



# Victoria Government Gazette

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## Public Health and Wellbeing Act 2008 Section 200

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

#### Restricted Activity Directions (Restricted Areas) (No. 22)

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

#### 1 Preamble

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings in the **Restricted Area** to address the serious public health risk posed to Victoria by severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Restricted Activity Directions (Restricted Areas) (No. 21)**.

#### 2 Citation

These directions may be referred to as the **Restricted Activity Directions (Restricted Areas) (No. 22)**.

#### 3 Revocation

The **Restricted Activity Directions (Restricted Areas) (No. 21)** are revoked at 11:59:00 pm on 14 October 2021.

#### 4 Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00 pm on 14 October 2021 and ending at 11:59:00 pm on 21 October 2021.

#### 5 Authorised Work Premises

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

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

**SPECIAL**

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

## 6 Closed work premises

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

## 7 Exceptions

### *Permitted operations – physical recreational facilities*

- (1) A person who owns, controls or operates a **physical recreational facility** in the Restricted Area may operate that facility during the restricted activity period only for the purposes of:
  - (a) the exclusive use of training for **professional or high-performance sports persons** provided that only persons who are necessary for the conduct of the training are permitted to attend the facility; or
  - (b) operating that facility if it is necessary for an Authorised Worker to perform work that is authorised at that site with only the minimum number of persons necessary in attendance onsite and where the purpose of their attendance is for professional sport; or
  - (c) conducting a professional sporting event that has been approved to proceed with no spectators by the Chief Health Officer through the **Public Event Framework**; or
  - (d) the provision of hydrotherapy services specified in subclause (3); or
  - (e) broadcasting an online class from the physical recreational facility, provided that the total number of persons at the facility for the purpose of broadcasting the online class is no more than five; or
  - (f) members of the public gathering in an outdoor space in accordance with the requirements of the **Stay at Home Directions (Restricted Areas)** provided that:
    - (i) all indoor spaces, with the exception of toilets, at the facility are closed to members of the public at all times; and  
*Note: a change room is not considered to be a toilet for the purposes of the exception in subclause (f)(i) above. If a change room contains toilet facilities, only the toilets are permitted to be open to members of the public.*
    - (ii) no employees of the facility other than a personal trainer are present while members of the public are using the facility; and

- (iii) all members of the public and any personal trainer comply with the **COVID-19 Vaccinated Activities Directions for personal training**.

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

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

*Note: a skatepark in an outdoor space and outdoor communal exercise equipment are part of the definition of 'community facility'.*

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

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

*Note: the limits on persons under subclause (3)(d) apply to all persons, including members of the public accessing hydrotherapy services and any other person, such as a health worker, accompanying them.*

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

*Permitted operations – community facilities*

(4) A person who owns, controls or operates a **community facility** in the Restricted Area may operate that facility during the restricted activity period only for the purposes of:

- (a) conducting a wedding or funeral that is compliant with the requirements of the **Stay at Home Directions (Restricted Areas)**; or
- (b) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise), with only the minimum number of persons required to conduct and/or facilitate the essential public support service and with a maximum of 10 persons attending the community facility to receive the essential public support service at any one time; or

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

*Note 1: the persons required to conduct and/or facilitate the service are not included in the maximum of 10 persons.*

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

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

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

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

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

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

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

- (a) it is necessary for an Authorised Worker to perform work that is authorised at that site, with only the minimum number of persons necessary in attendance onsite; or
- (b) the community facility is a **playground**, in which case that facility may operate for its ordinary use by members of the public in accordance with the requirements of the **Stay at Home Directions (Restricted Areas)**; or
- (c) the community facility is a skatepark in an outdoor space or outdoor communal exercise equipment and operates for its ordinary use by members of the public and in accordance with the requirements of the **Stay at Home Directions (Restricted Areas)**.

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

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

- (a) a community centre or community hall;
- (b) a public library (including a toy library, but not the **State Library**);
- (c) a youth centre;
- (d) a playground;

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

*Permitted operations – educational facilities*

- (7) A person who owns, controls or operates an educational facility in the Restricted Area may operate that facility during the restricted activity period only for the purposes of:
- (a) providing educational services where education is being provided to:
    - (i) a **vulnerable child or young person**; or
    - (ii) a child, children or young person who has:
      - (A) a single parent, guardian or carer and that person is an Authorised Worker and is working outside of the home and is unable to make alternative supervision arrangements for that child, children or young person; or
      - (B) two parents, guardians or carers and both of those people are Authorised Workers and both are working outside of the home and are unable to make alternative supervision arrangements for that child, children or young person; or
    - (iii) secondary school students attending an assessment that has been approved to proceed onsite as specified in the **Authorised Provider and Authorised Worker List**; or
    - (iv) a person that is studying in a year level identified in Column 1 of Schedule 1 or is a **Year 12 Student**, and that student:
      - (A) is permitted to attend school onsite in accordance with Column 2 of Schedule 1; and
      - (B) only attends school on the number of days specified in Column 2 of Schedule 1,
- provided that all children and students referred to in subclauses (i), (ii), (iii) and (iv) comply with the requirements in Column 3 of Schedule 1 applicable to their year level; or

*Note: a person who owns, controls or operates an educational facility must ensure Year 12 Students (and other relevant students) comply with the obligations outlined in Column 3 of Schedule 1 in order to be able to operate. If a student does not comply, they must not be allowed to attend an educational facility.*

- (b) providing childcare or early childhood education services where the education service is being provided to:
  - (i) a vulnerable child or young person in a **childcare or early childhood education service**; or
  - (ii) a child, children or young person who has:
    - (A) a single parent or carer, and that person is:
      1. working outside of the home and is unable to make alternative supervision arrangements for that child, children or young person; or
      2. working at home and is unable to make alternative supervision arrangements for that child, children or young person; or

- (B) two parents or carers and one parent or carer is an Authorised Worker or works for an authorised provider and holds an Authorised Worker Permit and is:
    - 1. working outside of the home and are unable to make alternative supervision arrangements for that child, children or young person; or
    - 2. working at home and are unable to make alternative supervision arrangements for that child, children or young person; or
  - (c) providing adult education or higher education services to:
    - (i) students conducting final year assessments for a course accredited by the Tertiary Education Quality and Standards Agency where it is not reasonably practicable for the student to complete the assessments by any alternative means by 31 December 2021; or
    - (ii) Year 12 Students that comply with the requirements in Column 3 of Schedule 1.
- (8) A person who is an exception to holding a current Authorised Worker Permit pursuant to the **Workplace Directions** is not required to present an Authorised Worker Permit to a childcare or early childhood education service provider, provided they:
- (a) have photographic personal identification issued by the organisation or body which employs or engages them and which identifies the person's place of work in that capacity; and
  - (b) must, on request, produce the photographic personal identification which identifies the person's place of work to a childcare or early childhood education service provider.

*Permitted operation – entertainment and function facilities*

- (9) A person who owns, controls or operates an **entertainment and function facility** in the Restricted Area may operate that facility during the restricted activity period only for the purposes of:
- (a) conducting an event that has been approved to proceed with no spectators by the Chief Health Officer through the Public Event Framework, or for broadcasting a performance, provided that the total number of persons attending the entertainment and function facility for the purpose of broadcasting the performance is no more than five; or
  - (b) providing the facility for the exclusive use by a single school at any one time for the purpose of conducting Senior Secondary examinations; or
  - (c) if the entertainment and function facility is a theatre, conducting rehearsals if:
    - (i) the rehearsals are conducted by a **National Performing Arts Company**; or
    - (ii) the theatre has a seated capacity of over 1000 people and ordinarily conducts performances on a commercial basis,
 provided that:
    - (iii) the operator of the theatre complies with the **vaccinated limits**; and
    - (iv) only persons who are necessary for the conduct of the rehearsal are permitted to be in the relevant space.
- (10) If a person who operates an entertainment and function facility in the Restricted Area for the purposes set out in subclause (9)(b), that person must comply with relevant restrictions that apply under the **Workplace Directions** (including requirements in relation to face coverings, signage and COVIDSafe Plans), but is exempt from the density quotient requirement in the **Workplace Directions**.

- (11) Despite subclause (9), other goods and services are not permitted to be provided at this facility during the approved event, broadcast, rehearsal or Senior Secondary examination, other than to the extent necessary to provide necessary goods and services to persons permitted to attend the facility in order to conduct the approved event, broadcast, rehearsal or Senior Secondary examination.

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

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

*Permitted operation – places of worship*

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

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

*Note 1: the persons required to conduct and/or facilitate the service are not included in the maximum of 10 persons.*

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

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

*Permitted operation – retail facility*

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

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

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

- (15) A person who owns, controls or operates a **licensed premises** in the Restricted Area may operate that premises during the restricted activity period only for the purposes of:
- (a) operating as a **bottle shop** for the purposes of contactless collection or delivery of pre-ordered goods; or

- (b) providing food or drink, for takeaway purposes only; or
- (c) providing accommodation in accordance with subclause (21).

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

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

*Permitted operation – food and drink facilities*

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

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

- (20) A food and drink facility means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a cafe;
  - (b) a restaurant;
  - (c) a fast-food store;
  - (d) a cafeteria;
  - (e) a canteen;
  - (f) a winery;
  - (g) a food court.

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

*Permitted operation – accommodation facilities*

- (21) A person who owns, controls or operates an **accommodation facility** in the Restricted Area may operate that facility during the restricted activity period only for the purposes of providing accommodation:
- (a) to a person whose place of residence is the accommodation facility; or
  - (b) to a person who is ordinarily a resident of Victoria but has no permanent place of residence in Victoria; or
  - (c) to a person who has a permanent place of residence in Victoria, but that place is temporarily unavailable; or
  - (d) to a person who has no permanent place of residence in Victoria because their permanent place of residence is interstate or overseas; or
  - (e) to a person who requires accommodation, on a temporary basis, due to their travel within the Restricted Area for work purposes related to an Authorised Provider or their status as an Authorised Worker; or
  - (f) to a person who was a temporary guest of the accommodation facility on the date that these directions were given; or

- (g) to a person who requires emergency accommodation, including in relation to family violence and other vulnerable groups; or
  - (h) to a person who requires accommodation for work purposes, where their work is for the purposes of responding to the state of emergency in existence under the PHW Act; or
  - (i) to a person who is subject to a Direction and Detention Notice or the **Diagnosed Persons and Close Contacts Directions**.
- (22) For the purposes of this clause accommodation facility includes, but is not limited to, any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a camping ground;
  - (b) a caravan park;
  - (c) a hotel;
  - (d) a hostel;
  - (e) a bed and breakfast;
  - (f) a private holiday rental facility, including Airbnbs;
  - (g) a motel;
  - (h) a serviced apartment.

*Permitted operation – real estate inspections*

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

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

## 8 Public Events

- (1) For the purpose of this clause:
- (a) **eligible public event** means an organised public gathering for a common purpose on a for profit or not-for-profit basis which is:
    - (i) an event (or a series of events):
      - (A) conducted on a one-off or periodic basis; and
      - (B) open to members of the public; and
      - (C) which may be subject to specific licences, approvals or permits; and
- Note: the person must continue to apply for and comply with all required licences, approvals and permits.*
- (D) publicly announced or advertised; and
  - (E) which may be in a facility, venue or space where such an event (or a series of events) forms part of the routine operations, use, activities or services of the facility, venue or space; or
- (ii) an event (or series of events) deemed by the Victorian Government to be a State-critical public event (or a series of events),

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

but does not mean:

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

*Note: most public gatherings in a facility, venue or space (including any indoor space or outdoor space) are expected to remain subject to the requirements in these directions, including clause 7(17) – (19) (food and drink facilities).*

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

to which these directions and the **Stay at Home Directions (Restricted Areas)** otherwise continue to apply; and

- (b) **exempt public event** means an eligible public event which, subject to the process described in the Public Event Framework, the Chief Health Officer or Deputy Chief Health Officer has exempted from a requirement in the Directions currently in force in accordance with subclause (3) or the equivalent subclause in any **revoked Restricted Activity Directions**.
- (2) A person who arranges to meet or organises or intentionally attends a public gathering for a common purpose in a public place is not required to comply with the requirements of the Directions currently in force in respect of such a public gathering:
- (a) if the public gathering is an exempt public event; and
  - (b) to the extent of an **exemption** granted in respect of that exempt public event (including any conditions on an exemption), unless the relevant exemption for the exempt public event is suspended in accordance with subclause (6) during the restricted activity period.
- (3) The Chief Health Officer or Deputy Chief Health Officer may exempt an eligible public event (or class of eligible public events) from any requirement of the Directions currently in force if satisfied that the exemption is appropriate, having regard to:
- (a) the need to protect public health; and
  - (b) the principles in sections 5 to 10 of the PHW Act, as appropriate.
- (4) An exemption:
- (a) must be given in writing; and
  - (b) must be published at [www.coronavirus.vic.gov.au/public-events](http://www.coronavirus.vic.gov.au/public-events) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer; and
  - (c) must specify each requirement in the Directions currently in force to which, subject to subclause (d), an exemption is granted; and
  - (d) may impose conditions on an exemption.
- (5) An exemption does not prevent:
- (a) the Chief Health Officer or Deputy Chief Health Officer exercising any power the Chief Health Officer or Deputy Chief Health Officer is authorised to exercise under the PHW Act; or
  - (b) an authorised officer from exercising any power the authorised officer is authorised to exercise under the PHW Act, including ensuring compliance with:
    - (i) an exemption granted (including any conditions on an exemption); or
    - (ii) the requirements of all other Directions currently in force.

*Transitional provisions*

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

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

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

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

**9 Emergency use and operations**

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

**10 Relationship with other directions**

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

**11 Other definitions**

For the purposes of these directions:

- (1) **accommodation facility** has the meaning in clause 7(21);
- (2) **animal facility** means the following:
  - (a) a **zoological park**;
  - (b) a **wildlife centre**;
  - (c) a **petting zoo**;
  - (d) an **aquarium**;
  - (e) an **animal farm** that is not being operated for the purpose of producing food;
- (3) **Area Directions** means the **Area Directions (No. 26)** as amended or replaced from time to time;
- (4) **Authorised Provider** means a provider of goods or services as set out in the **Authorised Provider and Authorised Worker List**;
- (5) **Authorised Provider and Authorised Worker List** means the ‘Authorised Provider and Authorised Worker List’ as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer, available at [www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-list](http://www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-list)
- (6) **Authorised Work Premises** has the meaning in clause 5(1);
- (7) **Authorised Worker** has the same meaning as in the **Workplace Directions**;
- (8) **Authorised Worker Permit** has the same meaning as in the **Workplace Directions**;
- (9) **bottle shop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the **premises**;
- (10) **cardio or strength training facility** means a facility used predominantly for cardio, weight or strength training, including any cardio or strength training facility located wholly or partly within any other facility (including a **physical recreational facility**);
- (11) **childcare or early childhood education service** means onsite early childhood education and care services or children’s services provided under the:
  - (a) **Children’s Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs; or

- (b) **Education and Care Services National Law Act 2010** and the **Education and Care Services National Regulations 2011** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services;
- (12) **closed work premises** means a **work premises** that is not an **Authorised Work Premises**;
- (13) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (14) **community facility** has the meaning in clause 7(6);
- (15) **COVID-19 Vaccinated Activities Directions** means the **COVID-19 Vaccinated Activities Directions (No. 4)** as amended or replaced from time to time;
- (16) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (17) **creative arts facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) an art studio;
  - (b) a ceramics studio;
  - (c) a music room or studio;
  - (d) a rehearsal room or studio,
- but does not include:
- (e) a **physical recreational facility**;
  - (f) a **community facility**;
  - (g) a **place of worship**;
- (18) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 28)** as amended or replaced from time to time;
- (19) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (20) **Directions currently in force** has the same meaning as in the **Stay at Home Directions (Restricted Areas)**;
- (21) **educational services** has the same meaning as in the **Stay at Home Directions (Restricted Areas)**;
- (22) **eligible public event** has the meaning in clause 8(1)(a);
- (23) **entertainment and function facility** has the meaning in clause 7(12);
- (24) **essential maintenance** means:
- (a) treating or caring for animals or performing an animal rescue function; or
  - (b) critical maintenance and safety works including to satisfy environmental obligations;
- (25) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (26) **exempt public event** has the meaning in clause 8(1)(b);
- (27) **exemption** means an exemption granted by the Chief Health Officer or the Deputy Chief Health Officer for an **eligible public event** or class of eligible public events under clause 8(3) of these directions or the equivalent provision in any **revoked Restricted Activity Direction**;
- (28) **face covering** has the same meaning as in the **Workplace Directions**;
- (29) **food and drink facility** has the meaning in clause 7(20);
- (30) **food court** has the same meaning as in the **Liquor Control Reform Act 1998**;

- (31) **function facility** means a building, room or space that is used for the purpose of holding events, functions, conferences or receptions and, for the avoidance of doubt, includes spaces within an **entertainment or function facility** or **accommodation facility** but not within **licensed premises**;
- (32) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (33) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (34) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are temporary (in a **physical recreational facility** or **food and drink facility** only) or permanent structures rising either from floor to ceiling or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are open or closed;
- (35) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (36) **licensed premises** has the meaning in clause 7(16);
- (37) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;
- (38) **member of the public**, in relation to a facility or venue, means a person other than:
- (a) a person who is an employee of an operator of the facility or venue; or
  - (b) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;
- (39) **National Performing Arts Company** means an organisation funded through the National Performing Arts Partnership Framework;
- (40) **nightclub** means a facility:
- (a) to which a **late night licence** applies; and
  - (b) with a dancefloor; and
  - (c) which does not serve food prepared at the facility for consumption on the **premises**;
- (41) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (42) **outdoor space** means a space that is not an **indoor space**;
- (43) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (44) **personal training** has the same meaning as in the **COVID-19 Vaccinated Activities Directions**;
- (45) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (46) **physical recreational facility** has the meaning in clause 7(2);
- (47) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (48) **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**;
- (49) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**, but does not mean a **play centre**;
- (50) **premises** has the same meaning as in the **PHW Act**;
- (51) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (52) **professional or high-performance sports person** means an individual who meets one or more of the following criteria:
- (a) perform a sporting activity in an open-aged national or international competition (at the highest level as identified by the recognised national body); or

- (b) employed to perform a sporting activity as their primary source of income (e.g. employed by a professional club or recognised national body); or
  - (c) a National Institute Network Scholarship holder or equivalent level national categorised athlete;
- (53) **Public Event Framework** means the Public Event Framework available at [www.coronavirus.vic.gov.au/public-events](http://www.coronavirus.vic.gov.au/public-events) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer;
- (54) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (55) **restaurant and café licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (56) **restricted activity period** has the meaning in clause 4;
- (57) **Restricted Area** has the same meaning as in the **Area Directions**;
- (58) **retail facility** means a **premises**, or part of a premises, at which a business operates to provide for the sale or hire of goods by retail or the retail provision of services and includes a **market, retail shopping centre** and supermarkets;
- (59) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (60) **revoked Restricted Activity Directions** means any of the **Restricted Activity Directions (Victoria)**, the **Restricted Activity Directions (Regional Victoria)**, the **Restricted Activity Directions (Metropolitan Melbourne)**, the **Restricted Activity Directions (Non-Melbourne)**, or the **Restricted Activity Directions (Restricted Areas)**, that are no longer in force;
- (61) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (62) **Senior Secondary examination** means an examination relating to a senior secondary certificate;
- (63) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (64) **State Library** means the State Library Victoria;
- (65) **Stay at Home Directions (Restricted Areas)** means the **Stay at Home Directions (Restricted Areas) (No. 28)** as amended or replaced from time to time;
- (66) **vaccinated limits** means in relation to a facility, the ‘capacity limit’ or the ‘vaccinated capacity limit’ for that facility as each of those terms is defined in the **COVID-19 Vaccinated Activities Directions**;
- (67) **vehicle** has the same meaning as in the **PHW Act**;
- (68) **vulnerable child or young person** means a child or young person who:
- (a) resides in the care of the State or in out-of-home care; or
  - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or
  - (c) is identified by a **school, childcare or early childhood education service** as vulnerable (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service); or
  - (d) is identified by a parent or guardian as vulnerable because the child or young person has a disability and cannot learn from home due to the circumstances of that disability;

- (69) **work premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- (70) **worker** has the same meaning as in the **Workplace Directions**;
- (71) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 51)** as amended or replaced from time to time;
- (72) **Workplace Directions** means the **Workplace Directions (No. 51)** as amended or replaced from time to time;
- (73) **Year 12 Student** means a person undertaking a Victorian Certificate of Education Unit 3 or 4 subject or the final year of the Victorian Certificate of Applied Learning, Vocational Education and Training or International Baccalaureate;
- (74) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

## 12 Penalties

Section 203 of the PHW Act provides:

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

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

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

Dated 14 October 2021

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

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**SCHEDULE 1 – SCHOOLS SCHEDULE**

Year level (Column 1)	Phase A	
	Onsite attendance (Column 2)	Student requirements (Column 3)
Foundation (Prep)	From 18 October 2021, onsite attendance is permitted 3 days per week.	None.
Year 1 Year 2	From 18 October 2021, onsite attendance is permitted 2 days per week.	
Year 3 Year 4	Onsite attendance is not permitted.	Face masks must be worn while indoors while on the premises of the educational facility.
Year 5 Year 6		
Year 7		
Year 8 Year 9	Onsite attendance is not permitted.	Face masks must be worn indoors and outdoors while on the premises of the educational facility.
Year 10		
Year 11		
Year 12 Student	Onsite attendance is not permitted unless the person is a Year 12 Student and only when undertaking study as a Year 12 Student.	Face masks must be worn indoors and outdoors while on the premises of the educational facility.
	Onsite attendance is permitted on all days.	

**Public Health and Wellbeing Act 2008**  
Section 200

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

Restricted Activity Directions (Regional Victoria) (No. 15)

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

**1 Preamble**

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings in **Regional Victoria** to address the serious public health risk posed to Victoria by severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Restricted Activity Directions (Regional Victoria) (No. 14)**.

**2 Citation**

These directions may be referred to as the **Restricted Activity Directions (Regional Victoria) (No. 15)**.

**3 Revocation**

The **Restricted Activity Directions (Regional Victoria) (No. 14)** are revoked at 11:59:00 pm on 14 October 2021.

**4 Restricted activity period**

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00 pm on 14 October 2021 and ending at 11:59:00 pm on 21 October 2021.

**5 Residence checking requirement**

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

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

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

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

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

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

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

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

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

## 6 Physical recreational facilities

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

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

- (2) A **physical recreational facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a facility used predominantly for indoor sport or physical recreation;

*Examples: gymnasium, health club, fitness centre, yoga studio, pilates studio, barre studio, dance studio, spin facility, indoor basketball court, indoor climbing facility, squash court, table tennis centre.*

- (b) a facility used predominantly for outdoor sport or physical recreation;  
*Examples: golf club, tennis club, basketball centre, go kart track, rifle range, equestrian centre, mini golf, paint ball, lawn bowling, water skiing.*
- (c) a **personal training facility**;
- (d) a **cardio or strength training facility**;  
*Examples: a cardio or strength facility featuring cardio equipment (such as exercise bikes, elliptical trainers, steppers and rowing machines), free weights, kettlebells and weight and / or strength training equipment and machines. A cardio or strength training facility may be a stand-alone facility or part of another facility (such as a gymnasium, health club, fitness centre or personal training facility).*
- (e) a **play centre**;
- (f) an indoor skatepark;
- (g) a trampolining centre; or
- (h) a swimming pool, **hydrotherapy pool**, spa, sauna, steam room or **spring facility**,

but does not include:

- (i) a skatepark in an **outdoor space**;
- (j) outdoor communal exercise equipment; or
- (k) a **creative arts facility**.

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

#### *Physical recreation and community sport*

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

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

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

  - (e) any spa, sauna, steam room or change room at a swimming pool facility is closed at all times to members of the public; and
  - (f) the activity or community sport does not involve a participant who ordinarily resides in the Restricted Area; and

- (g) the number of members of the public in a group at any one time is limited to 10 (with infants under one year of age not counting towards this limit); and  
*Note: any persons employed by the physical recreation facility or not participating in an activity at the physical recreation facility, such as teachers, instructors, trainers or coaches, as well as carers, parents and guardians attending to support participation of a child or a person with disability are not included for the purpose of calculating the group limit on the number of members of the public referred to in subclause (3)(g).*
- (h) at all times only the minimum number of people required to conduct the community sport activity are present for that purpose; and  
*Note: only those persons required to facilitate the activity at the physical recreational facility are permitted to attend, which may include teachers, instructors, trainers, coaches, and umpires, as well as carers, parents and guardians attending to support participation of a child or person with disability.*
- (i) no spectators are permitted to attend any activity or community sport; and
- (j) any shared equipment is cleaned between users; and
- (k) in the case of staffed physical recreational facilities, a **COVID Check-in Marshal** is present at all entrances to the facility open to members of the public whenever the facility is operational; and
- (l) any food and drink facility within the physical recreational facility operates in accordance with the requirements of clause 14 (**food and drink facilities**); and
- (m) any **retail facility** within the physical recreational facility operates in accordance with the requirements of clause 12 (**retail facilities**); and
- (n) any dancefloor in the physical recreational facility is closed.  
*Note: any person employed by the physical recreational facility is not included for the purpose of calculating the limits on the number of members of the public referred to in this subclause.*

*Exception – training for community sport*

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

*Exception – professional or high performance sport*

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

*Exception – large outdoor spaces*

- (6) Despite subclause (3), a person who owns, controls or operates an outdoor physical recreational facility in Regional Victoria is not required to comply with the requirements in subclause (3)(a) (density quotient) or subclause (3)(c) (capacity limit for outdoor spaces) provided that:
- (a) at least a 50 metre distance can be maintained between each group participating in sport at the facility at all times; and
- (b) all other requirements in subclause (3) are complied with including the group limit specified in subclause (3)(g).

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

*Exception – school or educational swimming purposes*

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

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

**7 Community facilities**

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

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

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

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

but does not include:

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

- (3) A person who owns, controls or operates a community facility in Regional Victoria may only operate that facility for members of the public if:

- (a) any wedding or funeral held at the facility complies with the requirements of the **Stay Safe Directions (Regional Victoria)**; and
- (b) the number of members of the public permitted in each indoor space or outdoor space at any one time is limited (with infants under one year of age not counting towards these limits) to the density quotient; and

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

- (c) the number of members of the public at the whole of the facility at any one time is limited to no more than 20 (with infants under one year old not counting towards this limit); and

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

- (d) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
- (e) any dancefloor in the community facility is closed.

(4) Despite subclause (3), a person who owns, controls or operates a community facility in Regional Victoria may do so:

- (a) for the purpose of hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise) and is not required to comply with subclause (3) except if the essential public support service is the provision of a support group service; or

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

*Note 1: support groups do not fall within this exception and must comply with the restrictions in subclause (3).*

*Note 2: only members of the public receiving this service and those conducting it can be present.*

- (b) for the purpose of providing an exclusive venue for the exclusive use of a single school at any one time for educational or school gathering purposes, and is not required to comply with subclause (3).

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

*Playgrounds, outdoor skatepark or outdoor communal exercise equipment*

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

## 8 Creative arts facility

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

(2) A person who owns, controls or operates a creative arts facility in Regional Victoria may only operate the facility if:

- (a) the number of members of the public permitted in each indoor space or each outdoor space at any one time is limited (with infants under one year of age not counting towards these limits) to the density quotient; and
- (b) the number of members of the public (whether seated or non-seated) at the whole of the facility at any one time is limited to no more than 20 (with infants under one year old not counting towards this limit); and

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

- (c) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
- (d) any equipment used in an activity is cleaned between users; and
- (e) any dancefloor in the creative arts facility is closed.

*Exception – exclusive use by a single school*

(3) Despite subclause (2), a person who operates a facility described in subclause (2) may operate that facility for the purpose of providing an exclusive venue for the exclusive use of a single school at any one time for educational or school gathering purposes and is not required to comply with the requirement in subclause (2).

*Note: a creative arts facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if people other than students and staff are permitted to attend. If other guests attend, then the limits in subclause (2) apply.*

## 8A Educational facilities

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

- (a) providing **childcare or early childhood education services**; or

- (b) providing **educational services** where education is being provided to:
- (i) a child, children or young person who has:
    - (A) two parents, carers or guardians and both of them are; or
    - (B) a single parent, carer or guardian and that parent or guardian is, an **Authorised Worker** or work(s) for an **Authorised Provider**, or would be an Authorised Worker or would work for an Authorised Provider if the parent or guardian resided in the Restricted Area, and is required to attend the work premises and is unable to make alternative supervision arrangements for that child, children or young person; or
  - (ii) a person who is a **vulnerable child or young person**; or
  - (iii) a person who is studying in a year level identified in Column 1 of Schedule 1 or is a **Year 12 Student**, and who:
    - (A) is permitted to attend school in accordance with Column 2 of Schedule 1; and
    - (B) only attends school on the number of days specified in Column 2 of Schedule 1,

provided that all children and students referred to in subclauses (i), (ii) and (iii) comply with the requirements in Column 3 of Schedule 1 applicable to their year level; or

*Note: a person who owns, controls or operates an educational facility must ensure Year 12 Students (and other relevant students) comply with the obligations outlined in Column 3 of Schedule 1 in order to be able to operate. If a student does not comply, they must not be allowed to attend an educational facility.*

- (c) providing higher education services in relation to final year assessments for Tertiary Education Quality and Standards Agency regulated courses, provided that:
- (i) the person does not have alternative options to complete the study by the end of 2021; or
  - (ii) it is to a person that is studying in a year level identified in Column 1 of Schedule 1 who complies with the applicable requirements in Column 3 of Schedule 1; or
- (d) permitting any person to work (whether on a paid or voluntary basis) at the educational facility in accordance with the provisions of the **Stay Safe Directions (Regional Victoria)**.

## 9 Entertainment and function facilities

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

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

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

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

*General entertainment or function facilities*

- (3) A person who owns, controls or operates a facility in subclause (2)(a) (theatre), (2)(b) (cinema, but excluding a drive-in cinema), (2)(c) (music hall, concert hall or auditorium), (2)(d) (gallery or a museum), (2)(e) (State Library), (2)(f) (arena or stadium), (2)(h) (amusement park) or (2)(n) (animal facility), (2)(q) (convention centre) or (2)(r) (function facility) in Regional Victoria may only operate the facility if:
- (a) unless the person operates a theatre in the circumstances specified in subclause (4), the number of members of the public:
    - (iii) in each non-seated indoor space or non-seated outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit) the density quotient; and
    - (iv) the number of members of the public in each indoor space (whether seated or non-seated) at any one time is limited to no more than 20 (with infants under one year of age not counting towards this limit); and
  - (b) the number of members of the public in each **discrete outdoor space** is limited to no more than the lesser of (with infants under one year of age not counting towards this limit):
    - (i) 300; or
    - (ii) 25% of the normal capacity of that outdoor space; and

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

*Exception – theatre rehearsals*

- (4) A person may operate a theatre in Regional Victoria for the purpose of rehearsals in an indoor space if:
- (a) the rehearsals are conducted by a National Performing Arts Company; or
  - (b) the theatre has a seated capacity of over 1000 people and ordinarily conducts performances on a commercial basis,
- provided that:
- (c) the operator complies with the vaccinated limits for each indoor space; and
  - (d) only persons who are necessary for the conduct of the rehearsal are permitted to be in the relevant space.
- (5) A person that operates a theatre in accordance with subclause (4) is not required to comply with the density quotient and capacity limit specified in subclause (3)(a).

*Exception – exclusive use by a single school*

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

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

*Retail betting venue*

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

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

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

*Arcades, escape rooms and bingo centres*

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

*Drive-in cinemas*

- (9) A person who owns, controls or operates a drive-in cinema in Regional Victoria may operate the facility if:
- (a) the cinema is in an outdoor space accessed by **vehicles**; and
  - (b) the members of the public in each vehicle consist only of:
    - (i) members of the one household, any intimate partners of the members of that household and any child or dependant of any of those members or intimate partners; or

- (ii) a **nominee person** and a **nominated person** and any child or dependant of the nominated person and nominee person; and
  - (c) members of the public are not permitted to be seated outside of their vehicles; and
- Note: members of the public are permitted to leave a vehicle to access toilet facilities or a food and drink facility.*
- (d) a COVID Check-in Marshal is present at all entrances to the drive-in cinema open to members of the public whenever that facility is operational; and
  - (e) the number of members of the public permitted in any non-seated space or communal space is limited (with infants under one year of age not counted towards this limit) to the density quotient; and
  - (f) any food and drink facility within the drive-in cinema operates in accordance with the requirements of clause 14 (**food and drink facilities**).

*Gaming machine area*

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

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

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

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

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

*Karaoke facilities and nightclubs*

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

## 10 Places of worship

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

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

- (2) A person who owns, controls or operates a place of worship in Regional Victoria may only operate that facility if:

- (a) the number of members of the public in any indoor space or outdoor space is limited (with infants under one year of age not counting towards this limit) to the density quotient; and
- (b) the number of members of the public in all indoor spaces and outdoor spaces combined (whether seated or non-seated) at the facility at any one time is limited to no more than 20 (with infants under one year old not counting towards this limit); and

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

- (c) a COVID Check-in Marshal is present at all entrances to the place of worship open to members of the public whenever the facility is operational; and
- (d) any weddings and funerals are compliant with the requirements of the **Stay Safe Directions (Regional Victoria)**; and
- (e) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by any members of the public; and
- (f) any dancefloor in a place of worship is closed.
- (3) Despite subclause (2), a person may operate a place of worship without complying with subclause (2) if it is for the purpose of:

- (a) hosting an essential public support service other than support groups (whether that service is provided on a voluntary basis or otherwise); and

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

*Note 1: support groups do not fall within this exception and must comply with the restrictions in subclause (2).*

*Note 2: only members of the public receiving this service and those conducting it can be present.*

- (b) providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes at any one time.

*Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if people other than students and staff are permitted to attend. If other guests attend, then the limits in subclause (2) apply.*

- (4) Despite subclause (2), a person may operate a place of worship without complying with the requirement in subclause (2)(a) (density quotient) if:

- (a) the total area of all indoor spaces and outdoor spaces accessible to members of the public is less than 100 square metres; and
- (b) the number of members of the public permitted at the facility at any one time is limited to 20 (with infants under one year of age not counting towards this limit).

## 11 Funeral providers and crematoriums

- (1) A person who owns, controls or operates a funeral home or crematorium in Regional Victoria may only do so during the restricted activity period if:

- (a) any funeral conducted is compliant with the requirements of the **Stay Safe Directions (Regional Victoria)**; and

- (b) the number of members of the public in any indoor space and outdoor space is limited (with infants under one year of age not counting towards this limit) to the density quotient; and
- (c) the total number of members of the public at the whole of the facility at any time is limited (with infants under one year of age not counted towards this limit) to the lesser of:
  - (1) the density quotient; and
  - (2) 20; and

*Note: the persons conducting a funeral or other service are not included for the purpose of calculating the limit on the number of members of the public referred to in subclause (1)(b) or (1)(c).*

- (d) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
- (e) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by any members of the public.

## 12 Retail facilities

- (1) A person who owns, controls or operates a retail facility, including a restricted retail facility or an auction house, in Regional Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A **restricted retail facility** means the following:
  - (a) a beauty and personal care facility; or
  - (b) a **hairdressing facility**.
- (3) A person who owns, controls or operates a retail facility, including a restricted retail facility and auction house, in Regional Victoria may only operate that facility if:
  - (a) the number of members of the public in any indoor space and outdoor space is limited (with infants under one year of age not counting towards this limit) to the density quotient; and
  - (b) in respect of the operation of restricted retail facilities only, the total number of members of the public permitted at the facility at any one time is limited to 10; and
  - (c) any dancefloor in the retail facility is closed.

### *Exception – small retail facilities*

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

## 13 Licensed premises

- (1) A person who owns, controls or operates a **licensed premises** in Regional Victoria may only operate that premises during the restricted activity period in accordance with these directions.
- (2) A **licensed premises** means a business characterised as a pub, bar, club, nightclub or hotel that supplies alcohol under a **general licence**, an **on-premises licence**, a **late night licence**, a **producer’s licence**, a **club licence** or a **packaged liquor licence**.

- (3) A person who owns, controls or operates a licensed premises in Regional Victoria may operate those premises only for the purposes of:
- (a) operating a **bottle shop**; or
  - (b) providing food or drink in accordance with clause 14, in which case the capacity limits set out in clause 14(3) apply to those licensed premises; or
  - (c) providing accommodation in accordance with clause 15; or
  - (d) operating a retail betting venue in accordance with clause 9(6); or
  - (e) operating a gaming machine area in accordance with clause 9(9); or
  - (f) operating a karaoke facility or nightclub in accordance with clause 9(11).
- (4) Unless the licensed premises is providing food and drink in accordance with clause 14, the total number of members of the public at the whole of the licensed premises, not including any area used for accommodation, at any time is limited (with infants under one year of age not counted towards this limit), to the lesser
- (a) the density quotient; and
  - (b) 30.

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

*Note 2: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

#### 14 Food and drink facilities

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

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

- (2) A **food and drink facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a cafe;
  - (b) a restaurant;
  - (c) a fast-food store;
  - (d) a cafeteria;
  - (e) a canteen;
  - (f) a winery;
  - (g) a **food court**.

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

- (3) A person who owns, controls or operates a food and drink facility in Regional Victoria may operate that facility to permit members of the public to consume food or drinks only if:
- (a) the number of members of the public in any outdoor space is limited (with infants under one year of age not counting towards these limits) to 30; and
  - (b) the number of members of the public in any indoor space is limited (with infants under one year of age not counting towards these limits) to 10; and
  - (c) unless the food and drink facility is a food court, the total number of members of the public at the whole of the facility at any time is limited (with infants under one year of age not counted towards this limit), to the lesser of:
    - (i) the density quotient; and

- (ii) 40; and

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

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

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

- (d) if the food and drink facility is a food court:
- (i) only take away food and drink is provided to members of the public; and
  - (ii) an employee or employees of the operator have been designated as a COVID Marshal; and
- (e) unless the food and drink facility is a food court, members of the public at the premises remain seated except when ordering food or drink, using toilets or entering and leaving the facility; and
- (f) for a food and drink facility that is in a private residence, members of the public only access the facility by a separate entrance to that used by residents and residents' visitors; and
- (g) any dancefloor in the food and drink facility is closed; and
- (h) any weddings held at the facility comply with the **Stay Safe Directions (Regional Victoria)**.

*Exception – exclusive use of a school*

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

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

## 15 Accommodation facilities

- (1) A person who owns, controls or operates an accommodation facility in Regional Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) An **accommodation facility** includes, but is not limited to, any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a camping ground;
  - (b) a caravan park;
  - (c) a hotel;
  - (d) a hostel;
  - (e) a bed and breakfast;
  - (f) a private holiday rental facility, including Airbnbs;
  - (g) a motel; or
  - (h) a serviced apartment.
- (3) A person who owns, controls or operates an accommodation facility in Regional Victoria may operate that facility for the purposes of providing accommodation only if:
- (a) the number of members of the public in any communal indoor or outdoor space is limited to the density quotient; and

- (b) each booking consists only of:
  - (i) members of the one household, any intimate partners of the members in that household and any child or dependant of any of those members or intimate partners, all of whom must ordinarily reside in Regional Victoria; or
  - (ii) members of the public who ordinarily reside in the Restricted Area but require accommodation on a temporary basis due to their travel within Regional Victoria for a permitted reason as set out in the Stay at Home Directions (Restricted Areas) and any child or dependant of that person; or
  - (iii) a nominated person, a nominee person and any child or dependant of the nominated person and nominee person; and
- (c) members of the public under different bookings do not share any bedrooms; and
- (d) all surfaces in the facility that are used exclusively by a particular group, including a hotel room or cabin, are cleaned between each booking; and
- (e) any food and drink facility within the accommodation facility operates in accordance with the requirements of clause 14 (**food and drink facilities**); and
- (f) any function facility within the accommodation facility operates in accordance with the requirements of clause 9 (**entertainment and function facilities**); and
- (g) any dancefloor in the accommodation facility is closed.

*Accommodation facilities – other*

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

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

## 16 Real estate auctions and inspections

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

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

**17 Tours and transport***Licensed tourism operator*

- (1) During the restricted activity period in Regional Victoria, a **licensed tourism operator** may only organise or operate licensed **tourism services** in Regional Victoria for members of the public if:
- (a) the licensed tourism services are not operated in an indoor space; and
  - (b) there are no more than 20 members of the public in any outdoor tour; and
  - (c) no more than 10 members of the public are transported in a vehicle at any one time; and
  - (d) no more than one tour group (regardless of whether the tour group is from the same tourism operator or different tourism operators) attends the same outdoor space at any one time unless a reasonable distance can be maintained between each tour group at all times; and
  - (e) any shared equipment used is cleaned between users and is not shared between members of the public in a tour group; and
  - (f) the licensed tourism services are not operated by more than the minimum number of persons required.

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

**18 Dancefloors**

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

**19 Public Events**

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

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

      - (D) publicly announced or advertised; and
      - (E) which may be in a facility, venue, indoor space or outdoor space where such an event (or a series of events) forms part of the routine operations, use, activities or services of the facility, venue, indoor space or outdoor space; or
    - (ii) an event (or series of events) deemed by the Victorian Government to be a State-critical public event (or a series of events),
- Examples: an exhibition, sport event, festival, fair, parade, performance or trade show.*
- but does not mean:
- (iii) an ad hoc public gathering in a public place;
  - (iv) an ad hoc or routine public gathering in a facility, venue, indoor space or outdoor space which forms part of the ad hoc or routine operations, use, activities or services of the facility, venue, indoor space or outdoor space;

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

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

#### *Transitional provisions*

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

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

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

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

## 20 Vaccinated Economy Trials

- (1) For the purpose of this clause:
- (a) **eligible facility** means a business or facility approved by the Chief Health Officer as being eligible to participate in the Vaccinated Economy Trial; and
  - (b) **exempt facility** means an eligible facility which, subject to the process described in the Vaccinated Economy Trial Framework, the Chief Health Officer or Deputy Chief Health Officer has exempted from a requirement in the Directions currently in force in accordance with subclause (3) or the equivalent subclause in any **revoked Restricted Activity Directions**.
- (2) A person who owns, controls or operates an exempt facility is not required to comply with the requirements of the Directions currently in force in respect of that exempt facility to the extent specified in the exemption and subject to any conditions of the exemption.
- (3) The Chief Health Officer or Deputy Chief Health Officer may exempt one or more persons who are subject to a requirement under these directions to operate one or more eligible facilities (or class of eligible facilities) from any requirement of the Directions currently in force if satisfied that the exemption is appropriate, having regard to:
- (a) the need to protect public health; and
  - (b) the principles in sections 5 to 10 of the **PHW Act**, as appropriate.
- (4) An exemption:
- (a) must be given in writing; and
  - (b) must be published at [www.coronavirus.vic.gov.au/vaccinated-economy-trials](http://www.coronavirus.vic.gov.au/vaccinated-economy-trials) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer; and
  - (c) must specify each requirement in the Directions currently in force to which, subject to subclause (d), an exemption is granted; and
  - (d) may impose conditions on an exemption.
- (5) An exemption does not prevent:
- (a) the Chief Health Officer or Deputy Chief Health Officer exercising any power the Chief Health Officer or Deputy Chief Health Officer is authorised to exercise under the **PHW Act**; or
  - (b) an authorised officer from exercising any power the authorised officer is authorised to exercise under the **PHW Act**, including ensuring compliance with:
    - (i) the extent of an exemption (including any conditions on an exemption); or
    - (ii) the requirements of all other Directions currently in force.

## 21 Emergency use and operations

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

## 22 Relationship with other directions

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

**23 Other definitions**

For the purposes of these directions:

- (1) **accommodation facility** has the meaning in clause 15(2);
- (2) **alpine operator** means any person who owns, controls or operates an **alpine resort** in Regional Victoria;
- (3) **alpine resort** means:
  - (a) any of the following as defined in the **Alpine Resorts (Management) Act 1997**:
    - (i) Falls Creek Alpine Resort;
    - (ii) Lake Mountain Alpine Resort;
    - (iii) Mount Baw Baw Alpine Resort;
    - (iv) Mount Buller Alpine Resort;
    - (v) Mount Hotham Alpine Resort
    - (vi) Mount Stirling Alpine Resort; and
  - (b) the Dinner Plain Village as defined under the Dinner Plain Planning Provisions in the Alpine Planning Scheme;
- (4) **animal facility** means the following:
  - (a) a **zoological park**;
  - (b) a wildlife centre;
  - (c) a petting zoo;
  - (d) an aquarium;
  - (e) an animal farm that is not being operated for the purpose of producing food;
- (5) **Area Directions** means the **Area Directions (No. 26)** as amended from time to time;
- (6) **Authorised Provider** means a provider of goods or services as set out in the **Authorised Provider and Authorised Worker List**;
- (7) **Authorised Worker** has the same meaning as in the **Workplace Directions**;
- (8) **bottle shop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the **premises**;
- (9) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (10) **cardio or strength training facility** means a facility used predominantly for cardio, weight or strength training, including any cardio or strength training facility located wholly or partly within any other facility (including a **physical recreational facility**);
- (11) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (12) **childcare or early childhood education service** means onsite early childhood education and care services or children's services provided under the:
  - (a) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs; or
  - (b) **Education and Care Services National Law Act 2010** and the **Education and Care Services National Regulations 2011** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services;
- (13) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (14) **communal or shared space** means toilets, separate hallways, separate foyers or playgrounds at the facility;

- (15) **community facility** has the meaning in clause 7(2);
- (16) **COVID Check-in Marshal** means an employee, or employees, of a facility who monitors compliance with the **records requirement** at all entrances to the facility open to **members of the public** by checking whether patrons have provided their details prior to entry;
- (17) **COVID Marshal** means an employee or employees of the operator of a facility that have been designated as a COVID Marshal:
- (a) whose role is to monitor compliance with these directions; and
  - (b) who has successfully completed training provided by the operator that is in accordance with guidance from the **Department**; and
  - (c) who is present at the facility whenever it is operational;
- (18) **COVID-19 Vaccinated Activities Directions** means the **COVID-19 Vaccinated Activities Directions (No. 4)** as amended or replaced from time to time;
- (19) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (20) **creative arts facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) an art studio;
  - (b) a ceramics studio;
  - (c) a music room or studio; or
  - (d) a rehearsal room or studio,
- but does not include:
- (e) a **physical recreational facility**;
  - (f) a **community facility**; or
  - (g) a **place of worship**;
- (21) **density quotient** means the number of **members of the public** in an **indoor space** and/or **outdoor space** is limited (with infants under one year of age not counting towards this limit) to the number calculated by dividing the total area of the relevant space accessible to members of the public (measured in square metres) by 4;
- (22) **Department** means the Department of Health;
- (23) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (24) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Regional Victoria)**;
- (25) **discrete outdoor space** means an **outdoor space** (whether a seated space, non-seated space or a combination of seated and non-seated) where crowding or congregation of people may occur and where either:
- (a) people are attending to participate in a shared purpose or activity; or  
*Example: an area for participating in a competition.*
  - (b) people are attending as the audience of the same performance, activity or entertainment.  
*Example: an area where an audience views a performance on an outdoor stage or watches an outdoor cinema screen.*
- (26) **educational services** has the same meaning as in the **Stay at Home Directions (Restricted Areas)**;
- (27) **eligible public event** has the meaning in clause 19(1)(a);
- (28) **entertainment or function facility** has the meaning in clause 9(2);

- (29) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (30) **eligible facility** has the meaning in clause 20(1)(a);
- (31) **exempt facility** has the meaning in clause 20(1)(b);
- (32) **exempt public event** has the meaning in clause 19(1)(b);
- (33) **exemption** means an exemption granted by the Chief Health Officer or the Deputy Chief Health Officer for an:
- (a) **eligible public event** or class of eligible public events under clause 19(3) of these directions or the equivalent provision in any **revoked Restricted Activity Direction**; or
  - (b) **eligible facility** or class of eligible facilities under clause 20(3) of these directions or the equivalent provision in any **revoked Restricted Activity Direction**;
- (34) **face covering** has the same meaning as in the **Workplace Directions**;
- (35) **food and drink facility** has the meaning in clause 14(2);
- (36) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (37) **function facility** means a building, room or space that is used for the purpose of holding events, functions, conferences or receptions and, for the avoidance of doubt, includes spaces within an **entertainment or function facility** or **accommodation facility** but not within **licensed premises**;
- (38) **gaming machine** has the same meaning as in the **Gambling Regulation Act 2003**;
- (39) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (40) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (41) **hairdressing** has the same meaning as in the **PHW Act**;
- (42) **hairdressing facility** means a business that is registered as a business of **hairdressing** under the **PHW Act**;
- (43) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (44) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are temporary (in a **physical recreational facility** or **food and drink facility** only) or permanent structures rising either from floor to ceiling or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are open or closed;
- (45) **karaoke facility** means a facility used predominately for karaoke by **members of the public**;
- Example: a facility with private rooms for use by members of the public for karaoke is a karaoke facility. A bar with one open karaoke stage is not a karaoke facility.*
- (46) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (47) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (48) **licensed premises** has the meaning in clause 13(2);
- (49) **licensed tourism operator** means a person:
- (a) granted a tour operator licence under:
    - (i) section 21B of the Crown Land (Reserves) Act 1978; or
    - (ii) section 57F of the Forests Act 1958; or
    - (iii) section 140I of the Land Act 1958; or
    - (iv) section 27D of the National Parks Act 1975; or
    - (v) section 21B of the Wildlife Act 1975; or
  - (b) providing a tour of an entertainment facility;

- (50) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;
- (51) **member of the public**, in relation to a facility or venue, means a person other than:
- (a) a person who is an employee of an operator of the facility or venue; or
  - (b) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;
- (52) **National Performing Arts Company** means an organisation funded through the National Performing Arts Partnership Framework;
- (53) **nightclub** means a facility:
- (a) to which a **late night licence** applies; and
  - (b) with a dancefloor; and
  - (c) which does not serve food prepared at the facility for consumption on the premises;
- (54) **nominated person** has the same meaning as in the **Stay Safe Directions (Regional Victoria)**;
- (55) **nominee person** has the same meaning as in the **Stay Safe Directions (Regional Victoria)**;
- (56) **non-seated indoor space** means an **indoor space** that is not a **seated indoor space**;
- (57) **non-seated outdoor space** means an **outdoor space** that is not a **seated outdoor space**;  
*Note: this can include settings such as outdoor animal facilities.*
- (58) **non-seated space** means a **non-seated indoor space** or a **non-seated outdoor space**;
- (59) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (60) **outdoor space** means a space that is not an **indoor space**;
- (61) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (62) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (63) **physical recreational facility** has the meaning in clause 6(2);
- (64) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (65) **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**;
- (66) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**;
- (67) **premises** has the same meaning as in the **PHW Act**;
- (68) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (69) **professional or high-performance sports person** means an individual who meets one or more of the following criteria:
- (a) perform a sporting activity in an open-aged national or international competition (at the highest level as identified by the recognised national body); or
  - (b) employed to perform a sporting activity as their primary source of income (e.g. employed by a professional club or recognised national body); or
  - (c) a National Institute Network Scholarship holder or equivalent level national categorised athlete;

- (70) **Public Event Framework** means the Public Event Framework available at [www.coronavirus.vic.gov.au/public-events](http://www.coronavirus.vic.gov.au/public-events) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer;
- (71) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (72) **records requirement** has the same meaning as in the **Workplace Directions**;
- (73) **Regional Victoria** has the same meaning as in the **Area Directions** as amended or replaced from time to time;
- (74) **Restricted Activity Directions (Restricted Areas)** means the **Restricted Activity Directions (Restricted Areas) (No. 22)** as amended or replaced from time to time;
- (75) **restricted activity period** has the meaning in clause 4;
- (76) **Restricted Area** has the same meaning as in the **Area Directions**;
- (77) **restricted retail facility** has the meaning in clause 12(2);
- (78) **retail betting venue** means a **premises**, or part of a premises, operated by the **wagering and betting licensee**, the **keno licensee** or an agent of the wagering and betting licensee or keno licensee;
- (79) **retail facility** means a **premises**, or part of a premises, that are used wholly or predominantly for the sale or hire of goods by retail, or the retail provision of services and includes a **market**, **retail shopping centre** and supermarkets;
- (80) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (81) **revoked Restricted Activity Directions** means any of the **Restricted Activity Directions (Victoria)**, the **Restricted Activity Directions (Regional Victoria)** or the **Restricted Activity Directions (Metropolitan Melbourne)** that came into effect on or after 27 May 2021;
- (82) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (83) **seated indoor space** means an **indoor space** with fixed seating;
- (84) **seated outdoor space** means an **outdoor space** with fixed seating;
- (85) **seated space** means a **seated indoor space** or a **seated outdoor space**;
- (86) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (87) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (88) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (89) **State Library** means the State Library Victoria;
- (90) **Stay at Home Directions (Restricted Areas)** means the **Stay at Home Directions (Restricted Areas) (No. 28)** as amended or replaced from time to time;
- (91) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 13)** as amended or replaced from time to time;
- (92) **tourism services** means an activity, guided tour or recreation programme conducted or coordinated by an employee or officer of a **licensed tourism operator** that is undertaken for profit for tourism purposes including, but not limited to, ballooning, a walking tour or bushwalking tour, a bicycle tour, abseiling, rock climbing, canoeing, kayaking, white water rafting, diving, snorkelling, horse trail riding, marine based tours and surfing, or a guided tour of a museum or gallery;
- (93) **Vaccinated Economy Trial Framework** means the Vaccinated Economy Trial Framework available at [www.coronavirus.vic.gov.au/vaccinated-economy-trials](http://www.coronavirus.vic.gov.au/vaccinated-economy-trials) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer;

- (94) **vaccinated limits** means the **capacity limit** and the **vaccinated capacity limit** for the relevant **specified facility** as each of those terms is defined in the **COVID-19 Vaccinated Activities Directions**;
- (95) **vehicle** has the same meaning as in the **PHW Act**;
- (96) **visitor** means a person who is not registered to stay overnight at an **accommodation facility**;
- (97) **vulnerable child or young person** means a child or young person who:
- (a) resides in the care of the State or in out-of-home care; or
  - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or
  - (c) is identified by a **school, childcare or early childhood education service** as vulnerable (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service); or
  - (d) is identified by a parent or guardian as vulnerable because the child or young person has a disability and cannot learn from home due to the circumstances of that disability;
- (98) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (99) **worker** has the same meaning as in the **Workplace Directions**;
- (100) **Workplace Directions** means the **Workplace Directions (No. 51)** as amended or replaced from time to time;
- (101) **Year 12 Student** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (102) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

## 24 Penalties

Section 203(1) of the PHW Act provides:

### Compliance with direction or other requirement

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

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

Dated 14 October 2021

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

**SCHEDULE 1 – SCHOOL SCHEDULE**

<b>Year level (Column 1)</b>	<b>Phase A</b>	
	<b>Onsite attendance (Column 2)</b>	<b>Student requirements (Column 3)</b>
<b>Foundation (Prep) Year 1 Year 2</b>	Onsite attendance is permitted on all days.	None
<b>Year 3 Year 4 Year 5 Year 6</b>	From 11 October 2021, onsite attendance is permitted 2 days per week.	Face masks must be worn while indoors on school premises
<b>Year 7 Year 8 Year 9 Year 10</b>	From 11 October 2021, onsite attendance is permitted on all days.	Face masks must be worn indoors and outdoors while on school premises
<b>Year 11</b>	Onsite attendance is permitted on all days.	Face masks must be worn indoors and outdoors on school premises
<b>Year 12 Students</b>	Onsite attendance is permitted on all days.	<ul style="list-style-type: none"> <li>● Face masks required to be worn indoors and outdoors at the educational facility</li> <li>● If the person attending the educational facility resides in the Restricted Area, they must be fully vaccinated or undertake SARS-CoV-2 testing two times per week no more than three days apart.</li> </ul>

**Public Health and Wellbeing Act 2008**

## Section 200

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

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

**1 Preamble**

- (1) The presence of a person with a positive diagnosis of Novel Coronavirus 2019 (**SARS-CoV-2**) at a **Work Premises** is considered to pose an immediate risk of transmission to persons who attend, or may attend, the Work Premises.
- (2) The purpose of these directions is to 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. 50)**.

**2 Citation**

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

**3 Revocation**

The **Workplace (Additional Industry Obligations) Directions (No. 50)** are revoked at 11:59:00 pm on 14 October 2021.

**4 Commencement**

These directions commence at 11:59:00 pm on 14 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 Premises 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
  - (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**.

*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.*

- (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.*
- (37) In relation to a Work Premises identified in Column 1 of Schedule 2, an employer must comply with the restrictions and requirements outlined in Column 3 of Schedule 2 from the date specified in Column 2 of Schedule 2 except in relation to:
- (a) an in vitro fertilisation (**IVF**) procedure performed at a Work Premises that is required to complete a cycle of IVF treatment that a patient commenced before 14 October 2021; or
  - (b) a procedure for the preservation of eggs for a future IVF procedure that is required due to health treatment that a patient will be receiving which will render their eggs non-viable.

*Australian Air Transport Services (Passenger)*

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

*Construction sites*

- (39) In relation to a Work Premises that is a construction site, including a **critical and essential infrastructure** site, an employer must:
- (a) comply with the requirements in the **Workplace Directions** including:
    - (i) subject to subclauses (46), (48) and (53), the density quotient; and
    - (ii) the face coverings and cleaning requirements; and
  - (b) comply with the requirements applicable to the construction site in subclauses (45) to (49), (53) and (54), 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 (55), 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*

- (40) 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.
- (41) A person must submit an attestation under subclause (40) using the **Service Victoria system**.
- (42) 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 (40) and (41); and

- (b) may provide an attestation made under subclause (40) to the Department of Justice and Community Safety.
- (43) A person must not give information, or make a statement, in an attestation made under subclause (40) that is false or misleading in a material particular.
- (44) For the purposes of completing and submitting an attestation under subclause (40), 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 (40).

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

- (45) 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.*
- (46) 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 collected, recorded and holds 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 (45).
- (47) 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 collected, recorded and holds 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*

- (48) 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.

- (49) 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 collected, recorded and holds 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.
- (50) 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.
- (51) 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.
- (52) 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*

- (53) An employer must not operate a Work Premises that is a small-scale construction site with more than five workers (excluding the site supervisor).
- (54) 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 collected, recorded and holds evidence that the worker is fully vaccinated or is an excepted person.
- (55) 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*

- (56) The Chief Health Officer may grant an exemption in writing to the requirements of subclauses (45) to (49), (53) or (54).
- (57) 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 (45) and (47).

**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. 26)** 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) **Category 1 elective surgery procedure** means a procedure that is clinically indicated within 30 days and where the **patient’s** condition has the potential to deteriorate quickly to the point where the patient’s condition may become an emergency;

- (15) **Category 2A elective surgery procedure** means a procedure that is clinically indicated within 90 days and where the **patient's** condition may deteriorate quickly and may become an emergency if not admitted within an appropriate time;
- (16) **Category 2B elective surgery procedure** means a procedure that is clinically indicated within 90 days and where the **patient's** condition is unlikely to deteriorate quickly or become an emergency during that period;
- (17) **Category 3 elective surgery procedure** means a procedure that is clinically indicated within 365 days but is unlikely to deteriorate quickly;
- (18) **Chief Veterinary Officer** means the chief veterinary officer of the Department of Jobs, Precincts and Regions;
- (19) **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;
- (20) **cleaned** has the same meaning as in the **Workplace Directions**;
- (21) **commercial cleaning services** means a business that provides cleaning and sanitisation services to commercial **premises**;
- (22) **commercial passenger vehicle services** has the meaning given in section 4 of the **Commercial Passenger Vehicle Industry Act 2017**;
- (23) **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).*
- (24) **construction site** means a Work Premises at which civil works, building or construction activities take place;
- (25) **COVID Marshal** has the meaning in clauses 7(2A)(b), 7(22)(b), 7(25)(b), 7(31)(a), 7(39)(d) (as the case may be);
- (26) **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;
- (27) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (28) **COVID-19 Mandatory Vaccination (Specified Facilities) Directions** means the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 7)** as amended or replaced from time to time;
- (29) **crib room** means an indoor area used for rostered meal and rest breaks;
- (30) **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;
- (31) **day procedure centre** has the same meaning as in the **Hospital Visitor Directions**;
- (32) **density quotient** has the same meaning as in the **Workplace Directions**;
- (33) **Department** means the Department of Health;
- (34) **Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (35) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 28)** as amended or replaced from time to time;
- (36) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (37) **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);
- (38) **elective surgery procedure** means an **urgent elective surgery procedure, urgent non-ESIS procedures, Category 1 elective surgery procedure, Category 2A elective surgery procedure, Category 2B elective surgery procedure, Category 3 elective surgery procedure or non-urgent non-ESIS procedure**;
- (39) **employee** includes a person who is self-employed;
- (40) **employer** means a person who owns, operates or controls a **Work Premises** and includes a person who is self-employed or a sole-trader;
- (41) **excepted person** has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
- (42) **face covering** has the same meaning as in the **Workplace Directions**;
- (43) **fully vaccinated** has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
- (44) **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.*
- (45) **high-risk hospital Work Premises** means any **hospital** ward treating a **confirmed case** or cases of **SARS-CoV-2**;
- (46) **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**;
- (47) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (48) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 37)** as amended or replaced from time to time;
- (49) **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;
- (50) **inspector** has the same meaning as in the **OHS Act**;

- (51) **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.*
- (52) **meat processing facility** has the meaning under the PrimeSafe licence category ‘further meat processing facilities’;
- (53) **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**;
- (54) **non-urgent non-ESIS procedure** means a non-time critical procedure that is not reported via the Elective Surgery Information System where the **patient’s** condition is unlikely to deteriorate quickly;
- (55) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (56) **operator** in relation to a construction site has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
- (57) **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.*
- (58) **partially vaccinated** has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
- (59) **patient** has the same meaning as in the **Hospital Visitor Directions**;
- (60) **perishable food Work Premises** means a **Work Premises** that is predominantly a perishable food facility that is a chilled distribution facility;
- (61) **personal protective equipment** has the same meaning as in the **Occupational Health and Safety Regulations 2017**;
- (62) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (63) **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**;
- (64) **port of entry** means a **port** or **airport**;
- (65) **port of entry worker** has the meaning in clause 7(20);
- (66) **poultry processing facility** has the meaning under the PrimeSafe licence category ‘poultry meat processing facilities’;

- (67) **premises** has the same meaning as in the **PHW Act**;
- (68) **private hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (69) **public hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (70) **reasonably practicable** is to have its ordinary and common sense meaning;
- (71) **registered facility** means a **private hospital** or a **day procedure centre** that is registered with the Department as a ‘private hospital’ or a ‘day procedure centre’;
- (72) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (73) **representative** in relation to the **operator** of a construction site means the site manager, the duty holder or a registered builder;
- (74) **Restricted Area** has the same meaning as in the **Area Directions**;
- (75) **Restricted Area – Metropolitan Melbourne** means the part of the **Restricted Area** that is not the **Restricted Area – Regional Victoria**;
- (76) **Restricted Area – Regional Victoria** has the same meaning as in the **Area Directions**;
- (77) **revoked Workplace (Additional Industry Obligations) Direction** means any of the **Workplace (Additional Industry Obligations) Directions**;
- (78) **SARS-CoV-2 Symptoms** has the same meaning as in the **Workplace Directions**;
- (79) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (80) **seafood processing facility** has the meaning under the PrimeSafe licence category ‘seafood processing facilities’;
- (81) **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;
- (82) **seasonal Work Premises** means a farm or workplace where **seasonal horticultural work** is undertaken;
- (83) **seasonal worker** means a **worker** temporarily employed or engaged to perform **seasonal horticultural work** at **seasonal Work Premises**;
- (84) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (85) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (86) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (87) **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;
- (88) **small-scale construction site** means a construction site other than a large-scale construction site or an early stage land development site;
- (89) **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;
- (90) **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.*

- (91) **Stay at Home Directions (Restricted Areas)** means the **Stay at Home Directions (Restricted Areas) (No. 28)** as amended or replaced from time to time;
- (92) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 13)** as amended or replaced from time to time;
- (93) **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;
- (94) **supermarket Work Premises** means the total of all **supermarket** distribution facilities;
- (95) **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.*
- (96) **urgent elective surgery procedure** means a procedure where admission within 30 days is clinically indicated for a condition that has the potential to deteriorate quickly to the point that it might become an emergency; a procedure that is clinically indicated within 90 days and where the patient’s condition may deteriorate quickly and become an emergency if not admitted within an appropriate time; an **urgent non-ESIS procedure** including a procedure undertaken for the purposes of cancer diagnosis and early or overdue cancer surveillance and includes a **Category 1 elective surgery procedure**, a **Category 2A elective surgery procedure** and a **urgent non-ESIS procedure**;
- (97) **urgent non-ESIS procedure** means a procedure that is a time critical procedure that is not reported via the Elective Surgery Information System where the **patient’s** condition is likely to deteriorate quickly including procedures undertaken for the purposes of cancer diagnosis and early or overdue cancer surveillance;
- (98) **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.*
- (99) **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.*
- (100) **Workplace Directions** means the **Workplace Directions (No. 51)** as amended or replaced from time to time;
- (101) **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.*
- (102) **worker** includes **employees**, labour hire, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work.

## 10 Penalties

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

### **False or misleading information**

- (1) A person must not –
- (a) give information that is false or misleading in a material particular; or

- (b) make a statement that is false or misleading in a material particular; or
  - (c) produce a document that is false or misleading in a material particular—  
to the Secretary, a Council, the Chief Health Officer or an authorised officer  
under this Act or the regulations without indicating the respect in which it is  
false or misleading and, if practicable, providing correct information.  
Penalty: In the case of a natural person, 60 penalty units;  
In the case of a body corporate, 300 penalty units.
- (2) A person must not make an entry in a document required to be kept by this Act  
or the regulations that is false or misleading.  
Penalty: In the case of a natural person, 60 penalty units;  
In the case of a body corporate, 300 penalty units.
- (3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the  
charge for the accused to prove that at the time at which the offence is alleged  
to have been committed, the accused believed on reasonable grounds that the  
information, statement or document was true or was not misleading.
- (2) Section 203 of the PHW Act provides:
- Compliance with direction or other requirement**
- (1) A person must not refuse or fail to comply with a direction given to the person,  
or a requirement made of the person, in the exercise of a power under an  
authorisation given under section 199.  
Penalty: In the case of a natural person, 120 penalty units;  
In the case of a body corporate, 600 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had  
a reasonable excuse for refusing or failing to comply with the direction or  
requirement.
- (3) A person who fails to comply with these directions is liable for an on-the-spot fine of:
- (a) in the case of a natural person:
    - (i) aged 18 years or older – 10 penalty units;
    - (ii) aged 15 years or older but under the age of 18 years – 4 penalty units;
    - (iii) aged under 15 years – 1 penalty unit; or
  - (b) in the case of a body corporate – 60 penalty units.
- Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has  
refused or failed to comply with a direction given to the person, or a requirement made of the person, in the  
exercise of a power under an authorisation given under section 199. The amount payable pursuant to the  
infringement notice varies depending on the nature of the failure or refusal.*
- (4) Additionally, a person who fails to comply with these directions may in certain  
circumstances be liable to prosecution under the PHW Act for the maximum penalties  
outlined in subclause (2).

Dated 14 October 2021

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

**SCHEDULE 1 – 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.

## SCHEDULE 2 – RESTRICTIONS ON ELECTIVE SURGERY

Work Premises (Column 1)	Commencement date (Column 2)	Restriction on elective surgery (Column 3)
<p>Private hospitals in Metropolitan Melbourne and in the local government area of Geelong</p> <p>Day procedure centres in Metropolitan Melbourne</p>	14 October	<p>(a) An employer may only permit an <b>elective surgery procedure</b> to be performed that is an <b>urgent elective surgery procedure</b>.</p> <p>(b) An employer must ensure that all <b>elective surgery procedures</b> that are not <b>urgent elective surgery procedures</b> are temporarily postponed.</p> <p>(c) An employer must not permit cosmetic surgery or other procedures not addressing significant medical conditions to be performed.</p> <p>(d) The restrictions in paragraphs (a) to (b) do not apply to the following services completed by <b>private hospitals</b> and <b>day procedure centres</b>:</p> <p>(i) all activity undertaken on behalf of a public health service or <b>public hospital</b>; and</p> <p>(ii) emergency surgery.</p>
Private hospitals in the local government areas of Ballarat and Shepparton	18 October	<p>(a) An employer must reduce 50 per cent of allocated <b>elective surgery procedure</b> lists per week at each <b>registered facility</b>.</p> <p>(b) An employer must ensure patients requiring <b>elective surgery procedures</b> are prioritised based on clinical need. An employer must accommodate time critical elective surgery patients within the 50 per cent cap specified in paragraph (a).</p> <p>(c) An employer must not permit cosmetic surgery or other procedures not addressing significant medical conditions to be performed.</p> <p>(d) The following services completed by <b>private hospitals</b> do not count towards the 50 per cent cap in place at each registered facility in accordance with paragraph (a):</p> <p>(i) all activity undertaken on behalf of public health services or <b>public hospitals</b>; and</p> <p>(ii) emergency surgery.</p>
All public health services located in Metropolitan Melbourne and that are part of Barwon Health	14 October	<p>(a) An employer may only permit an <b>elective surgery procedure</b> to be performed that is an <b>urgent elective surgery procedure</b>.</p> <p>(b) An employer must ensure all <b>elective surgery procedures</b> that are not <b>urgent elective surgery procedures</b> are temporarily postponed.</p>
All public health services that are part of Ballarat Health and Goulburn Valley Health	18 October	

**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 7)**

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

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

- (1) The purpose of these directions is to impose obligations upon operators of **specified facilities** in relation to the vaccination of **workers**, in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) within the population in these settings.
- (2) Previous versions of these directions imposed obligations on operators of:
  - (a) **residential aged care facilities**; and
  - (b) **construction sites**.
- (3) These directions continue to impose those obligations, and extend them to **operators** of:
  - (a) **healthcare facilities**; and
  - (b) **education facilities**.
- (4) Key definitions are contained in clause 8.
- (5) Facility-specific definitions are contained in clause 9.
- (6) Other definitions are contained in clause 10.
- (7) These directions must be read together with the **Directions currently in force**.

**2 Citation**

These directions may be referred to as the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 7)**.

**3 Commencement and revocation**

- (1) These directions commence at 11:59:00 pm on 14 October 2021 and end at 11:59:00 pm on 21 October 2021.
- (2) The **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 6)** are revoked at 11:59:00 pm on 14 October 2021.

**PART 2 – OPERATOR OBLIGATIONS****4 Operator must collect, record and hold vaccination information***Vaccination information*

- (1) If a worker is, or may be, scheduled to work at a specified facility on or after the **relevant date**, the operator must collect, record and hold **vaccination information** about the worker.

*Booking information – partially vaccinated and unvaccinated workers*

- (2) If the operator collects information that a worker is **partially vaccinated**, the operator must also collect, record and hold information about whether that worker has a booking to receive, by the **second dose deadline**, a dose of a **COVID-19 vaccine** that will cause the worker to become **fully vaccinated**.
- (3) If the operator collects information that a worker is **unvaccinated**, the operator must also must collect, record and hold information about whether that worker has a booking to receive, by the **first dose deadline**, a dose of a **COVID-19 vaccine** that will cause the worker to become **partially vaccinated**.

*Timing*

- (4) An operator must comply with the obligations in sub-clauses (1) to (3) as soon as reasonably practicable after the commencement of these directions.

*Exception*

- (5) Subclauses (1) to (4) do not apply if the operator already holds vaccination information about a worker who is, or may be, scheduled to work at the specified facility on or after the relevant date.

**5 Operator must take reasonable steps to prevent entry of unvaccinated workers***Prevention of entry to premises*

- (1) An operator of a specified facility must take all reasonable steps to ensure that, on or after the relevant date, a worker who is unvaccinated does not enter, or remain on, the premises of a specified facility for the purposes of working at the facility.
- (2) For the purposes of subclause (1), if an operator does not hold vaccination information about a worker, the operator must treat the worker as if the worker is unvaccinated.

*Exception – booking by first dose deadline*

- (3) Despite subclause (1), an operator of a specified facility may, between the relevant date and the first dose deadline, permit a worker who:
- (a) is unvaccinated; and
  - (b) has a booking to receive, by the first dose deadline, a dose of COVID-19 vaccine that will cause the worker to become partially vaccinated;
- to enter, and remain on, the premises of the facility for the purposes of working at the facility.
- (4) If an operator of a healthcare facility permits a worker to enter, and remain on, the premises of the facility under subclause (3), the operator must take reasonable steps to ensure that the worker wears, at all times while on the premises of the facility, **PPE** that includes at a minimum, a surgical mask and face shield.

*Exception – self-quarantine*

- (5) Despite subclause (1), an operator of a specified facility may, after the first dose deadline, permit a worker who:
- (a) is unvaccinated; and
  - (b) was unable to become partially vaccinated before the first dose deadline because they were in self-quarantine under the **Diagnosed Persons and Close Contacts Directions**; and
  - (c) has a booking to receive, within 7 days of the end of the period of self-quarantine as determined under the **Diagnosed Persons and Close Contacts Directions**, a dose of a COVID-19 vaccine that will cause the worker to become partially vaccinated,
- to enter, and remain on, the premises of the specified facility.

*Authorisation to use vaccination information*

- (6) For the purposes of complying with this clause, an operator is authorised to use any information about a worker that it holds under clause 4.

*Disclosure to employer or contractor*

- (7) If the operator is obliged to comply with subclause (1) in relation to a worker and the operator is not:
- (a) the employer of the worker; or
  - (b) the person who engaged the worker to work at the facility;
- the operator is authorised to disclose to the employer or person who engaged the worker that the operator is obliged to comply with subclause (1) in relation to the worker.

*Notification to current workers*

- (8) Subject to subclause (9), an operator of specified facility must, as soon as reasonably practicable after the commencement of these directions, inform each worker who is, or may be, scheduled to work at the facility on or after the relevant date that:
- (a) clause 4 obliges the operator to collect, record and hold vaccination information about the worker before the relevant date;
  - (b) subclause (1) obliges the operator to take all reasonable steps to ensure that, on or after the relevant date, a worker who is unvaccinated does not enter, or remain on, the premises of a specified facility for the purposes of working at the facility, unless an exception applies under these directions.
- (9) Subclause (8) does not apply to an operator in respect of a worker if the operator informed the worker of the matters specified in that subclause under a previous version of these directions.

*Notification to new workers*

- (10) If an operator of a specified facility engages a worker who is, or may be, scheduled to work at the facility on or after the relevant date, the employer must inform the worker, as soon as reasonably practicable after engaging the worker, that:
- (a) clause 4 obliges the employer to collect, record and hold vaccination information about the worker; and
  - (b) subclause (1) obliges the employer, on and after the relevant date, not to permit a worker who is unvaccinated to work for that employer outside the worker's ordinary place of residence unless an exception applies under these directions.

**6 Exception – exceptional circumstances**

- (1) An operator of a specified facility is not required to comply with clauses 4 and 5 if one or more of the exceptional circumstances specified in subclause (2) applies.
- (2) The exceptional circumstances are:

- (a) a worker is required to perform work or duties at the facility that is or are necessary to provide for urgent specialist clinical or medical care due to an **emergency situation** or a **critical unforeseen circumstance**; or
- (b) a worker is required to fill a vacancy to provide urgent care, to maintain quality of care and/or continue essential operations at the facility due to an emergency situation or a critical unforeseen circumstance; or

*Example 1: a work premises has a large number of workers furloughed due to exposure at a Tier 1 site.*

*Example 2: a medical practitioner is required to attend the premises on short notice due to an emergency situation.*

- (c) a worker is required to attend the facility to respond to an emergency at the facility; or
- (d) a worker is required to perform urgent and essential work at the facility to protect the health and safety of workers or members of the public, or to protect assets and infrastructure; or

*Example 1: securing a crane due to impending high winds.*

*Example 2: works required at a construction site in order to make the construction site safe for continued operation.*

- (e) an education worker is required to:
  - (i) carry out assessments of an oral or performance examination as part of the Victorian Certificate of Education or International Baccalaureate; or
  - (ii) work as a venue coordinator for those examinations.

- (3) If a circumstance specified in subclause (2)(b), (c), (d) or (e) applies, the operator must take all reasonable steps to ensure that the worker remains upon the premises of the facility only for the period of time necessary to respond to the exceptional circumstance.

*Additional obligation*

- (4) If the circumstances specified in subclause (2) apply in relation to a residential aged care facility or a healthcare facility, the relevant operator must take all reasonable steps to ensure that the worker wears, at all times while on the premises of the facility, PPE that includes, at a minimum, a surgical mask and face shield.

## 7 Disclosure to Authorised Officers

- (1) An Authorised Officer may request an operator to produce to the Authorised Officer any vaccination information held by the operator under clause 4.
- (2) If an Authorised Officer makes a request to a person under subclause (1), the person must comply with the request.

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

## PART 3 – DEFINITIONS

### 8 Key definitions

*Vaccination status*

- (1) A person's **vaccination status** is one of the following:
  - (a) **fully vaccinated**; or
  - (b) **partially vaccinated**; or
  - (c) **unvaccinated**; or
  - (d) **excepted person**.
- (2) A person is **fully vaccinated** if the person has received two doses of a COVID-19 vaccine.
- (3) A person is **partially vaccinated** if the person has received one dose of a COVID-19 vaccine and is not an **excepted person**.
- (4) A person is **unvaccinated** if the person has not received a dose of a COVID-19 vaccine and is not an **excepted person**.
- (5) A person is an **excepted person** if:
  - (a) the person holds certification from a **medical practitioner** that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine due to a **medical contraindication**; or
  - (b) the person holds certification from a medical practitioner that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine due to an acute medical illness (including where the person has been diagnosed with SARS-CoV-2).
- (6) A certification for the purpose of subclause (5)(b) is effective until the earlier of:
  - (a) the date specified by the medical practitioner; or
  - (b) the date 6 months from the date the certification was given by the medical practitioner.

*Vaccination information*

- (7) For the purposes of these directions, **vaccination information** is 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.*

*Schedule 1 definitions*

- (8) For the purposes of these directions:
- (a) **first dose deadline** in relation to a **specified facility** means the date identified in Column 4 of Schedule 1 for that facility;
  - (b) **operator** in relation to a **specified facility** means a person identified in Column 2 of Schedule 1 for that facility;
  - (c) **relevant date** in relation to a **specified facility** means the date specified in Column 6 of Schedule 1 for that facility;
  - (d) **second dose deadline** in relation to a **specified facility** means the date identified in Column 5 of Schedule 1 for that facility;
  - (e) **specified facility** means a facility identified in Column 1 of Schedule 1;
  - (f) **worker** in relation to a **specified facility** means a person identified in Column 3 of Schedule 1 for that facility except for a person under 12 years of age.

**9 Facility-specific definitions***Residential aged care facilities*

- (1) For the purposes of these directions:
- (a) **approved provider** has the same meaning as in the **Aged Care Quality and Safety Commission Act 2018** of the Commonwealth;
  - (b) **residential aged care facility** means the premises at which accommodation and personal care or nursing care or both are provided to a person in respect of whom a **residential care subsidy** or a **flexible care subsidy** is payable under the **Aged Care Act 1997** of the Commonwealth;
  - (c) **residential aged care facility worker** means a person (including a volunteer) that is:
    - (i) employed, or engaged as a contractor, by an **operator** that operates a **residential aged care facility** to perform work at the residential aged care facility including:
      - (A) direct care workforce including nurses, personal care workers, allied health professionals, and allied health assistants;
      - (B) administration staff including reception and management staff;
      - (C) ancillary staff including food preparation, cleaning, laundry, gardening and general maintenance staff;
      - (D) dental practitioners;
      - (E) phlebotomists (pathology nurses);
      - (F) lifestyle and social staff, such as those delivering music or art therapy;
      - (G) transport drivers who are responsible for collecting and transporting residents to and from the residential aged care facility for outings;
      - (H) volunteers engaged by the residential aged care facility to undertake duties at the facility;
      - (I) students on placement;
      - (J) **medical practitioners** and allied health professionals who attend the residential aged care facility to provide care to residents of the facility; and
    - (ii) a medical practitioner, dental practitioner or allied health professional who is employed or engaged by a resident of a residential aged care facility to provide care to the resident;

- (d) **residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth.

*Construction sites*

- (2) For the purposes of these directions:

- (a) **construction site** means a premises at which civil works, building or construction activities are taking place (the primary premises) and includes:
- (i) premises that are nearby to the primary premises at which work relating to the operation of the primary premises is undertaken (secondary premises);
  - (ii) any **vehicle** used to carry out work at the primary premises or secondary premises.

*Example: a site office for a construction site that is located in an office building close to the construction site.*

- (b) **principal contractor** means the owner of a **construction site** unless the owner:
- (i) appoints a principal contractor for the construction work performed for or on behalf of the owner; and
  - (ii) authorises the principal contractor to manage or control the **construction site** to the extent necessary to discharge the duties imposed on a principal contractor under the **Occupational Health and Safety Regulations 2017**;
- (c) **vehicle** has the same meaning as in the **PHW Act**.

*Healthcare facilities*

- (3) For the purposes of these directions:

- (a) **healthcare facility** means each of the following facilities:
- (i) hospitals, including outpatient settings and in reach services;
  - (ii) ambulance and patient transport services vehicles,
  - (iii) community health centres including mental health, child and maternity, and drug and alcohol counselling services centres;
  - (iv) general practices;
  - (v) COVID-19 related healthcare sites, including testing sites, vaccination centres and hotel quarantine premises;
  - (vi) dental surgeries and practices;
  - (vii) day procedure centres;
  - (viii) health clinics, including medical specialist and allied health professional operated clinics;
  - (ix) pharmacies;
  - (x) diagnostic and medical imaging centres;
  - (xi) facilities that provide mobile health services;
  - (xii) facilities that provide blood donation services;
  - (xiii) educational facilities where healthcare students undertake placement, registration or internships;
  - (xiv) facilities that provide health services within government agencies, including the Victorian Department of Justice and Community Services – Victorian Institute of Forensic Medicine; and
  - (xv) any retail or other facility operating within a healthcare facility, including cafes, newsagents and florists.

- (b) **healthcare operator** means a person who operates a **healthcare facility** whether public, private or denominational; and
- (c) **healthcare worker** means a person who is employed or engaged as a contractor by a **healthcare operator** to perform at a **healthcare facility** any of the following:
  - (i) healthcare services including:
    - (A) **medical practitioners**, dental professionals, nurses and midwives;
    - (B) allied health professionals (including those that work within a discipline classified by the Victorian Department of Health as allied health, or are registered with the *Australian Health Practitioner Regulation Agency*);
    - (C) personal care attendants;
    - (D) phlebotomists and pathology workers;
    - (E) coroners;
    - (F) lifestyle and social therapists;
    - (G) formal language and interpretation services;
    - (H) students; and
    - (I) volunteers;
  - (ii) administrative or ancillary roles, including:
    - (A) an administrative, clerical and managerial worker, and each of their assistants delegates;
    - (B) food preparation, cleaning and laundry services;
    - (C) patient service assistants and porters;
    - (D) operating theatre technicians;
    - (E) security, maintenance and repair and information technology, gardening and landscaping;
  - (iii) ambulance and patient transport services; and
  - (iv) work at a retail business operating within a healthcare facility, including cafes, restaurants, newsagents and florists.

#### *Education facilities*

- (4) For the purposes of these directions:
  - (a) **childcare or early childhood service** means onsite early childhood education and care services or children's services provided under the:
    - (i) **Education and Care Services National Law** and the **Education and Care Services National Regulations**, including long day care services, kindergartens and/or preschool and family daycare services, but not including outside **school** hours care services; and
    - (ii) **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;
  - (b) **education facility** means:
    - (i) a **childcare or early childhood service**, and includes outside school hours care services;
    - (ii) a **school** means a registered school as defined in the **Education and Training Reform Act 2006**; and
    - (iii) **school boarding premises**;

- (c) **education operator** means a person who operates an **education facility**, whether public, private or denominational;
- (d) **education worker** means:
  - (i) any person who is employed by an **education operator** to work in an **education facility** (including teachers, early childhood educators and educational support staff);
  - (ii) a person contracted to work at an **education facility** and who will or may be in close proximity to children, students or staff, whether or not engaged by the **education operator** including casual relief teachers, Breakfast Club suppliers, IT personnel, NDIS providers and auditors, but does not include delivery personnel);
  - (iii) staff of the Department of Education and Training who attend an **education facility** (such as allied health personnel or Authorised Officers);
  - (iv) staff of any other entity who attends an **education facility**;
  - (v) volunteers that attend an **education facility** and that work in close proximity to children, students or staff (including parent helpers); and
  - (vi) students on placements at an **education facility**;
- (e) **school** means a registered school as defined in the **Education and Training Reform Act 2006**; and
- (f) **school boarding premises** means a registered school boarding premises, as defined in the **Education and Training Reform Act 2006**.

## 10 Other definitions

For the purposes of these directions:

- (1) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (2) **COVID-19 vaccine** means a vaccine to protect a person against SARS-CoV-2 that:
  - (a) has been registered or provisionally registered by the Therapeutic Goods Administration; or
  - (b) has been approved by a comparable overseas regulator, as determined by the Therapeutic Goods Administration under regulation 16DA(3) of the **Therapeutic Goods Regulation 1990** of the Commonwealth;
- (3) **critical unforeseen circumstance** means a circumstance that the operator of a work premises could not reasonably have foreseen nor planned for which results in a critical need for staff;
- (4) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 28)** as amended or replaced from time to time;
- (5) **Directions currently in force** has the same meaning as in the **Workplace Directions** as amended or replaced from time to time;
- (6) **emergency situation** means a situation where it is reasonably apparent to the operator of a specified facility that medical treatment is necessary, as a matter of urgency to:
  - (a) save a person's life; or
  - (b) prevent serious damage to a person's health; or
  - (c) prevent a person from suffering or continuing to suffer significant pain or distress;
- (7) **medical contraindication** means one of the following contraindications to the administration of a **COVID-19 vaccine**:
  - (a) anaphylaxis after a previous dose;

- (b) anaphylaxis to any component of the vaccine, including polysorbate or polyethylene glycol;
  - (c) in relation to AstraZeneca:
    - (i) history of capillary leak syndrome; or
    - (ii) thrombosis with thrombocytopenia occurring after a previous dose;
  - (d) in relation to Comirnaty or Spikevax:
    - (i) myocarditis or pericarditis attributed to a previous dose of either Comirnaty or Spikevax; or
  - (e) the occurrence of any other serious adverse event that has
    - (i) been attributed to a previous dose of a **COVID-19 vaccine** by an experienced immunisation provider or medical specialist (and not attributed to any another identifiable cause); and
    - (ii) been reported to State adverse event programs and/or the Therapeutic Goods Administration;
- (8) **medical practitioner** means:
- (a) a general practice registrar on an approved 3GA training placement; or
  - (b) a public health physician; or
  - (c) an infectious disease physician; or
  - (d) a clinical immunologist; or
  - (e) a general practitioner who is vocationally registered; or
  - (f) a general practitioner who is a fellow of the Royal Australian College of General Practitioners (RACGP); or
  - (g) a general practitioner who is a fellow of the Australian College of Rural and Remote Medicine (ACRRM); or
  - (h) a paediatrician; or
  - (i) a medical practitioner who is a fellow of the Royal Australasian College of Physicians;
- (9) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (10) **PPE** means personal protective equipment;
- (11) **premises** has the same meaning as in the **PHW Act** but does not include a worker's ordinary place of residence.

## 11 Penalties

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

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

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

Penalty: In the case of a natural person, 120 penalty units;

In the case of a body corporate, 600 penalty units.

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

*Note: section 209 of the PHW Act provides for infringement notices to be served on any person who 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.*

(2) Section 210 of the PHW Act provides:

**False or misleading information**

(1) A person must not –

- (a) give information that is false or misleading in a material particular; or
- (b) make a statement that is false or misleading in a material particular; or
- (c) produce a document that is false or misleading in a material particular – to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

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

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

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

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

Dated 14 October 2021

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

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**SCHEDULE 1 – SPECIFIED FACILITIES**

Specified facility (Column 1)	Operator (Column 2)	Worker (Column 3)	First dose deadline (Column 4)	Second dose deadline (Column 5)	Relevant date (Column 6)	Facility-specific definitions
residential aged care facility	approved provider with responsibility for that residential aged care facility	residential aged care facility worker	1 October 2021	15 November 2021	30 September 2021	Clause 9(1)
construction site	principal contractor for that construction site	any person (paid or unpaid) performing work at a construction site, including: (a) an employee of the operator; and (b) any contractor engaged by the operator or by a third-party.	2 October 2021	13 November 2021	30 September 2021	Clause 9(2)
healthcare facility	healthcare operator	healthcare worker	29 October 2021	15 December 2021	15 October 2021	Clause 9(3)
education facility	education operator	education worker	25 October 2021	29 November 2021	18 October 2021	Clause 9(4)

**Public Health and Wellbeing Act 2008**

## Section 200

DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH  
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**COVID-19 Mandatory Vaccination (Workers) Directions (No. 2)**

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

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

- (1) The purpose of these directions is to impose obligations upon employers in relation to the vaccination of **workers**, in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) within the population of those workers.
- (2) Key definitions are contained in clause 8.
- (3) Worker-specific definitions are contained in clause 9.
- (4) Other definitions are contained in clause 10.
- (5) These directions must be read together with the **Directions currently in force**.
- (6) These directions replace the **COVID-19 Mandatory Vaccination (Workers) Directions**.

**2 Citation**

These directions may be referred to as the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 2)**.

**3 Commencement and revocation**

- (1) These directions commence at 11:59:00 pm on 14 October 2021 and end at 11:59:00 pm on 21 October 2021.
- (2) The **COVID-19 Mandatory Vaccination (Workers) Directions** are revoked at 11:59:00 pm on 14 October 2021.

**PART 2 – EMPLOYER OBLIGATIONS****4 Employer must collect, record and hold vaccination information***Vaccination information*

- (1) If a worker is, or may be, scheduled to work outside the worker's ordinary place of residence on or after the **relevant date**, the employer of the worker must collect, record and hold **vaccination information** about the worker.

*Booking information – partially vaccinated and unvaccinated workers*

- (2) If the employer collects information that a worker is **partially vaccinated**, the employer must also collect, record and hold information about whether that worker has a booking to receive, by the **second dose deadline**, a dose of a **COVID-19 vaccine** that will cause the worker to become **fully vaccinated**.
- (3) If the employer collects information that a worker is **unvaccinated**, the employer must also collect, record and hold information about whether that worker has a booking to receive, by the **first dose deadline**, a dose of a **COVID-19 vaccine** that will cause the worker to become **partially vaccinated**.

*Timing*

- (4) An employer must comply with the obligations in subclauses (1) to (3) as soon as reasonably practicable after the commencement of these directions.

*Exception*

- (5) Subclauses (1) to (4) do not apply if the employer already holds vaccination information about a worker who is, or may be, scheduled to work outside the worker's ordinary place of residence on or after the relevant date.

## 5 **Employer must ensure unvaccinated workers do not work outside ordinary place of residence**

*No work outside ordinary place of residence*

- (1) On or after the relevant date, an employer of a worker must not permit a worker who is unvaccinated to work for that employer outside the worker's ordinary place of residence.
- (2) For the purposes of subclause (1), if an employer does not hold vaccination information about a worker, the employer must treat the worker as if the worker is unvaccinated.

*Exception – booking by first dose deadline*

- (3) Despite subclause (1), an employer of a worker may, between the relevant date and the first dose deadline, permit a worker who:
- (a) is unvaccinated; and
  - (b) has a booking to receive, by the first dose deadline, a dose of a COVID-19 vaccine that will cause the worker to become partially vaccinated,
- to work for that employer outside the worker's ordinary place of residence.

*Exception – self-quarantine*

- (4) Despite subclause (1), an employer of a worker may, after the first dose deadline, permit a worker who:
- (a) is unvaccinated; and
  - (b) was unable to become partially vaccinated before the first dose deadline because they were in self-quarantine under the **Diagnosed Persons and Close Contacts Directions**; and
  - (c) has a booking to receive, within 7 days of the end of the period of self-quarantine as determined under the **Diagnosed Persons and Close Contacts Directions**, a dose of a COVID-19 vaccine that will cause the worker to become partially vaccinated,
- to work for that employer outside the worker's ordinary place of residence.

*Authorisation to use vaccination information*

- (5) For the purposes of complying with this clause, an employer is authorised to use any information about a worker that it holds under clause 4.

*Notification to current workers*

- (6) An employer of a worker must, as soon as reasonably practicable after the commencement of these directions, inform each worker who is, or may be, scheduled to work outside the worker's ordinary place of residence on or after the relevant date that:
- (a) clause 4 obliges the employer to collect, record and hold vaccination information about the worker; and
  - (b) subclause (1) obliges the employer, on and after the relevant date, not to permit a worker who is unvaccinated to work for that employer outside the worker's ordinary place of residence unless an exception applies under these directions.
- (7) Subclause (6) does not apply if the employer has previously notified the worker of the matters specified in that subclause under a previous version of these directions.

*Notification to new workers*

- (8) If an employer engages a worker who is, or may be, scheduled to work outside the worker's ordinary place of residence on or after the relevant date, the employer must inform the worker, as soon as reasonably practicable after engaging the worker that:
- (a) clause 4 obliges the employer to collect, record and hold vaccination information about the worker; and
  - (b) subclause (1) obliges the employer, on and after the relevant date, not to permit a worker who is unvaccinated to work for that employer outside the worker's ordinary place of residence unless an exception applies under these directions.

**6 Exception – exceptional circumstances**

- (1) An employer of a worker is not required to comply with clauses 4 and 5 if one or more of the exceptional circumstances specified in subclause (2) applies.
- (2) The exceptional circumstances are:
- (a) a worker is required to perform work or duties that is or are necessary to provide for urgent specialist clinical or medical care due to an **emergency situation** or a **critical unforeseen circumstance**; or
  - (b) a worker is required to fill a vacancy to provide urgent care, to maintain quality of care and/or to continue essential operations due to an emergency situation or a critical unforeseen circumstance; or
- Example 1: a large number of workers furloughed due to exposure at a Tier 1 site.*
- Example 2: a medical practitioner is required to work outside their ordinary place of residence on short notice due to an emergency situation.*
- (c) a worker is required to respond to an emergency; or
  - (d) a worker is required to perform urgent and essential work to protect the health and safety of workers or members of the public, or to protect assets and infrastructure; or
  - (e) an education worker that is required to:
    - (i) carry out assessments of an oral or performance examination as part of the Victorian Certificate of Education or International Baccalaureate; or
    - (ii) work as a venue coordinator for those examinations.
- (3) If a circumstance specified in subclause (2) applies, the employer must take all reasonable steps to ensure that the worker does not work outside the worker's ordinary place of residence for any longer than the period of time necessary to respond to the exceptional circumstance.

**7 Disclosure to Authorised Officers**

- (1) An **Authorised Officer** may request an employer to produce to the Authorised Officer any vaccination information held by the employer under clause 4.
- (2) If an Authorised Officer makes a request to a person under subclause (1), the person must comply with the request.

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

**PART 3 – DEFINITIONS****8 Key definitions***Vaccination status*

- (1) A person's **vaccination status** is one of the following:
- (a) **fully vaccinated**; or
  - (b) **partially vaccinated**; or

- (c) **unvaccinated**; or
- (d) **excepted person**.
- (2) A person is **fully vaccinated** if the person has received two doses of a COVID-19 vaccine.
- (3) A person is **partially vaccinated** if the person has received one dose of a COVID-19 vaccine and is not an **excepted person**.
- (4) A person is **unvaccinated** if the person has not received a dose of a COVID-19 vaccine and is not an **excepted person**.
- (5) A person is an **excepted person**:
  - (a) if the person holds certification from a **medical practitioner** that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine due to a medical contraindication; or
  - (b) if the person holds certification from a medical practitioner that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine due to an acute medical illness (including where the person has been diagnosed with SARS-CoV-2).
- (6) A certification for the purpose of subclause (5)(b) is effective until the earlier of:
  - (a) the date specified by the medical practitioner; or
  - (b) the date 6 months from the date the certification was given by the medical practitioner.

#### *Vaccination information*

- (7) For the purposes of these directions, **vaccination information** is 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.*

#### *Employers and workers*

- (8) For the purpose of these directions:
  - (a) **employer** in relation to a **worker** means:
    - (i) the person who employs or engages the worker; or
    - (ii) if the worker is self-employed—the worker.
  - (b) **worker** means a person identified in Column 1 of Schedule 1, whether paid or unpaid, but does not include:
    - (i) a Commonwealth **employee**;
    - (ii) a worker who works in connection with proceedings in a **court**, where that work cannot be done from the person's ordinary place of residence; or
    - (iii) a person under 12 years of age.

#### *Dates*

- (9) For the purposes of these directions:
  - (a) **first dose deadline** in relation to a **worker** means the date identified in Column 3 of Schedule 1 for that worker;
  - (b) **relevant date** in relation to a **worker** means the date specified in Column 2 of Schedule 1 for that worker;
  - (c) **second dose deadline** in relation to a **worker** means the date identified in Column 4 of Schedule 1 for that worker.

## 9 Worker-specific definitions

### *Accommodation worker*

(1) For the purposes of these directions:

- (a) **accommodation worker** means a person who works at or in connection with one of the following accommodation facilities, whether operated on a for-profit or not-for-profit basis:
- (i) camping ground;
  - (ii) caravan park;
  - (iii) hotel;
  - (iv) hostel;
  - (v) bed and breakfast;
  - (vi) private holiday rental facility, including Airbnbs;
  - (vii) motel; or
  - (viii) serviced apartment.

### *Agricultural and forestry worker*

(2) For the purposes of these directions:

- (a) **agricultural and forestry worker** means a person who works in connection with:
- (i) food safety and verification, inspection or associated laboratory services and biosecurity functions;
  - (ii) animal saleyards, knackeries and animal transportation services (including livestock and pets);
  - (iii) services connected with animal health, husbandry or welfare;
  - (iv) farm, animal and bloodstock leasing activities, including but not limited to:
    - (A) farming activities and other operations relating to agriculture, horticulture, viticulture, irrigation, permaculture, apiculture, grains, fibre production, dairy, flower industry, commercial fishing, aquaculture and livestock;
    - (B) intensive agricultural production including greenhouses and animal production;
    - (C) agricultural, veterinary chemicals and vaccine production, transportation and distribution (including the Pig Services Centre);
    - (D) laboratory and diagnostic services;
    - (E) animal feed production, transportation, packaging, sale, and feeding (including livestock and pets);
    - (F) animal pounds and shelters activities; or
  - (v) forestry activities for the purposes of or relating to:
    - (A) production of firewood for heating of **premises**;
    - (B) production of pallets;
    - (C) production of building supplies for construction;
    - (D) production of other goods (e.g. paper, packaging, caskets and coffins).

*Airport worker*

(3) For the purposes of these directions:

- (a) **airport** has the same meaning as in the **Airports Act 1996** of the Commonwealth;
- (b) **airport worker** means a person who works at or in connection with an airport.

*Ancillary, support and welfare worker*

(4) For the purposes of these directions:

- (a) **ancillary, support and welfare worker** means:
  - (i) a person who works in connection with:
    - (A) services that are critical to, and relate to, the Victorian Government's COVID-19 response (including hotel quarantine); or
    - (B) a public event where that event has received an exemption from the Chief Health Officer allowing it to proceed, including any workers and public broadcast personnel that support the safe running of the public event;
    - (C) employment services; or
  - (ii) fly in fly out workers or drive in drive out workers who are required for continuity of an industry or business and maintenance of a competitive operation and where the service is time-critical, or for the critical maintenance or repair of infrastructure critical to a region of, or to, Victoria; or
  - (iii) maritime crew.

*Authorised Officer*

(5) For the purposes of these directions:

- (a) **Authorised Officer** has the same meaning as in the **PHW Act**.

*Care worker*

(6) For the purposes of these directions:

- (a) **alcohol and drug residential service** means:
  - (i) a treatment centre within the meaning of the **Severe Substance Dependence Treatment Act 2010**;
  - (ii) a residential treatment service (however described) that provides drug or alcohol withdrawal or rehabilitation services in a residential setting to people dependent on alcohol or other drugs; or
  - (iii) a service that provides supported accommodation to a person after the person has received residential treatment services of the kind referred to in subclause (b);
- (b) **care worker** means a person who works in connection with:
  - (i) an **alcohol and drug residential service**;
  - (ii) a **disability residential service**;
  - (iii) services provided to an **NDIS participant** in any setting;
  - (iv) a **homelessness residential service**;
  - (v) a **secure welfare service**;
  - (vi) a **supported residential service**;
  - (vii) essential relief activities including the activities provided at Neighbourhood Houses;

- (viii) an **eligible SDA enrolled dwelling**;
- (ix) a **short-term accommodation and assistance dwelling**;
- (x) a **mental health residential service** including the service provided at a Community Care Unit or a Prevention and Recovery Centre; or
- (xi) a **retirement village**;
- (c) **disability residential service** means a residential service within the meaning of the **Disability Act 2006** and includes the Intensive Residential Treatment Program of the Statewide Forensic Service, often referred to as ‘DFATS’;
- (d) **eligible SDA enrolled dwelling** means a Specialist Disability Accommodation (SDA) enrolled dwelling that is provided under an SDA residency agreement within the meaning of section 498B of the **Residential Tenancies Act 1997**;
- (e) **homelessness residential service** means a service that is funded by government to provide a staffed residential service to people who are homeless or at risk of being homeless;
- (f) **mental health residential service** means a service that is funded by the Victorian Government to provide a staffed residential service to people who have a mental illness;
- (g) **retirement village** has the same meaning as in the **Retirement Villages Act 1986**;
- (h) **secure welfare service** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (i) **short-term accommodation and assistance dwelling** has the same meaning as in the **Disability Act 2006**;
- (j) **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**.

*Community worker*

- (7) For the purposes of these directions:
  - (a) **community worker** means a person who works at or in connection with a community facility or an organisation providing community services, whether operated on a for profit or not-for-profit basis, including but not limited to:
    - (i) a facility at which services are provided by an Aboriginal Community Controlled Organisation;
    - (ii) a community centre or community hall;
    - (iii) a public library;
    - (iv) a youth centre; or
    - (v) a skatepark in an outdoor space.

*Creative arts worker*

- (8) For the purposes of these directions:
  - (a) **creative arts worker** means a person who works at or in connection with:
    - (i) an art studio;
    - (ii) a ceramics studio;
    - (iii) a music room or studio;
    - (iv) a rehearsal room or studio; or
    - (v) any other facility that is used for creative art.

*Custodial worker*

- (9) For the purposes of these directions:
- (a) **custodial worker** means a person who works at or in connection with a:
    - (i) custodial facility that is a facility used for the detention of persons, including but not limited to a:
      - (A) **prison**;
      - (B) **remand centre**;
      - (C) **youth residential centre**;
      - (D) **youth justice centre**;
      - (E) **residential facilities**; or
      - (F) **residential treatment facilities**.
  - (b) **prison** has the same meaning as in the **Corrections Act 1986**;
  - (c) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
  - (d) **residential facility** has the same meaning as **Serious Offenders Act 2018**, and includes the Maribyrnong Community Residential Facility;
  - (e) **residential treatment facility** has the same meaning as **Serious Offenders Act 2018**;
  - (f) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
  - (g) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

*Emergency service worker*

- (10) For the purposes of these directions:
- (a) **emergency service worker** means a person who works in connection with emergency services including but not limited to:
    - (i) the Victoria State Emergency Services;
    - (ii) Fire Rescue Victoria, the Country Fire Authority or any other firefighting services;
    - (iii) the Emergency Services Telecommunications Authority;
    - (iv) aquatic safety services, including life saving services and marine search and rescue services;
    - (v) paramedical services;
    - (vi) ambulance and paramedics services;
    - (vii) air ambulance and medical retrieval services (including Royal Flying Doctor Service);
    - (viii) Victoria Police, protective services and police custody services; or
    - (ix) essential infrastructure and essential services that are required to maintain or protect human health, safety and wellbeing (whether provided by a public or private undertaking), and including maintenance and repair of such infrastructure.

*Entertainment and function worker*

- (11) For the purposes of these directions:
- (a) **entertainment and function worker** means a worker who works at an amusement park for the purpose of providing statutorily required training for staff prior to reopening.

*Funeral worker*

(12) For the purposes of these directions:

- (a) **funeral worker** means a person who works in connection with funerary or mortuary services.

*Higher education worker*

(13) For the purposes of these directions:

- (a) **higher education worker** means a person who works at or in connection with:
- (i) a university;
  - (ii) a vocational education and training institute;
  - (iii) a technical and further education institute;
  - (iv) an adult community and further education institute;
  - (v) a registered training organisation; or
  - (vi) any other facility undertaking post-compulsory education or training.

*Justice worker*

(14) For the purposes of these directions:

- (a) **honorary justice** has the same meaning as in the **Honorary Justices Act 2014**;
- (b) **justice service centre** means:
- (i) a premises or place appointed as a community corrections centre pursuant to section 86 of the **Corrections Act 1986** or a youth justice unit pursuant to section 478 of the **Child Youth and Families Act 2005**; or
  - (ii) the Wulgunggo Ngalu Learning Place;
- (c) **justice worker** means:
- (i) a person who works at or in connection with a **justice service centre**; or
  - (ii) an **honorary justice** or a person who works in connection with an honorary justice.

*Manufacturing worker*

(15) For the purposes of these directions:

- (a) **manufacturing worker** means a person who works at or in connection with a premises used for the distribution, production or processing of goods, including but not limited to production or processing of:
- (i) food (excluding meat, seafood or poultry);
  - (ii) beverages including brewed and bottled drinks;
  - (iii) textiles, leather, clothing, footwear and accessories;
  - (iv) wood products;
  - (v) pulp and paper products;
  - (vi) printing including small and large production runs;
  - (vii) chemicals, including fertilisers, pesticides, pharmaceutical, medicinal, cleaning products, toiletries, cosmetics, photographic and explosives;
  - (viii) metal and plastics;
  - (ix) machinery and equipment manufacturing including parts;
  - (x) furniture;
  - (xi) household goods;
  - (xii) whole or partial products; or
  - (xiii) software, essential marketing or product installation.

*Marriage celebrant*

(16) For the purposes of these directions:

- (a) **marriage celebrant** has the same meaning as **authorised celebrant** in the **Marriage Act 1961** of the Commonwealth.

*Meat and seafood processing worker*

(17) For the purposes of these directions:

- (a) **meat and seafood processing worker** means a person who works at or in connection with an abattoir or a meat, seafood or poultry processing plant.

*Media and film production worker*

(18) For the purposes of these directions:

- (a) **media and film production worker** means a person who works:
- (i) in connection with:
    - (A) journalism;
    - (B) media services;
    - (C) the production of feature films, theatre, television shows and documentaries (excluding television commercials, student and corporate productions);
    - (D) broadcasting performances from an entertainment facility; or
    - (E) a rehearsal conducted by a National Performing Arts Company.

*Mining worker*

(19) For the purposes of these directions:

- (a) **mining worker** means a person who works at a premises at which mining activities take place, including coal mining, oil and gas extraction, metal ore mining, non-metallic mineral mining and quarrying petroleum production.

*Physical recreation worker*

(20) For the purposes of these directions:

- (a) **physical recreation worker** means a person:
- (i) who works at or in connection with:
    - (A) a facility used or partly used for sport, sport racing or physical recreation;
    - (B) a **play centre**;
    - (C) a trampolining centre; or
    - (D) a swimming pool, **hydrotherapy pool**, spa, sauna, steam room or **spring facility**; or
  - (ii) who provides personal training services;
- (b) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (c) **play centre** means a premises, whether indoor or outdoor, that has play equipment to be used or partly used by children under the age of 12 years but does not mean a playground;
- (d) **spring facility** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer.

*Port or freight worker*

(21) For the purposes of these directions:

- (a) **port or freight worker** means a person works in connection with:
- (i) air transport services;

- (ii) port operations;
- (iii) freight services (including postal and courier services);
- (iv) services provided by a transport, freight or logistics driver; or
- (v) monitoring compliance with the **Heavy Vehicle National Law**.

*Professional sports, high-performance sports, or racing person*

(22) For the purposes of these directions:

- (a) **professional sports, high-performance sports, or racing person** means a person who:
  - (i) performs a sporting activity in an open-aged national or international competition (at the highest level as identified by the recognised national body);
  - (ii) is employed to perform a sporting activity as their primary source of income (for example, employed by a professional club or recognised national body);
  - (iii) is a National Institute Network Scholarship holder or equivalent level national categorised athlete;
  - (iv) supports the safe conduct of another person's professional sport;
  - (v) publicly broadcasts professional sport; or
  - (vi) participates in thoroughbred, harness and greyhound racing.

*Professional services worker*

(23) For the purposes of these directions:

- (a) **Australian legal practitioner** has the same meaning as in the **Legal Profession Uniform Law Application Act 2014**;
- (b) **legal worker** means:
  - (i) an **Australian legal practitioner** who provides services in connection with the administration of justice where the services cannot be provided by an online communication, teleconference or by means of an audio-visual link facility;
  - (ii) a person who works in connection with a person specified in paragraph (i),  
but does not include:
    - (iii) a member of the Victorian Civil and Administrative Tribunal;
- (c) **professional services worker** means:
  - (i) a person who **provides a financial service** within the meaning of section 766A of the **Corporations Act 2001** of Commonwealth, or works in connection with the provision of such a service; or
  - (ii) a **legal worker**.

*Public sector worker*

(24) For the purposes of these directions:

- (a) **local government worker** means:
  - (i) a Chief Executive Officer within the meaning of the **Local Government Act 2020**;
  - (ii) a member of Council staff appointed under section 48 of the **Local Government Act 2020**;
- (b) **public sector worker** means:
  - (i) a Ministerial officer employed under section 98 of the **Public Administration Act 2004**;

- (ii) a local government worker; or
- (iii) a person who is a public sector employee within the meaning of the **Public Administration Act 2004**, except:
  - (A) a person who is a member of the staff of Court Services Victoria within the meaning of the **Court Services Victoria Act 2014**;
  - (B) a parliamentary officer within the meaning of the **Parliamentary Administration Act 2004**; or
  - (C) a person employed or engaged by the Chief Executive Officer of the Victorian Civil and Administrative Tribunal.

*Real estate worker*

(25) For the purposes of these directions:

- (a) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (b) **real estate worker** means an **estate agent** or any person who works in connection with the provision of services by an estate agent.

*Religious worker*

(26) For the purposes of these directions:

- (a) **religious worker** means a person who works at or in connection with a **place of worship**, but does not include a person who:
  - (i) conducts services of public worship and acknowledgments of faith;
  - (ii) performs marriages, funerals and special memorial services according to tradition and ecclesiastical and civil law; or
  - (iii) visits members of the community in their homes, hospitals and other institutions to provide advice and religious comfort for the purpose of end of life faith reasons;
- (b) **place of worship** has the same meaning as in the **Heritage Act 2017**.

*Repair and maintenance worker*

(27) For the purposes of these directions:

- (a) **repair and maintenance worker** means a person who works in connection with:
  - (i) laundry services;
  - (ii) dry cleaning services;
  - (iii) car washing services;
  - (iv) commercial cleaning service;
  - (v) locksmith services;
  - (vi) roadside assistance services;
  - (vii) pool and spa maintenance services for commercial pools and spas;
  - (viii) vehicle and mechanical repair services;
  - (ix) outdoor maintenance, repairs, and cleaning, including at occupied premises;
  - (x) outdoor home installations;
  - (xi) home solar panel installations that involve outdoor work or in roof cavities with external access; or
  - (xii) critical repairs to any premises where required for emergency or safety.

*Retail worker*

(28) For the purposes of these directions:

- (a) **bottle shop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the premises;
- (b) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (c) **food and drink facility** means a café, restaurant, **licensed premises**, fast-food store, cafeteria, canteen, winery, food truck or food court;  
*Note: a food and drink facility includes a food and drink facility at a stadium or arena.*
- (d) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (e) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (f) **licensed premises** means a business characterised as a pub, bar, club, **nightclub** or hotel that supplies alcohol under a **general licence**, an **on-premises licence**, a **late night licence**, a **producer's licence**, a **club licence**, a **packaged liquor licence**, or a **restaurant and café licence**;
- (g) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;
- (h) **nightclub** means a facility:
  - (i) to which a **late night licence** applies; and
  - (ii) with a dancefloor; and
  - (iii) which does not serve food prepared at the facility for consumption on the premises;
- (i) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (j) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (k) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (l) **restaurant and café licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (m) **retail facility** means a premises, or part of a premises, at which a business operates to provide for the sale or hire of goods by retail, or the provision of services by retail, including but not limited to a:
  - (i) **market**, but only to obtain groceries or fresh food;
  - (ii) **retail shopping centre**;
  - (iii) supermarket, grocery store, bakery, butcher, fruit and vegetable store or fishmonger;
  - (iv) **food and drink facility**;
  - (v) post office;
  - (vi) news agent;
  - (vii) petrol station (including a petrol station that sells groceries);
  - (viii) **bottle shop**;
  - (ix) pet store; or
  - (x) a facility that provides 'click and collect' services;

- (n) **retail worker** means a person who works at or in connection with a **retail facility** or a wholesale or distribution facility;
- (o) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**.

*Science and technology worker*

(29) For the purposes of these directions:

- (a) **science and technology worker** means a person who works in connection with scientific and technical research or activities, but only in relation to:
  - (i) COVID-19 (e.g. MedTech research regarding vaccines);
  - (ii) hazard monitoring and resilience;
  - (iii) biosecurity and public health;
  - (iv) medical or other research, which is ongoing and requires on site attendance; or
  - (v) critical scientific experiments, labs, and collections.

*Social and community service worker*

(30) For the purposes of these directions:

- (a) **social and community service worker** means a person who works in connection with:
  - (i) disability services;
  - (ii) services provided to an NDIS participant in any setting;
  - (iii) child protection services;
  - (iv) family violence and sexual assault support services;
  - (v) homelessness support services;
  - (vi) public housing support services;
  - (vii) mental health services;
  - (viii) aged care services;
  - (ix) any social services provided or contracted by the government to support members of the community who have a particular need because of family violence, homelessness, illness or a chronic health condition, infirmity, disability, contact with the justice system or other essential support service; or
  - (x) interpreter, cultural, or support services.

*Transport worker*

(31) For the purposes of these directions:

- (a) **transport worker** means a person who performs work in connection with:
  - (i) a **bus company**;
  - (ii) a **commercial passenger vehicle service**; or
  - (iii) a **public transport service**;
- (b) **bus company** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (c) **commercial passenger vehicle service** has the same meaning as in the **Commercial Passenger Vehicle Industry Act 2017**;
- (d) **public transport service** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**.

*Utility and urban worker*

(32) For the purposes of these directions:

- (a) **utility and urban worker** means a person who works in connection with:
- (i) specialist services at telecommunications stores to support telecommunications as a critical service during the COVID-19 pandemic;
  - (ii) services to support the ongoing provision and regulation of electricity, gas, water, sewage and waste and recycling services and their maintenance;
  - (iii) domestic and commercial waste and resource recovery services (including collection, treatment and disposal services and transfer stations), including:
    - (A) electricity services;
    - (B) operation of energy systems;
    - (C) gas services;
    - (D) water supply, sewerage and drainage services; or
    - (E) liquid fuels and refinery services;
  - (iv) the operation of primary clinical waste incinerators by specialised clinical waste workers;
  - (v) the operation of carparks for the purposes of supporting workers.

*Veterinary and pet/animal care worker*

(33) For the purposes of these directions:

- (a) **veterinary and pet/animal care worker** means a person who works:
- (i) in connection with:
    - (A) pet grooming services;
    - (B) veterinary services;
    - (C) animal rescue services;
    - (D) animal health, husbandry or welfare services; or
  - (ii) at the premises of or in connection with:
    - (A) a nature reserve at which animals are treated and cared for;
    - (B) a zoo.

**10 Other definitions**

For the purposes of these directions:

- (1) **Commonwealth employee** has the same meaning as in the **Sex Discrimination Act 1984** of the Commonwealth;
- (2) **court** means:
  - (a) the Supreme Court;
  - (b) the County Court;
  - (c) the Magistrates' Court;
  - (d) the Children's Court;
  - (e) any federal court;but does not include the Coroners Court;
- (3) **COVID-19 Mandatory Vaccination (Specified Facilities) Directions** means the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 7)** as amended or replaced from time to time;

- (4) **COVID-19 vaccine** means a vaccine to protect a person against SARS-CoV-2 that:
- (a) has been registered or provisionally registered by the Therapeutic Goods Administration; or
  - (b) has been approved by a comparable overseas regulator, as determined by the Therapeutic Goods Administration under regulation 16DA(3) of the **Therapeutic Goods Regulation 1990** of the Commonwealth;
- (5) **critical unforeseen circumstance** means a circumstance that the employer could not reasonably have foreseen nor planned for which results in a critical need for staff;
- (6) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 28)** as amended or replaced from time to time;
- (7) **Directions currently in force** has the same meaning as in the **Workplace Directions** as amended or replaced from time to time;
- (8) **emergency situation** means a situation where it is reasonably apparent to an employer that medical treatment is necessary, as a matter of urgency to:
- (a) save a person's life; or
  - (b) prevent serious damage to a person's health; or
  - (c) prevent a person from suffering or continuing to suffer significant pain or distress;
- (9) **medical contraindication** means one of the following contraindications to the administration of a **COVID-19 vaccine**:
- (a) anaphylaxis after a previous dose;
  - (b) anaphylaxis to any component of the vaccine, including polysorbate or polyethylene glycol;
  - (c) in relation to AstraZeneca:
    - (i) history of capillary leak syndrome; or
    - (ii) thrombosis with thrombocytopenia occurring after a previous dose;
  - (d) in relation to Comirnaty or Spikevax:
    - (i) myocarditis or pericarditis attributed to a previous dose of either Comirnaty or Spikevax; or
  - (e) the occurrence of any other serious adverse event that has:
    - (i) been attributed to a previous dose of a COVID-19 vaccine by an experienced immunisation provider or medical specialist (and not attributed to any another identifiable cause); and
    - (ii) been reported to State adverse event programs and/or the Therapeutic Goods Administration;
- (10) **medical practitioner** means:
- (a) a general practice registrar on an approved 3GA training placement; or
  - (b) a public health physician; or
  - (c) an infectious disease physician; or
  - (d) a clinical immunologist; or
  - (e) a general practitioner who is vocationally registered; or
  - (f) a general practitioner who is a fellow of the Royal Australian College of General Practitioners (RACGP); or
  - (g) a general practitioner who is a fellow of the Australian College of Rural and Remote Medicine (ACRRM); or
  - (h) a paediatrician; or
  - (i) a medical practitioner who is a fellow of the Royal Australasian College of Physicians;

- (11) **NDIS participant** has the meaning given to ‘participant’ under the **National Disability Insurance Scheme Act 2013** of the Commonwealth;
- (12) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (13) **PPE** means personal protective equipment;
- (14) **premises** has the same meaning as in the **PHW Act** but does not include a worker’s ordinary place of residence.

## 11 Penalties

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

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

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

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

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

*Note: section 209 of the PHW Act provides for infringement notices to be served on any person who 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.*

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

### **False or misleading information**

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

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

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

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

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

Dated 14 October 2021

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

## SCHEDULE 1 – WORKERS

Row	Worker (Column 1)	Relevant date (Column 2)	First dose deadline (Column 3)	Second dose deadline (Column 4)	Worker-specific definitions
1.	accommodation worker	15 October 2021	22 October 2021	26 November 2021	9(1)(a)
2.	agricultural and forestry worker	15 October 2021	22 October 2021	26 November 2021	9(2)(a)
3.	airport worker	15 October 2021	22 October 2021	26 November 2021	9(3)(b)
4.	ancillary, support and welfare worker	15 October 2021	22 October 2021	26 November 2021	9(4)(a)
5.	Authorised Officer	15 October 2021	22 October 2021	26 November 2021	9(5)(a)
6.	care worker	15 October 2021	22 October 2021	26 November 2021	9(6)(b)
7.	community worker	15 October 2021	22 October 2021	26 November 2021	9(7)(a)
8.	creative arts worker	15 October 2021	22 October 2021	26 November 2021	9(8)(a)
9.	custodial worker	15 October 2021	22 October 2021	26 November 2021	9(9)(a)
10.	emergency service worker	15 October 2021	22 October 2021	26 November 2021	9(10)(a)
11.	entertainment and function worker	15 October 2021	22 October 2021	26 November 2021	9(11)(a)
12.	funeral worker	15 October 2021	22 October 2021	26 November 2021	9(12)(a)
13.	higher education worker	15 October 2021	22 October 2021	26 November 2021	9(13)(a)
14.	justice worker	15 October 2021	22 October 2021	26 November 2021	9(14)(c)
15.	manufacturing worker	15 October 2021	22 October 2021	26 November 2021	9(15)(a)
16.	marriage celebrant	15 October 2021	22 October 2021	26 November 2021	9(16)(a)
17.	meat and seafood processing worker	15 October 2021	22 October 2021	26 November 2021	9(17)(a)
18.	media and film production worker	15 October 2021	22 October 2021	26 November 2021	9(18)(a)
19.	mining worker	15 October 2021	22 October 2021	26 November 2021	9(19)(a)
20.	physical recreation worker	15 October 2021	22 October 2021	26 November 2021	9(20)(a)
21.	port or freight worker	15 October 2021	22 October 2021	26 November 2021	9(21)(a)
22.	professional sports, high-performance sports or racing person	15 October 2021	22 October 2021	26 November 2021	9(22)(a)

23.	<b>professional services worker</b>	15 October 2021	22 October 2021	26 November 2021	9(23)(a)
24.	<b>public sector worker</b>	15 October 2021	22 October 2021	26 November 2021	9(24)(a)
25.	<b>real estate worker</b>	15 October 2021	22 October 2021	26 November 2021	9(25)(b)
26.	<b>religious worker</b>	15 October 2021	22 October 2021	26 November 2021	9(26)(a)
27.	<b>repair and maintenance worker</b>	15 October 2021	22 October 2021	26 November 2021	9(27)(a)
28.	<b>retail worker</b>	15 October 2021	22 October 2021	26 November 2021	9(28)(n)
29.	<b>science and technology worker</b>	15 October 2021	22 October 2021	26 November 2021	9(29)(a)
30.	<b>social and community service worker</b>	15 October 2021	22 October 2021	26 November 2021	9(30)(a)
31.	<b>transport worker</b>	15 October 2021	22 October 2021	26 November 2021	9(31)(a)
32.	<b>utility and urban worker</b>	15 October 2021	22 October 2021	26 November 2021	9(32)(a)
33.	<b>veterinary and pet/animal care worker</b>	15 October 2021	22 October 2021	26 November 2021	9(33)(a)

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