



Victoria Government Gazette

No. S 539 Wednesday 29 September 2021
By Authority of Victorian Government Printer

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. 24)

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

PART 1 – PRELIMINARY

1 Preamble

- (1) The purpose of these directions is to address the serious public health risk posed 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. 23)**.
- (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. 24)**.

3 Revocation

The **Stay at Home Directions (Restricted Areas) (No. 23)** are revoked at 11:59:00 pm on 28 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 28 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*);

SPECIAL

- (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

*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:
 - (a) travel further than 15km from:
 - (i) their premises; or

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.

- (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 15km 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 15km 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

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 sports person 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

- (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 15km 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.

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.

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.
- (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:
- (A) with one other person and the dependants of either person; or

Note: a household of more than two people (excluding dependants) may not leave the residence and all exercise or socially interact together under this clause. The maximum number of people permitted to exercise or socially interact together is two, plus dependants, regardless of whether they ordinarily live together or not, unless subclause (B) or (C) applies.

- (B) for the purpose of outdoor **personal training** that complies with the requirements specified in the **COVID-19 Vaccinated Activities Directions**; or
- (C) with 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. 21)** 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 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 Vaccinated Activities Directions** means the COVID-19 Vaccinated Activities 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**, the **COVID-19 Vaccinated Activities 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) **patron** has the same meaning as in the **COVID-19 Vaccinated Activities Directions**;
- (39) **personal training** has the same meaning as in the **COVID-19 Vaccinated Activities Directions**;
- (40) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (41) **play centre** means a **premises**, whether indoor or outdoor, that has play equipment to be used predominantly by children under the age of 12 years, but does not mean a **playground**;
- (42) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**, but does not mean a **play centre**;
- (43) **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;
- (44) **prison** has the same meaning as in the **Corrections Act 1986**;
- (45) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (46) **Regional Victoria** has the same meaning as in the **Area Directions**;

- (47) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (48) **restricted retail facility** has the same meaning as in the **Restricted Activity Directions (Regional Victoria)**;
- (49) **Restricted Activity Directions (Regional Victoria)** means the **Restricted Activity Directions (Regional Victoria) (No. 11)** as amended from time to time;
- (50) **Restricted Activity Directions (Restricted Areas)** means the **Restricted Activity Directions (Restricted Areas) (No. 18)** as amended or replaced from time to time;
- (51) **Restricted Area** has the same meaning as in the **Area Directions**;
- (52) **Restricted Area – Regional Victoria** has the same meaning as in the **Area Directions**;
- (53) **retail facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (54) **revoked Border Crossing Permit Scheme Directions** has the meaning in the **Victorian Border Crossing Permit Directions**;
- (55) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (56) **short-term entrant to the Restricted Area** has the meaning in clause 5(18);
- (57) **specified worker (multiple entry) permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (58) **specified worker permit** means the **specified worker (single entry) permit**, or the **specified worker (multiple entry) permit**;
- (59) **specified worker (single entry) permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (60) **Stay at Home Directions (Restricted Areas)** means the **Stay at Home (Restricted Areas) Directions (No. 24)** as amended or replaced from time to time;
- (61) **stay at home period** has the meaning in clause 4;
- (62) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 10)** as amended or replaced from time to time
- (63) **temporary resident of the Restricted Area** has the meaning in clause 5(17);
- (64) **transit permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (65) **vehicle** has the same meaning as in the **PHW Act**;
- (66) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 32)** as amended or replaced from time to time;
- (67) **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;
- (68) **work premises** has the same meaning as in the **Workplace Directions**;

- (69) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 46)** as amended or replaced from time to time;
- (70) **Workplace Directions** means the **Workplace Directions (No. 51)** as amended or replaced from time to time;
- (71) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (72) **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 28 September 2021

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

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Restricted Activity Directions (Restricted Areas) (No. 18)**

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

1 Preamble

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings in the **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. 17)**.

2 Citation

These directions may be referred to as the **Restricted Activity Directions (Restricted Areas) (No. 18)**.

3 Revocation

The **Restricted Activity Directions (Restricted Areas) (No. 17)** are revoked at 11:59:00 pm on 28 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 28 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 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 subclause (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; or
 - (f) members of the public gathering in an outdoor space in accordance with the requirements of the **Stay at Home Directions (Restricted Areas)** provided that:
 - (i) all indoor spaces, including toilets, at the facility are closed to members of the public at all times; and
 - (ii) no employees of the facility other than a personal trainer are present while members of the public are using the facility; and
 - (iii) all members of the public and any personal trainer comply with the **COVID-19 Vaccinated Activities Directions for personal training**.

*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 subclause (3)(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 in accordance with the requirements of the **Stay at Home Directions (Restricted Areas)**; or
 - (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 (21).

*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(17) – (19) (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 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. 22)** as amended or replaced from time to time;

- (4) **Authorised Provider** means a provider of goods or services as set out in the **Authorised Provider and Authorised Worker List**;
- (5) **Authorised Provider and Authorised Worker List** means the ‘Authorised Provider and Authorised Worker List’ as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer, available at www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-list
- (6) **Authorised Work Premises** has the meaning in clause 5(1);
- (7) **Authorised Worker** has the same meaning as in the **Workplace Directions**;
- (8) **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) **COVID-19 Vaccinated Activities Directions** means the **COVID-19 Mandatory Vaccinated Activities Directions** as amended or replaced from time to time;
- (16) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (17) **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**;
- (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** has the same meaning as in the **Stay at Home Directions (Restricted Areas)**;

- (21) **eligible public event** has the meaning in clause 8(1)(a);
- (22) **entertainment facility** has the meaning in clause 7(12);
- (23) **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;
- (24) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (25) **exempt public event** has the meaning in clause 8(1)(b);
- (26) **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**;
- (27) **face covering** has the same meaning as in the **Workplace Directions**;
- (28) **food and drink facility** has the meaning in clause 7(20);
- (29) **food court** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (30) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (31) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (32) **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;
- (33) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (34) **licensed premises** has the meaning in clause 7(16);
- (35) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;
- (36) **member of the public**, in relation to a facility or venue, means a person other than:
 - (a) a person who is an employee of an operator of the facility or venue; or
 - (b) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;
- (37) **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**;
- (38) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (39) **outdoor space** means a space that is not an **indoor space**;
- (40) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (41) **personal training** has the same meaning as in the **COVID-19 Vaccinated Activities Directions**;
- (42) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (43) **physical recreational facility** has the meaning in clause 7(2);

- (44) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (45) **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**;
- (46) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**, but does not mean a **play centre**;
- (47) **premises** has the same meaning as in the **PHW Act**;
- (48) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (49) **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;
- (50) **Public Event Framework** means the Public Event Framework available at www.coronavirus.vic.gov.au/public-events as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer;
- (51) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (52) **restaurant and café licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (53) **restricted activity period** has the meaning in clause 4;
- (54) **Restricted Area** has the same meaning as in the **Area Directions**;
- (55) **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;
- (56) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (57) **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;
- (58) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (59) **Senior Secondary examination** means an examination relating to a senior secondary certificate;
- (60) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (61) **State Library** means the State Library Victoria;
- (62) **Stay at Home Directions (Restricted Areas)** means the **Stay at Home Directions (Restricted Areas) (No. 24)** as amended or replaced from time to time;
- (63) **vehicle** has the same meaning as in the **PHW Act**;

- (64) **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;
- (65) **work premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- (66) **worker** 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. 51)** as amended or replaced from time to time;
- (69) **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 28 September 2021

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

Public Health and Wellbeing Act 2008

Section 200

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

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

1 Preamble

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings in **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. 10)**.

2 Citation

These directions may be referred to as the **Restricted Activity Directions (Regional Victoria) (No. 11)**.

3 Revocation

The **Restricted Activity Directions (Regional Victoria) (No. 10)** are revoked at 11:59:00 pm on 28 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 28 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 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, the total number of members of the public permitted at the facility at any one time is limited to 10; and
 - (c) any dancefloor in the retail facility is closed.

Exception – small retail facilities

- (4) Despite subclause (3), a person who owns, controls or operates a retail facility, including a restricted retail facility and auction house, in 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 30; 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) 40; 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

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 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. 22)** 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**;
 - (f) a **community facility**; or
 - (g) 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 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) **restricted retail facility** has the meaning in clause 12(2);
- (71) **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;
- (72) **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;
- (73) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;

- (74) **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;
- (75) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (76) **seated indoor space** means an **indoor space** with fixed seating;
- (77) **seated outdoor space** means an **outdoor space** with fixed seating;
- (78) **seated space** means a **seated indoor space** or a **seated outdoor space**;
- (79) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (80) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (81) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (82) **State Library** means the State Library Victoria;
- (83) **Stay at Home Directions (Restricted Areas)** means the **Stay at Home Directions (Restricted Areas) (No. 24)** as amended or replaced from time to time;
- (84) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 10)** as amended or replaced from time to time;
- (85) **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;
- (86) **vehicle** has the same meaning as in the **PHW Act**;
- (87) **visitor** means a person who is not registered to stay overnight at an **accommodation facility**;
- (88) **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;
- (89) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (90) **worker** has the same meaning as in the **Workplace Directions**;
- (91) **Workplace Directions** means the **Workplace Directions (No. 51)** as amended or replaced from time to time;
- (92) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

23 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 28 September 2021

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

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Workplace Directions (No. 51)**

I, Professor Benjamin Cowie, 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 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. 50)**.

2 Citation

These directions may be referred to as the **Workplace Directions (No 51)**.

3 Revocation

The **Workplace Directions (No. 50)** are revoked at 11:59:00 pm on 28 September 2021.

4 Commencement

These directions commence at 11:59:00 pm on 28 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 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) record 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) 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) 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) 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 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;
 - (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) applies 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.
- (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 subclause (6):
- (a) an employer who uses or an owner who makes available a system other than the Victorian Government QR code system, must:
 - (i) not collect personal information unless:
 - (A) the information is necessary to meet the requirements outlined in subclause (6); or
 - (B) the information is provided by a driver or passenger using the system made available under subclause (13); and
 - (ii) use reasonable endeavours to protect the personal information from use or disclosure, other than in accordance with a request made by an Authorised Officer (or a person assisting an Authorised Officer); and

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

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

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

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

Additional records requirement (additional records requirement)

- (15) An employer must keep records to demonstrate compliance with these directions, including (but not limited to):
- (a) all logs created during the time these directions are in place;
 - (a) Work Premises rosters;
 - (b) time and attendance records;
 - (c) 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 do 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)** specify 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 as amended or replaced from time to time by the Victorian Government.

- (d) ensure appropriate records are maintained in accordance with clause 6(6) in order to support contact tracing if the suspected case becomes a confirmed case, particularly from the period commencing 48 hours prior to the onset of symptoms in the suspected case; and

Note: this will include, for example, rosters and worker details, and details of all visitors to the Work Premises, to ascertain which persons were present at the Work Premises and who they may have come into contact with.

- (e) inform all workers (including the **health and safety representative**) to be vigilant about the onset of symptoms of SARS-CoV-2 and advise all workers to be tested for SARS-CoV-2 and self-isolate if they become symptomatic.

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

- (1) In these directions, in respect of a worker who has tested positive to SARS-CoV-2, **Relevant Period** means the period commencing 48 hours prior to:

- (a) the onset of symptoms of SARS-CoV-2 in the worker, if symptomatic; or
- (b) the worker having been tested for SARS-CoV-2, if asymptomatic, and up to the **diagnosed person** receiving clearance from the Department.

- (2) A worker who has received a positive test result for SARS-CoV-2 must, as soon as practicable, notify the employer of any Work Premises which the worker has attended in the Relevant Period.

- (3) As soon as practicable after becoming aware of a confirmed case who has attended the Work Premises in the Relevant Period, the employer must:

- (a) notify the Department and WorkSafe in accordance with the **Occupational Health and Safety (COVID-19 Incident Notification) Regulations 2021** and the health and safety representative at the Work Premises; and
- (b) to the extent not already completed, direct the **diagnosed worker** not to attend the Work Premises and advise them to self-isolate in accordance with clause 7(2)(a); and
- (c) undertake a risk assessment to determine whether the Work Premises (or the relevant part of the Work Premises in which the diagnosed worker worked in the Relevant Period) must be closed to allow cleaning and contact tracing to occur or whether the risk can be managed whilst the Work Premises (or part of it) continues to operate; and
- (d) undertake a comprehensive clean of the Work Premises (or the relevant part of the Work Premises in which the diagnosed worker worked in the Relevant Period, and any high touch areas likely to have been touched by the diagnosed worker) in accordance with guidelines published by the Department; and

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

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

Note: for record-keeping obligations to assist with identification of close contacts and 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 subclauses (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 subclauses (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. 22)** 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 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'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;
- (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 **COVID-19 Vaccinated Activities 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 individual dwellings, on the day that the construction of a dwelling on that part of the subdivision (or planned subdivision) of the early stage land development site commences; and
 - (f) for a residential development where the development has not been subdivided and it is not intended that the development will be subdivided in the future, on the day that construction commences; and
- Examples: this type of residential development includes a high-rise apartment complex or a retirement village.*
- (g) for an industrial or commercial development, on the day that construction of a building, warehouse or other physical structure commences;
- (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) **PPE** means personal protective equipment;
- (55) **premises** has the same meaning as in the **PHW Act**;
- (56) **prison** has the same meaning as in the **Corrections Act 1986**;
- (57) **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**;
- (58) **public transport service** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;
- (59) **reasonably practicable** is to have its ordinary and common sense meaning;
- (60) **records requirement** has the meaning in clause 6(6) to (14) (both inclusive);
- (61) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (62) **Relevant Period** has the meaning given in clause 8(1);
- (63) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (64) **Restricted Area** has the same meaning as in the **Area Directions**;
- (65) **Restricted Activity Directions (Regional Victoria)** means the **Restricted Activity Directions (Regional Victoria) (No. 11)** as amended or replaced from time to time;
- (66) **Restricted Activity Directions (Restricted Areas)** means the **Restricted Activity Directions (Restricted Areas) (No. 18)** as amended or replaced from time to time;
- (67) **retail facility** means a **premises**, or part of a **premises**, that are used wholly or predominantly for the sale or hire of goods by retail, the retail provision of services and includes a **market, retail shopping centre** and **supermarkets**;

- (68) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (69) **SARS-CoV-2 Symptoms** means symptoms consistent with **SARS-CoV-2**, including but not limited to the following:
- (a) a fever ($\geq 37.5^{\circ}\text{C}$) or consistent fever of less than 37.5°C (such as night sweats, chills);
 - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
 - (c) loss of smell;
 - (d) loss of taste;
- (70) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (71) **school bus** means any bus while being used as part of:
- (a) the **School Bus Program**; or
 - (b) the **Students with Disabilities Transport Program**; or
 - (c) a private arrangement between a **school** at a **bus company**;
- (72) **School Bus Program** means the program of that name administered by the Department of Education and Training;
- (73) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (74) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (75) **Service Victoria** has the same meaning as in the **Service Victoria Act 2018**;
- (76) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (77) **signage requirement** has the meaning in clauses 6(21), (22) and (23);
- (78) **Stay at Home Directions (Restricted Areas)** means the **Stay at Home Directions (Restricted Areas) (No. 24)** as amended or replaced from time to time;
- (79) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 10)** as amended or replaced from time to time;
- (80) **Students with Disabilities Transport Program** means the program of that name administered by the Department of Education and Training;
- (81) **supermarket** has the same meaning as supermarket business in the **Food Act 1984**;
- (82) **suspected case** means a person who is displaying one or more **SARS-CoV-2 Symptoms**;
- (83) **tour and charter bus service** has the same meaning as in the **Bus Safety Act 2009**;
- (84) **vehicle** has the same meaning as in the **PHW Act**;
- (85) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 32)** as amended or replaced from time to time;
- (86) **Victorian Government QR code system** means the digital system provided by the **Service Victoria CEO** and other parts of the Victorian Government that is known as the ‘Service Victoria app’ or the ‘Victorian Government QR Code Service’;
- (87) **Work Premises** means the **premises** of an **employer** in which work is undertaken, including any **vehicle** whilst being used for work purposes, but excluding a **worker’s** ordinary place of residence.
- Note: this includes a community facility such as a community centre or community hall, or a public library, or a **place of worship**, or a home or residential property when a business is operated from that home or residential property.*
- (88) **worker** includes **employees**, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work;

- (89) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 46)** as amended or replaced from time to time;
- (90) **WorkSafe** means WorkSafe Victoria;
- (91) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (92) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

11 Penalties

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 28 September 2021

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

Public Health and Wellbeing Act 2008

Section 200

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

Area Directions (No. 22)

I, Professor Benjamin Cowie, 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. 21)**.

2 Citation

These directions may be referred to as the **Area Directions (No. 22)**.

3 Commencement and revocation

- (1) These directions commence at 11:59:00 pm on 28 September 2021 and end at 11:59:00 pm on 21 October 2021.
- (2) The **Area Directions (No. 21)** are revoked at 11:59:00 pm on 28 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) Darebin City Council;
 - (h) Frankston City Council;
 - (i) Glen Eira City Council;
 - (j) Greater Dandenong City Council;
 - (k) Hobsons Bay City Council;
 - (l) Hume City Council;
 - (m) Kingston City Council;
 - (n) Knox City Council;
 - (o) Latrobe 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) Whitehorse City Council;
 - (dd) Whittlesea City Council;
 - (ee) Wyndham City Council, except Little River;
 - (ff) Yarra City Council; and
 - (gg) 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) **Regional Victoria** has the meaning in clause 4(3);
- (8) **Restricted Area** has the meaning in clause 4(1);
- (9) **Restricted Area – Regional Victoria** has the meaning in clause 4(2);
- (10) **Workplace Directions** means the **Workplace Directions (No. 51)** 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 28 September 2021

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

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**COVID-19 Vaccinated Activities Directions**

I, Professor Benjamin Cowie, 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**):

PART 1 – PRELIMINARY**1 Preamble**

- (1) The purpose of these directions is to impose certain mandatory vaccination requirements in order for specific businesses to provide goods or services to the public 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 Vaccinated Activities Directions**.

3 Commencement

These directions commence at 11:59:00 pm on 28 September 2021 and end at 11:59:00 pm on 21 October 2021.

4 Application of these directions

- (1) These directions apply to **specified businesses** in the **Restricted Area**, namely:
 - (a) outdoor **personal training**.

PART 2 – BUSINESS OPERATOR OBLIGATIONS**5 Requirement to collect, record, hold and sight vaccination information**

- (1) If an **operator** in the **Restricted Area** after the **relevant date** will or intends to provide the goods or services of the specified business to a group of **patrons** in excess of the **patron limit**, the operator must collect, record and hold **vaccination information** of each patron and **worker**.
- (2) An operator must not, and must ensure that its workers do not, provide the relevant goods and services in the **Restricted Area** to patrons in excess of the **patron limit** unless it complies with the requirements specified in subclause (3).
- (3) An operator in the **Restricted Area** may provide the relevant goods or services of the specified business to patrons in excess of the **patron limit**, but to no more than the **vaccinated patron limit**, only if:
 - (a) its workers are **fully vaccinated or excepted persons**; and
 - (b) the operator first sights vaccination information collected in accordance with subclause (1) to show that each patron, is either:
 - (i) fully vaccinated; or
 - (ii) an **excepted person**.
- (4) For the purposes of sub-clause (3) if an operator does not hold vaccination information about a worker or a patron, the operator must treat that person as if they are **unvaccinated**.
- (5) An operator must treat a patron younger than 12 years of age as a fully vaccinated person, and may provide services to that patron without complying with subclause (3)(b).

PART 3 – USE OF VACCINATION INFORMATION**6 Authorisation for request, collection and storage and use of information**

- (1) For the purposes of complying with clause 5 the operator is authorised by this provision:
 - (a) 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**; and
 - (b) to use information it holds under clause 5.

7 Disclosure to Authorised Officers

- (1) An **Authorised Officer** may request an operator or its workers to produce to the Authorised Officer any vaccination information held by the operator under clause 5.
- (2) If an Authorised Officer makes a request to a person under sub-clause (1), the person must comply with the request.

Note: Authorised officers may also be authorised to exercise the public health risk power in section 190(1)(d) of the PHW Act to require the provision of any information needed to investigate, eliminate or reduce the risk to public health.

PART 4 – DEFINITIONS**8 Definitions**

For the purposes of these directions:

- (1) **AIR Act** means **Australian Immunisation Register Act 2015** (Cth);
- (2) **Area Directions** means the **Area Directions (No. 22)** as amended from time to time;
- (3) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (4) **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;
- (5) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (6) **excepted person** means a person that has obtained certification from a **medical practitioner** that the person is unable, due to a **medical contraindication**, to receive a dose, or a further dose, of a **COVID-19 vaccine**;
- (7) **fully vaccinated** in relation to a person means a person who has received two doses of a **COVID-19 vaccine**;
- (8) **medical contraindication** means the following contraindications to the administration of a **COVID-19 vaccine**:
 - (a) anaphylaxis after a previous dose;
 - (b) anaphylaxis to any component of the vaccine, including polysorbate or polyethylene glycol;
 - (c) in relation to AstraZeneca:
 - (i) history of capillary leak syndrome; or
 - (ii) thrombosis with thrombocytopenia occurring after a previous dose;
 - (d) in relation to Comirnaty or Spikevax:
 - (i) myocarditis or pericarditis attributed to a previous dose of either Comirnaty or Spikevax; or
 - (e) any other serious adverse event attributed to a previous dose of a **COVID-19 vaccine** (and without another cause identified) that has been reported to state adverse programs and/or the Therapeutic Goods Administration, and has been determined following review by, and/or on the opinion of, an experienced immunisation provider or medical specialist taking into account whether repeat vaccine doses would be associated with a risk of recurrence of the serious adverse event;

- (9) **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);
- (10) **operator** in relation to a **specified business** means a person identified in Column 2 of Schedule 1 for that business;
- (11) **partially vaccinated** in relation to a person means the person has received one dose of a COVID-19 vaccine and is not an **exempt person**;
- (12) **patron** means a member of the public to whom goods or services are provided by a **specified business**;
- (13) **patron limit** in relation to a **specified business** means the maximum number of patrons as specified in Column 4 of Schedule 1;
- (14) **personal trainer** means a person who is, or a body corporate that provides the services of, an exercise professional who provides individually tailored client assessments, program development, instruction and demonstration, supervised exercise sessions and client reviews and who operates a business that holds an Australian Business Number or Australian Company Number registered with the Australian Securities and Investments Commission;
- (15) **personal training** means a service provided by a **personal trainer** or the **worker** of a personal trainer;
- (16) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (17) **relevant date** in relation to a **specified business** means the date specified in Column 6 for that business;
- (18) **Restricted Area** has the same meaning as in the Area Directions;
- (19) **specified business** means a business identified in Column 1 of Schedule 1;
- (20) **unvaccinated** in relation to a person means a person who has not received a dose of a COVID-19 vaccine and is not an **exempt person**;
- (21) **vaccinated patron limit** in relation to a **specified business** means the maximum number of patrons as specified in Column 5 of Schedule 1;
- (22) **vaccination information** means information about a person's **vaccination status** and includes information that is derived from a record of information that was made under, or in accordance with, the AIR Act;
- (23) **vaccination status** means one of the following in relation to a person:
- (a) **fully vaccinated**; or
 - (b) **partially vaccinated**;
 - (c) **unvaccinated**; or
 - (d) **excepted person**;
- (24) **worker** in relation to a **specified business** means a person identified in Column 3 of Schedule 1 for that business.

9 Penalties

(1) Section 210 of the PHW Act provides:

False or misleading information

(a) A person must not –

- (i) give information that is false or misleading in a material particular; or
- (ii) make a statement that is false or misleading in a material particular; or
- (iii) 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.

(b) 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.

(c) 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

(a) 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.

(b) 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 29 September 2021

Professor Benjamin Cowie
Acting Chief Health Officer,
as authorised to exercise emergency powers
under section 199(2)(a) of the PHW Act

SCHEDULE 1 – SPECIFIED BUSINESSES

Specified Business (Column 1)	Operator (Column 2)	Worker (Column 3)	Patron limit (Column 4)	Vaccinated patron limit (Column 5)	Relevant date (Column 6)
outdoor personal training	personal trainer	any person (including a volunteer) conducting outdoor personal training , including: (a) a self-employed personal trainer ; (b) an employee of the operator ; and (b) any contractor engaged by the operator .	2 patrons outdoors at one time	5 patrons outdoors at one time that are all either fully vaccinated or excepted persons	29 September 2021

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