) above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.*
  - (d) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
  - (e) any food and drink facility within the entertainment facility operates in accordance with the requirements of clause 14 (**food and drink facilities**); and
  - (f) any retail facility within the entertainment facility operates in accordance with the requirements of clause 12 (**retail facilities**); and
  - (g) any dancefloor in the entertainment facility is closed.

*Exception – exclusive use by a single school*

- (4) Despite subclause (3), a person who operates a facility described in subclause (3) for the purpose of providing an exclusive venue for the exclusive use of a single school

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

*Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if people other than students and staff are permitted to attend. If other guests attend, then the limits in subclause (3) apply.*

#### *Retail betting venue*

(5) A person who owns, controls or operates a retail betting venue in Regional Victoria may only operate the venue during the restricted activity period if:

- (a) a COVID Check-in Marshal is present at all entrances to the retail betting venue open to members of the public whenever the retail betting venue is operational; and
- (b) members of the public wear a **face covering** at all times in accordance with the **Stay Safe Directions (Regional Victoria)** which includes not removing the face covering for the purpose of eating or drinking; and
- (c) the number of members of the public permitted in any indoor space or outdoor space is limited (with infants under one year of age not counted towards this limit) to the density quotient,

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

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

#### *Arcades, escape rooms and bingo centres*

(6) A person who owns, controls or operates an arcade, escape room or bingo centre in Regional Victoria must not operate the facility during the restricted activity period.

#### *Drive-in cinemas*

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

- (a) the cinema is in an outdoor space accessed by **vehicles**; and
- (b) the members of the public in each vehicle consist only of:
  - (i) members of the one household, any intimate partners of the members of that household and any child or dependant of any of those members or intimate partners; or
  - (ii) a **nominee person** and a **nominated person** and any child or dependant of the nominated person and nominee person; and
- (c) members of the public are not permitted to be seated outside of their vehicles; and

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

- (d) a COVID Check-in Marshal is present at all entrances to the drive-in cinema open to members of the public whenever that facility is operational; and
- (e) the number of members of the public permitted in any non-seated space or communal space is limited (with infants under one year of age not counted towards this limit) to the density quotient; and
- (f) any **food and drink facility** within the drive-in cinema operates in accordance with the requirements of clause 14 (**food and drink facilities**).

*Gaming machine area*

- (8) A person who owns, controls or operates a gaming machine area in Regional Victoria may only operate the gaming machine area during the restricted activity period if:
- (a) each gaming machine is either spaced at least 1.5m apart or every second gaming machine is closed; and
  - (b) an employee or employees of the operator have been designated as a COVID Marshal; and
  - (c) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
  - (d) the number of members of the public permitted in any outdoor space is limited to 20; and
  - (e) the number of members of the public permitted in any indoor space at any one time is limited (with infants under one year of age not counting towards this limit) to 10; and
  - (f) the total number of members of the public permitted in the whole of the gaming machine area at any time is limited (with infants under one year of age not counted towards this limit) to the lesser of:
    - (i) the density quotient; and
    - (ii) 30,provided that, where the gaming machine area is within a larger facility that is subject to restrictions under these directions, the number of members of the public in the gaming machine area at any time is included within the cap that is applicable to that larger facility.

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

*Sex on premises, brothels and sexually explicit entertainment venues*

- (9) A person who owns, controls or operates a sex on premises venue, brothel or a sexually explicit entertainment venue in Regional Victoria must not operate the facility during the restricted activity period.

*Karaoke facilities and nightclubs*

- (10) A person who owns, controls or operates a karaoke facility or a nightclub in Regional Victoria may only operate the facility during the restricted activity period if the purpose is to operate a food and drink facility within the karaoke facility or nightclub in accordance with the requirements of clause 14 (*food and drink facilities*).

**10 Places of worship**

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

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

- (2) A person who owns, controls or operates a place of worship in Regional Victoria may only operate that facility if:
- (a) the number of members of the public in any indoor space or outdoor space is limited (with infants under one year of age not counting towards this limit) to the density quotient; and
  - (b) the number of members of the public in all indoor spaces and outdoor spaces combined (whether seated or non-seated) at the facility at any one time is limited to no more than 20 (with infants under one year old not counting towards this limit); and

*Note: the persons conducting an activity are not included for the purpose of calculating the limit on the number of members of the public referred to in subclause (2)(a) or (2)(b).*

- (c) a COVID Check-in Marshal is present at all entrances to the place of worship open to members of the public whenever the facility is operational; and
  - (d) any weddings and funerals are compliant with the requirements of the **Stay Safe Directions (Regional Victoria)**; and
  - (e) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by any members of the public; and
  - (f) any dancefloor in a place of worship is closed.
- (3) Despite subclause (2), a person may operate a place of worship without complying with subclause (2) if it is for the purpose of:
- (a) hosting an essential public support service other than support groups (whether that service is provided on a voluntary basis or otherwise); and  
*Examples: a food bank, a service for homeless persons.*  
*Note 1: support groups do not fall within this exception and must comply with the restrictions in subclause (2).*  
*Note 2: only members of the public receiving this service and those conducting it can be present.*
  - (b) providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes at any one time.  
*Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if people other than students and staff are permitted to attend. If other guests attend, then the limits in subclause (2) apply.*
- (4) Despite subclause (2), a person may operate a place of worship without complying with the requirement in subclause (2)(a) (density quotient) if:
- (a) the total area of all indoor spaces and outdoor spaces accessible to members of the public is less than 100 square metres; and
  - (b) the number of members of the public permitted at the facility at any one time is limited to 20 (with infants under one year of age not counting towards this limit).

## 11 Funeral providers and crematoriums

- (1) A person who owns, controls or operates a funeral home or crematorium in Regional Victoria may only do so during the restricted activity period if:
- (a) any funeral conducted is compliant with the requirements of the **Stay Safe Directions (Regional Victoria)**; and
  - (b) the number of members of the public in any indoor space and outdoor space is limited (with infants under one year of age not counting towards this limit) to the density quotient; and
  - (c) the total number of members of the public at the whole of the facility at any time is limited (with infants under one year of age not counted towards this limit) to the lesser of:
    - (i) the density quotient; and
    - (ii) 20; and*Note: the persons conducting a funeral or other service are not included for the purpose of calculating the limit on the number of members of the public referred to in subclause (1)(b) or (1)(c).*
  - (d) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
  - (e) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by any members of the public.

## 12 Retail facilities

- (1) A person who owns, controls or operates a retail facility, including a restricted retail facility or an auction house, in Regional Victoria may only operate that facility during the restricted activity period in accordance with these directions.

- (2) A **restricted retail facility** means the following:
- (a) a beauty and personal care facility; or
  - (b) a **hairdressing facility**.
- (3) A person who owns, controls or operates a retail facility, including a restricted retail facility and auction house, in Regional Victoria may only operate that facility if:
- (a) the number of members of the public in any indoor space and outdoor space is limited (with infants under one year of age not counting towards this limit) to the density quotient; and
  - (b) in respect of the operation of restricted retail facilities only:
    - (i) the total number of members of the public permitted at the facility at any one time is limited to 10; and
    - (ii) a client wears a **face covering** for the duration of the service or procedure, other than when the client is exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Regional Victoria)**; and
  - (c) any dancefloor in the retail facility is closed.

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

*Exception – small retail facilities*

- (4) Despite subclause (3), a person who owns, controls or operates a retail facility, including a restricted retail facility and auction house, in Regional Victoria is not required to comply with the requirement in subclause (3)(a) if:
- (a) the total area of all indoor spaces and outdoor spaces accessible to members of the public (excluding all **communal or shared spaces**) is less than 80 square metres; and
  - (b) the number of members of the public permitted at the facility at any one time is limited to 20 (with infants under one year of age not counting towards this limit).

### 13 Licensed premises

- (1) A person who owns, controls or operates a **licensed premises** in Regional Victoria may only operate that premises during the restricted activity period in accordance with these directions.
- (2) A **licensed premises** means a business characterised as a pub, bar, club, nightclub or hotel that supplies alcohol under a **general licence**, an **on-premises licence**, a **late night licence**, a **producer's licence**, a **club licence** or a **packaged liquor licence**.
- (3) A person who owns, controls or operates a licensed premises in Regional Victoria may operate those premises only for the purposes of:
- (a) operating a **bottle shop**; or
  - (b) providing food or drink in accordance with clause 14; or
  - (c) providing accommodation in accordance with clause 15; or
  - (d) operating a retail betting venue in accordance with clause 9(5); or
  - (e) operating a gaming machine area in accordance with clause 9(8); or
  - (f) operating a sexually explicit entertainment venue in accordance with clause 9(9); or
  - (g) operating a karaoke facility or nightclub in accordance with clause 9(10), provided that the total number of members of the public at the whole of the premises, not including any area used for accommodation, at any time is limited (with infants under one year of age not counted towards this limit), to the lesser of:

- (h) the density quotient; and
- (i) 30.

*Note 1: if an area within the licensed premises is separated completely from another area of the licensed premises, such that each area has its own entrance, exit and toilet facilities, the capacity limit specified in subclause (3) will apply to each separate area of the licensed premises.*

*Note 2: 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 Food and drink facilities

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

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

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

- (a) a cafe;
- (b) a restaurant;
- (c) a fast-food store;
- (d) a cafeteria;
- (e) a canteen;
- (f) a winery;
- (g) a **food court**.

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

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

- (a) the number of members of the public in any outdoor space is limited (with infants under one year of age not counting towards these limits) to 20; and
- (b) the number of members of the public in any indoor space is limited (with infants under one year of age not counting towards these limits) to 10; and
- (c) unless the food and drink facility is a food court, the total number of members of the public at the whole of the facility at any time is limited (with infants under one year of age not counted towards this limit), to the lesser of:
  - (i) the density quotient; and
  - (ii) 30; and

*Note 1: members of the public at an outdoor space of a food and drink facility are permitted to shelter indoors when unable to attain protection in the outdoor space from severe weather, provided they wear a face covering (other than where they are exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Regional Victoria)**).*

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

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

- (d) if the food and drink facility is a food court:,
  - (i) only take away food and drink is provided to members of the public; and
  - (ii) an employee or employees of the operator have been designated as a COVID Marshal; and

- (e) unless the food and drink facility is a food court, members of the public at the premises remain seated except when ordering food or drink, using toilets or entering and leaving the facility; and
- (f) for a food and drink facility that is in a private residence, members of the public only access the facility by a separate entrance to that used by residents and residents' visitors; and
- (g) any dancefloor in the food and drink facility is closed; and
- (h) any weddings held at the facility comply with the **Stay Safe Directions (Regional Victoria)**.

*Exception – exclusive use of a school*

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

*Note: a food and drink facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if people other than students and staff are permitted to attend.*

## 15 Accommodation facilities

- (1) A person who owns, controls or operates an accommodation facility in Regional Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) An **accommodation facility** includes, but is not limited to, any of the following, whether operated on a for profit or not-for-profit basis:
  - (a) a camping ground;
  - (b) a caravan park;
  - (c) a hotel;
  - (d) a hostel;
  - (e) a bed and breakfast;
  - (f) a private holiday rental facility, including Airbnbs;
  - (g) a motel; or
  - (h) a serviced apartment.
- (3) A person who owns, controls or operates an accommodation facility in Regional Victoria may operate that facility for the purposes of providing accommodation only if:
  - (a) the number of members of the public in any communal indoor or outdoor space is limited to the density quotient; and
  - (b) each booking consists only of:
    - (i) members of the one household, any intimate partners of the members in that household and any child or dependant of any of those members or intimate partners, all of whom must ordinarily reside in Regional Victoria; or
    - (ii) members of the public who ordinarily reside in the Restricted Area but require accommodation on a temporary basis due to their travel within Regional Victoria for a permitted reason as set out in the **Stay at Home Directions (Restricted Areas)** and any child or dependant of that person; or
    - (iii) a nominated person, a nominee person and any child or dependant of the nominated person and nominee person; and

- (c) members of the public under different bookings do not share any bedrooms; and
- (d) all surfaces in the facility that are used exclusively by a particular group, including a hotel room or cabin, are cleaned between each booking; and
- (e) any food and drink facility within the accommodation facility operates in accordance with the requirements of clause 14 (*food and drink facilities*); and
- (f) any function facility within the accommodation facility operates in accordance with the requirements of clause 9 (*entertainment and function facilities*); and
- (g) any dancefloor in the accommodation facility is closed.

*Accommodation facilities – other*

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

*Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if people other than students are permitted to attend.*

## 16 Real estate auctions and inspections

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

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

## 17 Tours and transport

*Licensed tourism operator*

- (1) During the restricted activity period in Regional Victoria, a **licensed tourism operator** may only organise or operate licensed **tourism services** in Regional Victoria for members of the public if:
  - (a) the licensed tourism services are not operated in an indoor space; and
  - (b) there are no more than 20 members of the public in any outdoor tour; and

- (c) no more than 10 members of the public are transported in a vehicle at any one time; and
- (d) no more than one tour group (regardless of whether the tour group is from the same tourism operator or different tourism operators) attends the same outdoor space at any one time unless a reasonable distance can be maintained between each tour group at all times; and
- (e) any shared equipment used is cleaned between users and is not shared between members of the public in a tour group; and
- (f) the licensed tourism services are not operated by more than the minimum number of persons required.

*Note: tourism services conducted in a facility or workplace must comply with the requirements under these directions and the **Workplace Directions**. If people participate in tourism services in a public place, they must comply with the public gathering limits in the **Stay Safe Directions (Regional Victoria)**. People participating in tourism services must wear a face covering (other than where they are exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Regional Victoria)**).*

## 18 Dancefloors

A person who owns, controls or operates any facility in Regional Victoria may not operate a dancefloor at the facility during the restricted activity period.

## 19 Public Events

(1) For the purpose of this clause:

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

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

- (D) publicly announced or advertised; and
- (E) which may be in a facility, venue, indoor space or outdoor space where such an event (or a series of events) forms part of the routine operations, use, activities or services of the facility, venue, indoor space or outdoor space; or

(ii) an event (or series of events) deemed by the Victorian Government to be a State-critical public event (or a series of events),

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

but does not mean:

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

*Note: most public gatherings in a facility, venue or space (including any indoor space or outdoor space) are expected to remain subject to the requirements in these directions, including clause 14 (food and drink facilities).*

- (v) a private gathering;
- (vi) a wedding, funeral or end of life activity;

- (vii) a routine religious gathering or ceremony, to which these directions and the **Stay Safe Directions (Regional Victoria)** and the **Stay at Home Directions (Restricted Areas)** 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 Directions**.
- (2) A person who arranges to meet, or organises or intentionally attends a public gathering for a common purpose in a public place is not required to comply with the requirements of the Directions currently in force in respect of such a public gathering:
- (a) if the public gathering is an exempt public event; and
  - (b) to the extent of an exemption granted in respect of that exempt public event (including any conditions on an exemption).
- (3) The Chief Health Officer or Deputy Chief Health Officer may exempt one or more persons who are subject to a requirement under these directions to conduct one or more eligible public events (or class of eligible public events) from any requirement of the Directions currently in force if satisfied that the exemption is appropriate, having regard to:
- (a) the need to protect public health; and
  - (b) the principles in sections 5 to 10 of the **PHW Act**, as appropriate.
- (4) An exemption:
- (a) must be given in writing; and
  - (b) must be published at [www.coronavirus.vic.gov.au/public-events](http://www.coronavirus.vic.gov.au/public-events), as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer; and
  - (c) must specify each requirement in the Directions currently in force to which, subject to subclause (d), an exemption is granted; and
  - (d) may impose conditions on an exemption.
- (5) An exemption does not prevent:
- (a) the Chief Health Officer or Deputy Chief Health Officer exercising any power the Chief Health Officer or Deputy Chief Health Officer is authorised to exercise under the **PHW Act**; or
  - (b) an authorised officer from exercising any power the authorised officer is authorised to exercise under the **PHW Act**, including ensuring compliance with:
    - (i) the extent of an exemption (including any conditions on an exemption); or
    - (ii) the requirements of all other Directions currently in force.

*Transitional provisions*

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

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

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

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

**20 Emergency use and operations**

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

**21 Relationship with other directions**

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

**22 Other definitions**

For the purposes of these directions:

- (1) **accommodation facility** has the meaning in clause 15(2);
- (2) **alpine operator** means any person who owns, controls or operates an **alpine resort** in Regional Victoria;
- (3) **alpine resort** means:
  - (a) any of the following as defined in the **Alpine Resorts (Management) Act 1997**:
    - (i) Falls Creek Alpine Resort;
    - (ii) Lake Mountain Alpine Resort;
    - (iii) Mount Baw Baw Alpine Resort;
    - (iv) Mount Buller Alpine Resort;
    - (v) Mount Hotham Alpine Resort
    - (vi) Mount Stirling Alpine Resort; and
  - (b) the Dinner Plain Village as defined under the Dinner Plain Planning Provisions in the Alpine Planning Scheme;
- (4) **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;
- (5) **Area Directions** means the **Area Directions (No. 20)** as amended from time to time;
- (6) **Authorised Provider** means a provider of goods or services as set out in the **Authorised Provider and Authorised Worker List**;
- (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) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (10) **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**);
- (11) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (12) **childcare or early childhood education 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 Act 2010** and the **Education and Care Services National Regulations 2011** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services;
- (13) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (14) **communal or shared space** means toilets, separate hallways, separate foyers or playgrounds at the facility;
- (15) **community facility** has the meaning in clause 7(2);
- (16) **COVID Check-in Marshal** means an employee, or employees, of a facility who monitors compliance with the **records requirement** at all entrances to the facility open to **members of the public** by checking whether patrons have provided their details prior to entry;
- (17) **COVID Marshal** means an employee or employees of the operator of a facility that have been designated as a COVID Marshal:
- (a) whose role is to monitor compliance with these directions; and
  - (b) who has successfully completed training provided by the operator that is in accordance with guidance from the **Department**; and
  - (c) who is present at the facility whenever it is operational;
- (18) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (19) **creative arts facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) an art studio;
  - (b) a ceramics studio;
  - (c) a music room or studio; or
  - (d) a rehearsal room or studio,
- but does not include:
- (e) a **physical recreational facility**;
  - (a) a **community facility**; or
  - (b) a **place of worship**.
- (20) **density quotient** means the number of **members of the public** in an **indoor space** and/or **outdoor space** is limited (with infants under one year of age not counting towards this limit) to the number calculated by dividing the total area of the relevant space accessible to members of the public (measured in square metres) by 4;
- (21) **Department** means the Department of Health;
- (22) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (23) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Regional Victoria)**;
- (24) **discrete outdoor space** means an **outdoor space** (whether a seated space, non-seated space or a combination of seated and non-seated) where crowding or congregation of people may occur and where either:
- (a) people are attending to participate in a shared purpose or activity; or  
*Example: an area for participating in a competition.*
  - (b) people are attending as the audience of the same performance, activity or entertainment.  
*Example: an area where an audience views a performance on an outdoor stage or watches an outdoor cinema screen.*

- (25) **eligible public event** has the meaning in clause 19(1)(a);
- (26) **entertainment or function facility** has the meaning in clause 9(2);
- (27) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (28) **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 19(3) of these directions or the equivalent provision in any **revoked Restricted Activity Direction**;
- (29) **face covering** has the same meaning as in the **Workplace Directions**;
- (30) **food and drink facility** has the meaning in clause 14(2);
- (31) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (32) **function facility** means a building, room or space that is used for the purpose of holding events, functions, conferences or receptions and, for the avoidance of doubt, includes spaces within an **entertainment or function facility** or **accommodation facility** but not within **licensed premises**;
- (33) **gaming machine** has the same meaning as in the **Gambling Regulation Act 2003**;
- (34) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (35) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (36) **hairdressing** has the same meaning as in the **PHW Act**;
- (37) **hairdressing facility** means a business that is registered as a business of **hairdressing** under the **PHW Act**;
- (38) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (39) **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;
- (40) **karaoke facility** means a facility used predominately for karaoke by **members of the public**;
- Example: a facility with private rooms for use by members of the public for karaoke is a karaoke facility. A bar with one open karaoke stage is not a karaoke facility.*
- (41) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (42) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (43) **licensed premises** has the meaning in clause 13(2);
- (44) **licensed tourism operator** means a person:
- (a) granted a tour operator licence under:
- (i) section 21B of the **Crown Land (Reserves) Act 1978**; or
- (ii) section 57F of the **Forests Act 1958**; or
- (iii) section 140I of the **Land Act 1958**; or
- (iv) section 27D of the **National Parks Act 1975**; or
- (v) section 21B of the **Wildlife Act 1975**; or
- (b) providing a tour of an entertainment facility;
- (45) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;

- (46) **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;
- (47) **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;
- (48) **nominated person** has the same meaning as in the **Stay Safe Directions (Regional Victoria)**;
- (49) **nominee person** has the same meaning as in the **Stay Safe Directions (Regional Victoria)**;
- (50) **non-seated indoor space** means an **indoor space** that is not a **seated indoor space**;
- (51) **non-seated outdoor space** means an **outdoor space** that is not a **seated outdoor space**;
- Note: this can include settings such as outdoor animal facilities.*
- (52) **non-seated space** means a **non-seated indoor space** or a **non-seated outdoor space**;
- (53) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (54) **outdoor space** means a space that is not an **indoor space**;
- (55) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (56) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (57) **physical recreational facility** has the meaning in clause 6(2);
- (58) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (59) **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**;
- (60) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**;
- (61) **premises** has the same meaning as in the **PHW Act**;
- (62) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (63) **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;
- (64) **Public Event Framework** means the Public Event Framework available at [www.coronavirus.vic.gov.au/public-events](http://www.coronavirus.vic.gov.au/public-events) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer;

- (65) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (66) **records requirement** has the same meaning as in the **Workplace Directions**;
- (67) **Regional Victoria** has the same meaning as in the **Area Directions** as amended or replaced from time to time;
- (68) **restricted activity period** has the meaning in clause 4;
- (69) **Restricted Area** has the same meaning as in the **Area Directions**;
- (70) **retail betting venue** means a **premises**, or part of a premises, operated by the **wagering and betting licensee**, the **keno licensee** or an agent of the wagering and betting licensee or keno licensee;
- (71) **retail facility** means a **premises**, or part of a premises, that are used wholly or predominantly for the sale or hire of goods by retail, or the retail provision of services and includes a **market**, **retail shopping centre** and supermarkets;
- (72) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (73) **revoked Restricted Activity Directions** means any of the **Restricted Activity Directions (Victoria)**, the **Restricted Activity Directions (Regional Victoria)** or the **Restricted Activity Directions (Metropolitan Melbourne)** that came into effect on or after 27 May 2021;
- (74) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (75) **seated indoor space** means an **indoor space** with fixed seating;
- (76) **seated outdoor space** means an **outdoor space** with fixed seating;
- (77) **seated space** means a **seated indoor space** or a **seated outdoor space**;
- (78) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (79) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (80) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (81) **State Library** means the State Library Victoria;
- (82) **Stay at Home Directions (Restricted Areas)** means the **Stay at Home Directions (Restricted Areas) (No 23)** as amended or replaced from time to time;
- (83) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 10)** as amended or replaced from time to time;
- (84) **tourism services** means an activity, guided tour or recreation programme conducted or coordinated by an employee or officer of a **licensed tourism operator** that is undertaken for profit for tourism purposes including, but not limited to, ballooning, a walking tour or bushwalking tour, a bicycle tour, abseiling, rock climbing, canoeing, kayaking, white water rafting, diving, snorkelling, horse trail riding, marine based tours and surfing, or a guided tour of a museum or gallery;
- (85) **vehicle** has the same meaning as in the **PHW Act**;
- (86) **visitor** means a person who is not registered to stay overnight at an **accommodation facility**;
- (87) **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) is identified by a **school**, **childcare** or **early childhood education service** 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); or

- (d) is identified by a parent or guardian as vulnerable because the child or young person has a disability and cannot learn from home due to the circumstances of that disability;
- (88) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (89) **worker** has the same meaning as in the **Workplace Directions**;
- (90) **Workplace Directions** means the **Workplace Directions (No. 50)** as amended or replaced from time to time;
- (91) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

## 17 Penalties

Section 203(1) 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 23 September 2021

ASSOCIATE PROFESSOR N. DEBORAH FRIEDMAN  
Acting Chief Health Officer,  
as authorised to exercise emergency powers  
under section 199(2)(a) of the PHW Act

**Public Health and Wellbeing Act 2008**

## Section 200

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

## Area Directions (No. 20)

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

**1 Preamble**

- (1) The purpose of these directions is to address the serious public health risk posed to Victoria by severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions identify areas within Victoria which have a higher prevalence of, or risk of exposure to, SARS-CoV-2 and which are subject to specific directions which are reasonably necessary to protect public health.
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions replace the **Area Directions (No. 19)**.

**2 Citation**

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

**3 Commencement and revocation**

- (1) These directions commence at 11:59:00 pm on 23 September 2021 and end at 11:59:00 pm on 21 October 2021.
- (2) The **Area Directions (No. 19)** are revoked at 11:59:00 pm on 23 September 2021.

**4 Meaning of Restricted Area and Regional Victoria**

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

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

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

## 5 Addition or exclusion power

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

## 6 Relationship with other directions

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

to the Restricted Area, then the direction that applies to the Restricted Area prevails to the extent of the inconsistency.

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

## 7 Definitions

In these directions:

- (1) **authorised officer** has the same meaning as in the PHW Act;
- (2) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (3) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (4) **Little River** means the registered locality known as ‘Little River’ to the extent that it is within the **municipal district** under the local government of the Wyndham City Council;

*Note: VICNAMES identifies the registered locality known as ‘Little River’ at: <http://maps.land.vic.gov.au/lassi/VicnamesUI.jsp> as amended from time to time by the Victorian Government.*

- (5) **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**;
- (6) **municipal district** has the same meaning as in the **Local Government Act 1989**;
- (7) **Point Lonsdale** means the registered locality known as ‘Point Lonsdale’ to the extent that it is within the **municipal district** under the local government of the City of Greater Geelong.

*Note: VICNAMES identifies the registered locality known as ‘Point Lonsdale’ at: <http://maps.land.vic.gov.au/lassi/VicnamesUI.jsp> as amended from time to time by the Victorian Government.*

- (8) **Regional Victoria** has the meaning in clause 4(3);
- (9) **Restricted Area** has the meaning in clause 4(1);
- (10) **Restricted Area – Regional Victoria** has the meaning in clause 4(2);
- (11) **Workplace Directions** means the **Workplace Directions (No. 50)** as amended or replaced from time to time.

## 8 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 23 September 2021

ASSOCIATE PROFESSOR N. DEBORAH FRIEDMAN  
Acting Chief Health Officer,  
as authorised to exercise emergency powers  
under section 199(2)(a) of the PHW Act.

**Public Health and Wellbeing Act 2008**

## Section 200

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

I, Associate Professor N. Deborah Friedman, Acting Chief Health Officer, consider it reasonably necessary to eliminate or reduce the serious risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to sections 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

**1 Preamble**

- (1) These directions replace the **Victorian Border Crossing Permit Directions (No. 31)** and continue to provide a ‘traffic light’ border crossing scheme for persons seeking to enter Victoria from any other **State** or **Territory** in Australia or, after entering Australia from a **Green Zone Country** in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.

**2 Citation**

These directions may be referred to as the **Victorian Border Crossing Permit Directions (No. 32)**.

**3 Commencement, revocation and transitional provisions**

- (1) The **Victorian Border Crossing Permit Directions (No. 31)** are revoked at 11:59:00 pm on 23 September 2021.
- (2) These directions commence at 11:59:00 pm on 23 September 2021 and end at 11:59:00 pm on 21 October 2021.
- (3) Any **permit** issued under a **revoked Border Crossing Permit Scheme Direction** continues to have effect until the validity period expires under the revoked Border Crossing Permit Scheme Direction.

*Note 1: a person who has a permit under previous directions may continue to enter Victoria under that permit.*

*Note 2: a cross border extreme risk zone permit that is issued prior to the commencement of these directions will continue to be valid for the purposes of clause 8 after the commencement of these directions.*

- (4) Any **specified worker (multiple entry) permit** that was applied for before 11:59:00 pm on 23 September 2021, for workers who are subject to the mandatory vaccination requirements in the **COVID-19 Mandatory Vaccination Directions**, will be revoked as at 11:59:00 pm 27 September 2021.
- (5) Any request for exemption submitted under a revoked Border Crossing Permit Scheme Direction continues to have effect.
- (6) Any exemption granted under a revoked Border Crossing Permit Scheme Direction continues to have effect.

**4 Restrictions on persons entering Victoria**

- (1) A **prohibited person** must not enter Victoria unless the prohibited person:
  - (a) is a **cross border community member** who is permitted to enter Victoria under clause 8(1); or
  - (b) is a **cross border community member** who has a valid **cross border extreme risk zone permit** under clause 8(5); or
  - (c) is a **cross border community member** under the age of 18 who does not require a cross border extreme risk zone permit under clause 8(5)(c) and otherwise complies with clause 8; or

- (d) is an **aircrew services worker** who is permitted to enter Victoria under clause 9; or
- (e) has a valid **transit permit** under clause 10; or
- (f) has a valid specified worker (single entry) permit under clause 11(1); or
- (g) has a valid **specified worker (multiple entry) permit** under clause 11(6); or
- (h) has a **departing hotel quarantine permit** under clause 12; or
- (i) is an **excepted person** under clause 14; or
- (j) has a valid exemption under clause 3(5) or 15.

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

- (2) A **restricted person** must not enter Victoria unless the restricted person:
- (a) has a valid **green zone permit** under clause 5; or
  - (b) has a valid **orange zone permit** under clause 6; or
  - (c) has a valid **red zone permit** under clause 7; or
  - (d) is a cross border community member who is permitted to enter Victoria under clause 8(1); or
  - (e) is an aircrew services worker who is permitted to enter Victoria under clause 9; or
  - (f) has a valid transit permit under clause 10; or
  - (g) has a valid specified worker (multiple entry) permit under clause 11(6); or
  - (h) has a departing hotel quarantine permit under clause 12; or
  - (i) is an excepted person under clause 14(1); or
  - (j) has a valid exemption under clause 3(5) or 15.

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

#### 4A Definition of zones

- (1) For the purposes of these directions:
- (a) a **green zone** means an area in a State, Territory or **Green Zone Country** that is not an **extreme risk zone**, **red zone** or an **orange zone**; and
  - (b) an **orange zone** means an area in a State, Territory or Green Zone Country at any time after the **zone commencement time** for that area; and
  - (c) a **red zone** means an area in a State, a Territory or Green Zone Country at any time after the zone commencement time for that area; and
  - (d) an **extreme risk zone** means an area in a State, Territory or Green Zone Country at any time after the zone commencement time for that area.
- (2) A **zone commencement time** is the time from which the Chief Health Officer has determined that an area is an orange zone, red zone or extreme risk zone as amended from time to time by the Chief Health Officer and detailed on the Department's website available at [www.coronavirus.vic.gov.au/victorian-border-crossing-permit](http://www.coronavirus.vic.gov.au/victorian-border-crossing-permit)
- Note: the zone commencement time is not the date of the announcement by the Chief Health Officer or the Department that an area has been designated as a green zone, orange zone, red zone or extreme risk zone.*
- (3) An extreme risk zone, red zone or orange zone ceases to be an extreme risk zone, red zone or orange zone (as applicable) at a time determined by the Chief Health Officer, and amended from time to time by the Chief Health Officer and detailed on the Department's website available at [www.coronavirus.vic.gov.au/victorian-border-crossing-permit](http://www.coronavirus.vic.gov.au/victorian-border-crossing-permit)

## 5 Green zone permit

### Eligibility

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

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

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

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

*Note: short term transit means a transit time of less than 24 hours. If a person spends more than 24 hours in any extreme risk zone or red zone, they will be a prohibited person. If a person spends more than 24 hours in any orange zone, they will remain a restricted person, however they will need to enter Victoria with an orange zone permit, unless any other exception applies or an exemption has been granted.*
  - (c) is not a **diagnosed person** or a close contact of a diagnosed person (or equivalent) and/or required to self-isolate or self-quarantine (or equivalent) in a State, Territory or Green Zone Country; and
  - (d) is not experiencing **SARS-CoV-2 symptoms**.
- (2) A person referred to in subclause (1)(b)(ii) is permitted to enter Victoria if in transiting to Victoria the person has complied with the **direct and short-term transit conditions**.
- (3) Compliance with direct and short-term transit conditions while transiting through an area requires that, a person must, while in that area:
- (a) travel directly from their place of departure to Victoria; and
  - (b) whilst in direct and short term transit to Victoria through an extreme risk zone, red zone or orange zone:
    - (i) minimise contact with other persons (except in cases of emergency); and

- (ii) not enter or stay in any **vehicle** (other than the vehicle used for transit) or indoor space, except to the extent that such entry and stay was reasonable and necessary for the purpose of:
  - (A) departing for Victoria from an airport, seaport, railway station, bus station or other transport facility; or
  - (B) travelling to Victoria on an aircraft, train, sea vessel, bus or other transport vehicle; or
  - (C) accessing toilet and bathroom facilities; or
  - (D) paying for fuel; or
  - (E) purchasing essential items; or
  - (F) purchasing takeaway food or drink; or

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

  - (G) accessing accommodation; and
- (iii) practise **physical distancing**; and
- (iv) keep detailed records of each place they stop (including accommodation) in an extreme risk zone or red zone; and
- (v) wear a **face covering** at all times in all:
  - (A) indoor public places; and
  - (B) outdoor public spaces; and
  - (C) vehicles, if the restricted person or prohibited person is in a vehicle with any other person (unless the other person ordinarily resides with the person),  
unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person; and
- (c) if applicable, wear a face covering at all times during any flight to Victoria unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person.

*Requirements for entry*

- (4) A person referred to in subclause (1) may enter Victoria from any other State or Territory in Australia or, after entering Australia, from a Green Zone Country, if the person:
  - (a) has a valid green zone permit which includes:
    - (i) the person's full name; and
    - (ii) the person's contact phone number; and
    - (iii) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and
    - (iv) the address from which the person is departing when entering Victoria; and
    - (v) where applicable, the current address where the person ordinarily resides; and
    - (vi) the address where the person will reside after entering Victoria; and
    - (vii) the date of entry to Victoria; and
    - (viii) if applicable, any planned date of departure from Victoria; and

- (ix) an attestation by the person stating that (as at the date of attestation) the person and each person under the age of 18 or other dependant entering Victoria with the person:
  - (A) meet all the eligibility requirements in subclause (1); and
  - (B) have provided information in the permit that is true and correct; and
  - (C) will not re-enter Victoria using a valid green zone permit if they have entered an extreme risk zone, red zone or an orange zone in a State, Territory or Green Zone Country in the 14 days prior to the attempted re-entry; and
  - (D) subject to subclause (E), will comply with the conditions in subclause (5); and
  - (E) acknowledges that any zone in a State, Territory or Green Zone Country may change from time to time and the person may be required to comply with different conditions in these directions (as amended from time to time); and
- (x) a QR code capable of being scanned by an **authorised officer**, a Victoria Police member or a Protective Services Officer (or other person under such person's direction).

#### *Obligations after entry*

- (5) A person who enters Victoria under subclause (1), clause 6(6)(b) or clause 7(6)(b) must, during the green zone permit's validity period in subclause (5)(a) (or, if clause 6(6)(b) or clause 7(6)(b) applies, the relevant validity period in clause 6(5)(a) or clause 7(5)(a)):
  - (a) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
    - (i) a valid green zone permit (or, if clause 6(6)(b) applies, a valid orange zone permit or if clause 7(6)(b) applies, a valid red zone permit); and
    - (ii) an **acceptable form of identification**; and
  - (b) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms; and
  - (c) comply with all Directions currently in force.

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

#### *Validity and revocation*

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

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

*Change to obligations after entry under green zone permit*

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

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

**6 Orange zone permit***Eligibility*

- (1) Subject to the requirements in subclause (2), a **restricted person** may enter Victoria from any other State, or Territory or, after entering Australia, from a Green Zone Country if the person, at the time they enter Victoria:
- (a) has not been:
    - (i) at a very high risk exposure site in a State, Territory or Green Zone Country at any time during a very high risk period; or
    - (ii) in hotel quarantine in any other State, Territory or Green Zone Country in the 14 days prior to the person's entry to Victoria; and
  - (b) either:
    - (i) has not been in an area that is an extreme risk zone or red zone in a State, Territory or Green Zone Country at any time after the relevant zone commencement time in the previous 14 days; or
    - (ii) has been in an area that is an extreme risk zone or red zone in a State, Territory or Green Zone Country at any time after the relevant zone commencement time in the previous 14 days only for the purpose of direct and short term transit through the extreme risk zone or red zone in that State, Territory or Green Zone Country to Victoria; and

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

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

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

*Note: short term transit means a transit time of less than 24 hours. If a person spends more than 24 hours in any extreme risk zone or red zone, they will be a prohibited person.*

- (c) is not a diagnosed person or a close contact of a diagnosed person (or equivalent) and/or required to self-isolate or self-quarantine (or equivalent) in a State, Territory or Green Zone Country; and
  - (d) is not experiencing SARS-CoV-2 symptoms.
- (2) A person referred to in subclause (1)(b)(ii) is permitted to enter Victoria if in transiting to Victoria the person has complied with the direct and short-term transit conditions.

*Requirements for entry*

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

*Obligations after entry*

- (4) A person who enters Victoria under subclause (1), clause 5(1), clause 7(1) or clause 8(3) must, during the orange zone permit validity period in subclause (5)(a) (or, if clause 5(6)(b), clause 7(6)(a) or clause 8(9)(b) applies, the relevant validity period in clause 5(5)(a), clause 7(5)(a) or clause 8(8)(a)):
- (a) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
    - (i) a valid orange zone permit (or, if clause 5(6)(b) applies, a valid green zone permit, if clause 7(6)(a) applies, a valid red zone permit and if clause 8(9)(b) applies, a valid cross border extreme risk zone permit); and
    - (ii) an acceptable form of identification; and

- (b) get tested for SARS-CoV-2 within 72 hours of:
  - (i) the time the person enters Victoria; or
  - (ii) if clause 5(6)(a) or clause 8(9)(b) applies, the time of notification by the Department; or
  - (iii) if clause 7(6)(a) applies and the person has not been tested in accordance with clause 7(4)(e)(i) since entry to Victoria, the time the person enters Victoria; and
- (c) travel immediately and directly to, and self-quarantine at, the premises at which the person ordinarily resides or another premises that is suitable for the person to reside in for the purpose of self-quarantine until the person (including a person where clause 7(6)(a) and requirements to test under clause 7(4)(e)(i) applied) receives a negative SARS-CoV-2 test result; and
  - (i) for the purposes of subclause (c), must not self-quarantine at premises located at an **alpine resort**; and

*Note: if a person has been tested in accordance with clause 7(4)(e) since entering Victoria under red zone obligations, the Department has notified the person that they are now subject to orange zone obligations and the person has already received a negative SARS-CoV-2 test result, they may cease self-quarantining immediately.*
- (d) reside at the premises described in subclause (c) and not leave the premises except:
  - (i) to obtain medical care or medical supplies; or
  - (ii) to get tested for SARS-CoV-2; or
  - (iii) in an emergency situation; or
  - (iv) if required to do so by law; or
  - (v) to leave Victoria,during the period of self-quarantine under subclause (c); and
- (e) if the person leaves the premises described in subclause (c) in accordance with subclause (d) during the period of self-quarantine under subclause (c), wear a face covering in all:
  - (i) indoor public places; and
  - (ii) outdoor public places; and
  - (iii) vehicles, if the person is in a vehicle with any other person (unless the other person ordinarily resides with the person),unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person; and
- (f) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms; and
- (g) comply with all Directions currently in force.

*Validity and revocation*

- (5) An orange zone permit:
  - (a) is valid for 14 days from the date the person enters Victoria (unless revoked earlier); and
  - (b) may only be used once by a person to enter Victoria during the validity period in subclause (a); and
  - (c) is revoked immediately if the person is outside Victoria and:
    - (i) enters an extreme risk zone or red zone in a State, Territory or Green Zone Country after the delivery of the orange zone permit but prior to entry to Victoria; or

- (ii) a determination is made by the Chief Health Officer prior to the person's first entry to Victoria that results in the person having been in an extreme risk zone or red zone in a State, Territory or Green Zone Country after the relevant zone commencement time in the 14 days prior to delivery of the orange zone permit.

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

#### *Change to obligations after entry under orange zone permit*

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

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

## 7 Red zone permit

### *Eligibility*

- (1) Subject to the requirements in subclause (3), a **Victorian resident** may enter Victoria from any other State, or Territory or, after entering Australia, from a Green Zone Country if the Victorian resident, at the time the person enters Victoria:
  - (a) has not been at a very high risk exposure site in a State, Territory or Green Zone Country at any time during the very high risk period; and
  - (b) either:
    - (i) has not been in an extreme risk zone in a State, Territory or Green Zone Country at any time after the relevant zone commencement time in the previous 14 days; or

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

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

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

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

*Note: short term transit means a transit time of less than 24 hours. If a person spends more than 24 hours in any extreme risk zone, they will be a prohibited person.*

- (c) is not a diagnosed person or a close contact of a diagnosed person (or equivalent) and/or required to self-isolate or self-quarantine (or equivalent) in any State, Territory or Green Zone Country; and
  - (d) is not experiencing SARS-CoV-2 symptoms.
- (2) A person referred to in subclause (1)(b)(ii) is permitted to enter Victoria if in transiting to Victoria the person has complied with the direct and short-term transit conditions.

*Requirements for entry*

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

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

*Obligations after entry*

- (4) A person who enters Victoria under subclause (1), clause 5(1), clause 7(1) or clause 8(3) must, during the red zone permit's validity period in subclause (5)(a) (or, if clause 5(6)(a), clause 6(6)(a) or clause 8(9)(a) applies, the relevant validity period in clause 5(5)(a), clause 6(5)(a) or clause 8(8)(a), or if clause 12(6) applies, during the period referred to in that clause):
  - (a) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
    - (i) a valid red zone permit (or, if clause 5(6)(a) applies, a valid green zone permit, if clause 6(6)(a) applies, a valid orange zone permit and if clause 8(9)(a) applies, a valid cross border extreme risk zone permit, or if clause 12(6) applies, a valid departing hotel quarantine permit); and
    - (ii) an acceptable form of identification; and
  - (b) wear a face covering during each flight to Victoria unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person; and
  - (c) travel immediately and directly to, and self-quarantine at, the premises at which the person ordinarily resides or another premises that is suitable for the person to reside in for the purpose of self-quarantine for 14 days (subject to subclauses (g) and (h)(ii)); and
  - (d) reside at the premises described in subclause (c) and not leave the premises except:
    - (i) to obtain medical care or medical supplies; or
    - (ii) to get tested for SARS-CoV-2; or
    - (iii) in an emergency situation; or
    - (iv) if required to do so by law; or
    - (v) to leave Victoria,
 during the period of self-quarantine under subclause (c); and
  - (e) get tested for SARS-CoV-2 within 72 hours of:
    - (i) the time the person enters Victoria; or
    - (ii) if clause 5(6)(a), clause 8(9)(a) or clause 12(6) applies, the time of notification by the Department; or
    - (iii) if clause 6(6)(a) applies and the person has not been tested in accordance with clause 6(4)(b)(i) since entry to Victoria, the time the person enters Victoria; and
  - (f) get tested for SARS-CoV-2:
    - (i) on day 13 during the period of self-quarantine under subclause (c); or
    - (ii) if clause 5(6)(a), 6(6)(a), 8(9)(a) or 12(6) applies, on or about the day before the period of self-quarantine under subclause (c) ends; and

- (g) if, during the period of self-quarantine, the person refuses or otherwise fails to take a test for SARS-CoV-2 in accordance with subclause (f), the period of self-quarantine in subclause (c) (as extended under subclause (h)(ii)) is extended for an additional period being the earlier of:
- (i) an additional 14 days; or
  - (ii) until the person gets tested for SARS-CoV-2 and receives a negative test result; and

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

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

- (h) if, during the period of self-quarantine:
- (i) the person is tested for SARS-CoV-2; and
  - (ii) subject to subclause (iii), the period for which the person is required to self-quarantine under subclause (c) expires during the period in which the person is awaiting the result of that test, the period of self-quarantine is extended until the person receives a negative SARS-CoV-2 test result; and
  - (iii) if the person receives a negative SARS-CoV-2 test result and:
    - (A) the period for which the person is required to self-quarantine under subclause (c) has not expired, the person must continue to self-quarantine under subclause (c) for the remainder of that period; or
    - (B) the period for which the person is required to self-quarantine under subclause (c) (as extended under either or both of subclauses (g) and (h)(ii)) has expired, the person may cease self-quarantining immediately; and
- (i) provide documentary evidence that the person has been tested in accordance with subclauses (e) and (f) (including evidence of the person's most recent test) to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) when requested to do so; and
- (j) minimise contact with other persons in Victoria (except in an emergency); and
- (k) practise physical distancing; and
- (l) wear a face covering in all public places unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person; and
- (m) monitor for SARS-CoV-2 symptoms and, if experiencing SARS-CoV-2 symptoms:
  - (i) notify the Department; and
  - (ii) immediately get tested for SARS-CoV-2; and
- (n) comply with all Directions currently in force.

*Validity and revocation*

- (5) A red zone permit:
- (a) is valid for 14 days from the date the person first enters Victoria (unless revoked earlier); and

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

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

*Change to obligations after entry under red zone permit*

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

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

## 8 Cross border community members

### *Cross border community – non-extreme risk zone*

- (1) Despite clauses 5, 6 and 7, a restricted person or a prohibited person may enter Victoria from a **cross border community area** that is not an extreme risk zone without a permit if the person:
  - (a) is a cross border community member; and
  - (b) is not a diagnosed person or a close contact of a diagnosed person and/or required to self-isolate or self-quarantine in any State or Territory; and
  - (c) is not experiencing SARS-CoV-2 symptoms; and
  - (d) has not been at a very high risk exposure site in a State, Territory or Green Zone Country at any time during a very high risk period; and
  - (e) at the time they enter Victoria, has been in an orange zone in a State, Territory or Green Zone Country outside of the cross border community area at any time after the relevant zone commencement time in the previous 14 days, the person has been tested for SARS-CoV-2 since they last left the orange zone in a State, Territory or Green Zone Country and has received a negative SARS-CoV-2 test result; and
  - (f) at the time the person enters Victoria, has not been in an extreme risk zone or red zone in a State, Territory or Green Zone Country outside of the cross border community area at any time after the relevant zone commencement time in the previous 14 days.
- (2) A person who enters Victoria under subclause (1) must:
  - (a) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
    - (i) proof that the person is a cross border community member (unless the person is under the age of 18); and
    - (ii) subject to subclause (iii), photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and  
*Example: photographic personal identification includes a driver's licence issued by any State, Territory or Green Zone Country or a passport issued by Australia or a Green Zone Country. Evidence of the current address where the person ordinarily resides includes a driver's licence or any other document issued by any State, Territory or Green Zone Country or any municipal district, local government area, unincorporated local government area (not including Lord Howe Island) or local authority, including a rates notice.*
    - (iii) if the person is unable to provide proof that the person is a cross border community member or photographic personal identification and evidence of the current address where the person ordinarily resides in accordance with subclause (i) or (ii), other documentary evidence satisfactory to the authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) that the person is a cross border community member (unless the person is under the age of 18); and  
*Example: a letter from an Indigenous community leader or community services provider from the cross border community area confirming that the person is a cross border community member, confirming the person's identity and confirming the person's address or other place of residence arrangements.*
  - (b) comply with all Directions currently in force; and
  - (c) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms.

*Cross border extreme risk zone permit – eligibility*

- (3) Subject to the requirements in subclause (5), a prohibited person may only enter Victoria from a cross border community area that is an extreme risk zone (**cross border extreme risk zone**) if the person:
- (a) is a cross border community member; and
  - (b) is not a diagnosed person or a close contact of a diagnosed person and/or required to self-isolate or self-quarantine in any State or Territory; and
  - (c) is not experiencing SARS-CoV-2 symptoms; and
  - (d) has not been at a very high risk exposure site in a State, Territory or Green Zone Country at any time during a very high risk period; and
  - (e) at the time they enter Victoria, has been in an orange zone in a State, Territory or Green Zone Country outside of the cross border community area at any time after the relevant zone commencement time in the previous 14 days, the person has been tested for SARS-CoV-2 since they last left the orange zone in a State, Territory or Green Zone Country and has received a negative SARS-CoV-2 test result; and
  - (f) at the time the person enters Victoria, either:
    - (i) has not been in an extreme risk zone or red zone in a State, Territory or Green Zone Country outside of the cross border community area at any time after the relevant zone commencement time in the previous 14 days; or
    - (ii) has been in an area that is an extreme risk zone or red zone in a State, Territory or Green Zone Country outside of the cross border community area at any time after the relevant zone commencement time in the previous 14 days only for the purpose of direct and short term transit through that extreme risk zone or red zone in that State, Territory or Green Zone Country to Victoria.

*Note: short term transit means a transit time of less than 24 hours. If a person spends more than 24 hours in any extreme risk zone or red zone, they will not be permitted to enter Victoria under this subclause.*

- (4) A person referred to in subclause (3)(f)(ii) is permitted to enter Victoria if in transiting to Victoria the person has complied with the direct and short-term transit conditions.

*Cross border extreme risk zone permit – requirements for entry*

- (5) A person referred to in subclause (3) may only enter Victoria from a cross border extreme risk zone if:
- (a) the person is:
    - (i) entering Victoria for one of the **permitted reasons**; or
    - (ii) returning to Victoria after entering a cross border extreme risk zone for one of the permitted reasons; and
  - (b) if the person is a Victorian resident returning from a cross border extreme risk zone, the person did not travel further than reasonably necessary to undertake the purpose for which they have entered the cross border extreme risk zone; and
  - (c) in the case of a person aged 18 years or over, the person has a valid **cross border extreme risk zone permit** which includes:
    - (i) the person's full name; and
    - (ii) the person's contact phone number; and
    - (iii) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and

- (iv) the address where the person ordinarily resides; and
  - (v) the date of entry to Victoria; and
  - (vi) an attestation by the person stating that (as at the date of attestation) the person and each person under the age of 18 or other dependant entering Victoria with the person:
    - (A) meet all the eligibility requirements in subclause (3); and
    - (B) meet the requirements under subclauses (5)(a) and (b); and
    - (C) have provided information in the permit that is true and correct; and
    - (D) subject to sub-subclause (E), will comply with subclause (7); and
    - (E) acknowledges that any zone in a State, Territory or Green Zone Country may change from time to time and the person may be required to comply with different conditions in these directions (as amended from time to time); and
    - (F) they will not re-enter Victoria using a cross border extreme risk zone permit if they have entered an extreme risk zone or red zone outside the cross border community area; and
  - (vii) a QR code capable of being scanned by an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction).
- (6) For the purposes of subclauses (5) and (7), permitted reasons means any of the following purposes:
- (a) for the purpose of obtaining the following:
    - (i) necessary goods or services; or
    - (ii) medical care; or
    - (iii) a test for SARS-CoV-2; or
    - (iv) the first or second dose of a SARS-CoV-2 vaccination; or
  - (b) for care or other compassionate reasons; or
  - (c) to visit a person with whom they are in an intimate personal relationship; or
  - (d) for the purpose of attending work (whether paid or voluntary, including for charitable or religious purposes) or education (including childcare or early childhood services); or
  - (e) for the purpose of moving to a new premises at which the person will ordinarily reside; or
    - Note: 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, the person can enter Victoria to move to a new premises.*
  - (f) for the purpose of viewing a property before settlement or before moving into a rental property to conduct a condition report; or
  - (g) to attend an auction or an inspection of real estate for the purposes of a prospective sale, purchase or rental; or
  - (h) to drive a person who is entering Victoria for one of the reasons in subclauses (a) to (g) where it is not reasonably practicable for that person to drive themselves; or
  - (i) for the purpose of travelling from one place in the cross border community area to another place in the same State for a purpose permitted in that State

where it is easier to travel by crossing the border into another State in the cross border community area.

*Example: driving through an extreme risk zone in New South Wales to go from one place in Victoria to another place in Victoria to access medical care, where travelling to the destination without passing through New South Wales would require a longer drive.*

*Obligations after entry*

- (7) A person who enters Victoria under subclause (5) must, during the cross border extreme risk zone permit's validity period (or in the case of a cross border community member under the age of 18, during the 14 days following entry into Victoria):
- (a) if the person is not a Victorian resident, not travel further than is reasonably necessary for the permitted reason for which they have entered Victoria; and
  - (b) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
    - (i) a valid cross border extreme risk zone permit (unless the person is under the age of 18); and
    - (ii) subject to subclause (iii), photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and
 

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

*Example: a letter from an Indigenous community leader or community services provider from the cross border community area confirming that the person is a cross border community member, confirming the person's identity and confirming the person's address or other place of residence arrangements.*
  - (c) comply with all Directions currently in force; and
  - (d) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms.

*Cross border extreme risk zone permit – validity and revocation*

- (8) A cross border extreme risk zone permit:
- (a) is valid for 14 days from the date the person first enters Victoria (unless revoked earlier); and
  - (b) may be used by a person to enter Victoria multiple times during the validity period in subclause (a); and
  - (c) is revoked immediately if the person is outside Victoria and:
    - (i) has been at a very high risk exposure site in a State, Territory or Green Zone Country during the very high risk period:
      - (A) prior to delivery of the cross border extreme risk zone permit; or
      - (B) after delivery of the cross border extreme risk zone permit; or

- (ii) enters an extreme risk zone or red zone outside the cross border community area after the delivery of the cross border extreme risk zone permit but prior to entry to Victoria; or
- (iii) a determination is made by the Chief Health Officer prior to the person's first entry to Victoria that results in the person having been in an extreme risk zone or red zone outside the cross border community area after the relevant zone commencement time in the 14 days prior to delivery of the cross border extreme risk zone permit; or
- (iv) is or becomes a diagnosed person or a close contact of a diagnosed person (or equivalent) in any State, Territory or Green Zone Country and/or required to self-isolate or self-quarantine (or equivalent) in any State, Territory or Green Zone Country:
  - (A) prior to delivery of the cross border extreme risk zone permit; or
  - (B) after delivery of the cross border extreme risk zone permit.

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

#### *Change to obligations after entry under cross border extreme risk zone permit*

- (9) If a person has entered Victoria from any other State or Territory in Australia or, after entering Australia, from a Green Zone Country, with a cross border extreme risk zone permit and during the cross border extreme risk zone permit validity period in subclause (8)(a), the Chief Health Officer determines that:
- (a) any **relevant zone** is an extreme risk zone or red zone and the person was in the extreme risk zone or red zone after the relevant zone commencement time, at a time within the 14 days prior to the person's entry to Victoria, then the higher, red zone obligations under clause 7(4)(b) – (n) will apply to the person from the time of notification by the Department for the remainder of the cross border extreme risk zone permit validity period in subclause (8)(a); or
  - (b) any relevant zone is an orange zone and the person was in only that, or other orange or green zones after the relevant zone commencement time, at a time within the 14 days prior to the person's entry to Victoria, then the higher, orange zone obligations under clause 6(4)(b) – (g) will apply to the person from the time of notification by the Department for the remainder of the cross border extreme risk zone permit validity period in subclause (8)(a).

*Example: a person arrives in Victoria with a cross border extreme risk zone permit which is valid for 14 days from their arrival date. The person had been in green zones outside the cross border community area in the 14 days before entering Victoria. Two days after entering Victoria, one of the green zones is determined to be an orange zone and the person was in that orange zone at a time after the relevant zone commencement time. The Department notifies the person that the cross border extreme risk zone permit obligations which applied after entering Victoria have changed to align with the higher, orange zone permit obligations in clause 6(4) for the remaining 12 days of the cross border extreme risk zone permit's validity period. This includes requirements for the person to continue self-quarantining until they are tested for SARS-CoV-2 and receive a negative SARS-CoV-2 test result.*

## 9 Aircrew

- (1) Despite clauses 5, 6 and 7, a prohibited person or a restricted person who is an aircrew services worker may enter Victoria from any other State or Territory in Australia or, after entering Australia from a Green Zone Country, if the person:
- (a) subject to subclause (3), whose ordinary place of residence, at the time they enter Victoria, is outside of Victoria and within an extreme risk zone, red zone or orange zone, is required to enter and be physically present in Victoria for the purpose of providing aircrew services; or

- (b) subject to subclause (4), whose ordinary place of residence, at the time they enter Victoria, is outside of Victoria and within a green zone, is required to enter and be physically present in Victoria for the purpose of providing aircrew services; or
  - (c) subject to subclause (5), is a Victorian resident who is required to enter and be physically present in any other State or Territory in Australia, or in a Green Zone Country, for the purpose of providing aircrew services and is entering Victoria for the purpose of returning to their ordinary place of residence in Victoria; and
  - (d) is not a diagnosed person or a close contact of a diagnosed person and/or required to self-isolate or self-quarantine in a State or Territory in Australia or in a Green Zone Country; and
  - (e) is not experiencing SARS-CoV-2 symptoms.
- (2) An aircrew services worker who enters Victoria under subclause (1) must:
- (a) comply with all Directions currently in force; and
  - (b) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms.
- (3) An aircrew services worker who enters Victoria under subclause (1)(a) must:
- (a) travel directly by private transport between the designated crew hotel and any airport of arrival or departure; and
  - (b) not leave the designated crew hotel other than:
    - (i) to travel to the airport of departure; or
    - (ii) in an emergency; or
    - (iii) to undertake required simulator training or emergency procedures training; or
    - (iv) to obtain medical care or medical supplies; or
    - (v) to get tested for SARS-CoV-2; or
    - (vi) if required to do so by law; or
    - (vii) to leave or depart from Victoria; and
  - (c) wear a face covering during each flight to and from Victoria and when travelling between the designated crew hotel and the airport (unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person); and
  - (d) otherwise comply with relevant airline requirements and **COVIDSafe Plan** whilst in Victoria and in any other State or Territory in Australia or in a Green Zone Country.
- (4) An aircrew services worker who enters Victoria under subclause (1)(b) must comply with their respective airline's COVIDSafe Plan while travelling to and from an extreme risk zone, red zone or orange zone in the 14 days prior to entry to Victoria.
- (5) An aircrew services worker who enters Victoria under subclause (1)(c), who travels to or from an extreme risk zone, red zone or orange zone in the 14 days prior to entry to Victoria must:
- (a) travel directly by private transport between the designated crew hotel and any airport of arrival or departure whilst in the extreme risk zone, red zone or orange zone; and
  - (b) not leave the designated crew hotel whilst in the extreme risk zone, red zone or orange zone, other than:
    - (i) to travel to the airport of departure; or
    - (ii) in an emergency; or

- (iii) to undertake required simulator training or emergency procedures training; or
  - (iv) to obtain medical care or medical supplies; or
  - (v) to get tested for SARS-CoV-2; or
  - (vi) if required to do so by law; or
  - (vii) to leave or depart from Victoria; and
- (c) otherwise comply with relevant airline requirements and COVIDSafe Plan whilst in Victoria and in any other State or Territory in Australia or in a Green Zone country.

## 10 Transit through Victoria

- (1) Despite clauses 6, 7 and 8, a restricted person or a prohibited person whose ordinary place of residence is not in Victoria may enter Victoria from any other State or Territory in Australia or, after entering Australia, from a Green Zone Country, if:

- (a) the person is required to enter and be physically present in Victoria for the purpose of direct and short term transit through Victoria by air, sea, rail or road; and

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

- (b) the person has a valid transit permit which includes:
- (i) the person's full name; and
  - (ii) the person's contact phone number; and
  - (iii) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and
  - (iv) the address from which the person is departing when entering Victoria; and
  - (v) where applicable, the current address where the person ordinarily resides; and
  - (vi) the address where the person will reside after entering Victoria; and
  - (vii) the date of entry to Victoria; and
  - (viii) if applicable, any planned date of departure from Victoria; and
  - (ix) an attestation by the person stating that (as at the date of attestation) the person (and any person under the age of 18 or other dependant entering Victoria with the person):
    - (A) is entering Victoria for the purpose of direct and short term transit through Victoria by air, sea, rail or road; and
    - (B) is not a diagnosed person or a close contact of a diagnosed person (or equivalent) and/or required to self-isolate or self-quarantine (or equivalent) in a State, Territory or Green Zone Country; and
    - (C) is not experiencing SARS-CoV-2 symptoms; and
    - (D) has provided information in the permit that is true and correct; and
    - (E) will comply with the conditions in subclause (2) and (3) (as applicable); and

- (x) a QR code capable of being scanned by an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction); and
- (c) the person has been in hotel quarantine (including for the purpose of completing the required period of hotel quarantine or for any other purpose, including work) in Victoria or in other State, Territory or Green Zone Country in the 14 days prior to entry to Victoria, provides (at the time of applying for the transit permit):
  - (i) the name of the facility attended; and
  - (ii) the name of the State, Territory or Green Zone Country of the facility attended.
- (2) A person who enters Victoria under subclause (1) must:
  - (a) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
    - (i) a valid transit permit; and
    - (ii) an acceptable form of identification; and
  - (b) comply with all Directions currently in force; and
  - (c) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms.
- (3) Without limiting subclause (2), if a person, at the time they enter Victoria, has been in an area that is an extreme risk zone, a red zone or an orange zone in a State, Territory or Green Zone Country at any time after the relevant zone commencement time in the previous 14 days, the person must comply with the direct and short-term transit conditions.
- (4) A transit permit:
  - (a) is valid for 24 hours from the time the person first enters Victoria (unless revoked earlier); and
  - (b) may only be used once by a person to enter Victoria during the validity period in subclause (a).

## 11 Specified workers

### *Specified worker (single entry) permit – eligibility*

- (1) Despite clause 7, a prohibited person may enter Victoria from any other State or Territory in Australia or, after entering Australia, from a Green Zone Country, if they:
  - (a) are either:
    - (i) required to enter and be physically present in Victoria for the purpose of providing **specified work** in an occupation included in the **Specified Worker List – Single Entry** where that specified work is urgent, essential to the operations of the person's employer or customer, and cannot practically be carried out in a timely manner by workers who ordinarily reside in Victoria or in an area that is a green zone; or
    - (ii) a Victorian resident who is:
      - (A) required to enter and be physically present in another State or Territory or a Green Zone Country for the purpose of providing specified work in an occupation included in the Specified Worker List – Single Entry; and
      - (B) is entering Victoria for the purpose of returning to their ordinary place of residence in Victoria,

- (b) are not a diagnosed person or a close contact of a diagnosed person (or equivalent) and/or required to self-isolate or self-quarantine (or equivalent) in a State, Territory or Green Zone Country; and
- (c) have not been at a very high risk exposure site during the very high risk period; and
- (d) are not experiencing SARS-CoV-2 symptoms.

*Specified worker (single entry) permit – requirements for entry*

- (2) A person who enters Victoria under subclause (1) must:
- (a) have a valid specified worker (single entry) permit which includes:
    - (i) the person's full name; and
    - (ii) the person's contact phone number; and
    - (iii) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and
    - (iv) the address from which the person is departing when entering Victoria; and
    - (v) where applicable, the current address where the person ordinarily resides; and
    - (vi) the address where the person will reside after entering Victoria; and
    - (vii) the date of entry to Victoria; and
    - (viii) if applicable, any planned date of departure from Victoria; and
    - (ix) an attestation by the person stating that (as at the date of attestation) the person (and any person under the age of 18 or other dependant entering Victoria with the person):
      - (A) meets all the eligibility requirements in subclause (1); and
      - (B) has provided information in the permit that is true and correct; and
      - (C) will comply with the conditions in subclauses (3) and (4); and
    - (x) a QR code capable of being scanned by an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction); and
  - (b) if the person has been in hotel quarantine (including for the purpose of completing the required period of hotel quarantine or for any other purpose, including work) in Victoria or in other State, Territory or Green Zone Country in the 14 days prior to entry to Victoria, provide (at the time of applying for the specified worker (single entry) permit):
    - (i) the name of the facility attended; and
    - (ii) the name of the State, Territory or Green Zone Country of the facility attended; and
  - (c) have evidence that the work they are performing meets the requirements in subclause (1)(a)(i) from their employer or customer.

*Note: a letter from an employer or customer on company letterhead that confirms that the work undertaken by the person meets the requirements in subclause (1)(a)(i) would be sufficient evidence.*

*Specified worker (single entry) permit – conditions after entry*

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

- (ii) an acceptable form of identification; and
- (iii) evidence that the work they are performing meets the requirements in subclause 1(a)(i) from their employer or customer; and
- (b) unless the person is a Victorian resident, only remain in Victoria for the period reasonably necessary to provide the specified work; and
- (c) comply with all Directions currently in force; and
- (d) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms; and
- (e) otherwise comply with the relevant COVIDSafe Plan while in Victoria and in any other State, Territory or Green Zone Country (including while travelling to and from an extreme risk zone, red zone or orange zone in the other State, Territory or Green Zone Country in the 14 days prior to entry to Victoria); and
- (f) without limiting subclause (e), if the person is specified worker permitted to enter Victoria for the purpose of a Tier 1 or Tier 2 event under the **Public Event Framework**, comply with the relevant COVIDSafe Plan for the Tier 1 or Tier 2 Event.

*Note: a specified worker (single entry) may be accompanied by a dependent child under the age of 18 years or other dependent person, such as an adult with a disability, if the dependant is to receive emergency or essential medical care or other urgent care, provided the dependant complies with the requirements under subclause (3) whilst in Victoria.*

- (4) If a prohibited person enters Victoria:
  - (a) under subclause (1), that person must, in addition to the obligations in subclause (3):
    - (i) subject to subclause (ii), get tested for SARS-CoV-2:
      - (A) within 72 hours of the time the person enters Victoria; and
      - (B) during the period that is 6 to 8 days from the day the person enters Victoria; and
      - (C) during the period that is 13 to 14 days from the day the person enters Victoria; and
    - (ii) if the person is a worker at an **offshore petroleum or gas storage facility** who cannot reasonably get tested for SARS-CoV-2 while working, get tested for SARS-CoV-2 within 72 hours of the time the person first enters Victoria during each specified worker (single entry) permit validity period in subclause (5); and
    - (iii) travel immediately and directly to, and self-quarantine at, the premises at which the person will reside for the period of the specified worker permit or another premises that is suitable for the person to reside in for the purposes of self-quarantine, for 14 days (subject to subclauses (v) and (vi)(A)); and
    - (iv) reside at the premises described in subclause (iii) and not leave the premises except:
      - (A) for the purpose of undertaking the relevant specified work, but only after the person receives a negative SARS-CoV-2 test result; or
      - (B) to obtain takeaway food and drink; or
      - (C) to access toilet and bathroom facilities; or
      - (D) to obtain medical care or medical supplies; or
      - (E) to get tested for SARS-CoV-2; or

- (F) in an emergency situation; or
- (G) if required to do so by law; or
- (H) to leave Victoria,

during the period of self-quarantine under subclause (iii); and

- (v) if, during the period of self-quarantine, the person refuses or otherwise fails to take a test for SARS-CoV-2 in accordance with subclause (i) (C) (including as extended under subclause (vi)(A)), the period of self-quarantine in subclause (iii) is extended for an additional period being the earlier of:

- (A) an additional 14 days; or
- (B) until the person gets tested for SARS-CoV-2 and receives a negative test result; and

*Note 1: any tests undertaken pursuant to subclauses (4)(a)(i)(A) or (B) do not satisfy the requirement in subclause (4)(a)(v)(B).*

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

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

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

- (5) A specified worker (single entry) permit:

- (a) is valid for 14 days from the date the person first enters Victoria (unless revoked earlier); and

- (b) may be used by a person to enter Victoria on a single occasion during the validity period in subclause (a).

*Specified worker (multiple entry) permit – eligibility*

- (6) Despite clauses 6 and 7 and subject to the requirements in subclause (7), a prohibited person or a restricted person may enter Victoria from any other State or Territory in Australia if they:
  - (a) are either:
    - (i) required to enter and be physically present in Victoria for the purpose of providing specified work in an occupation included in the **Specified Worker List – Multiple Entry** where that specified work is urgent, essential to the operations of the person’s employer or customer, and cannot be carried out in a timely manner by workers who ordinarily reside in Victoria or in an area that is a green zone; or
    - (ii) a Victorian resident who is:
      - (A) required to enter and be physically present in any other State or Territory in Australia for the purpose of providing specified work in an occupation included in the Specified Worker List – Multiple Entry; and
      - (B) entering Victoria from any other State or Territory in Australia for the purpose of returning to their ordinary place of residence in Victoria; and
  - (b) are not a diagnosed person or a close contact of a diagnosed person (or equivalent) and/or required to self-isolate or self-quarantine in a State, Territory or Green Zone Country; and
  - (c) have not been at a very high risk exposure site during the very high risk period; and
  - (d) are not experiencing SARS-CoV-2 symptoms.
- (7) A person referred to in subclause (6) is only permitted to enter Victoria if:
  - (a) during all times the person was in an orange zone, red zone or extreme risk zone in which they do not ordinarily reside, in the 14 days prior to entry to Victoria, the person:
    - (i) only remained in that orange zone, red zone, or extreme risk zone for as long as necessary to provide the relevant specified work;
    - (ii) has not carried any person as a passenger in the driver’s cabin of a vehicle, other than for the purpose of providing specified work in an occupation listed in the Specified Worker List – Multiple Entry; and
    - (iii) kept detailed records of all travel and each place they stopped (including accommodation); and
    - (iv) wore a face covering at all times in all:
      - (A) indoor public places; and
      - (B) outdoor public places; and
      - (C) vehicles, if the person was in a vehicle with any other person (unless the other person ordinarily resides with the person); and
    - (v) minimised contact with other persons (except in cases of emergency); and
    - (vi) did not enter or stay in any indoor space or vehicle except when reasonably necessary for:

- (A) providing specified work; or
  - (B) accessing toilet or bathroom facilities; or
  - (C) obtaining medical care or medical supplies; or
  - (D) paying for fuel; or
  - (E) purchasing takeaway food and drink; or
  - (F) accessing accommodation; or
  - (G) travelling to Victoria from an airport, seaport, railway station, bus station or other transport facility; or
  - (H) travelling to Victoria on an aircraft, train, sea vessel, bus or other transport vehicle; and
- (vii) has complied with the requirements applicable to specified worker (multiple entry) permit holders in the **COVID-19 Mandatory Vaccination Directions**.

*Specified worker (multiple entry) permit – requirements for entry*

- (8) A person who enters Victoria under subclause (6) must:
- (a) have a valid specified worker (multiple entry) permit which includes:
    - (i) the person's full name; and
    - (ii) the person's contact phone number; and
    - (iii) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and
    - (iv) the address from which the person is departing when entering Victoria; and
    - (v) where applicable, the current address where the person ordinarily resides; and
    - (vi) the address where the person will reside after entry to Victoria; and
    - (vii) the date of entry to Victoria; and
    - (viii) if applicable, any planned date of departure from Victoria; and
    - (ix) an attestation by the person stating that (as at the date of attestation) the person (and any person under the age of 18 or other dependant entering Victoria with the person):
      - (A) meets all the eligibility requirements in subclause (6); and
      - (B) has provided information in the permit that is true and correct; and
      - (C) will comply with the conditions in subclause (9); and
    - (x) a QR code capable of being scanned by an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction); and
  - (b) if the person has been in hotel quarantine (including for the purpose of completing the required period of hotel quarantine or for any other purpose, including work) in Victoria or in other State, Territory or Green Zone Country in the 14 days prior to entry to Victoria, provide (at the time of applying for the specified worker (multiple entry) permit):
    - (i) the name of the facility attended; and
    - (ii) the name of the State, Territory or Green Zone Country of the facility attended; and
  - (c) have evidence that the work they are performing meets the requirements in subclause (6)(a)(i) from their employer or customer.

*Note: a letter from an employer or customer on company letterhead that confirms that the work undertaken by the person meets the requirements in subclause (6)(a)(i) would be sufficient evidence..*

*Specified worker (multiple entry) permit – conditions after entry*

- (9) A person who enters Victoria under subclause (6) and who is:
- (a) a restricted person who, at the time the person enters Victoria, has been in an area that is an orange zone in a State, Territory or Green Zone Country at any time after the relevant zone commencement time in the previous 14 days and has not received a negative SARS-CoV-2 test since arriving in Victoria; or
  - (b) a prohibited person,
- must:
- (c) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
    - (i) a valid specified worker (multiple entry) permit; and
    - (ii) an acceptable form of identification; and
    - (iii) evidence that they meet the requirement in subclause (6)(a)(i); and
  - (d) not work while experiencing SARS-CoV-2 symptoms; and
  - (e) unless the person is a **returning Victorian resident**, only remain in Victoria for the period reasonably necessary to provide the relevant specified work; and
  - (f) get tested for SARS-CoV-2:
    - (i) at least once every 3 days during each specified worker (multiple entry) permit validity period in subclause (10) if the person has been in an area that is an extreme risk zone or red zone at any time after the relevant zone commencement time in the 14 days prior to entry to Victoria; or
    - (ii) within 72 hours of entering Victoria if the person has been in an area that is an orange zone at any time after the relevant zone commencement time in the 14 days prior to entry to Victoria; and
- Note: nothing in subclause (f) is intended to require a person to be tested for SARS-CoV-2 more than four times in any 14 day period, including where a person enters Victoria more than once in any 14 day period.*
- (g) carry and provide documentary evidence that the person has been tested in accordance with subclause (f) (including evidence of the person's most recent test) to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) when requested to do so; and
  - (h) unless the person is a returning Victorian resident, minimise contact with other persons; and
  - (i) unless the person is a returning Victorian resident, wear a face covering unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person, for 14 days commencing from when the person enters Victoria or, if the person is a person referred to in subclause (a), until the person receives a negative SARS-CoV-2 test result, when in:
    - (i) public places; and
    - (ii) a vehicle if the person is in the vehicle with any other person with whom the person does not ordinarily reside at a private premises; and
  - (j) unless the person is a returning Victorian resident, not carry a person as a passenger in the driver's cabin of a vehicle other than for the purpose of providing specified work; and
  - (k) unless the person is a returning Victorian resident, keep detailed records of each place they stop (including accommodation) in Victoria; and

- (l) comply with all Directions currently in force; and
  - (m) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms; and
  - (n) unless the person is a returning Victorian resident, not enter or stay in any other vehicle or indoor space except when reasonably necessary for the purposes of:
    - (i) providing the specified work in an occupation listed in the Specified Worker – Multiple Entry List, that they have entered Victoria to perform; or
    - (ii) accessing toilet or bathroom facilities; or
    - (iii) paying for fuel; or
    - (iv) purchasing essential items; or
    - (v) purchasing takeaway food or drink; or  
*Note: the person is permitted to purchase takeaway food or drink only and must eat or drink in that person's vehicle or the room at their accommodation and not in any other vehicle or indoor space while in transit through Victoria.*
    - (vi) accessing accommodation; or
    - (vii) departing Victoria from an airport, seaport, railway station, bus station or other transport facility; or
    - (viii) travelling from Victoria on an aircraft, train, sea vessel, bus or other transport vehicle; or
    - (ix) obtaining medical care or medical supplies.  
*Note: a specified worker (multiple entry) may be accompanied by a dependent child under the age of 18 years or other dependent person, such as an adult with a disability, if the dependant is to receive emergency or essential medical care or other urgent care, provided the dependant complies with the requirements under subclause (9) whilst in Victoria.*
- (10) A specified worker (multiple entry) permit:
- (a) is valid for 14 days from the date the person first enters Victoria from any other State or Territory in Australia (unless revoked earlier); and
  - (b) may be used by a person to enter Victoria from any other State or Territory in Australia multiple times during the validity period in subclause (a).
- (11) A person may only apply for a specified worker (multiple entry) permit once for each 14 day period referred to in subclause (10)(a) and may only apply for a new permit if their current permit is within the last 24 hours of the 14 day period, or has been revoked.

## 12 Departing hotel quarantine permit

### *Departing hotel quarantine permit – Eligibility*

- (1) Subject to the requirements in subclause (2), a restricted person or a prohibited person may enter Victoria from any other State or Territory in Australia or, after entering Australia, from a Green Zone Country if the person, at the time they enter Victoria:
- (a) has been in hotel quarantine (including for the purpose of completing the required period of hotel quarantine or for any other purpose, including work) in any other State, Territory or Green Zone Country in the 14 days prior to entry to Victoria; and
  - (b) has not been at a very high risk exposure site in a State, Territory or Green Zone Country at any time during a very high risk period; and
  - (c) either:
    - (i) travels directly from hotel quarantine to Victoria in accordance with the direct and short-term transit conditions; or

- (ii) has only been in an area that is an orange zone or green zone at any time after the relevant zone commencement time in the previous 14 days and either:
    - (A) has received a negative result for a SARS-CoV-2 test undertaken on day 3 after departing hotel quarantine or later; or
    - (B) has not undertaken a SARS-CoV-2 test since departing hotel quarantine or has not received results for a SARS-CoV-2 test before entering Victoria; and
  - (d) is not a diagnosed person or a close contact of a diagnosed person (or equivalent) and/or required to self-isolate or self-quarantine (or equivalent) in a State, Territory or Green Zone Country; and
  - (e) is not experiencing SARS-CoV-2 symptoms.
- (2) A person referred to in subclause (1)(c)(i) is only permitted to enter Victoria if in transiting to Victoria the person has complied with the direct and short-term transit conditions.

*Requirements for entry*

- (3) A person who enters Victoria under subclause (1) must:
- (a) have a valid departing hotel quarantine permit which includes:
    - (i) the person's full name; and
    - (ii) the person's contact phone number; and
    - (iii) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and
    - (iv) where applicable, the current address where the person ordinarily resides; and
    - (v) the address where the person will reside after entering Victoria; and
    - (vi) the name of the facility attended for hotel quarantine; and
    - (vii) the name of the State, Territory or Green Zone Country of the facility attended for hotel quarantine; and
    - (viii) the date of entry to Victoria; and
    - (ix) if applicable, any planned date of departure from Victoria; and
    - (x) an attestation by the person stating that (as at the date of attestation) the person and each person under the age of 18 or other dependant entering Victoria with the person:
      - (A) meet all the eligibility requirements in subclause (1); and
      - (B) will undertake a test for SARS-CoV-2 in accordance with subclause (4)(a); and
      - (C) have provided information in the permit that is true and correct; and
    - (xi) a QR code capable of being scanned by an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction).

*Obligations after entry*

- (4) A person who enters Victoria under subclause (1) must, during the 14 day period from the date of entry to Victoria:
- (a) in relation to a person referred to in subclause (1)(c)(i), undertake a test for SARS-CoV-2 on day 3, 4 or 5 after they departed hotel quarantine; and

- (b) in relation to a person referred to in subclause (1)(c)(ii)(B):
  - (i) undertake a test for SARS-CoV-2 on day 3 after departing hotel quarantine or later; and
  - (ii) travel immediately and directly to, and self-quarantine at, the premises at which the person ordinarily resides or another premises that is suitable for the person to reside in for the purpose of self-quarantine (except for an alpine resort) until the person receives a negative SARS-CoV-2 test result; and
- (c) reside at the premises described in subclause (b) and not leave the premises except:
  - (i) to obtain medical care or medical supplies; or
  - (ii) to get tested for SARS-CoV-2; or
  - (iii) in an emergency situation; or
  - (iv) if required to do so by law; or
  - (v) to leave Victoria,during the period of self-quarantine under subclause (b); and
- (d) if the person leaves the premises described in subclause (b) in accordance with subclause (c) during the period of self-quarantine under subclause (b), wear a face covering in all:
  - (i) indoor public places; and
  - (ii) outdoor public places; and
  - (iii) vehicles, if the person is in a vehicle with any other person (unless the other person ordinarily resides with the person),unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person; and
- (e) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
  - (i) the departing hotel quarantine permit under which they entered Victoria; and
  - (ii) an acceptable form of identification; and
  - (iii) evidence that they have undertaken a test for SARS-CoV-2 in accordance with subclause (4)(a) or (b); and
- (f) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms; and
- (g) comply with all Directions currently in force.

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

#### *Validity and revocation*

- (5) A departing hotel quarantine permit:
  - (a) is valid for 24 hours from the time the person is issued the permit (unless revoked earlier); and
  - (b) may only be used once by the person to enter Victoria during the validity period in subclause (a); and
  - (c) is revoked immediately if the person, other than for a purpose referred to in subclause (1)(c)(i) (direct and short term transit), is outside Victoria and:
    - (i) enters an extreme risk zone, red zone or orange zone in a State, Territory or Green Zone Country after the delivery of the departing hotel quarantine permit; or

- (ii) a determination is made by the Chief Health Officer prior to the person's first entry to Victoria that results in the person having been in an extreme risk zone, red zone or orange zone in a State, Territory or Green Zone Country after the relevant zone commencement time in the 14 days prior to the delivery of the departing hotel quarantine permit.

*Note: a person who has entered Victoria with a valid departing hotel quarantine permit and remains in Victoria does not need to apply for nor produce a new departing hotel quarantine permit after the initial departing hotel quarantine permits validity period has expired.*

*Change to obligations after entry under departing hotel quarantine permit*

- (6) If a person referred to in subclause (1) enters Victoria with a departing hotel quarantine permit and during the during the 14 day period from the date of entry to Victoria, the Chief Health Officer determines that:
  - (a) any relevant orange zone or relevant green zone is an extreme risk zone or red zone and the person was in the extreme risk zone or red zone after the relevant zone commencement time, at a time within the 14 days prior to the person's entry to Victoria, then the higher, red zone obligations under clause 7(4)(b) – (n) will apply to the person from the time of notification by the Department for the remainder of the 14 day period.

*Example: a person departs hotel quarantine, spends time in an orange zone and two days after entering Victoria, the orange zone is determined to be a red zone and the person was in the red zone at a time after the relevant zone commencement time. The Department notifies the person that the departing hotel quarantine permit obligations which applied after entering Victoria have changed to align with the higher, red zone permit obligations in clause 7(4) for the remaining 12 day period. This includes requirements for the person to continue or recommence self-quarantining for the remaining 12 day period and get tested at certain times, including just prior to the end of the self-quarantine period.*

### 13 Applications for a permit

- (1) A person may apply for a permit using a digital system provided by the **Service Victoria CEO** and other parts of the Victorian Government.
- (2) An application for a permit must contain all information reasonably required by the Department from time to time, for the purpose of protecting public health.
- (3) The Service Victoria CEO:
  - (a) may deliver a permit to a person if clause:
    - (i) 5 (*green zone permit*); or
    - (ii) 6 (*orange zone permit*); or
    - (iii) 7 (*red zone permit*); or
    - (iv) 8(3) (cross border zone permit); or
    - (v) 10 (*transit permit*); or
    - (vi) 11(1) (specified worker (single entry) permit); or
    - (vii) 11(6) (specified worker (multiple entry) permit); or
    - (viii) 12 (*departing hotel quarantine permit*),
 applies, the person makes an application under subclause (1) and the application complies with the requirements under subclause (2); and
  - (b) may provide a copy of the permit to the Department; and
  - (c) will provide any information contained in an application to the Department on behalf of the person.
- (4) A person must not give information, or make a statement, in an application for a permit that is false or misleading in a material particular.

**14 Excepted persons**

- (1) A restricted person or prohibited person may enter Victoria from any other State or Territory in Australia or, after entering Australia, from a Green Zone Country, without a permit:
- (a) if the person is entering Victoria to provide emergency or time-critical essential medical care or other urgent care as a **worker**; or  
*Note: people that provide routine medical care or other routine care are not included in subclause (a).*
  - (b) to receive or accompany a dependant who is to receive, emergency or essential medical care or other urgent care; or  
*Note: for the purposes of subclauses (b) and (c), a dependant includes a person who is dependent on another to facilitate attendances to receive essential medical care, or is dependent on others for the provision of essential medical care.*  
*Example 1: a person is a dependant of their intimate partner where they require essential medical care in Victoria and rely on their intimate partner to transport and support them to receive that essential medical care.*  
*Example 2: essential medical care includes medical care requiring continuity of treatment, such as chemotherapy or dialysis treatment.*  
*Example 3: other urgent care may include essential care for a person with a disability or a dependant of a person, if there are no alternate care arrangements available, but does not include ordinary child-minding services.*
  - (c) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria to:
    - (i) provide emergency or time-critical essential medical care or other urgent care as a worker; or
    - (ii) receive or accompany a dependant who received, emergency or essential medical care or other urgent care; or
  - (d) if the person is an **emergency worker** and they are providing emergency services to prevent or respond to an emergency; or
  - (e) to provide essential public services to prevent or respond to an emergency; or
  - (f) to ensure the provision of telecommunications, critical infrastructure, or essential services where the worker is acting to prevent or respond to an emergency; or
  - (g) to receive emergency services or essential public services (including services provided by emergency workers and child protection workers); or
  - (h) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria to receive emergency services or essential public services (including services provided by emergency workers and child protection workers); or
  - (i) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
  - (j) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
  - (k) if the person is a **school** student travelling on a bus undertaking a usual or regular route to or from the school that the student is enrolled at; or
  - (l) if the person remains on the same premises where that premises is both in the State of Victoria and either:
    - (i) the State of New South Wales; or
    - (ii) the State of South Australia; or

- (m) for purposes related to the administration of justice in Victoria, any other State or Territory in Australia or the Commonwealth of Australia; or  
*Example: State, Territory or Commonwealth judicial officers and essential court or tribunal staff entering Victoria for the purpose of necessary, in-person court or tribunal hearings in Victoria, and prison transfers.*
- (n) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria for purposes related to the administration of justice in Victoria, any other State or Territory in Australia or the Commonwealth of Australia; or  
*Example: State, Territory or Commonwealth judicial officers and essential court or tribunal staff returning to Victoria after necessary in-person court or tribunal hearing in any other State or Territory in Australia, and prison transfers.*
- (o) for purposes related to shared custody arrangements (court ordered or non-court ordered); or
- (p) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria for purposes related to shared custody arrangements (court ordered or non-court ordered); or
- (q) as required or authorised by law; or
- (r) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria as required or authorised by law; or
- (s) for the purposes of **national security**; or
- (t) if the person leaves Victoria to travel along the Murray River but only if the person:
  - (i) does not set foot on the banks of the Murray River on the New South Wales side or South Australian side of the Murray River (unless the person is a restricted person from a cross border community area); and
  - (ii) prohibits or prevents any prohibited person from travelling on the Murray River with them or entering Victoria with them;
- (u) if the person is a passenger or **public transport** worker travelling on a public transport service which leaves and re-enters Victoria without stopping at a place outside of Victoria during the course of its usual and regular route and operations.

*Note: a person who boards a public transport service in Victoria where the route goes through New South Wales or South Australia and back into Victoria without stopping before disembarking in is not required to apply for a permit.*

- (2) A restricted person who enters Victoria as an excepted person under subclause (1) (except where the restricted person enters Victoria as an excepted person in accordance with subclause (1)(k) or (l)) must:
  - (a) where the person is entering Victoria from a green zone in a State, Territory or Green Zone Country:
    - (i) subject to subclause (ii), carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) an acceptable form of identification; and
    - (ii) comply with all Directions currently in force; and
    - (iii) monitor for SARS-CoV-2 symptoms; and
    - (iv) unless the person is a Victorian resident, only remain in Victoria for the period reasonably necessary for the purpose they entered Victoria; and
    - (v) if they are a diagnosed person or someone who has been in close contact with a diagnosed person, comply with the requirements of the **Diagnosed Persons and Close Contacts Directions**; and

- (b) subject to subclause (d), where the person is a Victorian resident entering Victoria from an orange zone in any other State, Territory or a Green Zone Country who, at the time the person enters Victoria, has not been in an orange zone in a State, Territory or a Green Zone Country outside the cross border community area at any time after the relevant zone commencement time in the previous 14 days:
- (i) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) an acceptable form of identification; and
  - (ii) comply with all Directions currently in force; and
  - (iii) monitor for SARS-CoV-2 symptoms; and
  - (iv) if they are a diagnosed person or someone who has been in close contact with a diagnosed person, comply with the requirements of the **Diagnosed Persons and Close Contacts Directions**; and
- (c) subject to subclause (d), where the person is entering Victoria from an orange zone in any other State, Territory or a Green Zone Country is not a Victorian resident or at the time the person enters Victoria, has been in an orange zone in a State, Territory or a Green Zone Country outside the cross border community area at any time after the relevant zone commencement time in the previous 14 days:
- (i) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) an acceptable form of identification; and
  - (ii) be tested for SARS-CoV-2 within 72 hours of entering Victoria; and
  - (iii) self-quarantine at the premises at which the person ordinarily resides or another premises that is suitable for the person to reside in for the purpose of self-quarantine for 14 days or until the person receives a negative SARS-CoV-2 test result (whichever is earlier) and not leave the premises except:
    - (A) if subclause (1)(a), (b), (d), (e), (f), (g), (i), (m), (o), (q) or (s) applies, to perform the activity for which they were permitted to enter Victoria; or
    - (B) if the person is a transplant surgeon, to provide medical care including care that is not urgent or time-critical; or
    - (C) to obtain medical care or medical supplies; or
    - (D) to get tested for SARS-CoV-2; or
    - (E) in an emergency situation; or
    - (F) if required to do so by law; or
    - (G) to leave Victoria; or
    - (H) if the restricted person has entered Victoria to escape harm, only self-quarantine to the extent it is reasonably practicable to do so in all the circumstances,during the period of self-quarantine under this subclause; and
  - (iv) provide documentary evidence that the person has been tested in accordance with subclause (ii) (including evidence of the person's most recent test) to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) when requested to do so; and
  - (v) comply with all Directions currently in force; and

- (vi) monitor for SARS-CoV-2 symptoms; and
  - (vii) wear a face covering when in public for a period of 14 days from entry to Victoria or until the person receives a negative SARS-CoV-2 test result (whichever is earlier) (over and above the Directions currently in force unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person); and
  - (viii) if they are a diagnosed person or someone who has been in close contact with a diagnosed person, comply with the requirements of the **Diagnosed Persons and Close Contacts Directions**.
- (3) A prohibited person who enters Victoria as an excepted person under subclause (1) must:
- (a) where the person is a Victorian resident entering Victoria from an extreme risk zone or red zone who, at the time the person enters Victoria, has not been in an extreme risk zone or red zone outside the cross border community area at any time after the relevant zone commencement time in the previous 14 days:
    - (i) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) an acceptable form of identification; and
    - (ii) comply with all Directions currently in force; and
    - (iii) monitor for SARS-CoV-2 symptoms; and
    - (iv) if they are a diagnosed person or someone who has been in close contact with a diagnosed person, comply with the requirements of the **Diagnosed Persons and Close Contacts Directions**; and
  - (b) where the person is entering Victoria from an extreme risk zone or red zone and is not a Victorian resident or, at the time the person enters Victoria, has been in an extreme risk zone or red zone outside the cross border community area at any time after the relevant zone commencement time in the previous 14 days:
    - (i) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) an acceptable form of identification; and
    - (ii) self-quarantine at the premises at which the person ordinarily resides or another premises that is suitable for the person to reside in for the purpose of self-quarantine for 14 days (subject to subclauses (iv) and (v)(B)) and not leave the premises except:
      - (A) if subclause (1)(a), (b), (d), (e), (f), (g), (i), (m), (o), (q) or (s) applies to perform the activity for which they were permitted to enter Victoria; or
      - (B) if the person is a transplant surgeon, to provide medical care including care that is not urgent or time-critical; or
      - (C) to obtain medical care or medical supplies; or
      - (D) to get tested for SARS-CoV-2; or
      - (E) in an emergency situation; or
      - (F) if required to do so by law; or
      - (G) to leave Victoria; or
      - (H) if the prohibited person has entered Victoria to escape harm, only self-quarantine to the extent it is reasonably practicable to do so in all the circumstances,
- during the period of self-quarantine under this subclause; and

- (iii) get tested for SARS-CoV-2:
  - (A) within 72 hours of the time the person enters Victoria; and
  - (B) on or about day 13 during the period of self-quarantine under subclause (ii); and
- (iv) if, during the period of self-quarantine, the person refuses or otherwise fails to take a test for SARS-CoV-2 on or about day 13 of the period of self-quarantine, the period of self-quarantine in subclause (ii) (as extended under sub-subclause (v)(B)) is extended for an additional period being the earlier of:
  - (A) an additional 14 days; or
  - (B) until the person gets tested for SARS-CoV-2 and receives a negative test result; and

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

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

- (v) if, during the period of self-quarantine:
  - (A) the person is tested for SARS-CoV-2; and
  - (B) subject to sub-subclause (C) the period for which the person is required to self-quarantine under subclause (ii) expires during the period in which the person is awaiting the result of that test, the period of self-quarantine is extended until the person receives a negative SARS-CoV-2 test result; and
  - (C) if the person receives a negative SARS-CoV-2 test result and:
    1. if the period for which the person is required to self-quarantine under subclause (ii) has not expired, the person must continue to self-quarantine under subclause (ii) for the remainder of that period; or
    2. if the period for which the person is required to self-quarantine under subclause (ii) (as extended under either or both subclauses (iv) and (v)(B)) has expired, the person may cease self-quarantining immediately; and
- (vi) provide documentary evidence that the person has been tested in accordance with subclause (iii) and (iv) (including evidence of the person's most recent test) to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) when requested to do so; and
- (vii) comply with all Directions currently in force; and
- (viii) monitor for SARS-CoV-2 symptoms; and
- (ix) unless the person is a Victorian resident, only remain in Victoria for the period reasonably necessary for the purpose they entered Victoria (except in case of emergency); and
- (x) minimise contact with other persons in Victoria; and
- (xi) practise physical distancing; and

- (xii) keep detailed records of each place they stop (including accommodation) in Victoria; and
- (xiii) wear a face covering (unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person):
  - (A) during each flight to and from Victoria; and
  - (B) when in public for a period of 14 days from entry to Victoria (over and above the Directions currently in force); and
- (xiv) if they are a diagnosed person or someone who has been in close contact with a diagnosed person, comply with the requirements of the **Diagnosed Persons and Close Contacts Directions**.

## 15 Exemption power

### *Request for exemption*

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

### *Exemptions for specific circumstances*

- (5) A person may request an exemption from any or all requirements contained in these directions:
  - (a) to attend a funeral or end of life event; or
  - (b) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal; or
  - (c) to return to the person's ordinary place of residence for health, wellbeing, care or compassionate reasons; or
  - (d) to return to the person's ordinary place of residence in Victoria from a cross border community area; or
  - (e) to effect an emergency relocation.
- (6) The Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) may exempt a person from any or all requirements contained in these directions, if satisfied that an exemption is appropriate, having regard to the:
  - (a) need to protect public health; and
  - (b) principles in sections 5 to 10 of the PHW Act, as appropriate.
- (7) Before granting any exemption under subclause (6) the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) must consider:

- (a) if the person is:
    - (i) a diagnosed person or close contact of a diagnosed person (or equivalent), lawfully permitted to leave a State, Territory or Green Zone Country in accordance with the laws in force in that jurisdiction; and
    - (ii) seeking to enter Victoria:
      - (A) to attend a funeral or end of life event; or
      - (B) as a person who owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal; or
      - (C) to return to the person's ordinary place of residence for health, wellbeing, care or compassionate reasons; or
      - (D) as a person who is a Victorian resident in a cross border community area; or
      - (E) to effect an emergency relocation; and
  - (b) documentary evidence provided by the person of:
    - (i) the circumstances described in subclause (a); or
    - (ii) test results or other medical information in relation to the person, including any negative SARS-CoV-2 test result received by the person within 72 hours prior to the person's proposed or actual entry to Victoria; or

*Note: a Victorian resident may not need to be tested for SARS-CoV-2 in any other State, Territory or Green Zone Country before entering Victoria but if not tested within 72 hours prior to the person's proposed or actual entry to Victoria, must be tested for SARS-CoV-2 within 72 hours of returning to Victoria (unless the exemption specifically provides otherwise).*

    - (iii) directions or permissions given to that person from a State, Territory or Green Zone Country not to self-isolate or self-quarantine (or equivalent); and
  - (c) any further documentary evidence requested by the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) and provided by the person.
- (8) An exemption granted under subclause (6):
- (a) must:
    - (i) be given by the Department, in writing, to the person who is the subject of the exemption; and
    - (ii) specify the requirement or requirements that the person need not comply with; and
  - (b) may be subject to additional or different conditions approved by the Chief Health Officer or Deputy Chief Health Officer.
- (9) An exemption granted under subclause (6) does not prevent an authorised officer from exercising an emergency power to give the person a different direction or impose a different requirement or condition of exemption on the person.

*Exemptions, generally*

- (10) A person may request an exemption from any or all requirements contained in these directions.

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

#### *Conditions of exemption*

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

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

*Note 2: an exemption may be subject to a condition to enter at a particular point of entry into Victoria under subclause (13)(b).*
  - (b) comply with any conditions imposed on the exemption.
- (16) A prohibited person who enters Victoria under an exemption granted under subclauses (6) or (11) must:
- (a) enter Victoria within 72 hours of the time set out in the exemption; and
 

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

*Note 2: an exemption may be subject to a condition to enter at a particular point of entry into Victoria under subclause (13)(b).*

- (b) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
  - (i) the exemption; and
  - (ii) documentary evidence supporting the grounds for the exemption, if applicable; and
  - (iii) an acceptable form of identification; and
- (c) unless the specific conditions of the exemption granted to the prohibited person provide that the person is not required to be tested for SARS-CoV-2, get tested for SARS-CoV-2:
  - (i) unless the person has received a negative SARS-CoV-2 test result within 72 hours prior to entry to Victoria, within 72 hours of the time the person enters Victoria; and
  - (ii) on or about day 13 during the period of self-quarantine under subclause (g); and
- (d) travel directly from their place of departure to Victoria; and
- (e) whilst in direct and short term transit to Victoria, minimise contact with other persons; and
- (f) travel directly to the premises at which the prohibited person ordinarily resides or such other premises suitable for the prohibited person to reside in for the purpose of self-quarantine in accordance with subclause (g); and
- (g) self-quarantine at the premises at which the prohibited person ordinarily resides or another premises that is suitable for the prohibited person to reside in for the purpose of self-quarantine for 14 days (subject to subclauses (h) and (i)(ii)), and only leave that premises:
  - (i) to attend a specified event or place, subject to additional requirements set out in the exemption in relation to:
    - (A) the period the prohibited person may spend at the specified event or place; and
    - (B) whether other persons with whom the prohibited person does not ordinarily reside are permitted to be present at the specified event or place; and
    - (C) if the prohibited person is permitted to attend a worksite, record keeping requirements of any worksite the prohibited person attends; or
  - (ii) to obtain medical care or medical supplies; or
  - (iii) to get tested for SARS-CoV-2; or
  - (iv) in an emergency situation; or
  - (v) if required to do so by law; or
  - (vi) to leave Victoria; and
- (h) unless the specific conditions of the exemption granted to the prohibited person provide that the person is not required to be tested for SARS-CoV-2, if, during the period of self-quarantine, the person refuses or otherwise fails to take a test for SARS-CoV-2 on or about day 13 of the period of self-quarantine, the period of self-quarantine in subclause (g) (as extended under subclause (i)(ii)) is extended for an additional period being the earlier of:
  - (i) an additional 14 days; or
  - (ii) until the person gets tested for SARS-CoV-2 and receives a negative test result; and

*Note: any tests undertaken pursuant to subclause (16)(c)(i) do not satisfy the requirement in subclause (16)(h)(ii).*

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

## 16 Definitions

In these directions:

- (1) **acceptable form of identification** means:
  - (a) subject to subclauses (b) and (c), photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and

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

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

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

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

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

- (2) **aircrew services worker** means a pilot or a member of cabin crew who:
- (a) is undertaking operational flying duties or proficiency training on an aircraft that is not an aircraft of any part of the Australian Defence Force (including any aircraft that is commanded by a member of that Force in the course of duties as such a member); or
- (b) is required by their employer to attend facilities in Victoria for the purpose of undertaking simulator training or emergency procedures training;
- (3) **alpine resort** means any of the following as defined in the **Alpine Resorts (Management) Act 1997**:
- (a) Falls Creek Alpine Resort;
- (b) Lake Mountain Alpine Resort;
- (c) Mount Baw Baw Alpine Resort;
- (d) Mount Buller Alpine Resort;
- (e) Mount Hotham Alpine Resort;
- (f) Mount Stirling Alpine Resort; and
- the Dinner Plain Village as defined under the Dinner Plain Planning Provisions in the Alpine Planning Scheme;
- (4) **authorised officer** has the same meaning as in the PHW Act;
- (5) **childcare or early childhood services** 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 Act 2010** and the **Education and Care Services National Regulations 2011** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services;
- (6) **COVID-19 Mandatory Vaccination Directions** means the **COVID-19 Mandatory Vaccination Directions (No. 3)** as amended or replaced from time to time;
- (7) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (8) **cross border community area** means a **municipal district**, local government area or unincorporated local government area adjacent to or in close proximity to the border between the **State** of New South Wales and Victoria, or the border between the **State**

of South Australia and Victoria, as detailed on the **Department's** website available at: [www.coronavirus.vic.gov.au/information-cross-border-communities](http://www.coronavirus.vic.gov.au/information-cross-border-communities) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer;

- (9) **cross border community member** means a person whose ordinary place of residence is in the **cross border community area**;
- (10) **cross border extreme risk zone** has the meaning in clause 8(3);
- (11) **cross border extreme risk zone permit** has the meaning in clause 8(5);
- (12) **departing hotel quarantine permit** has the meaning in clause 12;
- (13) **Department** means the Victorian Department of Health;
- (14) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (15) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 27)** as amended or replaced from time to time;
- (16) **direct and short-term transit conditions** has the meaning in clause 5(3);
- (17) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (18) **emergency** means a situation related to an **excepted person** where the delay caused by using the permit or exemption systems would create an unacceptable risk to human or animal life, including injury, or create an unacceptable risk of severe damage to essential infrastructure or significant disruption to an essential service;
- (19) **emergency worker** has the same meaning as in the **Sentencing Act 1991**, but does not include a person employed or engaged to provide, or support the provision of, emergency treatment to patients in a hospital;
- (20) **excepted person** has the meaning in clause 14(1);
- (21) **extreme risk zone** has the meaning in clause 4A(1)(d);
- (22) **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);
- (23) **green zone** has the meaning in clause 4A(1)(a);
- (24) **Green Zone Country** means a country with a current, valid (and not temporarily or permanently suspended) safe travel zone agreement with the Commonwealth of Australia;  
*Note: information regarding countries with current, valid (and not temporarily or permanently suspended) safe travel zone agreements with the Commonwealth of Australia is available at [www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert/coronavirus-covid-19-restrictions/coronavirus-covid-19-advice-for-international-travellers#travel-zones](http://www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert/coronavirus-covid-19-restrictions/coronavirus-covid-19-advice-for-international-travellers#travel-zones) as amended from time to time*
- (25) **green zone permit** has the meaning in clause 5;
- (26) **hotel quarantine** means a program requiring a person to quarantine at a hotel in accordance with a public health order, public health directions, regulations or any other law of any **State, Territory**, the Commonwealth of Australia or **Green Zone Country** made in order to limit the spread **SARS-CoV-2**;
- (27) **municipal district** has the same meaning as in the **Local Government Act 1989**;
- (28) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (29) **offshore petroleum or gas storage facility** has the meaning that facility has in Schedule 3 to the **Offshore Petroleum and Greenhouse Gas Storage Act 2010**;
- (30) **orange zone** has the meaning in clause 4A(1)(b);
- (31) **orange zone permit** has the meaning in clause 6;

- (32) **permit** means the written notice (digital or otherwise) provided under clause 13 and includes:
- (a) **green zone permit**; and
  - (b) **orange zone permit**; and
  - (c) **red zone permit**; and
  - (d) **specified worker (single entry) permit**; and
  - (e) **specified worker (multiple entry) permit**; and
  - (f) **departing hotel quarantine permit**; and
  - (g) **transit permit**;
- (33) **permitted reasons** has the meaning in clause 8(6);
- (34) **physical distancing** means the practice of physically maintaining a distance, where it is reasonably practicable to do so, of at least 1.5 metres from any other person except those persons with whom a person ordinarily resides;
- (35) **prohibited person** means a person who, at the time they enter Victoria, has been in an **extreme risk zone** or **red zone** in a **State, Territory** or **Green Zone Country** at any time after the relevant zone commencement time in the previous 14 days but does not include:
- (a) a person described in clause 5(1)(b);
  - (b) a person described in clause 6(1); or
  - (c) a **Victorian resident** described in clause 7(1);
- (36) **Public Event Framework** means the Public Event Framework available at [www.coronavirus.vic.gov.au/public-events](http://www.coronavirus.vic.gov.au/public-events) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer;
- (37) **public transport** means a **vehicle** operated by a **passenger transport company** or by a **bus company** in the provision of a **public transport service**;
- (38) **red zone** has the meaning in clause 4A(1)(c);
- (39) **red zone permit** has the meaning in clause 7;
- (40) **relevant extreme risk zone** means, in relation to a person who entered Victoria, any **extreme risk zone** in a **State, Territory** or **Green Zone Country** that the person had been in after the zone commencement time in the 14 days prior to the person's entry to Victoria;
- (41) **relevant green zone** means, in relation to a person who entered Victoria, any **green zone** in a **State, Territory** or **Green Zone Country** that the person had been in after the zone commencement time in the 14 days prior to the person's entry to Victoria;
- (42) **relevant orange zone** means, in relation to a person who entered Victoria, any **orange zone** in a **State, Territory** or **Green Zone Country** that the person had been in after the zone commencement time in the 14 days prior to the person's entry to Victoria;
- (43) **relevant red zone** means, in relation to a person who entered Victoria, any **red zone** in a **State, Territory** or **Green Zone Country** that the person had been in after the zone commencement time in the 14 days prior to the person's entry to Victoria;
- (44) **relevant zone** means, in relation to a person who entered Victoria from a **cross border community area**, any **relevant green zone**, **relevant orange zone** or **relevant red zone** that is outside the **cross border community area**;
- (45) **restricted person** means any person who is not a **prohibited person**;
- (46) **returning Victorian resident** means a person who:
- (a) ordinarily resides in Victoria;

- (b) enters Victoria from any other **State** or **Territory** in Australia where they performed **specified work** to return to their ordinary place of residence in Victoria; and
  - (c) is not performing any work or travelling to work in Victoria;
- (47) **revoked Border Crossing Permit Scheme Directions** means any of the **New South Wales Border Crossing Permit Scheme Directions**, **New South Wales and Queensland Border Crossing Scheme Directions** or the **Victorian Border Crossing Permit Directions**;
- (48) **SARS-CoV-2 symptoms** means symptoms consistent with **SARS-CoV-2**, including but not limited to the following:
- (a) a fever ( $\geq 37.5^{\circ}\text{C}$ ) or consistent fever of less than  $37.5^{\circ}\text{C}$  (such as night sweats, chills);
  - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
  - (c) loss of smell;
  - (d) loss of taste;
- (49) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (50) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (51) **short term transit** means a transit period of less than 24 hours, except in an emergency;
- (52) **specified work** has the same meaning as in the Department's document titled 'Travellers eligible to apply for a permit under specified workers categories' ([www.coronavirus.vic.gov.au/travellers-eligible-to-apply-for-specified-worker-permit](http://www.coronavirus.vic.gov.au/travellers-eligible-to-apply-for-specified-worker-permit)), as amended from time to time by the Victorian Government with the approval of the Chief Health Officer;
- (53) **Specified Worker List – Multiple Entry** means the list on the Department's website at [www.coronavirus.vic.gov.au/travellers-eligible-to-apply-for-specified-worker-permit](http://www.coronavirus.vic.gov.au/travellers-eligible-to-apply-for-specified-worker-permit) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer;
- (54) **Specified Worker List – Single Entry** means the list on the Department's website at [www.coronavirus.vic.gov.au/travellers-eligible-to-apply-for-specified-worker-permit](http://www.coronavirus.vic.gov.au/travellers-eligible-to-apply-for-specified-worker-permit) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer;
- (55) **specified worker (multiple entry)** means a person employed or engaged to provide **specified work** in an occupation included in the **Specified Worker List – Multiple Entry**;
- (56) **specified worker (multiple entry) permit** has the meaning in clause 11(6);
- (57) **specified worker (single entry)** means a person employed or engaged to provide **specified work** in an occupation included in the **Specified Worker List – Single Entry**;
- (58) **specified worker (single entry) permit** has the meaning in clause 11(1);
- (59) **State** means a State in Australia (and otherwise has the meaning in the Australian Constitution);
- (60) **Territory** means a territory in Australia (and otherwise has the meaning in the Australian Constitution);
- (61) **transit permit** has the meaning in clause 10;
- (62) **vehicle** has the same meaning as in the **PHW Act**;

- (63) **very high risk exposure site** means a site in a State, a Territory or Green Zone Country:
- (a) assessed as very high risk for **SARS-CoV-2** transmission described:
    - (i) by a State, Territory, the Commonwealth of Australia or a Green Zone Country on the relevant government website, as amended from time to time; or
    - (ii) on the **Department's** website available at [www.coronavirus.vic.gov.au/victorian-border-crossing-permit](http://www.coronavirus.vic.gov.au/victorian-border-crossing-permit), as amended from time to time with the approval of the Chief Health Officer; and
  - (b) which is subject to:
    - (i) any public health order, public health directions, regulations or any other law made in order to limit the spread **SARS-CoV-2** currently in force in a State, Territory, the Commonwealth of Australia or a Green Zone Country; or
    - (ii) any **Directions currently in force**,  
requiring any persons who have been at the site at any time during the **very high risk period** to self-isolate or to self-quarantine (or equivalent) until a period of 14 days (or such longer period as may be directed) has elapsed from the time the persons had been at the site during the very high risk period;
- (64) **very high risk period** means the period of time in which a **very high risk exposure site** in a State, a Territory or Green Zone Country is assessed as very high risk for **SARS-CoV-2** transmission, as specified:
- (a) by a State, Territory, the Commonwealth of Australia or a Green Zone Country on the relevant government website, as amended from time to time; or
  - (b) on the **Department's** website available at [www.coronavirus.vic.gov.au/victorian-border-crossing-permit](http://www.coronavirus.vic.gov.au/victorian-border-crossing-permit), as amended from time to time with the approval of the Chief Health Officer;
- (65) **Victorian resident** means a person who ordinarily resides in Victoria;
- (66) **worker** has the meaning in the **Workplace Directions**;
- (67) **Workplace Directions** means the **Workplace Directions (No. 50)** as amended from time to time;
- (68) the following expressions have the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**:
- (a) **bus company**;
  - (b) **passenger transport company**;
  - (c) **public transport service**;
- (69) **zone commencement time** has the meaning in clause 4A(2).

## 17 Penalties

- (1) Section 210 of the PHW Act provides:
- False or misleading information**
- (1) A person must not –
- (a) give information that is false or misleading in a material particular; or
  - (b) make a statement that is false or misleading in a material particular; or
  - (c) produce a document that is false or misleading in a material particular –
- to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information.
- Penalty:           In the case of a natural person, 60 penalty units;  
                          In the case of a body corporate, 300 penalty units.

- (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading.  
 Penalty: In the case of a natural person, 60 penalty units;  
 In the case of a body corporate, 300 penalty units.
- (3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the charge for the accused to prove that at the time at which the offence is alleged to have been committed, the accused believed on reasonable grounds that the information, statement or document was true or was not misleading.
- (2) Section 203 of the PHW Act provides:

**Compliance with direction or other requirement**

- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.  
 Penalty: In the case of a natural person, 120 penalty units;  
 In the case of a body corporate, 600 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.
- (3) A person who fails to comply with these directions is liable for an on-the-spot fine of:
- (a) in the case of a natural person:
- (i) aged 18 years or older – 10 penalty units
  - (ii) aged 15 years or older but under the age of 18 years – 4 penalty units;
  - (iii) aged under 15 years – 1 penalty unit; or
- (b) in the case of a body corporate – 60 penalty units; or

*Note: it is intended that subclauses (a) and (b) are a reference to Item 74 of Table 2 of Schedule 8 of the **Public Health and Wellbeing Regulations 2019**. Item 74 establishes the infringement offence constituted by refusing or failing to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199 of the PHW Act. This includes a direction or requirement in relation to travelling from a green zone or orange zone and seeking to enter Victoria.*

- (c) if the contravention of these directions is constituted by refusing or failing to comply with a requirement to self-isolate or self-quarantine:
- (i) in the case of a person aged 18 years or older – 30 penalty units;
  - (ii) in the case of a child aged 15 years or older but under the age of 18 years – 5 penalty units;
  - (iii) in the case of a child under the age of 15 years – 1 penalty unit; or
- Note: it is intended that subclause (c) is a reference to Item 76 of Table 2 of Schedule 8 of the **Public Health and Wellbeing Regulations 2019**. Item 76 establishes the infringement offence constituted by a contravention of directions given under section 200(1) of the PHW Act by refusing or failing to comply with a requirement to self-isolate or self-quarantine.*
- (d) if the contravention of these directions is constituted by refusing or failing to comply with a requirement in relation to a person travelling from a restricted area and seeking to enter Victoria without a reasonable excuse or other valid reason or excuse, in the case of a natural person:
- (i) aged 15 years or older but under the age of 18 years – 5 penalty units;

- (ii) under the age of 15 years – 1 penalty unit;
- (iii) in any other case – 30 penalty units.

*Note: it is intended that subclause (d) is a reference to Item 79 of Table 2 of Schedule 8 of the **Public Health and Wellbeing Regulations 2019**. Item 79 establishes the infringement offence constituted by a contravention of directions given under section 200(1) of the PHW Act by refusing or failing to comply with a requirement in relation to a person travelling from a restricted area (however described) and seeking to enter Victoria without a reasonable excuse or other valid reason or excuse. For the purposes of Item 79, a red zone and an extreme risk zone are each a restricted area.*

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

Dated 23 September 2021

ASSOCIATE PROFESSOR N. DEBORAH FRIEDMAN  
Acting Chief Health Officer,  
as authorised to exercise emergency powers  
under section 199(2)(a) of the PHW Act

---

**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH  
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Hospital Visitor Directions (No. 37)**

I, Associate Professor N. Deborah Friedman, Acting Chief Health Officer, consider it reasonably necessary to eliminate or reduce the risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to sections 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

**1 Preamble**

- (1) The purpose of these directions is to prohibit non-essential visits and access to **hospitals** in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) within a particularly vulnerable population.
- (2) These directions replace the **Hospital Visitor Directions (No. 36)**.

**2 Citation**

- (1) These directions may be referred to as the **Hospital Visitor Directions (No. 37)**.
- (2) A reference in any other direction to the **Hospital Visitor Directions (No. 36)** is taken to be a reference to these directions.

**3 Revocation**

The **Hospital Visitor Directions (No. 36)** are revoked at 11:59:00 pm on 23 September 2021.

**3A Commencement**

The **Hospital Visitor Directions (No. 37)** commence at 11:59:00 pm on 23 September 2021 and end at 11:59:00 pm on 21 October 2021.

**4 Prohibition on entry**

- (1) A person must not enter, or remain at, a hospital in Victoria between (and including) 11:59:00 pm on 23 September 2021 and 11:59:00 pm on 21 October 2021 unless:
  - (a) the person is a **patient** of the hospital; or
  - (b) the person is a **worker** in relation to the hospital, as defined in clause 5; or
  - (c) the person is a visitor of a patient of the hospital; or
  - (d) the person is present in an area of the hospital in respect of which an exemption under clause 6 is in force.

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

*Excluded persons*

- (2) Despite subclause (1), a worker or a visitor to a patient, or a person referred to in subclause (1)(d) must not enter or remain at a hospital in Victoria between (and including) 11:59:00 pm on 23 September 2021 and 11:59:00pm on 21 October 2021 if:
  - (a) the person has been diagnosed with SARS-CoV-2, and has not yet been given, or taken to have been given, clearance from self-isolation under the **Diagnosed Persons and Close Contacts Directions**; or
  - (b) during the 14 days immediately preceding the entry, the person arrived in Australia from a place outside Australia other than a person arriving on a **quarantine-free flight** from an overseas location designated by the Australian Government as a **Green Zone Country**; or
  - (c) during the 14 days immediately preceding the entry, the person had known contact with a person who has been diagnosed with SARS-CoV-2; or

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

- (d) the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection; or
- (e) the person is aged under 16 years, other than in circumstances where:
  - (i) the person's presence at the hospital is for the purposes of **end of life** support for a patient; or
  - (ii) a patient has a life-threatening medical condition; and
  - (iii) the person aged under 16 years is a child, grandchild or sibling of the patient, or has a kinship relation to the patient; or
  - (iv) subclauses (9), (10), (13) or (14) apply; or
- (f) in the case of a visitor – the person has been tested for SARS-CoV-2 and has not yet received the results of that test.

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

*Hospital may permit certain excluded persons to visit*

- (3) Despite subclause (2), a person referred to in subclauses (2)(a) or (2)(e) may enter or remain at a hospital if:
  - (a) the person is:
    - (i) the **parent, carer or guardian** of the patient, or has temporary care of the patient, and the purpose of the visit is to breastfeed the patient; or
    - (ii) a person whose presence at the hospital is for the purposes of end of life support for a patient of the hospital; or
    - (iii) an immediate family member of a patient whose medical condition is life threatening; and
  - (b) the person is authorised to enter or remain at the hospital by:
    - (i) an officer of the hospital with the position of Executive Director of Nursing or equivalent; and
    - (ii) the Chief Health Officer or Deputy Chief Health Officer.

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

- (4) Despite subclause (2), a person referred to in subclauses (2)(b), (c) or (d) may enter or remain at a hospital if:
  - (a) the person is:
    - (i) the parent, carer or guardian of the patient, or has temporary care of the patient; or
    - (ii) the partner or support person of a pregnant patient of the hospital, and the purpose of the visit is to attend the birth of the patient's child; or
    - (iii) a person whose presence at the hospital is for the purposes of end of life support for a patient of the hospital; or
    - (iv) an immediate family member of a patient whose medical condition is life threatening; and

- (b) the person is authorised to enter or remain at the hospital by an officer of the hospital with the position of Executive Director of Nursing and Midwifery or equivalent.

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

- (5) A person permitted to enter or remain at a hospital under subclause (4) must comply with any directions or conditions imposed in relation to their visit by the officer of the hospital who authorised their visit under subclause (4)(b).
- (6) A person permitted to enter or remain at a hospital under subclause (3) must comply with any directions or conditions imposed in relation to their visit by either or both of:
- (a) the officer of the hospital who authorised their visit under subclause (3)(b)(i); and
- (b) the Chief Health Officer or the Deputy Chief Health Officer.
- (7) An officer of the hospital referred to in subclause (3)(b)(i) or subclause (4)(b) as the case may be, must keep, in relation to each person to whom they give authorisation under that subclause, a record of:
- (a) the contact details of the person; and
- (b) the date and time at which that person entered and left the hospital, for at least 28 days from the day the authorisation is given.

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

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

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

*Restrictions on visitors of patients (other)*

- (11) A person may visit a patient in a hospital if:
- (a) the person's presence at the hospital is for the purposes of providing essential care and support necessary for the patient's immediate emotional or physical wellbeing (including mental health support and support for people living with dementia); or
- (b) in the case of a patient of the hospital aged under 18 years – the person is the parent or guardian of the patient or has temporary care of the patient; or

- (c) in the case of a patient of the hospital who has a mental illness or is living with dementia – the person is the patient’s **nominated person** and the person’s presence at the hospital is for the purposes of matters relating to their role as nominated person; or
  - (d) the person’s presence at the hospital is for the purposes of providing interpreter or informal language support to enable the delivery of care by workers at the hospital; or
  - (e) the person’s presence at the hospital is for the purposes of the person learning to support the patient’s care upon the patient’s discharge; or
  - (f) in the case of a pregnant patient of the hospital whose status as a patient relates to the pregnancy – the person is the patient’s partner or support person; or
  - (g) in the case of a patient of the hospital who is in a maternity ward whose status as a patient relates to pregnancy or childbirth – the person is the patient’s partner or support person; or
  - (h) in the case of a patient of the hospital attending at the hospital’s emergency department – the person is accompanying the patient; or
  - (i) in the case of a patient of the hospital attending an outpatient appointment – the person is accompanying the patient.
- (12) Where a visitor under subclause (1)(c) is visiting for a purpose specified in subclause (11), the operator of a hospital in Victoria must not permit:
- (a) more than two visitors of a patient to enter or remain on the premises at any one time in relation to that patient; and
  - (b) more than two visitors of a patient to enter or remain on the premises per day in relation to that patient.
- (13) Where a visitor under subclause (1)(c) is visiting for a purpose specified in subclause (11), and is a carer, parent or guardian of a child or dependant, and they cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependent unattended so that they can attend the hospital without the child or dependent, then the child or dependent may accompany that person when attending the hospital, and the caps in subclauses (12)(a) and (12)(b) will not include that child or dependent.
- (14) Where a child or dependent visitor under subclause (1)(c) is visiting for a purpose specified in subclause (11), and the patient is the carer, parent or guardian of that child or dependant visitor, and the patient cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependent visitor unattended so that they can be present at the hospital without their child or dependent visitor, then their child visitor or dependent visitor may be present at the hospital, and the caps in subclauses (12)(a) and (12)(b) will not include that child or dependent visitor.

*Transitional provision – excluded persons exemption*

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

## 5 Definition of worker

- (1) A person is a **worker** in relation to a hospital if:
- (a) the person is an employee or **contractor** of the hospital or a student under the supervision of an employee or contractor of the hospital; or

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

## 6 Exemption power

- (1) The Chief Health Officer or the Deputy Chief Health Officer may, in writing, grant an exemption from these directions in respect of a specified area of a hospital if the Chief Health Officer or the Deputy Chief Health Officer, as the case requires, is satisfied, having regard to the need to limit the spread of SARS-CoV-2, that an exemption is appropriate due to:
  - (a) the nature of the area; or
  - (b) the existing limits on the number of people that may be present in the area (whether because of the operation of a direction under the PHW Act, or otherwise).

### *Transitional provision – area exemption*

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

## 7 Operator obligations

### *Operator to take all reasonable steps*

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

## 8 Definitions

For the purposes of these directions:

- (1) **area exemption** means an exemption granted by the Chief Health Officer or the Deputy Chief Health Officer under clause 6(1) of these directions or the equivalent provision in any **Revoked Hospital Visitor Directions**;
- (2) **contractor** in relation to a **hospital** means a person engaged as a contractor by the **operator** of the hospital in relation to the provision of health, medical or pharmaceutical services by the hospital;  
*Examples: visiting medical officers, locum doctors.*
- (3) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 27)** as amended or replaced from time to time;
- (4) **end of life** in relation to a **patient**:
  - (a) means a situation where the patient's death is expected within days (including periods of 28 days or less), or where the patient, with or without existing conditions, is at risk of dying from a sudden acute event;
  - (b) does not mean a situation where a patient has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the patient is expected to die within 12 months (except where the situation also falls within subclause (a));
- (5) **Green Zone Country** has the same meaning as in the **Victorian Border Crossing Permit Directions (No. 32)** as amended or replaced from time to time;
- (6) **hospital** means:
  - (a) a **public hospital**;
  - (b) a **denominational hospital**;
  - (c) a **multi-purpose service**;
  - (d) a **private hospital**;
  - (e) a **day procedure centre**;
- (7) **nominated person** in relation to a **patient** has the same meaning as in the **Mental Health Act 2014**;
- (8) **operator** of a **hospital** means a person who owns, controls or operates the hospital;
- (9) **parent, carer or guardian** in relation to a **patient** aged under 18 means an adult in a significant primary caring role, including biological, adoptive, or foster parents, kinship carers, step-parents and legal guardians;
- (10) **patient** of a **hospital** means a person who requests or is being provided with health, medical or pharmaceutical services by the hospital;
- (11) **quarantine-free flight** means a flight where no passenger on board is required to quarantine as a result of having been outside an Australian Government designated **Green Zone Country** in the 14 days prior to arrival in Victoria;
- (12) **Revoked Hospital Visitor Directions** means any of the previous Hospital Visitor Directions, as amended or replaced from time to time, which are no longer in force;
- (13) **Surveillance Testing Industry List and Requirements** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions**;
- (14) **worker** in relation to a hospital has the meaning given to it in clause 5;
- (15) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 46)** as amended or replaced from time to time;

- (16) the following expressions have the same meaning that they have in the **Disability Service Safeguards Act 2018**:
- (a) **disability**;
  - (b) **disability service**;
  - (c) **disability worker**;
- (17) the following expressions have the same meanings as they have in the **Health Services Act 1988**:
- (a) **day procedure centre**;
  - (b) **denominational hospital**;
  - (c) **multi-purpose service**;
  - (d) **public hospital**;
  - (e) **private hospital**.

## 9 Penalties

Section 203 of the PHW Act provides:

### **Compliance with direction or other requirement**

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

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

Dated 23 September 2021

ASSOCIATE PROFESSOR N. DEBORAH FRIEDMAN  
Acting Chief Health Officer,  
as authorised to exercise emergency powers  
under section 199(2)(a) of the PHW Act.

---

**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Care Facilities Directions (No. 46)**

I, Associate Professor N. Deborah Friedman, Acting Chief Health Officer, consider it reasonably necessary to eliminate or reduce the risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to sections 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

**1 Preamble**

- (1) The purpose of these directions is to make provision for restricted access to care facilities in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) within a particularly vulnerable population, balancing the need to limit the spread of SARS-CoV-2 against the broader responsibilities of care facilities to the physical, emotional and psychological wellbeing of their clients.
- (2) These directions replace the **Care Facilities Directions (No. 45)**.

**2 Citation**

- (1) These directions may be referred to as the **Care Facilities Directions (No. 46)**.
- (2) A reference in any other direction to the **Care Facilities Directions (No. 45)** is taken to be a reference to these directions.

**3 Revocation**

The **Care Facilities Directions (No. 45)** are revoked at 11:59:00 pm on 23 September 2021.

**4 Commencement**

The **Care Facilities Directions (No. 46)** commence at 11:59:00 pm on 23 September 2021 and end at 11:59:00 pm on 21 October 2021.

**5 Definition of care facility**

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

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

**6 Prohibition on entry**

- (1) A person must not enter, or remain on, the premises of a care facility between (and including) 11:59:00 pm on 23 September 2021 and 11:59:00 pm on 21 October 2021 unless:
  - (a) the person is a **resident** of the facility; or
  - (b) the person is a **worker** in relation to the facility, as defined in clause 7; or
  - (c) the person is a visitor of a resident of the facility; or
  - (d) the person is visiting as a prospective resident of the facility.

*Excluded persons*

- (2) Despite subclause (1), a person who is a worker in relation to the care facility or a visitor of a resident of the care facility or a prospective resident of the care facility, must not enter, or remain on, the premises of the facility between (and including) 11:59:00 pm on 23 September 2021 and 11:59:00 pm on 21 October 2021 if:
- (a) the person is required to self-isolate under the **Diagnosed Persons and Close Contacts Directions**; or
  - (b) the person is required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions**; or
  - (c) during the 14 days immediately preceding the entry, the person arrived in Australia from a place outside Australia other than a person arriving on a **quarantine-free flight** from an overseas location designated by the Australian Government as a **Green Zone Country**; or
  - (d) during the 14 days immediately preceding the entry, the person had known contact with a **confirmed case** (except in the course of their employment while wearing the appropriate level of personal protective equipment in the circumstances); or  
*Note: a person who has had known contact with a person who has been diagnosed with SARS-CoV-2 may also be required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions**.*
  - (e) the person has **SARS-CoV-2 Symptoms**; or  
*Note: for the purposes of these directions, SARS-CoV-2 Symptoms, including but not limited to acute respiratory infection (such as cough, shortness of breath, sore throat), loss of smell, and loss of taste do not include those symptoms where caused by an underlying health condition or medication.*
  - (f) in the case of a visitor – the person has been tested for SARS-CoV-2, and has not yet received the results of that test; or  
*Note: subclause (2)(f) does not include a person who is required to be tested for SARS-CoV-2 in accordance with the requirements of the **Surveillance Testing Industry List and Requirements**.*
  - (g) in the case of a visitor – the person is aged under 16 years, other than in circumstances where:
    - (i) the person's presence at the premises is for the purposes of **end of life** support for a resident of the facility; and
    - (ii) the person is a child, grandchild, sibling, or has a kinship relation to a resident; or
    - (iii) the person is the child or dependant of a visitor and the visitor cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependant unattended so that they can attend the care facility without the child or dependant.

*Certain excluded persons may be permitted to visit a care facility*

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

- (4) A person authorised to enter or remain at the care facility under subclause (3) must comply with any directions or conditions to which that authorisation is subject.
- (5) An officer of a care facility referred to in subclause (3)(b)(i), must keep, in relation to each person to whom they give authorisation under that subclause, a record of:
  - (a) the contact details of the person; and
  - (b) the date and time at which that person entered and left the care facility, for at least 28 days from the day the authorisation is given.

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

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

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

*Restrictions on visitors of residents (other)*

- (8) Subject to subclause (9), a person may enter, or remain on, the premises of the care facility if:
  - (a) the person's presence at the facility is for the purposes of providing care and support for the resident's physical or emotional wellbeing (including mental health support and support for people living with dementia); or  
*Note: this may include a person who is visiting to prevent harm to a person's mental or emotional health due to social isolation.*
  - (b) in the case of a resident of a facility aged under 18 years – the person is the parent or guardian of the resident or has temporary care of the resident; or
  - (c) in the case of a resident who has a mental illness or is living with dementia – the person is the resident's **nominated person** and the person's presence at the facility is for the purposes of matters relating to their role as nominated person; or
  - (d) the person's presence at the facility is for the purposes of providing interpreter or informal language support to enable the delivery of care by workers at the facility; or
  - (e) the person's presence at the facility is for the purpose of learning to support the resident's care upon the resident's discharge.
- (9) Where a visitor under subclause (1)(c) is visiting for purposes specified in subclause (8), the operator of a care facility in Victoria must not permit:
  - (a) more than two visitors of a resident to enter or remain on the premises at any one time in relation to that resident; and
  - (b) more than two visitors of a resident to enter or remain on the premises per day in relation to that resident.

- (10) Where a visitor under subclause (1)(c) is visiting for the purposes specified in subclause (8), and is a carer, parent or guardian of a child or dependant, and they cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependant unattended so that they can attend the care facility without the child or dependant, then the caps in subclauses (9)(a) and (b) will not include the child or dependant accompanying the person visiting the facility.

*Restrictions on visitors as prospective residents*

- (10A) In respect of a visitor under subclause (1)(d) who is visiting the facility as a prospective resident of the facility, the operator of the care facility must not permit:
- (a) any prospective resident who is an ordinary resident of the **Restricted Area** to enter or remain on the premises, unless the prospective resident is:
    - (i) an inpatient in acute hospitals awaiting discharge to care facilities (or, if the inpatient is unable to attend, a nominated person of the inpatient); or
    - (ii) a resident of a care facility that is due to close and who requires support to find alternative accommodation prior to the closure of the care facility; and
  - (b) more than one other person to accompany the prospective resident to enter or remain on the premises, and such other person:
    - (i) if the prospective resident is an ordinary resident of **Regional Victoria**, must be an ordinary resident of Regional Victoria (or if no person who is an ordinary resident of Regional Victoria is available to accompany the prospective resident, may be an ordinary resident of the Restricted Area); or
    - (ii) if the prospective resident is an ordinary resident of the Restricted Area, must be an ordinary resident of the Restricted Area (or if no person who is an ordinary resident of the Restricted Area is available to accompany the prospective resident, may be an ordinary resident of Regional Victoria); and
  - (c) more than one visit at the facility for this purpose at any one time.

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

*Transitional provision – excluded persons exemption*

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

**7 Definition of worker**

- (1) A person is a worker in relation to a care facility if:
- (a) the person is the operator of a care facility or an **employee or contractor** in relation to the care facility; or
  - (b) the person is a student under the supervision of an employee or contractor in relation to the care facility; or
  - (c) the person's presence at the premises of the care facility is for the purposes of providing goods or services that are necessary for the effective operation of the care facility, whether the goods or services are provided for consideration or on a voluntary basis; or
  - (d) the person's presence at the premises of the care facility is for the purposes of providing any of the following goods or services to a resident of the care

facility, whether the goods or services are provided for consideration or on a voluntary basis:

- (i) health, medical, or pharmaceutical goods or services; or
- (ii) behavioural support services; or
- (iii) functional and well-being support services; or
- (iv) other support services; or
- (e) in the case of a disability residential service or an eligible SDA enrolled dwelling – the person’s presence at the premises of the facility is for the purposes of providing treatment under a **treatment plan** to a resident of the facility, whether the treatment is provided for consideration or on a voluntary basis; or
- (f) in the case of a secure welfare service – the person’s presence at the premises of the facility is for the purposes of providing educational services to a resident of the facility, whether the goods or services are provided for consideration or on a voluntary basis; or
- (g) the person’s presence at the premises of the care facility is authorised or required for the purposes of emergency management, law enforcement, or the performance of a duty, function or power under a law.

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

## 8 Operator obligations

*Operator to take all reasonable steps*

- (1) The operator of a care facility in Victoria must take all reasonable steps to ensure that:
  - (a) a person does not enter or remain on the premises of the care facility if the person is prohibited from doing so by clause 6; and
  - (b) the care facility facilitates telephone, video or other means of electronic communication with the parents, guardians, partners, carers, support persons and family members of residents to support the physical, emotional and social wellbeing (including mental health) of residents.

*Visitor declarations*

- (2) The operator of a care facility in Victoria must require visitors in relation to the care facility to declare in writing at the start of each visit, but before entering any area of the care facility that is freely accessible to residents, whether the visitor:
  - (a) is free of SARS-CoV-2 Symptoms; and
 

*Note: for the purposes of these directions, SARS-CoV-2 Symptoms, including but not limited to acute respiratory infection (such as cough, shortness of breath, sore throat), loss of smell, and loss of taste do not include those symptoms where caused by an underlying health condition or medication.*
  - (b) has, in the preceding 14 days, been in contact with a confirmed case (except in the course of their employment while wearing the appropriate level of personal protective equipment in the circumstances); and
  - (c) is currently required to self-isolate or self-quarantine in accordance with the **Diagnosed Persons and Close Contacts Directions**.

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

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

## 9 Relationship with other Directions

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

## 10 Definitions

For the purposes of these directions:

- (1) **alcohol and drug residential service** means any of the following:
  - (a) a treatment centre within the meaning of the **Severe Substance Dependence Treatment Act 2010**;
  - (b) a residential treatment service (however described) that provides drug or alcohol withdrawal or rehabilitation services in a residential setting to people dependent on alcohol or other drugs;
  - (c) a service that provides supported accommodation to a person after the person has received residential treatment services of the kind referred to in subclause (b);
- (2) **Area Directions** means the **Area Directions (No. 20)** as amended or replaced from time to time;
- (3) **care facility** has the meaning in clause 5;
- (4) **confirmed case** means a person who has been diagnosed with **SARS-CoV-2** and includes the period of time prior to the diagnosis during which the confirmed case is considered infectious;

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

- (5) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 27)** as amended or replaced from time to time;
- (6) **disability residential service** means a residential service within the meaning of the **Disability Act 2006** and to avoid doubt, includes the facility called the Intensive Residential Treatment Program of the Statewide Forensic Service;

*Note: the Intensive Residential Treatment Program of the Statewide Forensic Service is often referred to as 'DFATS'.*

- (7) **eligible SDA enrolled dwelling** means a Specialist Disability Accommodation (SDA) enrolled dwelling that is provided under an SDA residency agreement within the meaning of section 498B of the **Residential Tenancies Act 1997**;
- (8) **employee or contractor** in relation to a **care facility**, means a person employed or engaged as a contractor by the operator of a care facility, and includes a person who **provides labour hire services** to the operator of a care facility;
- (9) **end of life**, in relation to a **resident**:
  - (a) means a situation where the resident's death is expected within days (including periods of 28 days or less), or where the resident, with or without existing conditions, is at risk of dying from a sudden acute event; and
  - (b) does not mean a situation where a resident has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the resident is expected to die within 12 months (except where the situation also falls within subclause (a));

- (10) **flexible care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (11) **Green Zone Country** has the same meaning as in the **Victorian Border Crossing Permit Directions**;
- (12) **homelessness residential service** means a service that is funded by government to provide a staffed residential service to people who are homeless or at risk of being homeless;
- (13) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 37)** as amended or replaced from time to time;
- (14) **nominated person** in relation to a **resident** has the same meaning as in the **Mental Health Act 2014**;
- (15) **operator of a care facility** means:
  - (a) for an **alcohol and drug treatment facility** – the operator of the facility;
  - (b) for a **homelessness residential service** – the entity that receives government funding to provide the service;
  - (c) for a **residential aged care facility** – the operator of the facility;
  - (d) for a **disability residential service** – the **disability service provider** that operates the service;
  - (e) for an **eligible SDA enrolled dwelling** – the disability service provider or the **registered NDIS provider** that operates the service;
  - (f) for a **short-term accommodation and assistance dwelling** – the **registered NDIS provider** or the disability service provider that operates the service;
  - (g) for a **secure welfare service** – the Secretary to the Department of Families, Fairness and Housing;
  - (h) for a **supported residential service** – the **proprietor** of the supported residential service;
  - (i) for the **Thomas Embling Hospital** – the **Victorian Institute of Forensic Mental Health**;
- (16) **proprietor** of a **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (17) **provides labour hire services** has the same meaning as in the **Labour Hire Licensing Act 2018**;
- (18) **quarantine-free flight** means a flight where no passenger on board is required to quarantine as a result of having been outside an Australian Government designated **Green Zone Country** in the 14 days prior to arrival in Victoria;
- (19) **Regional Victoria** has the same meaning as in the **Area Directions** as amended or replaced from time to time;
- (20) **registered NDIS provider** has the same meaning as in the **National Disability Insurance Scheme Act 2013** of the Commonwealth;
- (21) **resident** of a **care facility** includes a patient of the care facility;
- (22) **residential aged care facility** means premises at which accommodation and personal care or nursing care or both are provided to a person in respect of whom a **residential care subsidy** or a **flexible care subsidy** is payable under the **Aged Care Act 1997** of the Commonwealth;
- (23) **residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (24) **Restricted Area** has the same meaning as in the **Area Directions**;
- (25) **Revoked Care Facilities Directions** means any of the previous Care Facilities Directions, as amended or replaced from time to time, which are no longer in force;

- (26) **SARS-CoV-2 Symptoms** means symptoms consistent with **SARS-CoV-2**, including but not limited to the following:
- (a) a fever ( $\geq 37.5^{\circ}\text{C}$ ) or consistent fever of less than  $37.5^{\circ}\text{C}$  (such as night sweats or chills);
  - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
  - (c) loss of smell;
  - (d) loss of taste;
- (27) **secure welfare service** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (28) **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (29) **Surveillance Testing Industry List and Requirements** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions**;
- (30) the following expressions have the same meaning as they have in the **Disability Act 2006**:
- (a) **disability service provider**;
  - (b) **SDA enrolled dwelling**;
  - (c) **SDA provider**;
  - (d) **short-term accommodation and assistance dwelling**;
  - (e) **treatment plan**;
- (31) **Thomas Embling Hospital** means the hospital of that name operated by the **Victorian Institute of Forensic Mental Health**;
- (32) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 32)** as amended or replaced from time to time;
- (33) **Victorian Institute of Forensic Mental Health** has the same meaning as in the **Mental Health Act 2014**;
- (34) **worker** has the meaning in clause 7(1);
- (35) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 46)** as amended or replaced from time to time;
- (36) **Workplace Directions** means the **Workplace Directions (No. 50)** as amended or replaced from time to time.

## 11 Penalties

Section 203 of the PHW Act provides:

### Compliance with direction or other requirement

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

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

Dated 23 September 2021

ASSOCIATE PROFESSOR N. DEBORAH FRIEDMAN  
Acting Chief Health Officer,  
as authorised to exercise emergency powers  
under section 199(2)(a) of the PHW Act

**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Diagnosed Persons and Close Contacts Directions (No. 27)**

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

**1 Preamble**

- (1) The purpose of these directions is to require persons:
  - (a) diagnosed with severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) to self-isolate;
  - (b) who are living with a **diagnosed person**, or who have been in close contact with a diagnosed person, to self-quarantine, in order to limit the spread of SARS-CoV-2.
- (2) These directions replace the **Diagnosed Persons and Close Contacts Directions (No. 26)**.

**2 Citation**

These directions may be referred to as the **Diagnosed Persons and Close Contacts Directions (No. 27)**.

**3 Commencement and revocation**

- (1) These directions commence at 11:59:00 pm on 23 September 2021 and end at 11:59:00 pm on 21 October 2021.
- (2) The **Diagnosed Persons and Close Contacts Directions (No. 26)** are revoked at 11:59:00 pm on 23 September 2021.

**4 Self-isolation for diagnosed persons**

*Who is a diagnosed person?*

- (1) A person is a **diagnosed person** if the person:
  - (a) at any time between midnight on 25 March 2020 and 11:59:00 pm on 21 October 2021 has been informed that they have been diagnosed with SARS-CoV-2; and
  - (b) has not been given, or is not taken to have been given, **clearance from self-isolation** under clause 5.

*Requirement to self-isolate*

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

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

*Location of self-isolation*

- (3) A diagnosed person must self-isolate:
  - (a) if subclause (2)(a) applies, at the premises chosen by the person under subclause (4); or

- (b) if subclause (2)(b) applies, at the premises at which the person was required to reside under a **Revoked Isolation Direction**.
- (4) For the purposes of subclause (3)(a), the diagnosed person may choose to self-isolate at:
  - (a) a premises at which they ordinarily reside; or
  - (b) another premises that is suitable for the person to reside in for the purpose of self-isolation.

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

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

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

#### *Self-isolation period*

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

#### *Notifications by the diagnosed person*

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

## **5 Clearance from self-isolation**

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

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

## 6 Self-quarantine for close contacts

### *Who is a close contact?*

- (1) For the purposes of this clause, a person is a **close contact** if:
  - (a) an officer or nominated representative of the Department has made a determination under subclause (2) in relation to the person; and
  - (b) between midnight on 11 May 2020 and 11:59:00 pm on 23 September 2021, the person has been given notice of the determination in accordance with subclause (3).
- (2) For the purposes of subclause (1)(a), an officer or nominated representative of the Department may make a determination in relation to a person if the officer or nominated representative is satisfied, having regard to, and in accordance with, Departmental Requirements, that the person is a close contact for the purposes of the Departmental Requirements.

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

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

- (3) For the purposes of subclause (1)(b), the notice:
  - (a) must specify the time (including by reference to an event) at which the person will no longer be required to self-quarantine, having regard to Departmental Requirements; and  
*Example: the notice could specify that a person is no longer required to self-quarantine from 14 days after the last diagnosed person in their household has received clearance from self-isolation.*
  - (b) may be given orally or in writing, and, if given orally, must be confirmed in writing as soon as reasonably practicable; and
  - (c) is not required to be in a particular form.

### *Requirement to self-quarantine*

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

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

### *Location of self-quarantine*

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

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

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

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

### *End of self-quarantine period*

- (7) For the purposes of this clause, the period of self-quarantine ends:
  - (a) subject to subclauses (b) and (c), at the time specified in the notice given under subclause (1)(b) as given or as varied under subclause (10); or

- (b) if the notice given to the person under subclause (1)(b) is revoked under subclause (10), at the time that revocation takes effect; or
- (c) if the person becomes a diagnosed person following a test for SARS-CoV-2, when the diagnosis is communicated to the person.

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

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

*Exception – previous clearance*

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

*Review of determination and notice*

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

*Transitional provision – close contacts under Revoked Isolation Directions*

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

*Notifications by the close contact*

- (12) Immediately after choosing a premises under subclause (5), a close contact must notify the Department of:
  - (a) the address of the premises chosen by the close contact; and
  - (b) the name of any other person who is residing at the premises chosen by the close contact.
- (13) If, during the period that a close contact is self-quarantining at a premises for the purposes of clause 6, another person informs the close contact that they intend to commence residing at the premises chosen by the close contact:
  - (a) the close contact must inform the other person of their self-quarantine; and
  - (b) if the other person commences residing at the premises, the close contact must notify the Department that a person has commenced residing with the close contact and of the name of that person.

## 7 Testing of persons in self-quarantine

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

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

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

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

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

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

*Note 1: close contacts of diagnosed persons will be offered a test for SARS-CoV-2 on day 13 of their initial self-quarantine period, as testing at this time is likely to detect the presence of SARS-CoV-2 even if the person has not yet developed symptoms. As a person may be infectious for up to 14 days after the 14 day incubation period, if this test does not occur an authorised officer may give a further direction under section 200(1)(d) to extend the initial period of self-quarantine for an extended period of self-quarantine, being a period of up to 14 days. Such extended period of quarantine is required to prevent a person who develops SARS-CoV-2 towards the end of the 14 day incubation period, even if not symptomatic, transmitting SARS-CoV-2 to the broader community.*

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

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

## 8 Requirements of self-isolation and self-quarantine

- (1) This clause applies to a person who is required to:
  - (a) self-isolate at a premises under clause 4; or
  - (b) self-quarantine at a premises under clause 6.
- (2) The person identified in subclause (1):
  - (a) must reside at that premises for the entirety of the period of self-isolation or self-quarantine, as the case requires, except for any period that the person is admitted to a hospital or other facility for the purposes of receiving medical care; and
  - (b) must not leave the premises, except:
    - (i) for the purposes of obtaining medical care or medical supplies; or
    - (ii) for the purposes of getting tested for SARS-CoV-2; or
    - (iii) in any emergency situation; or
    - (iv) if required to do so by law; or
    - (v) for the purposes of visiting a patient in hospital if permitted to do so under the **Hospital Visitor Directions**; or
    - (vi) for the purposes of working in a **care facility** if permitted to do so under the **Care Facilities Directions**; and
  - (c) must not permit any other person to enter the premises unless:
    - (i) that other person:
      - (A) ordinarily resides at the premises; or
      - (B) is required to self-isolate or self-quarantine at the premises under these directions; or
    - (ii) it is necessary for the other person to enter for medical or emergency purposes; or
    - (iii) the other person is a **disability worker**, and it is necessary for the disability worker to enter for the purpose of providing a **disability service** to a person with a **disability**; or
    - (iv) it is necessary for the other person to enter for the purpose of providing personal care or household assistance to the person as a result of that person's age, disability or chronic health condition; or  
*Examples: personal care includes assistance with showering, toileting, eating; household assistance includes help with cooking, house cleaning, laundry and gardening.*
    - (v) the entry is otherwise required or authorised by law.
- (3) Subclause (2)(c) does not apply to a person who is a **resident** of a care facility.  
*Note: the **Care Facilities Directions** govern who can enter a care facility.*
- (4) Despite subclause (2)(a):
  - (a) a diagnosed person who is required to self-isolate; or
  - (b) a close contact who is required to self-quarantine,
 may apply under clause 9(6) to a **Director or Medical Lead of a designated Local Public Health Unit** for an exemption from the requirement to remain at the premises designated for the purposes of subclause (2)(a) and to move to an alternate premises for the remainder of their self-quarantine or self-isolation period.

- (5) Despite subclause (2)(a), a **healthcare worker** who is a close contact and required to self-quarantine, may apply to a Director or Medical Lead of a designated Local Public Health Unit for an exemption from the requirement to remain at the premises designated for the purposes of subclause (2)(a) and to return to work.

## 9 Exemption power

### *General exemption power*

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

### *Exemption power – alternate self-quarantine and self-isolation location*

- (5) A person is not required to comply with a requirement of these directions to remain at their designated:
- (a) self-isolation location pursuant to clauses 4(3) or 4(4); or
  - (b) self-quarantine location pursuant to clause 6(5),
- if the person is granted an exemption from that requirement under subclause (6).
- (6) A Director or Medical Lead of a Local Public Health Unit may exempt a person or group of persons from the requirements of clauses 4(3), 4(4) (location of self-isolation) or 6(5) (location of self-quarantine), if satisfied that an exemption from that requirement is appropriate having regard to the:
- (a) need to protect public health; and
  - (b) principles in sections 5 to 10 of the PHW Act, as appropriate.
- (7) An exemption under subclause (6) must:
- (a) be given, in writing, to the person the subject of the exemption; and
  - (b) specify the appropriate alternate self-isolation or self-quarantine location, that the person or group of persons must stay for the remainder of the self-isolation or self-quarantine period.
- (8) An exemption granted to a person under this clause does not prevent an authorised officer from exercising an emergency power to give the person a different direction or impose a different requirement on the person.

### *Exemption power – healthcare workers return to work*

- (9) A healthcare worker is not required to comply with a requirement of these directions to remain at their designated self-quarantine location pursuant to clause 6(5), if the person is granted an exemption from that requirement under subclause (10).
- (10) A Director or Medical Lead of a Local Public Health Unit may exempt a healthcare worker from the requirements of clause 6(5) (location of self-quarantine), if satisfied that an exemption from that requirement is appropriate having regard to the:
- (a) need to protect public health; and
  - (b) principles in sections 5 to 10 of the PHW Act, as appropriate.

- (11) An exemption under subclause (10) must:
- (a) be given, in writing, to the healthcare worker the subject of the exemption; and
  - (b) specify that the healthcare worker is no longer required to self-quarantine under clause 6(5) and may return to work.
- (12) An exemption granted to a healthcare worker under this clause does not prevent an authorised officer from exercising an emergency power to give the person a different direction or impose a different requirement on the person.

*Transitional provision – exemption*

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

## 10 Definitions

In these directions:

- (1) **authorised officer** has the same meaning as in the **PHW Act**;
- (2) **Care Facilities Directions** means the **Care Facilities Directions (No. 46)** as amended or replaced from time to time;
- (3) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (4) **clearance from self-isolation** has the meaning in clause 5(1);
- (5) **close contact** has the meaning in clause 6(1);
- (6) **Department** means the Victorian Department of Health;
- (7) **Departmental Requirements** means the document titled ‘Case and contact management guidelines for health services and general practitioners’ available at [www.dhhs.vic.gov.au/health-services-and-professionals-coronavirus-covid-19](http://www.dhhs.vic.gov.au/health-services-and-professionals-coronavirus-covid-19) as amended or reissued from time to time by the Victorian Government with the approval of the Chief Health Officer or a Deputy Chief Health Officer;
- (8) **designated Local Public Health Units** means:
  - (a) Western Public Health Unit;
  - (b) South Eastern Public Health Unit;
  - (c) North Eastern Public Health Unit;
  - (d) Barwon South West Public Health Unit;
  - (e) Grampians Wimmera Southern Mallee Public Health Unit;
  - (f) Loddon-Mallee Public Health Unit;
  - (g) (Hume) Goulburn Valley Public Health Unit;
  - (h) (Hume) Albury-Wodonga Public Health Unit;
  - (i) Gippsland Public Health Unit;
- (9) **diagnosed person** has the meaning in clause 4(1);
- (10) **Director or Medical Lead of a designated Local Public Health Unit** means a person with the title of Director or Medical Lead in a **designated Local Public Health Unit** who is authorised to exercise public health risk powers under section 199(2)(a) of the **PHW Act**;
- (11) **emergency powers** has the same meaning as in the **PHW Act**;
- (12) **employee** includes a person who is self-employed;
- (13) **employer** means a person who owns, operates or controls **Work Premises** (or a Work Premises) and includes a person who is self-employed;

- (14) **exemption** means an exemption granted by the Chief Health Officer or the Deputy Chief Health Officer, or a **Director or Medical Lead of a designated Local Public Health Unit** under clause 9(2), 9(6), 6(10) of these directions or the equivalent provision in any Revoked Isolation Direction;
- (15) **Expert Review Panel** means the group of public health specialists convened on an as-required basis to review the available medical, epidemiological and laboratory information for the purposes of clinical assessments, case review, close contact designations and to provide evidence-based advice to the Chief Health Officer and Deputy Chief Health Officer. The panel is comprised of experts from public health medicine, infectious disease, microbiology, epidemiology and Department of Health representatives from Intelligence, Case and Contact Outbreak Management and Pathology;
- (16) **healthcare worker** means a **worker** of a health service managed by a **designated Local Public Health Unit**;
- (17) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (18) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 37)** as amended or replaced from time to time;
- (19) **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;
- (20) **resident of a care facility** has the same meaning as in the **Care Facilities Directions**;
- (21) **Revoked Isolation Direction** means the following directions:
- (a) **Isolation (Diagnosis) Direction**, given on 25 March 2020;
  - (b) **Isolation (Diagnosis) Direction (No. 2)**, given on 13 April 2020;
  - (c) **Diagnosed Persons and Close Contacts Directions**, given on 11 May 2020;
  - (d) **Diagnosed Persons and Close Contacts Directions (No. 2)**, given on 31 May 2020;
  - (e) **Diagnosed Persons and Close Contacts Directions (No. 3)**, given on 21 June 2020;
  - (f) **Diagnosed Persons and Close Contacts Directions (No. 4)**, given on 1 July 2020;
  - (g) **Diagnosed Persons and Close Contacts Directions (No. 5)**, given on 15 July 2020;
  - (h) **Diagnosed Persons and Close Contacts Directions (No. 6)**, given on 19 July 2020;
  - (i) **Diagnosed Persons and Close Contacts Directions (No. 7)**, given on 22 July 2020;
  - (j) **Diagnosed Persons and Close Contacts Directions (No. 8)**, given on 3 August 2020;
  - (k) **Diagnosed Persons and Close Contacts Directions (No. 9)**, given on 13 August 2020;
  - (l) **Diagnosed Persons and Close Contacts Directions (No. 10)**, given on 16 August 2020;

- (m) **Diagnosed Persons and Close Contacts Directions (No. 11)**, given on 13 September 2020;
  - (n) **Diagnosed Persons and Close Contacts Directions (No. 12)**, given on 11 October 2020;
  - (o) **Diagnosed Persons and Close Contacts Directions (No. 13)**, given on 8 November 2020;
  - (p) **Diagnosed Persons and Close Contacts Directions (No. 14)**, given on 6 December 2020;
  - (q) **Diagnosed Persons and Close Contacts Directions (No. 15)**, given on 3 January 2021;
  - (r) **Diagnosed Persons and Close Contacts Directions (No. 16)**, given on 29 January 2021;
  - (s) **Diagnosed Persons and Close Contacts Directions (No. 17)**, given on 26 February 2021;
  - (t) **Diagnosed Persons and Close Contacts Directions (No. 18)**, given on 15 March 2021;
  - (u) **Diagnosed Persons and Close Contacts Directions (No. 19)**, given on 26 March 2021;
  - (v) **Diagnosed Persons and Close Contacts Directions (No. 20)**, given on 27 March 2021;
  - (w) **Diagnosed Persons and Close Contacts Directions (No. 21)**, given on 9 April 2021;
  - (x) **Diagnosed Persons and Close Contacts Directions (No. 22)**, given on 7 May 2021;
  - (y) **Diagnosed Persons and Close Contacts Directions (No. 23)**, given on 3 June 2021;
  - (z) **Diagnosed Persons and Close Contacts Directions (No. 24)**, given on 1 July 2021;
  - (aa) **Diagnosed Persons and Close Contacts Directions (No. 25)**, given on 29 July 2021;
  - (bb) **Diagnosed Persons and Close Contacts Directions (No. 26)**, given on 26 August 2021;
- (22) **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;
- (23) **worker** includes **employees**, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work;
- (24) the following expressions have the same meaning that they have in the **Disability Service Safeguards Act 2018**:
- (a) **disability**;
  - (b) **disability service**;
  - (c) **disability worker**.

**11 Penalties**

Section 203 of the PHW Act provides:

**Compliance with direction or other requirement**

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

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

Dated 23 September 2021

ASSOCIATE PROFESSOR N. DEBORAH FRIEDMAN  
Acting Chief Health Officer,  
as authorised to exercise emergency powers  
under section 199(2)(a) of the PHW Act.

---

**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Workplace (Additional Industry Obligations) Directions (No. 46)**

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

**1 Preamble**

- (1) The presence of a person with a positive diagnosis of Novel Coronavirus 2019 (**SARS-CoV-2**) at a **Work Premises** is considered to pose an immediate risk of transmission to persons who attend, or may attend, the Work Premises.
- (2) The purpose of these directions is to establish additional specific obligations on **employers** and **workers** in specific industries in relation to managing the risk associated with SARS-CoV-2.
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions are intended to supplement any obligations an employer may have under the **OHS Act** and the **Workplace Directions** and are not intended to derogate from any such obligations.
- (5) These directions replace the **Workplace (Additional Industry Obligations) Directions (No. 45)**.

**2 Citation**

These directions may be referred to as the **Workplace (Additional Industry Obligations) Directions (No. 46)**.

**3 Revocation**

The **Workplace (Additional Industry Obligations) Directions (No. 45)** are revoked at 11:59:00 pm on 23 September 2021.

**4 Commencement**

These directions commence at 11:59:00 pm on 23 September 2021 and end at 11:59:00 pm on 4 October 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;**
  - (o) **schools;**
  - (p) **childcare or early childhood education services.**
- (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, unless these directions indicate otherwise.
- (3) The **daily peak workforce capacity** is the daily average of the highest number of workers at the Work Premises each day calculated over the period of:
- (a) August 2021; or
  - (b) any three consecutive months in the last 12 months.
- (4) The **daily total workforce capacity** is the daily average of the total number of workers at the Work Premises each day over the period of:
- (a) August 2021; or
  - (b) any three consecutive months in the last 12 months.

*Example 1:*

*On one day, a distribution business had workers working over two shifts:*

*(a) 6:00 am to 2:00 pm: 120 workers*

*(b) 12:00 pm to 8:00 pm: 150 workers*

*During the crossover of the two shifts, the business had 270 workers working at the Work Premises at any one time – this is the daily peak workforce capacity on this day. Over the two shifts, the Work Premises had 270 workers in total – this is the daily workforce capacity on this day.*

*The same calculation is undertaken for each day of either August 2021 or any continuous three month (13 week) consecutive period in the last 12 months. These figures are then averaged over the period to calculate the daily peak workforce capacity and the daily total workforce capacity over the period.*

*Example 2:*

*On one day, a meat processing business had people on the Work Premises, including **employees**, contractors and labour hire, working over three shifts with no cross-over of workers:*

*(a) 4:00 am to 10:00 am: 120 workers*

*(b) 10:30 am to 4:30 pm: 100 workers*

*(c) 5:00 pm to 11:00 pm: 80 workers*

*The daily peak workforce capacity on this day is 120 workers. Over the three shifts, the business had 300 workers working in total – this is the daily total workforce capacity on this day.*

## 6 General Obligations

- (1) This clause 6 does not apply to schools, childcare or early childhood education services, 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 schools, childcare or early childhood education services, 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, schools, childcare or early childhood education services, care facilities, hospitals and ports of entry); and
 

*Note: the exception of schools, childcare or early childhood education services, care facilities, hospitals and/or ports of entry from the requirements in subclause (1)(a) does not exempt schools, childcare or early childhood education services, 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*

- (2) In relation to a Work Premises that is an abattoir, meat processing facility, poultry processing facility or seafood processing facility, an employer must 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):
- (a) developing separate shifts in a way that minimises physical interactions between groups of workers attending different shifts;
  - (b) separating workers into work areas;
  - (c) dividing work areas up further into separate teams;
  - (d) providing separate break areas for the separate teams;
  - (e) requiring teams to use separate entrances and exits from other teams;
  - (f) where workers are from the same household, ensuring they work in the same shift and work area.
- (2A) In relation to a Work Premises that is an abattoir, meat processing facility, poultry processing facility, seafood processing facility, warehousing and distribution centre, supermarket Work Premises, or a perishable food Work Premises, an employer must:
- (a) 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) where applicable, compliance with the requirements of subclause (2)(a); and
  - (b) for a Work Premises in Metropolitan Melbourne, 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.

*Note: the requirements in subclause (2A) apply to all supermarket, perishable food, warehousing and distribution facilities in Metropolitan Melbourne, not just chilled facilities.*

*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 ensure that all workers at the Work Premises wear the appropriate level of **personal protective equipment**:
- (a) to carry out the functions of the worker's role; and
  - (b) to mitigate the introduction of SARS-CoV-2 at the Work Premises including (but not limited to):

- (i) at a minimum, wearing a surgical face mask; and
  - (ii) 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)(b)(i) unless an exception pursuant to clause 5(20)(e), (g) – (i), (r) – (t), or (x) – (aa) of the **Stay at Home Directions (Restricted Areas)** or clause 5(9)(e), (g) – (i), (r) – (t), or (x) – (aa) of the **Stay Safe Directions (Regional Victoria)** applies in respect of a worker, in which case the employer is exempted from requiring that worker to wear a **face covering**.*

*Note 2: the exception from the requirement to wear a face covering pursuant to clause 5(20)(j) of the **Stay at Home Directions (Restricted Areas)** or clause 5(9)(j) of the **Stay Safe Directions (Regional Victoria)** does not apply to a worker at a Work Premises that is an abattoir, meat processing facility, poultry processing facility or seafood processing facility whilst working at the Work Premises in Victoria.*

- (3A) An employer may only operate a facility that is a poultry processing facility in Metropolitan Melbourne if it reduces the daily peak workforce capacity and daily total workforce capacity for that Work Premises by 10 percent or to 25 workers, whichever is higher.
- (3B) An employer may only operate a Work Premise that is an abattoir or meat processing facility in Metropolitan Melbourne if it reduces the daily peak workforce capacity and the daily total workforce capacity by 20 percent or to 25 workers, whichever is higher.
- (3C) An employer may only operate a facility that is a seafood processing facility in Metropolitan Melbourne if it reduces the daily peak workforce capacity and the daily total workforce capacity by 20 percent or to 40 workers, whichever is higher.
- (3D) The **Chief Veterinary Officer** may grant an exemption in writing to the requirements of subclause (3A), (3B) or (3C). An exemption may only be granted where there are unavoidable animal welfare impacts that arise from workforce reductions.
- (3E) Where there is a risk to food supply as a result of the requirements in subclauses (3A), (3B) or (3C), the Chief Executive Officer of Agriculture Victoria or the Deputy Secretary of the Department of Jobs, Precincts and Regions responsible for food supply and logistics may make a recommendation to the Chief Health Officer in writing that an exemption be granted, including any conditions on that exemption, to the requirements of subclause (3A), (3B) or (3C).
- (3F) Upon receiving a recommendation pursuant to subclause (3E), the Chief Health Officer may grant an exemption, including any conditions on that exemption, in writing to the requirements of subclauses (3A), (3B) or (3C), 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.

*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(20)(e), (g) – (i), (r) – (t), or (x) – (aa) of the **Stay at Home Directions (Restricted Areas)** 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(20)(j) of the **Stay at Home Directions (Restricted Areas)** 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(20)(e), (g) – (i), (r) – (t), or (x) – (aa) of the **Stay at Home Directions (Restricted Areas)** 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(20)(j) of the **Stay at Home Directions (Restricted Areas)** 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(20)(e), (g) – (i), (r) – (t), or (x) – (aa) of the **Stay at Home Directions (Restricted Areas)** or clause 5(9)(e), (g) – (i), (r) – (t), or (x) – (aa) of the **Stay Safe Directions (Regional Victoria)** applies in respect of a care facility worker in relation to a care facility, then the employer is exempted from requiring that care facility worker to wear a face covering.

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

*Note: the exception from the requirement to wear a face covering pursuant to clause 5(20)(j) of the **Stay at Home Directions (Restricted Areas)** or clause 5(9)(j) of the **Stay Safe Directions (Regional Victoria)** does not apply to care facility workers whilst working in a care facility in Victoria.*

- (15) If a care facility worker is working at more than one Work Premises for two or more different employers:
- (a) the care facility worker must provide a written declaration to each employer to advise them that the worker is working at more than one Work Premises and must provide details of the other Work Premises to each employer; and
- (b) each employer must maintain a record of all care facility workers who have disclosed to the employer under subclause (15)(a) that they are working across more than one Work Premises.
- (16) An employer in relation to a Work Premises that is a care facility in Victoria must require care facility workers in relation to the care facility to declare in writing at the start of each shift that the worker:
- (a) is free of **SARS-CoV-2 Symptoms**; and
- Note: for the purposes of these directions, SARS-CoV-2 Symptoms, including but not limited to acute respiratory infection (such as cough, shortness of breath, sore throat); loss of smell; and loss of taste do not include those symptoms where caused by an underlying health condition or medication.*
- (b) has, in the preceding 14 days, not been in contact with a **confirmed case** (except in the course of their duties while wearing appropriate personal protective equipment); and
- (c) is not currently required to **self-isolate** or **self-quarantine** under the **Diagnosed Persons and Close Contacts Directions**.

- (17) Despite clause 6(1)(b) of the **Care Facilities Directions**, an employer in relation to a Work Premises that is a care facility in Victoria must not permit an employee or contractor to enter the care facility where:
- (a) the employee or contractor has, on or after 4 October 2020, worked at another care facility; and
  - (b) at the time the employee or contractor worked at that other care facility, a confirmed case was present at that other facility,
- unless:
- (c) at least 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.

*Note: interacting with the 'environment' within the international port of entry refers to handling items and/or using or being in communal facilities (such as toilets, waiting areas and seating) that have been used by or are being used by international passengers and crew (excluding international passengers and crew entering Victoria from a Green Zone Country). It also refers to boarding or*

*entering a vessel, ship or aircraft where international passengers and crew (excluding international passengers and crew entering Victoria from a Green Zone Country) are or have been.*

- (21) Despite subclause (20), a port of entry worker does not include any worker who works in an international departures area of an airport.
- (22) In relation to a Work Premises that is a port of entry Work Premises servicing international arrivals, an employer must:

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

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

- (g) test the temperature of each port of entry worker each day before they enter the Work Premises and, if the port of entry worker's temperature is 37.5°C or more, direct the port of entry worker to:
  - (i) leave the Work Premises immediately; and
  - (ii) be tested for SARS-CoV-2; and
  - (iii) self-isolate until a negative test result is received.
- (23) Subclauses (22)(b) and (22)(c) do not apply to the following port of entry workers:
  - (a) administrative support service workers;
  - (b) truck drivers;
  - (c) tugboat crew;
  - (d) stevedores;
  - (e) office workers at freight terminals;
  - (f) airport baggage handlers and airport cargo handlers;
  - (g) aircraft engineers.

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

#### *Hotel quarantine*

- (24) Any worker in relation to a hotel quarantine Work Premises should provide the Department with the following details:
  - (a) of the worker:
    - (i) the worker's name, contact number and address; and
  - (b) of any person with whom they ordinarily reside:
    - (i) the person's first name;
    - (ii) a contact phone number;
    - (iii) the person's workplace(s), including address;
    - (iv) if the person attends school, the name and address of the school.
- (25) In relation to a Work Premises that is a hotel quarantine Work Premises, an employer must:
  - (a) require workers to declare in writing at the start of each shift that the worker:
    - (i) is free of SARS-CoV-2 Symptoms; and
    - (ii) has, in the preceding 14 days, not been in contact with a confirmed case (except in the course of their duties while wearing appropriate personal protective equipment, where relevant); and
    - (iii) is not currently required to self-isolate or self-quarantine under the **Diagnosed Persons and Close Contacts Directions**; 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**.

*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.*

*Australian Air Transport Services (Passenger)*

- (37) 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 (37)(a).

*Construction sites*

- (38) An employer must not operate a Work Premises that is a construction site, including a **critical and essential infrastructure** site, in the Restricted Area, unless:
- (a) a worker is required to attend the Work Premises to make a site which has or is to be shut down safe and secure, respond to an emergency or is required to perform urgent and essential work to protect the health and safety of workers or members of the public, or to protect assets and infrastructure, provided that the worker is only permitted to enter and remain upon the Work Premises for the period of time necessary to respond to those circumstances and the workers cannot be sourced from within the same area in a timely manner; or
  - (b) the Work Premises is a **Fully Exempt State Critical Infrastructure Project**.
- (39) For Fully Exempt State Critical Infrastructure Projects, an employer may permit a worker who:
- (a) ordinarily or temporarily resides in Regional Victoria to work at a Fully Exempt State Critical Infrastructure Project in the Restricted Area; and
  - (b) ordinarily or temporarily resides in the Restricted Area to work at a Fully Exempt State Critical Infrastructure Project in Regional Victoria.
- (40) In relation to a Work Premises that is a construction site, including a **critical and essential infrastructure** site, which is permitted to operate in Regional Victoria or pursuant to subclause (38) or (39), an employer must:
- (a) comply with the requirements in the **Workplace Directions** including:
    - (i) subject to subclauses (42), (43) and (46), 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 three 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); and
  - (d) not permit a worker to consume food or drink together indoors on a construction site including in a crib room, lunch room or tea room except for water or if required due to medical reasons; and
  - (e) 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
  - (f) arrange operations at Work Premises that are construction sites, so as to have construction workers working consistently with the same group of other construction workers where reasonably practicable, including (but not limited to):
    - (i) developing separate shifts in a way that minimises physical interactions between groups of construction workers attending different shifts;
    - (ii) separates construction workers into work areas;
    - (iii) dividing work areas up further into separate teams;
    - (iv) providing separate break areas and separate break times for the separate teams;
    - (v) requiring teams to use separate entrances and exits from other teams;
    - (vi) where construction workers are from the same household, ensuring they work in the same shift and work area; and
  - (g) except in relation to Fully Exempt State Critical Infrastructure Projects, not permit a worker who:
    - (i) is an **ordinary resident of the Restricted Area** or a **temporary resident of the Restricted Area** to work at a construction site in Regional Victoria; and
    - (ii) who ordinarily or temporarily resides in Regional Victoria to work at a construction site in the Restricted Area;except in relation to:
    - (iii) a worker who is required to attend the Work Premises to respond to an emergency or is required to perform urgent and essential work to protect the health and safety of workers or members of the public, or to protect assets and infrastructure, provided that the worker is only permitted to enter and remain upon the Work Premises for the period of time necessary to respond to those circumstances and the workers cannot be sourced from within the same area in a timely manner.
- (41) The Chief Health Officer may grant an exemption in writing to the requirements of subclause (40)(g)(i) and (ii).
- (42) An employer must not operate a Work Premises that is a small-scale construction site with more than five workers (excluding the site supervisor) at any one time.

- (43) An employer may only operate a Work Premises that is an **early stage land development site** if there are 10 workers (or fewer) per hectare on the Work Premises at any one time.
- (44) For an early stage land development site 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.
- (45) In relation to an early stage land development site 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.
- (46) An employer must not operate a large-scale construction site in excess of 25 percent of the large-scale construction baseline daily workforce or five 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) **Area Directions** means the **Area Directions (No. 20)** as amended or replaced from time to time;
- (6) **Australian air transport operator** has the same meaning as in the **Civil Aviation Safety Amendment (Part 119) Regulations 2018** of the Commonwealth;
- (7) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (8) **Border Directions** means the **Victorian Border Crossing Permit Directions (No. 32)** as amended or replaced from time to time;
- (9) **Care Facilities Directions** means the **Care Facilities Directions (No. 46)** as amended or replaced from time to time;
- (10) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (11) **care facility worker** has the same meaning as ‘worker’ in clause 7(1) of the **Care Facilities Directions**;
- (12) **Chief Veterinary Officer** means the chief veterinary officer of the Department of Jobs, Precincts and Regions;

- (13) **childcare or early childhood education 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 Act 2010** and the **Education and Care Services National Regulations 2011** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services;
- (14) **cleaned** has the same meaning as in the **Workplace Directions**;
- (15) **commercial cleaning services** means a business that provides cleaning and sanitisation services to commercial **premises**;
- (16) **commercial passenger vehicle services** has the meaning given in section 4 of the **Commercial Passenger Vehicle Industry Act 2017**;
- (17) **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).*
- (18) **construction site** means a Work Premises at which civil works, building or construction activities take place;
- (19) **COVID Marshal** has the meaning in clauses 7(2A)(b), 7(22)(b), 7(25)(b), 7(31)(a), 7(40)(e) (as the case may be);
- (20) **COVID streaming area** means any patient treatment area 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;
- (21) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (22) **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) activities deemed by the Victorian Government from time to time as **Fully Exempt State Critical Infrastructure Projects**; or
  - (d) construction for the purposes of national security or defence;
- (23) **density quotient** has the same meaning as in the **Workplace Directions**;
- (24) **Department** means the Department of Health;
- (25) **Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (26) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 27)** as amended or replaced from time to time;
- (27) **Directions currently in force** has the same meaning as in the **Workplace Directions**;

- (28) **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);
- (29) **employee** includes a person who is self-employed;
- (30) **employer** means a person who owns, operates or controls a **Work Premises** and includes a person who is self-employed or a sole-trader;
- (31) **face covering** has the same meaning as in the **Workplace Directions**;
- (32) **Fully Exempt State Critical Infrastructure Project** means a project listed in the ‘Fully Exempt State Critical Infrastructure Projects List’ as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer;
- Note: the Fully Exempt State Critical Infrastructure Projects list is available at [www.coronavirus.vic.gov.au/coronavirus-sector-guidance-construction#state-critical-infrastructure-list](http://www.coronavirus.vic.gov.au/coronavirus-sector-guidance-construction#state-critical-infrastructure-list) as amended from time to time by the Victorian Government.*
- (33) **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-travel-and-restrictions/coronavirus-covid-19-advice-for-international-travellers#travel-zones](http://www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert/coronavirus-covid-19-travel-and-restrictions/coronavirus-covid-19-advice-for-international-travellers#travel-zones) as amended or replaced from time to time by the Victorian Government.*
- (34) **high-risk hospital Work Premises** means any **hospital** ward treating a **confirmed case** or cases of SARS-CoV-2;
- (35) **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**;
- (36) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (37) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 37)** as amended or replaced from time to time;
- (38) **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;
- (39) **inspector** has the same meaning as in the **OHS Act**;
- (40) **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 m<sup>2</sup> 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 7(44)(b) or (45);

*Note 1: 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.*

*Note 2: the project lifecycle commences from the date of on-site mobilisation and ends at handover.*

- (41) **meat processing facility** has the meaning under the PrimeSafe licence category ‘further meat processing facilities’;
- (42) **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**;
- (43) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (44) **outbreak** means:
  - (a) a single **confirmed case** of **SARS-CoV-2** in a resident, staff member or frequent attendee of a residential aged **care facility**; or
  - (b) two or more epidemiologically linked cases outside of a household with symptom onset within 14 days;

*Note: transmission within one household does not constitute an outbreak but will become part of an outbreak response if linked to a high priority setting. In some circumstances, the Department may identify other settings that are sensitive and where a single confirmed case will trigger an outbreak response. Relevant parties will be informed if this occurs. Determining whether a person is a frequent or infrequent visitor may be based on frequency of visits, time spent in the setting, and number of contacts within the setting.*
- (45) **ordinary resident of the Restricted Area** has the same meaning as in the **Stay at Home Directions (Restricted Areas)**;
- (46) **perishable food Work Premises** means a **Work Premises** that is predominantly a perishable food facility that is a chilled distribution facility;
- (47) **personal protective equipment** has the same meaning as in the **Occupational Health and Safety Regulations 2017**;
- (48) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (49) **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**;
- (50) **port of entry** means a **port** or **airport**;
- (51) **port of entry worker** has the meaning in clause 7(20);
- (52) **poultry processing facility** has the meaning under the PrimeSafe licence category ‘poultry meat processing facilities’;
- (53) **premises** has the same meaning as in the **PHW Act**;
- (54) **reasonably practicable** is to have its ordinary and common sense meaning;
- (55) **Restricted Area** has the same meaning as in the Area Directions;
- (56) **SARS-CoV-2 Symptoms** has the same meaning as in the **Workplace Directions**;
- (57) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (58) **seafood processing facility** has the meaning under the PrimeSafe licence category ‘seafood processing facilities’;
- (59) **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;

- (60) **seasonal Work Premises** means a farm or workplace where **seasonal horticultural work** is undertaken;
- (61) **seasonal worker** means a **worker** temporarily employed or engaged to perform **seasonal horticultural work** at **seasonal Work Premises**;
- (62) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (63) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (64) **small-scale construction site** means a construction site other than a large-scale construction site or an early stage land development site;
- (65) **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;
  - (kk) earthworks and drainage specialists;
  - (ll) flora and fauna specialists;
  - (mm) garage door installers;
  - (nn) gas contractors;
  - (oo) geotechnical specialists;
  - (pp) heritage and cultural heritage specialists;
  - (qq) retaining wall specialists;
  - (rr) sewer contractors;
  - (ss) telecommunications installers;
  - (tt) traffic engineers;
- (66) **State Critical Infrastructure Projects** means projects listed in the ‘State Critical Infrastructure Projects List’ for Regional Victoria and the Restricted Area as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer;
- Note: the State Critical Infrastructure Projects List is available at [www.coronavirus.vic.gov.au/coronavirus-sector-guidance-construction#state-critical-infrastructure-list](http://www.coronavirus.vic.gov.au/coronavirus-sector-guidance-construction#state-critical-infrastructure-list) as amended from time to time by the Victorian Government.*
- (67) **Stay at Home Directions (Restricted Areas)** means the **Stay at Home Directions (Restricted Areas) (No. 23)** as amended or replaced from time to time;
- (68) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 10)** as amended or replaced from time to time;
- (69) **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;
- (70) **supermarket Work Premises** means the total of all **supermarket** distribution facilities;
- (71) **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](http://www.dhhs.vic.gov.au/surveillance-testing-industry-list-covid-19) as amended from time to time by the Victorian Government.*
- (72) **temporary resident of the Restricted Area** has the same meaning as in the **Stay at Home Directions (Restricted Areas)**;
- (73) **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.*
- (74) **Workplace Directions** means the **Workplace Directions (No. 50)** as amended or replaced from time to time;
- (75) **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.*
- (76) **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 23 September 2021

ASSOCIATE PROFESSOR N. DEBORAH FRIEDMAN  
 Acting Chief Health Officer,  
 as authorised to exercise emergency powers  
 under section 199(2)(a) of the PHW Act.

**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH  
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Workplace Directions (No. 50)**

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

**1 Preamble**

- (1) The presence of a person with a positive diagnosis of 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. 49)**.

**2 Citation**

These directions may be referred to as the **Workplace Directions (No. 50)**.

**3 Revocation**

The **Workplace Directions (No. 49)** are revoked at 11:59:00 pm on 23 September 2021.

**4 Commencement**

These directions commence at 11:59:00 pm on 23 September 2021 and end at 11:59:00 pm on 21 October 2021.

**5 Operation of a Work Premises**

- (1) An employer in respect of a Work Premises in the **Restricted Area**:
  - (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 (Restricted Areas)**; 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 (8) applies); or
      - (B) is permitted to perform work at the Work Premises under the **Stay at Home Directions (Restricted Areas)** or the **Restricted Activity Directions (Restricted Areas)**; 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 (Restricted Areas)**, the **Workplace (Additional Industry Obligations) Directions** and all other Directions currently in force where they apply to that employer.

- (2) An employer in respect of a Work Premises in **Regional Victoria**:
- (a) may permit workers to perform work from the employer's Work Premises if:
- (i) 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) in respect of a worker that ordinarily resides in the Restricted Area, the worker:
    - (A) is an Authorised Worker; and
    - (B) 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 (8) applies); and
    - (C) is permitted to perform work at the Work Premises under the **Stay at Home Directions (Restricted Areas)** or the **Restricted Activity Directions (Restricted Areas)**; 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 (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 (Restricted Areas)** permit a person who ordinarily resides in the Restricted Area to leave the premises at which they ordinarily reside to attend work in Regional Victoria or the Restricted Area 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 at Home Directions (Restricted Areas)**, 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.

- (3) An employer in respect of a Work Premises in the Restricted Area or Regional Victoria:
- (a) prior to permitting a worker to perform work at the employer's Work Premises under subclause (1)(a), (1)(b) or (2)(a)(ii), must:
- (i) issue a worker with an Authorised Worker Permit that meets the requirements in subclause (7); 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; and

*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, or is a Victorian resident and cannot obtain an Authorised Worker Permit because their employer's Work Premises is outside the State of Victoria, 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.*

- (b) must issue a worker with an Authorised Worker Permit that meets the requirements in subclause (7) if requested by an Authorised Worker or a worker who works for an Authorised Provider for the purpose of accessing childcare or early childhood services; and
- (c) must keep a record of all Authorised Worker Permits issued under these directions; and
- (d) must, on request, produce the records under subclause (7)(e) to an **Authorised Officer**, a Victorian police officer or a Protective Services Officer.
- (4) Where an employer permits or requires work to be performed at a Work Premises, the employer must comply with clauses 6 to 8.
- (5) Workers must not attend a Work Premises if they have been tested for SARS-CoV-2 because they are symptomatic whilst awaiting the result of that test (excluding where a worker is awaiting results of a test taken in accordance with a surveillance testing obligation under the **Workplace (Additional Industry Obligations) Directions**).
- (6) A worker:
- (a) who resides or works in the Restricted Area:
- (i) must not enter, or remain at, a Work Premises to perform work if they do not hold a current Authorised Worker Permit; and
- (ii) 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 1: a person may carry either a hardcopy or an electronic copy (or both) of the Authorised Worker Permit.*

*Note 2: a person can use an Authorised Worker Permit issued under a previous iteration of these Directions, provided that the permit was issued in 2021 and that the details contained in the permit remain true and correct.*

- (b) must 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*

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

(a) be in the approved form; and

*Note: the approved Authorised Worker Permit form is available at <https://www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-permit> as amended from time to time by the Victorian Government.*

(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;

(ii) the employer's ABN and/or ACN;

(iii) the employer's company address;

(iv) the employer's trading name;

(v) in the case of a worker attending a Work Premises, 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;

(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) in the case of a worker attending a Work Premises, 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*

- (8) A worker who resides or works in the Restricted Area 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 dependent 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.*

- (9) Subject to subclause (10), 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.
- (10) The persons listed in subclause (9) 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 (9) 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(20)(e) of the **Stay at Home Directions (Restricted Areas)** or subclause 5(20)(e) the **Stay Safe Directions (Regional Victoria)**, as applicable, applies; 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(20) of the **Stay at Home Directions (Restricted Areas)** or subclause 5(20) the **Stay Safe Directions (Regional Victoria)**, as applicable, applies.

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

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

*COVIDSafe Plan*

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

- (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) subject to subclause (13), in relation to members of the public using public transport or at a stop or station for passenger services of a public transport service; or
  - (j) subject to subclause (13), in relation to a **tour and charter bus service**, except in relation to workers operating or delivering the tour and charter bus service; or;

- (k) 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
  - (l) 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) 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.*

- (j) a **school bus**; or

- (k) 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 (Restricted Areas)** or clause 7(20) (*accommodation facilities*) of the **Restricted Activity Directions (Regional Victoria)** as applicable, 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.

- (12A) A person to whom clause 7(5)(b) (*playgrounds*) of the **Restricted Activity Directions (Restricted Areas)** or clause 6(1) (*playgrounds*) of the **Restricted Activity Directions (Regional Victoria)** applies must:

- (a) use reasonable efforts to comply with subclauses (6) and (7)(a); and
- (b) prominently display signage so that members of the public can record their attendance at the playground using the Victorian Government QR code system.

*Note 1: a person will have complied with subclause (12A) if they display signage at all entrances to the playground, if applicable.*

*Note 2: a person will not contravene subclause (12A) where weather or vandalism has resulted in the removal or destruction of signage that allows members of the public to record their details using the Victorian Government QR code system provided that signage is replaced as soon as practicable after it is removed or destroyed.*

*Note 3: a person to whom subclause (12A) applies is not required to provide an alternative means of recording attendance at a playground for persons that do not have access to a personal mobile phone or other device that enables them to do so using the Victorian Government QR code system.*

- (13) Despite subclause (7):
- (a) an owner of a vehicle used as a commercial passenger vehicle service; or
  - (b) an employer in respect of:
    - (i) public transport; or
    - (ii) a stop or station for passenger services of a public transport service, other than stops or stations that are not regularly staffed; or
    - (iii) a tour and charter bus service,
 must make available and clearly visible and accessible in the vehicle, stop or station at all times, a sign that allows members of the public in the vehicle or at the stop or station to use the Victorian Government QR code system.
- (14) In handling any information collected under subclauses (6) or (12A):
- (a) an employer who uses or an owner who makes available a system other than the Victorian Government QR code system, must:
    - (i) not collect personal information unless:
      - (A) the information is necessary to meet the requirements outlined in subclause (6); or
      - (B) the information is provided by a driver or passenger using the system made available under subclause (13); and
    - (ii) use reasonable endeavours to protect the personal information from use or disclosure, other than in accordance with a request made by an Authorised Officer (or a person assisting an Authorised Officer); and
 

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

*Example: where using a paper-based method, a sheet of paper could be placed over previous visitor details on a sheet that records the names.*
    - (iii) use reasonable endeavours to notify the person from whom the personal information is being collected that the primary purpose of collection is for SARS-CoV-2 contact tracing, and that their personal information may be collected and stored by the Victorian Government for this purpose; and
    - (iv) destroy the information as soon as reasonably practicable following 28 days after the attendance at the Work Premises, unless a statutory requirement permits or requires the personal information to be retained; and
 

*Note: subclause (14)(a) is intended to apply to employers who use or owners who collect information pursuant to subclauses (6) or (13) using a method other than the Victorian Government QR code system, whether or not:*

      - (a) the employer also uses or the owner also uses the Victorian Government QR code system to comply with subclauses (6) or (13); or
      - (b) the system used by the employer or made available by the owner links to the Victorian Government QR code system.
  - (b) Service Victoria and/or another operator of the Victorian Government QR code system must destroy the information as soon as reasonably practicable following 28 days after the attendance at the Work Premises or playground, 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.*

- (17A) The requirement in subclause (17) does not apply in respect of a public transport service, stops or stations for passenger services of a public transport service or tour and charter bus service.

*Note: despite subclause (17A), tour and charter bus services operated by licensed tourism operators remain subject to the Restricted Activities Directions (Regional Victoria) and Restricted Activities Directions (Restricted Areas) as applicable.*

- (18) The density quotient in relation to Work Premises 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 (Restricted Areas) 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 (Restricted Areas)** 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) any Work Premises, or part thereof, that has been granted an exemption to the density quotient by the Chief Health Officer in writing, including on specified conditions, on the basis that:
    - (i) the work is urgently required to be undertaken at that Work Premises, or part thereof, for the purpose of sustaining human health, safety and wellbeing; and
    - (ii) the work cannot be carried out, or cannot safely be carried out, while complying with the density quotient.

*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.*

#### **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 detergent before applying 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.

*Work Premises at private residences*

- (27) An employer in respect of a Work Premises that is also a private residence may only operate that Work Premises if members of the public can access the Work Premises by a separate entrance to that used by the persons who reside at that residence and their visitors.

*Note: this subclause applies insofar as Work Premises are permitted to operate under the **Restricted Activity Directions (Regional Victoria)** or the **Restricted Activity Directions (Restricted Areas)**.*

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

- (1) An employer must not require a worker to perform work at a Work Premises if the worker is displaying one or more **SARS-CoV-2 Symptoms**.
- (2) As soon as practicable after becoming aware of a suspected case in a worker who has attended a Work Premises in the period commencing 48 hours prior to the onset of symptoms, an employer must:
- (a) advise the worker to **self-isolate** immediately and support the worker in doing so, by either:
    - (i) directing the worker to travel home immediately (and providing support to the worker to do so); or
    - (ii) where the worker is unable to travel home immediately, directing the worker to isolate themselves at the Work Premises and, whilst doing so, to wear a face covering and remain at least 1.5 metres from any other person at the Work Premises, until the worker can return home later that day to self-isolate; and

*Note: the worker should isolate in a separate room from other persons, where possible.*

- (b) advise the worker to be tested for SARS-CoV-2 as soon as practicable, and to self-isolate whilst awaiting the result of that test; and
- (c) take all reasonably practicable steps to manage the risk posed by the suspected case, including but not limited to:
  - (i) cleaning areas of the Work Premises used by the suspected case (including their personal workspace and any areas in the Work Premises frequently used by the suspected case);
  - (ii) cleaning high-touch surfaces at the Work Premises likely to have been frequented by the suspected case; and

*Examples: lift buttons, door handles, washroom facilities, kitchen facilities, water coolers. For further information, see the guidance [www.dhhs.vic.gov.au/coronavirus-cleaning-guidelines-for-workplaces-doc](http://www.dhhs.vic.gov.au/coronavirus-cleaning-guidelines-for-workplaces-doc) as amended or replaced from time to time by the Victorian Government.*
- (d) ensure appropriate records are maintained in accordance with clause 6(6) in order to support contact tracing if the suspected case becomes a confirmed case, particularly from the period commencing 48 hours prior to the onset of symptoms in the suspected case; and
 

*Note: this will include, for example, rosters and worker details, and details of all visitors to the Work Premises, to ascertain which persons were present at the Work Premises and who they may have come into contact with.*
- (e) inform all workers (including the **health and safety representative**) to be vigilant about the onset of symptoms of SARS-CoV-2 and advise all workers to be tested for SARS-CoV-2 and self-isolate if they become symptomatic.

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

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

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

- (e) consult with the diagnosed worker and examine the employer's own records to determine any **close contacts** of the diagnosed worker at the Work Premises within the Relevant Period and, where any close contacts are identified and the employer has the relevant contact details of the close contact:
- Note: for record-keeping obligations to assist with identification of close contacts and contract 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 (Restricted Areas)**;
- (2) **additional records requirement** has the meaning in clause 6(15) and 6(16) (both inclusive);
- (3) **Area Directions** means the **Area Directions (No. 20)** 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 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>;
- (7) **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(9) applies;
- (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. 46)** 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) **COVID-19 Mandatory Vaccination Directions** means the **COVID-19 Mandatory Vaccination Directions (No. 3)** as amended or replaced from time to time;
- (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. 27)** 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 (Restricted Areas)**, the **Stay Safe Directions (Regional Victoria)**, the **Restricted Activity Directions (Restricted Areas)**, the **Restricted Activity Directions (Regional Victoria)**, the **Workplace Directions**, the **Workplace (Additional Industry Obligations) Directions**, the **Victorian Border Crossing Permit Directions**, the **COVID-19 Mandatory Vaccination Directions**, the **Hospital Visitors Directions**, the **Care Facilities Directions** and the **Diagnosed Persons and Close Contacts Directions** each as amended or replaced from time to time;
- (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;
  - (b) site preparation works;
  - (c) construction of utilities, roads, bridges and trunk infrastructure;
  - (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 (Restricted Areas)**;
- (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. 37)** as replaced or amended from time to time;
- (40) **indoor space** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (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) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (46) **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.*
- (47) **outdoor space** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (48) **owner** has the same meaning as in the **Commercial Passenger Vehicle Industry Act 2017**;
- (49) **owners corporation** has the same meaning as in the **Owners Corporations Act 2006**;
- (50) **passenger services** has the same meaning as in the **Transport Integration Act 2010**;
- (51) **passenger transport company** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;
- (52) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (53) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (54) **playground** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (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 Area** has the same meaning as in the **Area Directions**;
- (66) **Restricted Activity Directions (Regional Victoria)** means the **Restricted Activity Directions (Regional Victoria) (No. 10)** as amended or replaced from time to time;
- (67) **Restricted Activity Directions (Restricted Areas)** means the **Restricted Activity Directions (Restricted Areas) (No. 17)** as amended or replaced from time to time;
- (68) **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**;
- (69) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (70) **SARS-CoV-2 Symptoms** means symptoms consistent with **SARS-CoV-2**, including but not limited to the following:
- (a) a fever ( $\geq 37.5^{\circ}\text{C}$ ) or consistent fever of less than  $37.5^{\circ}\text{C}$  (such as night sweats, chills);
  - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
  - (c) loss of smell;
  - (d) loss of taste;
- (71) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (72) **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**;
- (73) **School Bus Program** means the program of that name administered by the Department of Education and Training;
- (74) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (75) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (76) **Service Victoria** has the same meaning as in the **Service Victoria Act 2018**;
- (77) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (78) **signage requirement** has the meaning in clauses 6(21), (22) and (23);
- (79) **Stay at Home Directions (Restricted Areas)** means the **Stay at Home Directions (Restricted Areas) (No. 23)** as amended or replaced from time to time;
- (80) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 10)** as amended or replaced from time to time;

- (81) **Students with Disabilities Transport Program** means the program of that name administered by the Department of Education and Training;
- (82) **supermarket** has the same meaning as supermarket business in **the Food Act 1984**;
- (83) **suspected case** means a person who is displaying one or more **SARS-CoV-2 Symptoms**;
- (84) **tour and charter bus service** has the same meaning as in the **Bus Safety Act 2009**;
- (85) **vehicle** has the same meaning as in the **PHW Act**;
- (86) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 32)** as amended or replaced from time to time;
- (87) **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’;
- (88) **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.*
- (89) **worker** includes **employees**, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work;
- (90) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 46)** as amended or replaced from time to time;
- (91) **WorkSafe** means WorkSafe Victoria;
- (92) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (93) **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 23 September 2021

ASSOCIATE PROFESSOR N. DEBORAH FRIEDMAN  
 Acting Chief Health Officer,  
 as authorised to exercise emergency powers  
 under section 199(2)(a) of the PHW Act

**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH  
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****COVID-19 Mandatory Vaccination Directions (No. 3)**

I, Associate Professor N. Deborah Friedman, Acting Chief Health Officer, consider it 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 make provision for the introduction of mandatory vaccination for specific workplace industries and **specified worker (multiple entry) permit holders** in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) within the population in these settings.
- (2) These directions must be read together with the **Directions currently in force**.

**2 Citation**

These directions may be referred to as the **COVID-19 Mandatory Vaccination Directions (No. 3)**.

**3 Revocation**

The **COVID-19 Mandatory Vaccination Directions (No. 2)** are revoked at 11:59:00 pm on 23 September 2021.

**4 Commencement**

These directions commence at 11:59:00 pm on 23 September 2021 and end at 11:59:00 pm on 21 October 2021.

**5 Application of these directions**

- (1) These directions apply to:
  - (a) persons who enter Victoria under a specified worker (multiple entry) permit that are:
    - (i) **commercial freight workers**; or
    - (ii) **healthcare workers**; and
  - (b) **work premises** within the State of Victoria that are:
    - (i) **residential aged care facilities**; and
    - (ii) **construction sites**.
- (2) All **operators** must comply with these directions.

**6 Mandatory vaccination requirement – Operator obligations***Residential aged care facilities*

- (1) An operator of a residential aged care facility must request, collect and store information about each of the following matters, and sight evidence of the matters in subclauses (a), (b), (c), (d) and (f), from workers who perform, or are intended to perform work at a residential aged care facility operated by the operator:
  - (a) whether the worker has received a **full COVID-19 vaccination**; or
  - (b) whether the worker has received a **partial COVID-19 vaccination** and made or will make a booking to receive a full COVID-19 vaccination by 15 November 2021; or
  - (c) whether the worker has received a partial COVID-19 vaccination and will not make a booking to receive a full COVID-19 vaccination by 15 November 2021; or
  - (d) whether the worker has not received any doses of a **COVID-19 vaccine** and has made a booking to receive a dose of a COVID-19 vaccine by 1 October 2021; or

- (e) whether the worker has not received any doses of a COVID-19 vaccine and has not made a booking to receive a dose of a COVID-19 vaccine by 1 October 2021; or
  - (f) whether the worker cannot receive a COVID-19 vaccine for the reason permitted under subclause (2).
- (2) The permitted reason why a worker cannot receive a COVID-19 vaccine is if:
- (a) an **exception** applies to them; and
  - (b) they have provided the operator of the work premises at which they perform work with evidence from a **medical practitioner** certifying that an exception applies to them.

#### *Construction sites*

- (3) An operator of a construction site must inform workers who perform, or are intended to perform work, at a construction site operated by the operator, that the operator will be requesting the workers to provide information and evidence to the operator by 24 September 2021 that:
- (a) they have received a full COVID-19 vaccination; or
  - (b) they have received a partial COVID-19 vaccination; or
  - (c) they have not received any doses of a COVID-19 vaccine and have made a booking to receive a dose of a COVID-19 vaccine by 2 October 2021; or
  - (d) they have not received any doses of a COVID-19 vaccine and have not made a booking to receive a dose of a COVID-19 vaccine by 2 October 2021; or
  - (e) they cannot receive a COVID-19 vaccine for the reason permitted in subclause (2).
- Note: the obligation placed on an operator to inform workers of these requirements extends to new workers who should be notified of these requirements as part of the operator's hiring and on-boarding process.*
- (4) An operator of a construction site must request, collect and store information about each of the following matters, and sight evidence of the matters in subclauses (a), (b), (c) and (e), from workers who perform, or are intended to perform work, at a construction site operated by the operator:
- (a) whether the worker has received a full COVID-19 vaccination; or
  - (b) whether the worker has received a partial COVID-19 vaccination; or
  - (c) whether the worker has not received any doses of a COVID-19 vaccine and has made a booking to receive a dose of a COVID-19 vaccine by 2 October 2021; or
  - (d) whether the worker has not received any doses of a COVID-19 vaccine and has not made a booking to receive a dose of a COVID-19 vaccine by 2 October 2021; or
  - (e) whether the worker cannot receive a COVID-19 vaccine for the reason permitted under subclause (2).

## **7 Mandatory vaccination requirement – Operation of a work premises**

### *Residential Aged Care Facilities*

- (1) An operator of a residential aged care facility must require a worker referred to in clause 6(1)(d) to comply with the following requirements:
- (a) wear **PPE** that includes at a minimum, a surgical mask and face shield, at all times while at the work premises; and
  - (b) only work at a single work premises.

*Note: this is a temporary measure to allow unvaccinated workers who have made a booking to receive a first dose of a COVID-19 vaccine to attend a residential aged care facility during the transition period of 17 September 2021 to 30 September 2021. From 1 October 2021, it is intended that all workers at residential aged care facilities will be required to have received at least a partial COVID-19 vaccination,*

and from that date will not be permitted to enter a work premises if they have not received at least a partial COVID-19 vaccination, subject to limited exceptions. It is intended that this requirement will change to a full COVID-19 vaccination from 15 November 2021.

- (2) An operator of a residential aged care facility must take all reasonable steps to ensure that the following workers do not enter, or remain on premises that is a residential aged care facility, for the purposes of performing work as a worker:
- (a) a worker referred to in subclause (1) who does not comply with a requirement in that subclause; and
  - (b) a worker referred to in clause 6(1)(e); and
  - (c) a worker who has not provided information or evidence of the matters in clause 6(1)(a), (b), (c), (d), (e) or (f).

*Note: this is a temporary measure that is intended to apply until 30 September 2021. From 1 October 2021, it is intended that workers who have not received at least a partial COVID-19 vaccination and who do not provide COVID-19 vaccination information and evidence to the operator will not be permitted to enter a work premises, subject to limited exceptions.*

#### Construction sites

- (3) On and from 24 September 2021, the operator of a construction site must take all reasonable steps to ensure that the following workers do not enter or remain on premises that is a construction site, for the purposes of performing work as a worker:
- (a) a worker referred to in clause 6(4)(d); and
  - (b) a worker who has not provided information or evidence of the matters in clauses 6(4)(a), (b), (c), (d) or (e).

*Note: this is a temporary measure to allow unvaccinated workers who have made a booking to receive a first dose of a COVID-19 vaccine to attend a construction site during the transition period of 24 September 2021 to 1 October 2021. From 2 October 2021, it is intended that all workers at construction sites will be required to have received at least a partial COVID-19 vaccination, and from that date will not be permitted to enter a work premises if they have not received at least a partial COVID-19 vaccination, subject to limited exceptions.*

### 8 Mandatory vaccination requirement – Operator records

- (1) An operator must keep the necessary records to demonstrate compliance with these directions, including, but not limited to, records of sighting evidence referred to in clauses 6(1) or 6(4), as relevant to that operator.
- (2) On request from an **Authorised Officer**, an operator must provide access to records demonstrating compliance with these directions.

### 9 Authorisation for request, collection and storage and use of information

- (1) For the purposes of complying with clauses 6 and 8, the operator is authorised by this provision to request, collect and store information that is derived from a record of information that was made under, or in accordance with, the **AIR Act**.
- (2) For the purposes of complying with clause 7, the operator is authorised by this provision to use information it has requested, collected and stored under clause 6.

### 10 Mandatory vaccination requirement – specified worker (multiple entry) permit obligations

- (1) A person who enters Victoria under a specified worker (multiple entry) permit and who is a:
  - (a) commercial freight worker; or
  - (b) health care worker,
 must comply with the requirements in subclause (2) on and from 24 September 2021.

*Note: specified worker (multiple entry) permit holders who are not listed in subclause (1) do not need to comply with subclause (2) and (3).*

- (2) On and from 24 September 2021, a person referred to in subclause (1) must carry evidence that:
  - (a) they have received a full COVID-19 vaccination; or

- (b) they have received a partial COVID-19 vaccination; or
  - (c) they have made a booking to receive a dose of a COVID-19 vaccine by 11.59 pm on 7 October 2021; or
  - (d) an exception applies to them.
- (3) Evidence for the purposes of subclause (2)(d) means evidence from a **medical practitioner** certifying that an exception applies to the person.

*Note: all specified worker (multiple entry) permits applied for before 11:59:00 pm on 23 September 2021, for workers who are subject to the mandatory vaccination requirements, will be revoked as at 11:59:00 pm on 27 September 2021, and a new specified worker (multiple entry) permit will be required.*

## 11 Exceptional circumstances

- (1) An operator of:
- (a) a residential aged care facility is not required to comply with any of the requirements in these directions (except the requirement in subclause (3)) in relation to workers in the exceptional circumstances in subclause (2)(a), (b) or (c); and
  - (b) a construction site is not required to comply with any of the requirement in these directions in relation to workers in the exceptional circumstances in subclause (2)(c) and (d).
- (2) The following are exceptional circumstances for the purpose of these directions:
- (a) a worker that is required to perform work or duties at the work premises that are necessary to provide for urgent specialist clinical or medical care at the work premises due to an **emergency situation** or a **critical unforeseen circumstance**; or
  - (b) a worker that is deployed to fill a vacancy to provide urgent care, to maintain quality of care and/or continue essential operations at the work premises due to an emergency situation or a critical unforeseen circumstance; or
- Example 1: a work premises has a large number of workers furloughed due to exposure at a Tier 1 site.*
- Example 2: a medical practitioner is required to attend the premises on short notice due to an emergency situation.*
- (c) a worker who is required to attend the premises to respond to an emergency at the work premises; or
  - (d) a worker who is required to perform urgent and essential work at the work premises to protect the health and safety of workers or members of the public, or to protect assets and infrastructure.
- Example 1: securing a crane due to impending high winds.*
- Example 2: works required at a construction site in order to make the construction site safe for continued operation.*
- (3) An operator of a residential aged care facility must require a worker referred to in subclause (2)(b) to wear PPE that includes, at a minimum, a surgical mask and face shield, at all times that they are present at the work premises.
- (4) An operator must ensure that a worker permitted to attend work premises due to an exceptional circumstance in subclauses (1) and (2) is only permitted to enter and remain upon the work premises for the period of time necessary to respond to the exceptional circumstance.

## 12 Other definitions

For the purposes of these directions:

- (1) **AIR Act** means *Australian Immunisation Register Act 2015* (Cth);
- (2) **approved provider** has the same meaning as in the **Aged Care Quality and Safety Commission Act 2018** of the Commonwealth;

- (3) **Area Directions** means the **Area Directions (No. 20)**;
- (4) **Australian Immunisation Register** means the register maintained by the Commonwealth pursuant to the **Australian Immunisation Register Act 2015** of the Commonwealth;
- (5) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (6) **commercial freight worker** means a person who is subject to the **National Freight Movement Code** and includes a heavy vehicle driver, rail crew or a support worker;
- (7) **construction site** means a **work premises** at which civil works, building or construction activities take place and nearby work premises in which work relating to the operation of the construction site is undertaken;  
*Example: a site office for a construction site that is located in an office building close to the construction site.*
- (8) **construction site worker** means a person (including a volunteer) performing work at a **construction site**, whether or not employed or engaged as a contractor by the **operator** of the **construction site** or a third party;
- (9) **COVID-19 vaccine** means a vaccine to protect a person against SARS-CoV-2 that:
  - (a) has been registered or provisionally registered by the Therapeutic Goods Administration; or
  - (b) has been approved by a comparable overseas regulator, as determined by the Therapeutic Goods Administration under regulation 16DA(3) of the **Therapeutic Goods Regulation 1990** of the Commonwealth;
- (10) **critical unforeseen circumstance** means a circumstance that the operator of a work premises could not reasonably have foreseen nor planned for which results in a critical need for staff;
- (11) **cross border community area** has the same meaning as in the **Victorian Border Crossing Permit Directions**;
- (12) **Department** means the Department of Health;
- (13) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (14) **emergency situation** means a situation where it is reasonably apparent to the **operator** of a **work premises** that medical treatment is necessary, as a matter of urgency to:
  - (a) save a person's life; or
  - (b) prevent serious damage to a person's health; or
  - (c) prevent a person from suffering or continuing to suffer significant pain or distress;
- (15) **exception** means a person that has a **medical contraindication**;
- (16) **extreme risk zone** has the same meaning as in the **Victorian Border Crossing Permit Directions**;
- (17) **full COVID-19 vaccination** means the provision of the prescribed number of doses of a **COVID-19 vaccine** as recommended by the Australian Technical Advisory Group on Immunisation (ATAGI) for full COVID-19 vaccination;
- (18) **healthcare worker** means:
  - (a) healthcare workers, including patient or clinical facing ancillary staff, who reside in the Victorian side of the **cross-border community area** and work in:
    - (i) City of Broken Hill;
    - (ii) City of Wagga Wagga;

- (iii) Hay Shire;
  - (iv) Lockhart Shire; or
  - (v) Murrumbidgee Council;
- (b) healthcare workers, including patient or clinical facing ancillary staff, who reside in **Metropolitan Melbourne, Restricted Areas** outside of **Metropolitan Melbourne** and **Regional Victoria** if working in:
- (i) the New South Wales side of the **cross border community area**;
  - (ii) City of Broken Hill;
  - (iii) City of Wagga Wagga;
  - (iv) Hay Shire;
  - (v) Lockhart Shire; or
  - (vi) Murrumbidgee Council;
- (c) healthcare workers, including patient or clinical facing ancillary staff, who reside in the New South Wales side of the **cross border community area**, if they work in Victoria and have been in an extreme risk zone or red zone outside of the **cross border community area** in the 14 days prior to entering Victoria;
- (d) healthcare workers who reside in:
- (i) City of Broken Hill;
  - (ii) City of Wagga Wagga;
  - (iii) Hay Shire;
  - (iv) Lockhart Shire; or
  - (v) Murrumbidgee Council;
- if working in a healthcare service located in the Victorian side of the **cross border community area**, or a health care service located in:
- (vi) City of Greater Bendigo;
  - (vii) City of Greater Shepparton;
  - (viii) Rural City of Benalla;
  - (ix) Shire of Buloke;
  - (x) Shire of Loddon; or
  - (xi) Shire of Yarriambiack.
- (19) **medical contraindication** means a contraindication to the administration of a **COVID-19 vaccine** as determined by the Australian Technical Advisory Group on Immunisation's (ATAGI) clinical guidance on the administration of **COVID-19 vaccines** in Australia;
- (20) **medical practitioner** means:
- (a) a general practice registrar on an approved 3GA training placement; or
  - (b) a public health physician; or
  - (c) a general physician; or
  - (d) an infectious disease physician; or
  - (e) a clinical immunologist; or
  - (f) a gynaecologist; or
  - (g) an obstetrician; or
  - (h) a general practitioner who is vocationally registered; or
  - (i) a general practitioner who is a fellow of the Royal Australian College of General Practitioners (RACGP); or

- (j) a general practitioner who is a fellow of the Australian College of Rural and Remote Medicine (ACRRM);
- (21) **Metropolitan Melbourne** has the same meaning as in the **Area Directions**;
- (22) **National Freight Movement Code** means the Freight Movement Code for the Domestic Border Controls, as agreed by National Cabinet and amended from time to time, available here: <https://www.infrastructure.gov.au/sites/default/files/documents/freight-movement-code-aug-2021.pdf>;
- (23) **operator** means:
  - (a) in relation to a **residential aged care facility**, an **approved provider** with responsibility for that **residential aged care facility**;
  - (b) in relation to a **construction site**, the **principal contractor** for that **construction site**;
- (24) **overseas medical practitioner** means a person who is registered as a medical practitioner in a jurisdiction other than Australia;
- (25) **partial COVID-19 vaccination** means the provision of a dose that is less than the number of doses of a **COVID-19 vaccine** as recommended by the Australian Technical Advisory Group on Immunisation (ATAGI) for **full COVID-19 vaccination**;
- (26) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (27) **PPE** means personal protective equipment;
- (28) **premises** has the same meaning as in the **PHW Act**;
- (29) **principal contractor** has the same meaning as in the **Occupational Health and Safety Regulations 2017**;
- (30) **red zone** has the same meaning as in the **Victorian Border Crossing Permit Directions**;
- (31) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (32) **residential aged care facility** means the **premises** at which accommodation and personal care or nursing care or both are provided to a person in respect of whom a **residential care subsidy** or a **flexible care subsidy** is payable under the **Aged Care Act 1997** of the Commonwealth;
- (33) **residential aged care facility worker** means a person (including a volunteer) that is:
  - (a) employed or engaged as a contractor, by an **operator** that operates a **residential aged care facility** to perform work at the residential aged care facility including:
    - (i) direct care workforce including nurses, personal care workers, allied health professionals, and allied health assistants;
    - (ii) administration staff including reception and management staff;
    - (iii) ancillary staff including food preparation, cleaning, laundry, gardening and general maintenance staff;
    - (iv) dental practitioners;
    - (v) phlebotomists (pathology nurses);
    - (vi) lifestyle and social staff, such as those delivering music or art therapy;
    - (vii) transport drivers who are responsible for collecting and transporting residents to and from the residential aged care facility for outings;
    - (viii) volunteers engaged by the residential aged care facility to undertake duties at the facility;
    - (ix) students on placement;

- (x) **medical practitioners** and allied health professions who attend the residential aged care facility to provide care to residents of the facility; and
- (b) a medical practitioner, dental practitioner or allied health professional who is employed or engaged by a resident of a residential aged care facility to provide care to the resident;
- (34) **residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (35) **Restricted Areas** has the same meaning as in the Area Directions;
- (36) **specified worker (multiple entry) permit** has the same meaning as in the **Victorian Border Crossing Permit Directions**;
- (37) **specified worker (multiple entry) permit holder** means a person who holds a specified worker (multiple entry) permit;
- (38) **vehicle** has the same meaning as in the **PHW Act**;
- (39) **Victorian Border Crossing Permit Directions** means the **Victorian Border Cross Permit Directions (No. 32)**;
- (40) **worker** means:
  - (a) in relation to a **residential aged care facility**, a **residential aged care facility worker**;
  - (b) in relation to a **construction site**, a **construction site worker**;
- (41) **Workplace Directions** means the **Workplace Directions (No. 50)** as amended or replaced from time to time;
- (42) **work premises** means the **premises** in which work is undertaken, including any **vehicle** whilst being used for work purposes but excluding a worker's ordinary place of residence, and that is:
  - (a) a **residential aged care facility**; or
  - (b) a **construction site**.

### 13 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.

*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.*

Dated 23 September 2021

ASSOCIATE PROFESSOR N. DEBORAH FRIEDMAN  
Acting Chief Health Officer,  
as authorised to exercise emergency powers  
under section 199(2)(a) of the PHW Act

---

# ive

The *Victoria Government Gazette* is published by IVE Group Limited with the authority of the Government Printer for the State of Victoria

© State of Victoria 2021

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all enquiries to the Government Printer for the State of Victoria

Level 2, 1 Macarthur Street

Melbourne 3002

Victoria Australia

## How To Order



**Retail &  
Mail Sales**

**Victoria Government Gazette**

Ground Floor, Building 8,  
658 Church Street,  
Richmond 3121

DX 106 Melbourne



**Telephone**

(03) 8523 4601

**email**

[gazette@ivegroup.com.au](mailto:gazette@ivegroup.com.au)

**Price Code G**