



# Victoria Government Gazette

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## Public Health and Wellbeing Act 2008 Section 200

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

#### Stay at Home Directions (Restricted Areas) (No. 27)

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, consider it reasonably necessary to eliminate or reduce the serious risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to section 200(1)(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. 26)**.
- (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. 27)**.

##### 3 Commencement and revocation

- (1) These directions commence at 11:59:00 pm on 8 October 2021 and end at 11:59:00 pm on 21 October 2021.
- (2) The **Stay at Home Directions (Restricted Areas) (No. 26)** are revoked at 11:59:00 pm on 8 October 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 8 October 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 (13).*

*Note 2: when leaving their ordinary residence as required or authorised by law, a person must take all reasonable steps to comply with the obligations in these and all other Directions currently in force.*

- (2) When leaving their premises, an ordinary resident of the Restricted Area:
- (a) must comply with the face covering requirements in subclauses (19), (20), (21) and (22); and
  - (b) must comply with the restrictions on gatherings in clause 11 (*gatherings*); and
  - (c) must comply with the Directions currently in force, including (without limitation) by:
    - (i) not engaging in an activity that is prohibited under the **Restricted Activity Directions (Restricted Areas)**; and
    - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Restricted Areas)** in accordance with any requirements set out in those directions.

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

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

#### *Travel restrictions*

- (3) A person may only leave their premises under subclause (1) where it does not involve unreasonable travel or travelling to a place for an unreasonable period of time.
- Note: people who are in an intimate personal relationship or who are a **nominee person** and a **nominated person** may stay overnight at each other's premises provided they otherwise comply with these directions.*
- (4) An ordinary resident of the Restricted Area must not travel in a **vehicle** with another person with whom they do not ordinarily reside unless it is not otherwise reasonably practicable for either person to leave their premises for a purpose permitted under these directions.
- Example: a person who does not hold a driver's licence may travel in a vehicle with another person with whom they do not ordinarily reside for the purposes of attending a medical appointment (including a vaccination) or doing their grocery shopping if it is not reasonably practicable for them to travel there another way.*
- (5) A person who is not an ordinary resident of the Restricted Area, including a **temporary resident of the Restricted Area** or a **short-term entrant to the Restricted Area**, must not travel in a vehicle with an ordinary resident of the Restricted Area unless it is not otherwise reasonably practicable for either person to leave their premises for a purpose permitted under these directions.
- (6) An ordinary resident of the Restricted Area or a temporary resident of the Restricted Area who leaves their premises under either clause 6 (*necessary goods or services*) or clause 9 (*exercise or social interaction*) must not:

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

- (a) travel further than 15km from:
    - (i) their premises; or
    - (ii) in the case of clause 9 (*exercise or social interaction*), the premises of a person with whom they are in an intimate personal relationship, provided that they only exercise or socially interact outdoors and do not enter any facility open under the **Restricted Activity Directions (Restricted Areas)**; or
    - (iii) in the case of clause 9 (*exercise or social interaction*), their **work premises** if they are an **authorised worker** or work for an **authorised provider**, provided that they only exercise or socially interact outdoors and do not enter any facility open under the **Restricted Activity Directions (Restricted Areas)**; or
  - (b) do so more than once per day for each of the following purposes:
    - (i) to obtain necessary goods or services under clause 6 (*necessary goods or services*); or
    - (ii) to exercise under clause 9 (*exercise or social interaction*); or
    - (iii) to socially interact under clause 9 (*exercise or social interaction*); or

*Note: a person can only leave their house once to go shopping, once to exercise and once for social interaction on the same day.*
  - (c) do so for a period longer than 4 hours in total for exercise and social interaction.
- (7) Where an ordinary resident of the Restricted Area or a temporary resident of the Restricted Area leaves their premises under clause 6 (*necessary goods or services*):
- (a) subclause (6)(a) does not apply if the person leaves the premises to obtain goods or services provided by a:
    - (i) financial institution under clause 6(1)(c)(i); or
    - (ii) government body or government agency under clause 6(1)(c)(ii); and
  - (b) subclause (6) does not apply if:
    - (i) the person leaves the premises to obtain goods or services for health or medical purposes (including vaccinations) under clause 6(1)(b); or
    - (ii) as a consequence of the requirements in that subclause, it is not reasonably practicable for the person to obtain necessary goods or services.

*Note 1: if the closest necessary goods or services are more than 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 or otherwise approved by an Alpine Resort Management Board for the purposes of **emergency preparation activities**.

*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; or
  - (d) for emergency purposes; or
  - (e) for emergency preparation activities; or
  - (f) for **emergency response activities**; or
  - (g) as required or authorised by law.

*Ordinary place of residence*

- (14) An **ordinary resident of the Restricted Area** is any person who:
- (a) has only one ordinary place of residence, and that ordinary place of residence is within the Restricted Area; or
  - (b) has more than one ordinary place of residence, and their ordinary place of residence that is their principal place of residence is within the Restricted Area.
- (15) If a person:
- (a) no longer has an ordinary place of residence in the Restricted Area; or
  - (b) has an ordinary place of residence or principal place of residence in the Restricted Area that has become temporarily unavailable or is unavailable because of a risk of harm (including harm relating to family violence or violence of another person at the premises),

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

- (16) If a person moves to a new place of residence under subclause (15) or otherwise, the new premises is taken to be the premises at which the person ordinarily resides from midnight on the day that the person moves.

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

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

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

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

*Face covering requirements*

- (19) Subject to subclause (20), a person in the Restricted Area must:
- (a) carry a face covering at all times, except where subclause (20)(a), (b), (c), (d), (e), (f) or (bb) applies; and
  - (b) wear a face covering at all times, except where subclause (20) applies; and
  - (c) wear a face covering where required to do so in accordance with any other Directions currently in force.

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

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

- (20) Subclauses (19)(b) and (c) do not apply if a person complies with any other requirements under any other Directions currently in force and:
- (a) the person is an infant or a child under the age of 12 years; or
  - (b) the person is a student while on site at a primary school or outside school hours care for a primary school; or
  - (c) the person is a **prisoner** in a **prison** (either in their cell or common areas), subject to any policies of that prison; or
  - (d) the person is detained in a **remand centre, youth residential centre or youth justice centre** (either in their room or common areas), subject to any policies of that centre; or
  - (e) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or
- Examples: persons who have obstructed breathing, a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.*
- (f) it is not practicable for the person to comply with subclauses (19)(b) or (c) because the person is escaping harm or the risk of harm, including harm relating to family violence or violence of another person; or
  - (g) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
  - (h) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
  - (i) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or
- Examples: teaching, lecturing, broadcasting.*
- (j) the person is working by themselves in an enclosed **indoor space** (unless and until another person enters that indoor space); or
- Example: a person working by themselves in an office.*
- (k) the person is working by themselves in an **outdoor space**, provided no other person is also in the outdoor space (except a person who ordinarily resides at the same premises with them); or
- Example: a farmer working by themselves in a field, or with their family who lives in the same premises as them.*
- (l) the person is visiting a person with whom they are in an intimate personal relationship in accordance with clause 7(1)(j); or
  - (m) the person is one of two persons being married while in the process of being married; or
  - (n) the person is a professional sportsperson when training or competing; or

- (o) the person is engaged in any strenuous physical exercise; or  
*Examples: jogging, running, swimming, cycling.*
- (p) the person is riding a bicycle or a motorcycle; or
- (q) the person is travelling in a vehicle by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (r) the person is consuming:
  - (i) medicine; or
  - (ii) food or drink except if the person is in an indoor space within a retail facility or restricted retail facility, unless the person is:
    - (A) a worker at the retail facility or restricted retail facility; or
    - (B) on the premises of a food and drink facility within the retail facility or restricted retail facility; or
- (s) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (t) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (u) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Restricted Areas)**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
- (v) the person is providing a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Restricted Areas)**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
- (w) the person is an accused person in a criminal case in any court located in the Restricted Area and the person is in the dock either alone or with a co-accused, provided that any co-accused also present in the dock is at least 1.5 metres away from the person; or
- (x) the person is asked to remove the face covering to ascertain identity; or  
*Examples: a person may be asked by police, security, bank or post office staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.*
- (y) for emergency purposes; or
- (z) when required or authorised by law; or
- (aa) when doing so is not safe in all the circumstances; or
- (bb) the person is at a premises that is their ordinary place of residence or their temporary place of residence; or
- (cc) the person is attending a permitted social gathering in accordance with clause 11(3)(b)(iii).

*Face covering requirements in airports and on aircraft*

- (21) Without limiting subclause (19)(b), during the stay at home period, a person in the Restricted Area at an **airport** or travelling in an **aircraft** must:
  - (a) carry a face covering at all times, except where subclause (22)(a) or (b) applies; and
  - (b) wear a face covering while in an indoor space at an airport (and at all times while inside an aircraft); and
  - (c) wear a face covering where required to do so in accordance with any other Directions currently in force.

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



- (22) Subclauses (21)(b) and (c) do not apply if a person complies with any other requirements under any other Directions currently in force and:
- (a) the person is an infant or a child under the age of 12 years; or
  - (b) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or  
*Examples: persons who have obstructed breathing, a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.*
  - (c) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
  - (d) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
  - (e) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or  
*Examples: teaching, lecturing, broadcasting.*
  - (f) the person is consuming food, drink or medicine; or
  - (g) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
  - (h) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Restricted Areas)**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
  - (i) the person is providing a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Restricted Areas)**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
  - (j) the person is asked to remove the face covering to ascertain identity; or  
*Examples: a person may be asked by police, security, or airport staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.*
  - (k) for emergency purposes; or
  - (l) when required or authorised by law; or
  - (m) when doing so is not safe in all the circumstances.
- (23) An **authorised officer** may require a person to attest in writing that they have complied with the requirements of subclause (21) to wear a face covering on an aircraft (subject to subclause (22)).

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

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

- (1) A short-term entrant to the Restricted Area must not enter the Restricted Area other than if they enter the Restricted Area:
- (a) for one or more of the reasons specified in:
    - (i) clause 6 (**necessary goods or services**) except to obtain a SARS-CoV-2 vaccination;
    - (ii) clause 7 (**care or other compassionate reasons**);
    - (iii) clause 7A (**care or compassionate reasons: child minding**);
    - (iv) clause 8 (**work or education**);
    - (v) clause 10 (**other specified reasons**); or
  - (b) for the purposes of transiting through the Restricted Area in accordance with a **transit permit**; or

- (c) to undertake work under a **specified worker permit**; or
  - (d) for the purpose for which they have been granted an exemption under the **Victorian Border Crossing Permit Directions** or a **revoked Border Crossing Permit Scheme Direction**; or
  - (e) if the person is an **excepted person**.
- (2) A short-term entrant to the Restricted Area during the stay at home period must:
- (a) comply with the face covering requirements in clause 5(19), (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),
 including to assist the person with emergency preparation activities; 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
    - (iii) 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
    - (iv) 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 under 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 and:
    - (a) from 5 October 2021, if the person is undertaking the General Achievement Test; or
    - (b) from 5 October 2021, if the person is enrolled in a secondary school 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
    - (c) 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 educational 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

if it is not reasonably practicable for the child, children or young person to obtain educational services from the premises where they ordinarily reside; or

- (d) for higher education services, if it is in relation to final year assessments for Tertiary Education Quality and Standards Agency regulated courses where the

students do not have alternative options to complete the study by the end of the year and if it is not reasonably practicable for the person to obtain educational services from the premises where they ordinarily reside.

- (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 and:
    - (i) if 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; and
    - (ii) if the requirements in subclauses (6)(a), (b), (c) or (d) are met or the person:
      - (A) is enrolled in primary school in Foundation (Prep), Year 1 or Year 2; or
      - (B) is enrolled in a secondary school in Year 12, undertaking Victorian Certificate of Education Units 3 or 4 or in their final year of the Victorian Certificate of Applied Learning, Vocational Education and Training or International Baccalaureate; or
      - (C) from 6 October 2021, is enrolled in a secondary school in Year 11; and
    - (iii) if the person is enrolled in a secondary school in Year 12, undertaking Victorian Certificate of Education Units 3 or 4 or in their final year of the Victorian Certificate of Applied Learning, Vocational Education and Training or International Baccalaureate, the person:
      - (A) is **fully vaccinated**; or
      - (B) undergoes SARS-CoV-2 testing two times per week no more than three days apart; or
  - (b) higher education services in Regional Victoria:
    - (i) if the requirements in subclauses (6)(d) 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 or emergency response activities provided that the person can only be accompanied by other persons who ordinarily reside with them and/or an intimate partner; or



- (b) for emergency purposes; 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; or
- (n) for the purpose of recruitment, where it is not reasonably practicable for that recruitment to occur from the place where those involved in the recruitment ordinarily reside.

*Example: Victoria Police may permit applicants for employment to attend examinations, fitness assessments and other medical and psychological screening where these activities cannot be undertaken from home.*

#### **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 are fully vaccinated or are a **vaccine excepted person**; 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. 25)** as amended or replaced from time to time;
- (4) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (5) **authorised officer** has the same meaning as in the **PHW Act**;
- (6) **authorised provider** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (7) **Authorised Provider and Authorised Worker List** is the document available at [www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-list](http://www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-list) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer;
- (8) **authorised worker** has the same meaning as in the **Workplace Directions**;
- (9) **Authorised Worker Permit** has the same meaning as in the **Workplace Directions**;
- (10) **Care Facilities Directions** means **Care Facilities Directions (No. 46)** as amended or replaced from time to time;
- (11) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (12) **childcare or early childhood service** means onsite early childhood education and care services or children's services provided under the:
  - (a) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs; or
  - (b) **Education and Care Services National Law Act 2010** and the **Education and Care Services National Regulations 2011** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services;
- (13) **closed work premises** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (14) **community facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (15) **COVID-19 Mandatory Vaccination (Workers) Directions** means the **COVID-19 Mandatory Vaccination (Workers) Directions** as amended from time to time;
- (16) **COVID-19 Vaccinated Activities Directions** means the **COVID-19 Vaccinated Activities Directions** as amended or replaced from time to time;
- (17) **density quotient** has the same meaning as in the **Workplace Directions**;
- (18) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (19) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 28)** as amended or replaced from time to time;
- (20) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;

- (21) **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;
- (22) **educational services** means school educational services (including at a school or non-school senior secondary provider and outside school hours care services), but does not include **childcare or early childhood services or higher education services**;
- (23) **emergency preparation activities** means activities relating to emergency preparedness in either the Restricted Area or Regional Victoria that are:
- (a) urgent and essential; or
  - (b) from 11 October 2021, the subject of an approval in writing issued by a local council, Alpine Resort Management Board or Regional Director of the Department of Environment, Land, Water and Planning (DELWP) to undertake bushfire preparation activities within the municipal district, alpine resort area or unincorporated area for which that local council, Alpine Resort Management Board or DELWP is responsible and that comply with any conditions imposed under that approval;
- Note: emergency preparation activities includes activities such as travelling to a tip to dispose of garden waste or other bushfire preparedness activities.*
- (24) **emergency response activities** means activities related to emergency responses in either the **Restricted Area** or **Regional Victoria** including to assess whether property has been damaged after an emergency event;
- (25) **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));
- (26) **excepted person** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (27) **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);
- (28) **fully vaccinated** has the meaning as in the **COVID-19 Mandatory Vaccination Directions**;
- (29) **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;
- (30) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (31) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 37)** as amended or replaced from time to time;

- (32) **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;
- (33) **medical practitioner** has the meaning as in the **COVID-19 Mandatory Vaccination (Workers) Directions**;
- (34) **member of the public** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (35) **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**;
- (36) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (37) **nominated person** means a person nominated by a **nominee person** for social interaction permitted in accordance with these directions;
- (38) **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;
- (39) **ordinary resident of the Restricted Area** has the meaning in clause 5(14);
- (40) **outdoor space** means a space that is not an **indoor space**;
- (41) **patron** has the same meaning as in the **COVID-19 Vaccinated Activities Directions**;
- (42) **personal training** has the same meaning as in the **COVID-19 Vaccinated Activities Directions**;
- (43) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (44) **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**;
- (45) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**, but does not mean a **play centre**;
- (46) **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;
- (47) **prison** has the same meaning as in the **Corrections Act 1986**;
- (48) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (49) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (50) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (51) **restricted retail facility** has the same meaning as in the **Restricted Activity Directions (Regional Victoria)**;
- (52) **Restricted Activity Directions (Regional Victoria)** means the **Restricted Activity Directions (Regional Victoria) (No. 13)** as amended from time to time;



- (53) **Restricted Activity Directions (Restricted Areas)** means the **Restricted Activity Directions (Restricted Areas) (No. 20)** as amended or replaced from time to time;
- (54) **Restricted Area** has the same meaning as in the **Area Directions**;
- (55) **Restricted Area – Regional Victoria** has the same meaning as in the **Area Directions**;
- (56) **retail facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (57) **revoked Border Crossing Permit Scheme Directions** has the meaning in the **Victorian Border Crossing Permit Directions**;
- (58) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (59) **short-term entrant to the Restricted Area** has the meaning in clause 5(18);
- (60) **specified worker (multiple entry) permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (61) **specified worker permit** means the **specified worker (single entry) permit**, or the **specified worker (multiple entry) permit**;
- (62) **specified worker (single entry) permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (63) **Stay at Home Directions (Restricted Areas)** means the **Stay at Home (Restricted Areas) Directions (No. 27)** as amended or replaced from time to time;
- (64) **stay at home period** has the meaning in clause 4;
- (65) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 12)** as amended or replaced from time to time;
- (66) **temporary resident of the Restricted Area** has the meaning in clause 5(17);
- (67) **transit permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (68) **vaccine excepted person** has the same meaning as ‘excepted person’ in the **COVID-19 Mandatory Vaccination (Workers) Directions** for the purpose of clause 11(4)(c);
- (69) **vehicle** has the same meaning as in the **PHW Act**;
- (70) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 33)** as amended or replaced from time to time;
- (71) **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;
- (72) **work premises** has the same meaning as in the **Workplace Directions**;
- (73) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 50)** as amended or replaced from time to time;
- (74) **Workplace Directions** means the **Workplace Directions (No. 51)** as amended or replaced from time to time;

(75) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;

(76) **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 8 October 2021

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

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**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH  
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Area Directions (No. 25)**

I, Adjunct Clinical Professor Brett Sutton, 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. 24)**.

**2 Citation**

These directions may be referred to as the **Area Directions (No. 25)**.

**3 Commencement and revocation**

- (1) These directions commence at 11:59:00 pm on 8 October 2021 and end at 11:59:00 pm on 21 October 2021.
- (2) The **Area Directions (No. 24)** are revoked at 11:59:00 pm on 8 October 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) Manningham City Council;
  - (p) Maribyrnong City Council;
  - (q) Maroondah City Council;
  - (r) Melbourne City Council;

- (s) Melton City Council;
  - (t) Mildura Rural 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: [maps.land.vic.gov.au/lassi/VicnamesUI.jsp](https://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 8 October 2021

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

**Public Health and Wellbeing Act 2008**

## Section 200

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

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

**1 Preamble**

- (1) The presence of a person with a positive diagnosis of Novel Coronavirus 2019 (**SARS-CoV-2**) at a **Work Premises** is considered to pose an immediate risk of transmission to persons who attend, or may attend, the Work Premises.
- (2) The purpose of these directions is to establish additional specific obligations on **employers** and **workers** in specific industries in relation to managing the risk associated with SARS-CoV-2.
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions are intended to supplement any obligations an employer may have under the **OHS Act** and the **Workplace Directions** and are not intended to derogate from any such obligations.
- (5) These directions replace the **Workplace (Additional Industry Obligations) Directions (No. 49)**.

**2 Citation**

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

**3 Revocation**

The **Workplace (Additional Industry Obligations) Directions (No. 49)** are revoked at 11:59:00 pm on 8 October 2021.

**4 Commencement**

These directions commence at 11:59:00 pm on 8 October 2021 and end at 11:59:00 pm on 21 October 2021.

**5 Application of directions to certain employers and roles**

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

- (m) **Australian air transport operators;**
  - (n) **construction sites;**
  - (o) **schools;**
  - (p) **childcare or early childhood education services.**
- (2) These directions apply to Additional Obligation Industries Work Premises that are located:
- (a) in relation to supermarket Work Premises and perishable food Work Premises, and warehousing and distribution centres, in **Metropolitan Melbourne**; and
  - (b) in relation to all other Additional Obligation Industries not referred to in subclause (2)(a), anywhere in Victoria, unless these directions indicate otherwise.
- (3) The **daily peak workforce capacity** is the daily average of the highest number of workers at the Work Premises each day calculated over the period of:
- (a) August 2021; or
  - (b) any three consecutive months in the last 12 months.
- (4) The **daily total workforce capacity** is the daily average of the total number of workers at the Work Premises each day over the period of:
- (a) August 2021; or
  - (b) any three consecutive months in the last 12 months.

*Example 1:*

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

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

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

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

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

*Example 2:*

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

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

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

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

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

## 6 General Obligations

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

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

### Compliance

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

*Consultation*

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

**7 Additional Industry Obligations**

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

*Note: the exception of schools, childcare or early childhood education services, care facilities, hospitals and/or ports of entry from the requirements in subclause (1)(a) does not exempt schools, childcare or early childhood education services, care facilities, hospitals and/or ports of entry from satisfying equivalent requirements imposed under other regulatory arrangements.*
  - (b) where the employer's Work Premises is an industry that is listed in the **Surveillance Testing Industry List and Requirements** (as amended from time to time on the advice of the Chief Health Officer):
    - (i) carry out surveillance testing for SARS-CoV-2 on its workers in relation to the Work Premises in accordance with the requirements of the Surveillance Testing Industry List and Requirements (as amended from time to time on the advice of the Chief Health Officer), including:
      - (A) those sections of its workforce required to be tested under the Surveillance Testing Industry List and Requirements;
      - (B) a weekly surveillance testing target of the percentage of workers that are to be tested; and
    - (ii) keep records of surveillance testing of workers for SARS-CoV-2, which demonstrate that the employer has complied with its obligations under subclause (b)(i) in relation to the Work Premises; and
    - (iii) provide the records required to be kept by the employer under subclause (b)(ii) to the **Department** upon request by the Department for those records.

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



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

- (2) In relation to a Work Premises that is an abattoir, meat processing facility, poultry processing facility or seafood processing facility, an employer must arrange operations at the Work Premises so as to have workers working consistently with the same group of other workers where reasonably practicable, including (but not limited to):
- (a) developing separate shifts in a way that minimises physical interactions between groups of workers attending different shifts;
  - (b) separating workers into work areas;
  - (c) dividing work areas up further into separate teams;
  - (d) providing separate break areas for the separate teams;
  - (e) requiring teams to use separate entrances and exits from other teams;
  - (f) where workers are from the same household, ensuring they work in the same shift and work area.
- (2A) In relation to a Work Premises that is an abattoir, meat processing facility, poultry processing facility, seafood processing facility, warehousing and distribution centre, supermarket Work Premises, or a perishable food Work Premises, an employer must:
- (a) provide regular training to workers (including, but not limited to, an induction for all workers commencing at, or returning to, the Work Premises) that covers:
    - (i) good hygiene practices; and
    - (ii) advising workers not to attend the Work Premises when unwell; and
    - (iii) where applicable, compliance with the requirements of subclause (2) (a); and
  - (b) for a Work Premises in Metropolitan Melbourne, designate an employee or employees as a **COVID Marshal**:
    - (i) whose role is to monitor compliance with these directions, including (but not limited to) physical distancing requirements; and
    - (ii) who has successfully completed training provided by the employer that is in accordance with guidance from the Department; and
    - (iii) who is at the Work Premises whenever workers are on site.

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

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

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

*Note 1: an employer at a Work Premises that is an abattoir, meat processing facility, poultry processing facility or seafood processing facility is required to comply with subclause (3)(b)(i) unless an exception under the **Stay at Home Directions (Restricted Areas)** or the **Stay Safe Directions (Regional Victoria)** applies in respect of a worker, in which case the employer is exempted from requiring that worker to wear a **face covering**.*

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

- (3A) An employer may only operate a facility that is a poultry processing facility in Metropolitan Melbourne if it reduces the daily peak workforce capacity and daily total workforce capacity for that Work Premises by 10 percent or to 25 workers, whichever is higher.
- (3B) An employer may only operate a Work Premise that is an abattoir or meat processing facility in Metropolitan Melbourne if it reduces the daily peak workforce capacity and the daily total workforce capacity by 20 percent or to 25 workers, whichever is higher.
- (3C) An employer may only operate a facility that is a seafood processing facility in Metropolitan Melbourne if it reduces the daily peak workforce capacity and the daily total workforce capacity by 20 percent or to 40 workers, whichever is higher.
- (3D) The **Chief Veterinary Officer** may grant an exemption in writing to the requirements of subclause (3A), (3B) or (3C). An exemption may only be granted where there are unavoidable animal welfare impacts that arise from workforce reductions.
- (3E) Where there is a risk to food supply as a result of the requirements in subclauses (3A), (3B) or (3C), the Chief Executive Officer of Agriculture Victoria or the Deputy Secretary of the Department of Jobs, Precincts and Regions responsible for food supply and logistics may make a recommendation to the Chief Health Officer in writing that an exemption be granted, including any conditions on that exemption, to the requirements of subclause (3A), (3B) or (3C).
- (3F) Upon receiving a recommendation pursuant to subclause (3E), the Chief Health Officer may grant an exemption, including any conditions on that exemption, in writing to the requirements of subclauses (3A), (3B) or (3C), if satisfied that the exemption is appropriate, having regard to:
  - (a) the need to protect public health; and
  - (b) the principles in sections 5 to 10 of the PHW Act.

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

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

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

*Note 2: an employer at a Work Premises that is a supermarket Work Premises or perishable food Work Premises is required to comply with the requirements of subclause (4) unless an exception under the **Stay at Home Directions (Restricted Areas)** applies in respect of a worker, in which case the employer is exempted from requiring that worker to wear a face covering.*

*Note 3: the exception from the requirement to wear a face covering under the **Stay at Home Directions (Restricted Areas)** does not apply to a worker at a Work Premises that is a supermarket Work Premises or perishable food Work Premises whilst working at the Work Premises in Victoria.*

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

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

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

*Note 2: an employer at a Work Premises that is a chilled distribution facility in relation to warehousing and distribution centres is required to comply with the requirements of subclause (5) unless an exception under the **Stay at Home Directions (Restricted Areas)** applies in respect of a worker, in which case the employer is exempted from requiring that worker to wear a face covering.*

*Note 3: the exception from the requirement to wear a face covering under the **Stay at Home Directions (Restricted Areas)** does not apply to a worker at a Work Premises that is a chilled distribution facility in relation to warehousing and distribution centres whilst working at the Work Premises in Victoria.*

*Horticulture Work Premises using seasonal workers for seasonal horticultural work*

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

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

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

*Care facilities*

- (11) Subject to subclause (12), an employer in relation to a Work Premises that is a care facility in Victoria must not require or permit a **care facility worker** to perform work at more than one Work Premises of the employer.

- (12) Subclause (11) does not apply where it is not practicable to limit a care facility worker to only one Work Premises.
- (13) Where subclause (12) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of care facility workers working across multiple Work Premises.

*Example: rosters.*

- (14) An employer in relation to a Work Premises that is a care facility in Victoria must require care facility workers in relation to a care facility to wear a face covering while working in:

- (a) any indoor space at the care facility; or
- (b) any outdoor space at the care facility,

unless an exception under the **Stay at Home Directions (Restricted Areas)** or **Stay Safe Directions (Regional Victoria)** applies in respect of a care facility worker in relation to a care facility, then the employer is exempted from requiring that care facility worker to wear a face covering.

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

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

- (15) If a care facility worker is working at more than one Work Premises for two or more different employers:

- (a) the care facility worker must provide a written declaration to each employer to advise them that the worker is working at more than one Work Premises and must provide details of the other Work Premises to each employer; and
- (b) each employer must maintain a record of all care facility workers who have disclosed to the employer under subclause (15)(a) that they are working across more than one Work Premises.

- (16) An employer in relation to a Work Premises that is a care facility in Victoria must require care facility workers in relation to the care facility to declare in writing at the start of each shift that the worker:

- (a) is free of **SARS-CoV-2 Symptoms**; and

*Note: for the purposes of these directions, SARS-CoV-2 Symptoms, including but not limited to acute respiratory infection (such as cough, shortness of breath, sore throat); loss of smell; and loss of taste do not include those symptoms where caused by an underlying health condition or medication.*

- (b) has, in the preceding 14 days, not been in contact with a **confirmed case** (except in the course of their duties while wearing appropriate personal protective equipment); and
- (c) is not currently required to **self-isolate** or **self-quarantine** under the **Diagnosed Persons and Close Contacts Directions**.

- (17) Despite the **Care Facilities Directions**, an employer in relation to a Work Premises that is a care facility in Victoria must not permit an employee or contractor to enter the care facility where:

- (a) the employee or contractor has, on or after 4 October 2020, worked at another care facility; and
- (b) at the time the employee or contractor worked at that other care facility, a confirmed case was present at that other facility,

unless:

- (c) at least 14 days have elapsed since the last time the employee or contractor worked at that other facility while a confirmed case was present; and
- (d) the employee or contractor:
  - (i) has undertaken a test for SARS-CoV-2 on or after 13 days from the day that the employee or contractor last worked at that other facility while a confirmed case was present; and
  - (ii) received confirmation that the results of the test undertaken pursuant to (i) were negative; and
- (e) the employee or contractor has provided evidence of the negative test result pursuant to subclause (e) to the employer prior to commencing work at that care facility.

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

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

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

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

#### *Ports of entry*

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

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

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

- (c) tugboat crew;
- (d) stevedores;
- (e) office workers at freight terminals;
- (f) airport baggage handlers and airport cargo handlers;
- (g) aircraft engineers.

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

#### *Hotel quarantine*

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

- (e) ensure that all workers wear appropriate personal protective equipment in accordance with the requirements of the Department; and
- (f) test the temperature of each worker each day before they enter the Work Premises and, if the worker's temperature is 37.5°C or more, direct the worker to:
  - (i) leave the Work Premises immediately; and
  - (ii) be tested for SARS-CoV-2; and
  - (iii) self-isolate until a negative test result is received; and
- (g) provide regular training to workers (including, but not limited to, an induction for all workers commencing at, or returning to, the Work Premises) that covers:
  - (i) good hygiene practices; and
  - (ii) advising workers not to attend the Work Premises when unwell; and
  - (iii) compliance with the requirements of subclause (25)(c).
- (26) Subject to subclause (27), an employer in relation to a hotel quarantine Work Premises must not require or permit a worker to perform work at more than one hotel quarantine Work Premises of the employer.
- (27) Subclause (26) does not apply where it is not practicable to limit a worker to only one hotel quarantine Work Premises.
- (28) Where subclause (27) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of workers working across multiple Work Premises.  
*Example: rosters.*
- (29) If a worker is working at more than one Work Premises for two or more different employers:
  - (a) the worker must provide a written declaration to each employer to advise them that the worker is working at more than one Work Premises and must provide details of the other Work Premises to each employer; and
  - (b) each employer must maintain a record of all workers who have disclosed to the employer under subclause (29)(a) that they are working across more than one Work Premises.

### *Hospitals*

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



- (b) arrange operations at the Work Premises so as to have high-risk hospital Work Premises workers working consistently with the same group of other high-risk hospital Work Premises workers where reasonably practicable, including (but not limited to):
  - (i) developing separate shifts in a way that minimises physical interactions between groups of high-risk hospital Work Premises workers attending different shifts;
  - (ii) separating high-risk hospital Work Premises workers into work areas;
  - (iii) dividing work areas up further into separate teams;
  - (iv) providing separate break areas for the separate teams;
  - (v) requiring teams to use separate entrances and exits from other teams;
  - (vi) where high-risk hospital Work Premises workers are from the same household, ensuring they work in the same shift and work area.
- (32) Subject to subclause (33), an employer in relation to a high-risk hospital Work Premises must not require or permit a high-risk hospital Work Premises worker to perform work at more than one Work Premises of the employer.
- (33) Subclause (32) does not apply where it is not practicable to limit a high-risk hospital Work Premises worker to only one Work Premises.
- (34) Where subclause (33) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of high-risk hospital Work Premises workers working across multiple Work Premises.

*Example: rosters.*
- (35) If a high-risk hospital Work Premises worker working in a high-risk hospital Work Premises is working at more than one Work Premises for two or more different employers:
  - (a) the high-risk hospital Work Premises worker must provide a written declaration to each employer to advise them that the high-risk hospital Work Premises worker is working at more than one Work Premises and must provide details of the other Work Premises to each employer; and
  - (b) each employer must maintain a record of all high-risk hospital Work Premises workers who have disclosed to the employer under subclause (35)(a) that they are working across more than one Work Premises.
- (36) In relation to a Work Premises that is a hospital, an employer must require workers to declare in writing at the start of each shift:
  - (a) whether the worker has completed a shift or shifts at another hospital in a high-risk hospital Work Premises in the 14 days prior to making the declaration; and
  - (b) if the worker declares that they have completed a shift or shifts at another hospital in a high-risk hospital Work Premises in the 14 days prior to making the declaration:
    - (i) the name of the relevant hospital; and
    - (ii) whether a shift, or any shifts, declared under subclause (a) were on the roster of a **COVID streaming area**.

*Note: a shift on the roster of a COVID streaming area includes a shift where the worker is primarily assigned to caring for COVID positive patients in a negative pressure room (for example, a nurse allocated to care for COVID positive patients in a negative pressure room). A shift on the roster of a COVID streaming area also includes staff who were rostered on to work and worked in the COVID streaming area and staff who were not originally rostered but worked in the area to cover a gap in the roster.*

*Australian Air Transport Services (Passenger)*

- (37) In relation to a Work Premises that is an Australian air transport operator's Work Premises, an employer must:
- (a) include in its **COVIDSafe Plan** the processes it will put in place to ensure compliance with requirements to wear a face covering, where any other Directions currently in force require a face covering to be worn in its Work Premises or part of its Work Premises; and
  - (b) provide appropriate facilities for the disposal of face coverings at its Work Premises covered under subclause (37)(a).

*Construction sites*

- (38) In relation to a Work Premises that is a construction site, including a **critical and essential infrastructure** site, an employer must:
- (a) comply with the requirements in the **Workplace Directions** including:
    - (i) subject to subclauses (45), (47) and (52), the density quotient; and
    - (ii) the face coverings and cleaning requirements; and
  - (b) comply with the requirements applicable to the construction site in subclauses (44) to (48), (52) and (53), except in relation to critical repairs to any Work Premises where required for emergency and safety as set out in the Authorised Provider and Authorised Worker List; and
  - (c) limit movement of all workers (including supervisors and on-site specialists) between multiple Work Premises that are construction sites, except in relation to:
    - (i) supervisors on **small-scale construction sites**, who can move between multiple small-scale construction sites; or
    - (ii) **specialist contractors** who can move between up to three construction sites per week; or
    - (iii) specialists who provide safety services; or
    - (iv) those required to meet minimum statutory obligations or requirements (for example, auditors, building inspectors or surveyors); and
  - (d) designate an employee or employees as a **COVID Marshal**:
    - (i) whose role is to monitor compliance with these directions, including (but not limited to) physical distancing requirements; and
    - (ii) who has successfully completed training provided by the employer that is in accordance with guidance from the Department; and
    - (iii) subject to subclause (54), who is at the Work Premises whenever workers are on site; and
  - (e) arrange operations at Work Premises that are construction sites, so as to have construction workers working consistently with the same group of other construction workers where reasonably practicable, including (but not limited to):
    - (i) developing separate shifts in a way that minimises physical interactions between groups of construction workers attending different shifts;
    - (ii) separates construction workers into work areas;
    - (iii) dividing work areas up further into separate teams;
    - (iv) providing separate break areas and separate break times for the separate teams;
    - (v) requiring teams to use separate entrances and exits from other teams; and
    - (vi) where construction workers are from the same household, ensuring they work in the same shift and work area.

*Construction site attestation*

- (39) An **operator** must not operate a Work Premises that is a construction site, including a **critical and essential infrastructure** site, unless a **representative** of the operator has completed and submitted an attestation that contains the following information:
- (a) the representative's full name;
  - (b) email address;
  - (c) phone number;
  - (d) business name;
  - (e) head office address;
  - (f) worksite address;
  - (g) the type of construction site;
  - (h) Australian business number (ABN);
  - (i) registered practitioner licence or registration number (if applicable);
  - (j) QR code (location code) for the site;
  - (k) building permit number (if applicable); and
  - (l) a statement attesting that:
    - (i) the operator will collect, record and hold **vaccination information** about workers (including volunteers, employees and contractors) at the site, including workers who attend the site in the future;
    - (ii) a trained COVID Marshal will be monitoring the site;
    - (iii) masks will be worn over nose and mouth on site;
    - (iv) a completed and up-to-date COVIDSafe plan is in practice;
    - (v) **crib rooms** for workers on the site meet cleaning, density and ventilation requirements;
    - (vi) capacity and density limits have been applied that are relevant to the site;
    - (vii) signage is in place for density and mask wearing requirements;
    - (viii) worker shift bubbles have been applied where possible;
    - (ix) QR code check-ins will be completed by workers before entering site;
    - (x) all suspected or confirmed COVID-19 cases will be reported to the site manager and COVID Marshal;
    - (xi) the operator complies with all applicable obligations under these directions;
    - (xii) the operator acknowledges that the operator may be audited by Authorised Officers to confirm compliance with directions; and
    - (xiii) the operator acknowledges that the information provided is true and correct, with appropriate documentary evidence in place and available for compliance checking; and
  - (m) any other information reasonably required by the Department of Justice and Community Safety from time to time, for the purpose of protecting public health.
- (40) A person must submit an attestation under subclause (39) using the **Service Victoria system**.
- (41) The **Service Victoria CEO**:
- (a) is authorised by this provision to request, collect, store and use information provided in an attestation submitted through the Services Victoria system under subclause (39) and (40); and
  - (b) may provide an attestation made under subclause (39) to the Department of Justice and Community Safety.

- (42) A person must not give information, or make a statement, in an attestation made under subclause (39) that is false or misleading in a material particular.
- (43) For the purposes of completing and submitting an attestation under subclause (39), the operator is authorised by this provision:
- (a) to request, collect, store and use information that is derived from a record of information that was made under, or in accordance with, the **Australian Immunisation Register Act 2015** of the Commonwealth; and
  - (b) to use information it holds under subclause (39).

*Critical and essential infrastructure sites and large-scale construction sites*

- (44) An employer must not operate a Work Premises that is a critical and essential infrastructure site unless:

- (a) all crib rooms at the Work Premises meet **best practice standards**; or
- (b) all crib rooms at the Work Premises are closed and not used by workers.

*Note: where practicable, safe and hygienic to do so, it is recommended that workers should take meal and other breaks outside. However, crib rooms that meet best practice standards may be used for the consumption of food and drink.*

- (45) An employer must not operate a Work Premises that is a large-scale construction site with more than:

- (a) 25% of the **baseline daily workforce**; or
- (b) if all crib rooms meet best practice standards and the employer has sighted evidence that each worker on the Work Premises has been **fully vaccinated** or is an **excepted person**, 50% of the baseline daily workforce,

unless the large-scale construction site is also a critical and essential infrastructure site and the employer is permitted to operate the site under subclause (44).

- (46) An employer must not permit a worker who:

- (a) ordinarily or temporarily resides in the Restricted Area – Metropolitan Melbourne to work at a construction site that is a critical and essential infrastructure site or large-scale construction site in Regional Victoria or in the Restricted Area – Regional Victoria; or
- (b) ordinarily or temporarily resides in Regional Victoria to work at a construction site that is a critical and essential infrastructure site or a large-scale construction site in the Restricted Area,
- (c) ordinarily or temporarily resides in the Restricted Area – Regional Victoria to work at a construction site that is a critical and essential infrastructure site or large-scale construction site in the Restricted Area – Metropolitan Melbourne or in Regional Victoria,

unless the employer has sighted evidence that the worker:

- (d) is fully vaccinated; or
- (e) is an excepted person; or
- (f) is **partially vaccinated** and monitors the worker to ensure that the worker is tested for SARS-CoV-2 and receives a negative SARS-CoV-2 test result at least twice per week, with at least 72 hours between each test.

*Early stage land development sites*

- (47) An employer may only operate a Work Premises that is an **early stage land development site** if there are no more than 20 workers per hectare at the Work Premises at any one time.

- (48) An employer must not permit a worker who:
- (a) ordinarily or temporarily resides in the Restricted Area – Metropolitan Melbourne to work at a construction site that is an early stage land development site in Regional Victoria or in the Restricted Area – Regional Victoria; or
  - (b) ordinarily or temporarily resides in Regional Victoria to work at a construction site that is an early stage land development site in the Restricted Area; or
  - (c) is an ordinary or temporary resident of the Restricted Area – Regional Victoria to work at a construction site that is an early stage land development site in the Restricted Area – Metropolitan Melbourne or Regional Victoria,
- unless the employer has sighted evidence that the worker:
- (d) is fully vaccinated; or
  - (e) is an excepted person; or
  - (f) is partially vaccinated and monitors the worker to ensure that the worker is tested for SARS-CoV-2 and receives a negative SARS-CoV-2 test result at least twice per week, with at least 72 hours between each test.
- (49) For an early stage land development site that is:
- (a) a residential development, once subdivision occurs, the construction of a dwelling on that part of the early stage land development site will be considered a small-scale construction site; and
  - (b) a large-scale residential development (for example, a retirement village) with a single entity responsible for construction, once construction of dwellings has commenced it will be considered a large-scale construction site,
- for the purposes of these directions.
- (50) In relation to an early stage land development site that is an industrial or commercial development, once construction of a building, warehouse or physical structure has commenced it will be considered a large-scale construction site for the purposes of these directions.
- (51) In relation to an early stage land development site, an employer may designate a supervisor or site manager to perform the role of COVID Marshal for multiple sites under their management or supervision at the same time.

*Small-scale construction sites*

- (52) An employer must not operate a Work Premises that is a small-scale construction site with more than five workers (excluding the site supervisor).
- (53) An employer must not permit a worker who:
- (a) ordinarily or temporarily resides in the Restricted Area – Metropolitan Melbourne to work at a construction site that is a small-scale construction site in Regional Victoria or in the Restricted Area – Regional Victoria; or
  - (b) ordinarily or temporarily resides in Regional Victoria to work at a construction site that is a small-scale construction site in the Restricted Area; or
  - (c) is an ordinary or temporary resident of the Restricted Area – Regional Victoria to work at a construction site that is a small scale construction site in the Restricted Area – Metropolitan Melbourne or in Regional Victoria,
- unless the employer has sighted evidence that the worker is fully vaccinated or is an excepted person.
- (54) In relation to a small-scale construction site, an employer may designate a supervisor or site manager to perform the role of COVID Marshal for multiple sites under their management or supervision at the same time.

*Exemptions and transitional provisions*

- (55) The Chief Health Officer may grant an exemption in writing to the requirements of subclauses (44) to (48), (52) or (53).
- (56) Any construction site that was deemed by the Victorian Government and endorsed by the Chief Health Officer to be critical and essential infrastructure that it is urgently required for the purposes of sustaining human health, safety and wellbeing under a **revoked Workplace (Additional Industry Obligations) Direction** continues to be a critical and essential infrastructure site under these directions and is subject to the requirements of subclauses (44) and (46).

**8 Relationship with other directions**

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

**9 Other definitions**

For the purposes of these directions:

- (1) **abattoir** has the meaning under the PrimeSafe licence categories ‘abattoirs (domestic)’ and ‘abattoirs (exports)’;
- (2) **Additional Obligation Industries** has the meaning in clause 5(1);
- (3) **aircraft** means an aircraft that is mainly used for the purpose of, or is engaged, or is intended or likely to be engaged, in a flight wholly within Australia;
- (4) **airport** means a facility that receives scheduled international passenger air transport services and / or passenger charter air services from international markets;
- (5) **Area Directions** means the **Area Directions (No. 25)** as amended or replaced from time to time;
- (6) **Australian air transport operator** has the same meaning as in the **Civil Aviation Safety Amendment (Part 119) Regulations 2018** of the Commonwealth;
- (7) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (8) **baseline daily workforce** for a construction site means the daily average number of workers on the construction site across the project lifecycle as derived from the construction site’s resourcing plan as of 15 August 2021. For projects where no resourcing plan was available prior to 15 August 2021, the resource plan as at the date of project commencement should be used to determine the baseline daily workforce;
- (9) **best practice standards** in relation to a **crib room** means the standards specified in Schedule 1;
- (10) **Border Directions** means the **Victorian Border Crossing Permit Directions (No. 33)** as amended or replaced from time to time;
- (11) **Care Facilities Directions** means the **Care Facilities Directions (No. 46)** as amended or replaced from time to time;
- (12) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (13) **care facility worker** has the same meaning as ‘worker’ in the **Care Facilities Directions**;
- (14) **Chief Veterinary Officer** means the chief veterinary officer of the Department of Jobs, Precincts and Regions;

- (15) **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;
- (16) **cleaned** has the same meaning as in the **Workplace Directions**;
- (17) **commercial cleaning services** means a business that provides cleaning and sanitisation services to commercial **premises**;
- (18) **commercial passenger vehicle services** has the meaning given in section 4 of the **Commercial Passenger Vehicle Industry Act 2017**;
- (19) **confirmed case** means a **worker** or person diagnosed with **SARS-CoV-2** and includes the period of time prior to the diagnosis during which the **confirmed case** is considered infectious;
- Note: the period during which a person is considered infectious is generally considered to be 48 hours prior to the onset of SARS-CoV-2 Symptoms, however, alternative infectious periods may be determined at the discretion of an officer or nominated representative of the Department (for instance, in high-risk settings or if the confirmed case is asymptomatic).*
- (20) **construction site** means a Work Premises at which civil works, building or construction activities take place;
- (21) **COVID Marshal** has the meaning in clauses 7(2A)(b), 7(22)(b), 7(25)(b), 7(31)(a), 7(40)(e) (as the case may be);
- (22) **COVID streaming area** means any patient treatment area nominated by the relevant health service as an area dedicated to treating a confirmed case or confirmed cases, including negative pressure rooms for SARS-CoV-2 patients;
- (23) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (24) **COVID-19 Mandatory Vaccination (Specified Facilities) Directions** means the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 6)** as amended or replaced from time to time;
- (25) **crib room** means an indoor area used for rostered meal and rest breaks;
- (26) **critical and essential infrastructure** means:
- (a) construction or maintenance (including civil works, building or construction activities) of critical and essential infrastructure (whether privately or publicly funded) where the Victorian Government has deemed, and the Chief Health Officer has endorsed, that it is urgently required for the purposes of sustaining human health, safety and wellbeing, on a case by case basis; or
  - (b) activities deemed by the Victorian Government from time to time as **State Critical Infrastructure Projects**; or
  - (c) construction for the purposes of national security or defence;
- (27) **density quotient** has the same meaning as in the **Workplace Directions**;
- (28) **Department** means the Department of Health;
- (29) **Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (30) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 28)** as amended or replaced from time to time;

- (31) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (32) **early stage land development sites** means all civil works undertaken on open air, large greenfield sites that are associated with and preparatory to construction of multiple individual residential dwellings or industrial or commercial development on that site (including site remediation and site preparation works, construction of utilities and construction of roads, bridges, stormwater/flood management works and trunk infrastructure);
- (33) **employee** includes a person who is self-employed;
- (34) **employer** means a person who owns, operates or controls a **Work Premises** and includes a person who is self-employed or a sole-trader;
- (35) **excepted person** has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
- (36) **face covering** has the same meaning as in the **Workplace Directions**;
- (37) **fully vaccinated** has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
- (38) **Green Zone Country** has the same meaning as in the **Border Directions**;
- Note: information regarding countries with current, valid (and not temporarily or permanently suspended) safe travel zone agreements with the Commonwealth of Australia is available at: [www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert/coronavirus-covid-19-travel-and-restrictions/coronavirus-covid-19-advice-for-international-travellers#travel-zones](http://www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert/coronavirus-covid-19-travel-and-restrictions/coronavirus-covid-19-advice-for-international-travellers#travel-zones) as amended or replaced from time to time by the Victorian Government.*
- (39) **high-risk hospital Work Premises** means any **hospital** ward treating a **confirmed case** or cases of **SARS-CoV-2**;
- (40) **high-risk hospital Work Premises worker** means any **worker** involved in the direct care of patients, and those who interact with a **high-risk hospital Work Premises**;
- (41) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (42) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 37)** as amended or replaced from time to time;
- (43) **hotel quarantine** means a place (being a hotel or other facility or class of facility), designated by the Attorney-General and published in the Government Gazette, where people are detained in or directed to remain in, or are staying in, quarantine, isolation or emergency accommodation at, for the purpose of eliminating or reducing the serious risk to public health posed by the COVID-19 pandemic;
- (44) **inspector** has the same meaning as in the **OHS Act**;
- (45) **large-scale construction site** means, a construction site if:
- (a) it is for construction of a building where a planning permit has been issued in relation to the site for a building that is greater than three storeys tall (excluding basement level(s)); or
  - (b) the site size is more than 1,500 m<sup>2</sup> floor size (inclusive of all floors); or
  - (c) it is for construction of a premises that is predominantly for office use, or that is the internal fit-out of a large-format retail **premises**; or
  - (d) it is for construction of a premises that is predominantly for industrial or large format retail use;

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

- (46) **meat processing facility** has the meaning under the PrimeSafe licence category ‘further meat processing facilities’;
- (47) **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**;



- (48) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (49) **operator** in relation to a construction site has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
- (50) **outbreak** means:
- (a) a single **confirmed case** of **SARS-CoV-2** in a resident, staff member or frequent attendee of a residential aged **care facility**; or
- (b) two or more epidemiologically linked cases outside of a household with symptom onset within 14 days;
- Note: transmission within one household does not constitute an outbreak but will become part of an outbreak response if linked to a high priority setting. In some circumstances, the Department may identify other settings that are sensitive and where a single confirmed case will trigger an outbreak response. Relevant parties will be informed if this occurs. Determining whether a person is a frequent or infrequent visitor may be based on frequency of visits, time spent in the setting, and number of contacts within the setting.*
- (51) **partially vaccinated** has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
- (52) **perishable food Work Premises** means a **Work Premises** that is predominantly a perishable food facility that is a chilled distribution facility;
- (53) **personal protective equipment** has the same meaning as in the **Occupational Health and Safety Regulations 2017**;
- (54) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (55) **port** means the port of Melbourne, the port of Geelong, the port of Portland, the port of Hastings and any other port declared under section 6 of the **Port Management Act 1995** in relation to which port lands or port waters or both port lands and port waters have been declared under section 5 of the **Port Management Act 1995**;
- (56) **port of entry** means a **port** or **airport**;
- (57) **port of entry worker** has the meaning in clause 7(20);
- (58) **poultry processing facility** has the meaning under the PrimeSafe licence category ‘poultry meat processing facilities’;
- (59) **premises** has the same meaning as in the **PHW Act**;
- (60) **reasonably practicable** is to have its ordinary and common sense meaning;
- (61) **representative** in relation to the **operator** of a construction site means the site manager, the duty holder or a registered builder;
- (62) **Restricted Area** has the same meaning as in the **Area Directions**;
- (63) **Restricted Area – Metropolitan Melbourne** means the part of the **Restricted Area** that is not the **Restricted Area – Regional Victoria**;
- (64) **Restricted Area – Regional Victoria** has the same meaning as in the **Area Directions**;
- (65) **revoked Workplace (Additional Industry Obligations) Direction** means any of the **Workplace (Additional Industry Obligations) Directions**;
- (66) **SARS-CoV-2 Symptoms** has the same meaning as in the **Workplace Directions**;
- (67) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (68) **seafood processing facility** has the meaning under the PrimeSafe licence category ‘seafood processing facilities’;
- (69) **seasonal horticultural work** means work that is seasonal in nature in the horticulture (ie production of fruit and vegetables) sector of the agriculture industry, including the picking, packing and harvesting of seasonal produce, but does not include:
- (a) the production of nuts, wine grapes and olives; or
- (b) storage and distribution activities that occur post production;

- (70) **seasonal Work Premises** means a farm or workplace where **seasonal horticultural work** is undertaken;
- (71) **seasonal worker** means a **worker** temporarily employed or engaged to perform **seasonal horticultural work** at **seasonal Work Premises**;
- (72) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (73) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (74) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (75) **Service Victoria system** means the digital system provided by the **Service Victoria CEO** and other parts of the Victorian Government and includes the Service Victoria app;
- (76) **small-scale construction site** means a construction site other than a large-scale construction site or an early stage land development site;
- (77) **specialist contractor** means:
- (a) asphalters;
  - (b) carpenters;
  - (c) plasterers;
  - (d) carpet layers;
  - (e) sprinkler fitters;
  - (f) solar installers;
  - (g) security system installers;
  - (h) mobile cranes – operators and dogmen;
  - (i) electricians;
  - (j) plumbers, including roof plumbers;
  - (k) tile layers, including roof tilers;
  - (l) concreters;
  - (m) gold class riggers;
  - (n) steel fixers;
  - (o) post tensioners;
  - (p) vertical access riggers;
  - (q) welders;
  - (r) precast installers;
  - (s) caulkers;
  - (t) floor layers;
  - (u) window and glass installers/glaziers;
  - (v) engineers;
  - (w) floor installers;
  - (x) insulation installers;
  - (y) brick layers;
  - (z) joiners;
  - (aa) painters;
  - (bb) appliance installers;
  - (cc) water proofers;

- (dd) cladding installers;
  - (ee) termite specialists;
  - (ff) mechanics who install and repair plant;
  - (gg) landscape architects;
  - (hh) renderers;
  - (ii) cabinet installers;
  - (jj) shower screen/mirror installers;
  - (kk) earthworks and drainage specialists;
  - (ll) flora and fauna specialists;
  - (mm) garage door installers;
  - (nn) gas contractors;
  - (oo) geotechnical specialists;
  - (pp) heritage and cultural heritage specialists;
  - (qq) retaining wall specialists;
  - (rr) sewer contractors;
  - (ss) telecommunications installers;
  - (tt) traffic engineers;
- (78) **State Critical Infrastructure Projects** means projects listed in the ‘State Critical Infrastructure List’ for Regional Victoria and the Restricted Area as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer;
- Note: the State Critical Infrastructure Projects List is available at [www.coronavirus.vic.gov.au/coronavirus-sector-guidance-construction#state-critical-infrastructure-list](http://www.coronavirus.vic.gov.au/coronavirus-sector-guidance-construction#state-critical-infrastructure-list) as amended from time to time by the Victorian Government.*
- (79) **Stay at Home Directions (Restricted Areas)** means the **Stay at Home Directions (Restricted Areas) (No. 27)** as amended or replaced from time to time;
- (80) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 12)** as amended or replaced from time to time;
- (81) **supermarket** has the same meaning as ‘supermarket business’ in the **Food Act 1984**, and includes supermarket distribution and warehousing (including in relation to liquor products) but excludes retail facilities;
- (82) **supermarket Work Premises** means the total of all **supermarket** distribution facilities;
- (83) **Surveillance Testing Industry List and Requirements** means the **Department** document that lists the industries (as amended from time to time on the advice of the Chief Health Officer) that are required to carry out surveillance testing on their **workers**, and also sets out the surveillance testing requirements for those listed industries;
- Note: the Surveillance Testing Industry List and Requirements are available at [www.dhhs.vic.gov.au/surveillance-testing-industry-list-covid-19](http://www.dhhs.vic.gov.au/surveillance-testing-industry-list-covid-19) as amended from time to time by the Victorian Government.*
- (84) **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 **Australian Immunisation Register Act 2015** of the Commonwealth;
- Note: vaccination information may be recorded in a variety of documents, such as a letter from a medical practitioner, a certificate of immunisation or an immunisation history statement obtained from the Australian Immunisation Register.*

- (85) **vehicle** has the same meaning as in the **PHW Act**;  
*Note: under the PHW Act, vehicle includes any means of transport, whether used on land, sea or in the air.*
- (86) **Workplace Directions** means the **Workplace Directions (No. 51)** as amended or replaced from time to time;
- (87) **Work Premises** means the **premises** of an **employer** in which work is undertaken, including any **vehicle** whilst being used for work purposes, and including a **seasonal Work Premises**;  
*Note: a Work Premises does not include an employee's ordinary place of residence.*
- (88) **worker** includes **employees**, labour hire, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work.

## 10 Penalties

- (1) Section 210 of the PHW Act provides:
- False or misleading information**
- (1) A person must not –
- give information that is false or misleading in a material particular; or
  - make a statement that is false or misleading in a material particular; or
  - produce a document that is false or misleading in a material particular – to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information.
- Penalty: In the case of a natural person, 60 penalty units;  
 In the case of a body corporate, 300 penalty units.
- (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading.
- Penalty: In the case of a natural person, 60 penalty units;  
 In the case of a body corporate, 300 penalty units.
- (3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the charge for the accused to prove that at the time at which the offence is alleged to have been committed, the accused believed on reasonable grounds that the information, statement or document was true or was not misleading.
- (2) Section 203 of the PHW Act provides:
- Compliance with direction or other requirement**
- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.
- Penalty: In the case of a natural person, 120 penalty units;  
 In the case of a body corporate, 600 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.
- (3) A person who fails to comply with these directions is liable for an on-the-spot fine of:
- in the case of a natural person:
    - aged 18 years or older – 10 penalty units;
    - aged 15 years or older but under the age of 18 years – 4 penalty units;
    - aged under 15 years – 1 penalty unit; or

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

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

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

Dated 8 October 2021

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

### SCHEDULE 1 – BEST PRACTICE STANDARDS

- (1) Wherever possible, workers should have meal or other breaks outside, while maintaining physical distancing from others.
  - (2) Adequate air movement (**ventilation**) with fresh air is necessary. Crib rooms should include increase natural ventilation which can be achieved by:
    - (a) opening doors and windows allowing fresh air from outside. This should especially be on opposing walls, to allow air to flow through the space; and
    - (b) allowing natural ventilation from open wall faces, doors and windows.
  - (3) If this cannot be achieved or is not possible, the use of fans and exhaust ducts out through windows and exhaust fans should be used to direct and assist with increasing air flow.
  - (4) Where mechanical ventilation is installed, commissioned and active, the employer must consider whether specific adjustment in the Heating Ventilation Air Conditioning management plan is required to achieve air replacement in targeted areas.
  - (5) In the space of a designated tea or meal room, the rate of air changes per hour must be 5 – 6. This means the entire air volume should be replaced every 10 – 12 minutes.
  - (6) If this is not possible, appropriate placement and use of fans is required where the movement of air is directed to the open space. The employer must consult with engineering services or an occupational hygienist regarding the appropriate placement and use of fans in this context.
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