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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

Stay Safe Directions (Metropolitan Melbourne) (No. 5)

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

PART 1 – PRELIMINARY

1 Preamble

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

2 Citation

These directions may be referred to as the **Stay Safe Directions (Metropolitan Melbourne) (No 5)**.

3 Commencement and revocation

- (1) These directions commence at 11:59:00 pm on 23 October 2021 and end at 11:59:00 pm on 18 November 2021.
- (2) The **Stay Safe Directions (Metropolitan Melbourne) (No. 4)** are revoked at 11:59:00 pm on 23 October 2021.

4 Stay safe period

For the purposes of these directions, the stay safe period is the period beginning at 11:59:00 pm on 23 October 2021 and ending at 11:59:00 pm on 18 November 2021.

PART 2 – STAY SAFE

5 Direction – staying safe

- (1) A person who ordinarily resides in Metropolitan Melbourne during the stay safe period may leave the premises where the person ordinarily resides for any reason.
- (2) When leaving their premises, a person must, during the stay safe period:
 - (a) not travel to Regional Victoria other than in accordance with subclauses (3), (4), (5), (6) and (7); and
 - (b) comply with the face covering requirements in subclauses (8), (9), (10), (11) and (12); and
 - (c) if attending work or obtaining education services, do so in accordance with clause 6 (**attending work or education**); and

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- (d) comply with the restrictions on gatherings in clause 7 (**restrictions on gatherings**); and
- (e) comply with the Directions currently in force; and
- (f) not attend or engage in an activity on a premises if the operator of that premises is prohibited from allowing the person to attend or engage in that activity under the **Open Premises Directions**.

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

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

Travel to Regional Victoria

- (3) Subject to subclauses (4), (5), (6) and (7) a person who ordinarily resides in Metropolitan Melbourne during the stay safe period must not travel to Regional Victoria other than for one or more of the following reasons:
 - (a) to obtain necessary goods or services, including (but not limited to) goods or services provided by:
 - (i) a financial institution;
 - (ii) a government body or government agency;
 - (iii) a post office;
 - (iv) a **pharmacy**;
 - (v) a petrol station;
 - (vi) a pet store or veterinary clinic;
 - (vii) a **retail facility** that is permitted to operate under, and is operating in accordance with, the **Open Premises Directions**,
provided that the place from which the person is obtaining the necessary goods or services is the closest place to the person's principal place of residence from which those goods or services can be obtained; or
 - (b) for **care or other compassionate reasons**; or
 - (c) if the person is an **authorised worker** or works for an **authorised provider** and is required to attend a **work premises** in Regional Victoria; or
 - (d) if permitted to attend work or obtaining education services in Regional Victoria in accordance with clause 6 (**attending work or education**); or
 - (e) to receive a SARS-CoV-2 vaccination, provided that the distance travelled and the time taken is no more than is reasonably necessary and the location where the person is receiving the SARS-CoV-2 vaccination is in an adjacent local government area to where the person resides; or
 - (f) for reasons relating to the following matters:
 - (i) for **emergency preparation activities** or **emergency response activities** provided that the person can only be accompanied by other persons who ordinarily reside with them and/or an intimate partner; or
 - (ii) for emergency purposes which includes, without limitation, seeking emergency medical assistance; or
 - (iii) as required or authorised by law; or

- (iv) for purposes relating to the administration of justice, including (but not limited to) attending:
 - (A) a police station; or
 - (B) a court or other premises for purposes relating to the justice or law enforcement system; or
- (v) to attend a **community facility**, which is permitted to operate under, and is operating in accordance with, the **Open Premises Directions**, and for the purposes of essential support services only; or
- (vi) for the purpose of driving a person with whom they ordinarily reside where it is not otherwise reasonably practicable for that person to leave their premises for a purpose permitted under, and provided they comply with, these directions; or
Examples: driving a household member who is an authorised worker or works for an authorised provider, and who does not have a driver's licence, to or from work.
- (vii) if the premises in which the person ordinarily resides is no longer available for the person to reside in or is no longer suitable for the person to reside in; or
- (viii) for the purposes of moving to a new premises at which the person will ordinarily reside; or
- (ix) if the person ordinarily resides outside Metropolitan Melbourne, for the purposes of leaving Metropolitan Melbourne; or
- (x) if the person is permitted to leave Australia, for the purposes of leaving Australia; or
- (xi) for the purposes of **national security**; or
- (xii) to attend an inspection of real estate for the purposes of a prospective sale of the property, or for end of lease activities; or
- (xiii) if the person is temporarily residing at a premises that is not their ordinary place of residence, to return to their ordinary place of residence; or
- (xiv) for the purpose of recruitment, where it is not reasonably practicable for that recruitment to occur from the place where those involved in the recruitment ordinarily reside.
Example: Victoria Police may permit applicants for employment to attend examinations, fitness assessments and other medical and psychological screening where these activities cannot be undertaken from home.

Principal place of residence

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

- (f) for emergency purposes; or
- (g) for emergency preparation activities; or
- (h) for emergency response activities; or
- (i) as required or authorised by law.

Ordinary place of residence

- (5) If a person:
- (a) no longer has an ordinary place of residence in Metropolitan Melbourne; or
 - (b) has an ordinary place of residence or principal place of residence (as applicable) in Metropolitan Melbourne that has become temporarily unavailable or is unavailable because of a risk of harm (including harm relating to family violence or violence of another person at the premises),
- then that person may move to alternative suitable premises that are available to that person.
- (6) If a person moves to a new place of residence under subclause (5) or otherwise, the new premises is taken to be the premises at which the person ordinarily resides from midnight on the day that the person moves.

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

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

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

Note: temporarily residing in Metropolitan Melbourne includes when a person enters Metropolitan Melbourne to travel to a location where they intend to temporarily reside in Metropolitan Melbourne.

Face covering requirements

- (8) A person in Metropolitan Melbourne must:
- (a) carry a face covering at all times, except where subclause (9)(a), (b), (c), (d), (e) or (aa) applies; and
 - (b) wear a face covering:
 - (i) while in an **indoor space**; and
 - (ii) while in an **outdoor space**; and
 - (iii) while visiting a **hospital**; and
 - (iv) while visiting a **care facility**; and
 - (v) while on **public transport** or in a **commercial passenger vehicle** or in a **vehicle** being operated by a **licensed tourism operator**; and
 - (vi) while attending onsite **educational services** onsite in Metropolitan Melbourne or Regional Victoria, in accordance with the **Open Premises Directions**; or
 - (vii) if the person is a diagnosed person or close contact and is leaving the premises in accordance with the **Diagnosed Persons and Close Contacts Directions**; and
 - (viii) if the person has been tested for SARS-CoV-2 and is awaiting the results of that test, except where that test was taken as part of a surveillance or other asymptomatic testing program; and

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

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

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

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

- (9) Subclauses (8)(b) and (c) do not apply if a person complies with any other requirements under any other Directions currently in force and:
 - (a) the person is an infant or a child under the age of 12 years except the requirements in subclause (8)(b)(vi) continue to apply; or
 - (b) the person is a **prisoner** in a **prison** (either in their cell or common areas), subject to any policies of that prison; or
 - (c) the person is detained in a **remand centre, youth residential centre or youth justice centre** (either in their room or common areas), subject to any policies of that centre; or
 - (d) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or

Examples: persons who have obstructed breathing, a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.
 - (e) it is not practicable for the person to comply with subclauses (8)(b) or (c) because the person is escaping harm or the risk of harm, including harm relating to family violence or violence of another person; or
 - (f) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
 - (g) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
 - (h) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or

Examples: teaching, lecturing, broadcasting.
 - (i) the person is working by themselves in an enclosed indoor space (unless and until another person enters that indoor space); or

Example: a person working by themselves in an office.
 - (j) the person is working by themselves in an outdoor space, provided no other person is also in the outdoor space (except a person who ordinarily resides at the same premises with them); or

Example: a farmer working by themselves in a field, or with their family who lives in the same premises as them.
 - (k) the person is visiting a person in accordance with clause 7(1) and (2) (*private gatherings*); or
 - (l) the person is one of two persons being married, during their wedding ceremony, or while being photographed at the wedding; or
 - (m) the person is a professional sportsperson when training or competing; or
 - (n) the person is engaged in any strenuous physical exercise; or

Examples: jogging, running, swimming, cycling.
 - (o) the person is riding a bicycle or a motorcycle; or
 - (p) the person is travelling in a vehicle by themselves or where each other person in the vehicle ordinarily resides at the same premises; or

- (q) the person is consuming:
 - (i) medicine; or
 - (ii) food or drink in any space except an indoor space within a retail facility or **restricted retail facility**; or
 - (iii) food or drink in an indoor space within a retail facility or restricted retail facility only if the person is:
 - (A) a worker at the retail facility or restricted retail facility; or
 - (B) on the premises of a **food and drink facility** within the retail facility or restricted retail facility; or

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

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

- (r) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (s) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (t) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Open Premises Directions**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
- (u) the person is providing a service from a facility which is permitted to operate under, and is operating in accordance with, the **Open Premises Directions**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
- (v) the person is an accused person in a criminal case in any court located in Metropolitan Melbourne and the person is in the dock either alone or with a co-accused, provided that any co-accused also present in the dock is at least 1.5 metres away from the person; or
- (w) the person is asked to remove the face covering to ascertain identity; or

Example: a person may be asked by police, security, bank or post office staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.
- (x) for emergency purposes; or
- (y) when required or authorised by law; or
- (z) when doing so is not safe in all the circumstances; or
- (aa) the person is at a premises that is their ordinary place of residence or their temporary place of residence.

Face covering requirements in airports and on aircraft

- (10) Without limiting subclause (8)(b), during the stay safe period, a person in the State of Victoria at an **airport** or travelling in an **aircraft** must:
 - (a) carry a face covering at all times, except where subclause (11)(a) or (b) applies; and
 - (b) wear a face covering while in an indoor space at an airport (and at all times while inside an aircraft); and
 - (c) wear a face covering where required to do so in accordance with any other Directions currently in force.

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

- (11) Subclauses (10)(b) and (c) do not apply if a person complies with any other requirements under any other Directions currently in force and:
- (a) the person is an infant or a child under the age of 12 years; or
 - (b) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or
Examples: persons who have obstructed breathing, a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.
 - (c) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
 - (d) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
 - (e) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or
Examples: teaching, lecturing, broadcasting.
 - (f) the person is consuming food, drink or medicine; or
 - (g) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
 - (h) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Open Premises Directions**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
 - (i) the person is providing a service from a facility which is permitted to operate under, and is operating in accordance with, the **Open Premises Directions**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
 - (j) the person is asked to remove the face covering to ascertain identity; or
Examples: a person may be asked by police, security, or airport staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.
 - (k) for emergency purposes; or
 - (l) when required or authorised by law; or
 - (m) when doing so is not safe in all the circumstances.
- (12) An **authorised officer** may require a person to attest in writing that they have complied with the requirements of subclause (10) to wear a face covering on an aircraft (subject to subclause (11)).

PART 3 – WORK AND EDUCATION

6 Attending work or education

- (1) A person who ordinarily resides in Metropolitan Melbourne may only attend work (whether paid or voluntary, including for charitable or religious purposes) at a work premises in:
- (a) Metropolitan Melbourne if it is not reasonably practicable for the person to work from the premises where they ordinarily reside or another suitable premises; or
 - (b) Regional Victoria if:
 - (i) they are an authorised worker or work for an authorised provider; and
 - (ii) it is not reasonably practicable for the person to work from the premises where they ordinarily reside or another suitable premises.

- (2) A person who ordinarily resides in Metropolitan Melbourne must only attend or obtain onsite **educational services** in Metropolitan Melbourne if the person attending the onsite educational services:
- (a) has two parents, guardians or carers and both of them are authorised workers or work for authorised providers and are working outside their premises and are unable to make alternative supervision arrangements for that person leaving the premises to attend education services; or
 - (b) has a single parent, guardian or carer and that parent, guardian or carer is an authorised worker or works for an authorised provider and is working outside their premises and is unable to make alternative supervision arrangements for that person leaving the premises to attend education services; or
 - (c) is a **vulnerable child or young person**; or
 - (d) only attends the onsite educational services for no more than the number of days specified in the **Open Premises Directions** for the year level of the person and meets the requirements imposed on the operator of the educational services under the **Open Premises Directions** in relation to that person.
- (3) A person who ordinarily resides in Metropolitan Melbourne and is enrolled in onsite educational services in Regional Victoria can only attend or obtain those services in Regional Victoria if they would have been permitted to do so under the **Stay Safe Directions (Regional Victoria)**, if they were an ordinary resident of Regional Victoria.
- (4) A person who ordinarily resides in Metropolitan Melbourne must only obtain a **childcare or early childhood service** in Metropolitan Melbourne or Regional Victoria if:
- (a) at least one parent, guardian or carer of the child with whom the child ordinarily resides is:
 - (i) an authorised worker or works for an authorised provider; and
 - (ii) is unable to make alternative supervision arrangements for the child; or
 - (b) each parent, guardian or carer of the child with whom the child ordinarily resides is fully vaccinated or an excepted person; or
 - (c) the child has a single parent, guardian or carer, and that person is:
 - (i) working outside of the home and is unable to make alternative supervision arrangements for that child; or
 - (ii) working at home and is unable to make alternative supervision arrangements for that child; or
 - (d) is a vulnerable child or young person.
- (5) A person who ordinarily resides in Metropolitan Melbourne may only attend **higher education services** (whether in Regional Victoria or in Metropolitan Melbourne) if:
- (a) it is in relation to:
 - (i) final year assessments for Tertiary Education Quality and Standards Agency regulated courses; and
 - (ii) where the person does not have alternative options to complete the study by the end of 2021; or
 - (b) it is in relation to an assessment that a person is unable to complete at their ordinary place of residence; or
 - (c) the person is undertaking secondary school subjects, attend onsite higher education services for no more than the number of days specified in the **Open Premises Directions** for the year level of the subjects that they are undertaking

and meet the requirement imposed on the operator of the educational services under the **Open Premises Directions** in relation to that person; or

- (d) it is to perform the practical, skills-based components of a person's study that the person is unable to complete at their ordinary place of residence.

PART 4 – GATHERINGS

7 Restrictions on gatherings

Private gatherings

- (1) During the stay safe period, a person who ordinarily resides in Metropolitan Melbourne must not permit more than 10 persons per day to enter any premises at which the person is residing in Metropolitan Melbourne for any reason, with the following persons not counting towards this limit:

- (a) any infant under 12 months of age; and
(b) any person who ordinarily reside at the premises; and
(c) any other person with whom a person in subparagraph (b) is in an intimate relationship,

except if the relevant premises is a **care facility**.

*Note: Any regulation of access and visits to care facilities is contained in the **Care Facilities Directions**.*

- (2) The capacity limit in subclause (1) does not prevent any person from permitting entry to another person or from entering a premises:

- (a) if permitted under, and provided they comply with the requirements of, the Directions currently in force; or
(b) to provide or receive necessary goods or services; or
(c) to attend or undertake work in accordance with clause 6 (**attending work or education**); or

Examples: a tradesperson for the purpose of carrying out repairs, a disability support worker, a vet, a person for end of life faith reasons, a cleaner.

Note: this includes a person who provides professional respite care for carers of people with complex needs, where that professional is permitted to work in accordance with the Directions currently in force.

- (d) to provide childminding (where the child, children or young person is primary school age or younger), **childcare or early childhood service**, schooling or education services (whether paid or on a voluntary basis) only if the person also ordinarily resides in Metropolitan Melbourne; or
(e) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
(f) if the person entering the premises is a parent or guardian of a child and they are entering the premises:
(i) to visit that child; or
(ii) to meet any obligations in relation to care or support for that child; or
(iii) to take the child to another person's premises for the purpose of that other person providing child-minding assistance; or
(g) to provide care and support to a relative or other person who ordinarily resides at the premises and:
(i) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or
(ii) because of matters relating to the relative or other person's health (including mental health or pregnancy),
including to assist the person with emergency preparation activities; or

- (h) to visit someone who ordinarily resides at those premises and with whom they are in an intimate personal relationship; or
Note: people in an intimate personal relationship may stay overnight at each other's ordinary places of residence, and are not required to wear a face covering while visiting each other at those premises, provided they otherwise comply with these directions.
 - (i) to attend a wedding or funeral in Metropolitan Melbourne if that wedding or funeral complies with the requirements in subclauses (5) to (10); or
 - (j) to attend an **end of life** activity; or
 - (k) to attend a memorial site to pay respects to a deceased person provided that this is only with any other person (or people) who ordinarily resides at the same premises as that person or one other person; or
 - (l) if the premises in which the person ordinarily resides is no longer available to, or is no longer suitable for, the person; or
 - (m) to attend an inspection of real estate for the purposes of a prospective sale or rental of the property or to attend an auction provided that the inspection and auction is carried out in accordance with the **Open Premises Directions**; or
 - (n) for the purpose of moving to the premises as the place where they will ordinarily reside; or
 - (o) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
 - (p) for medical or emergency purposes (other than emergency maintenance); or
 - (q) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal; or
 - (r) for purposes relating to the administration of justice; or
 - (s) as required or authorised by law; or
 - (t) for the purposes of national security.
- (3) During the stay safe period, a person who ordinarily resides in Metropolitan Melbourne must not permit a person who ordinarily resides in Regional Victoria to enter the premises at which they ordinarily reside (whether or not entering any building on the premises) unless that other person is entering the premises for one or more of the following reasons:
- (a) for care or other compassionate reasons; or
 - (b) for emergency preparation activities or emergency response activities; or
 - (c) for emergency purposes; or
 - (d) as required or authorised by law; or
 - (e) for purposes relating to the administration of justice; or
 - (f) for the purposes of national security.

Public gatherings

- (4) During the stay safe period, a person who ordinarily resides in Metropolitan Melbourne must not arrange to meet, or organise or intentionally attend a gathering of:
- (a) more than 14 other persons who ordinarily reside in Metropolitan Melbourne (with any infant under one year of age not counting towards this limit) for a common purpose at a public place; or
 - (b) any persons who ordinarily reside in Regional Victoria, for a common purpose at a public place,

except:

Note 1: under subclause (4), the limit on the number of people who may meet in a public place at any one time is 15, and all persons in attendance must ordinarily reside in Metropolitan Melbourne.

Note 2: two or more groups of 15 people cannot meet for a common purpose at a public place. In addition, a group in a public place must take reasonable steps to maintain a safe distance from any other groups in that public place.

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

- (c) where each other person ordinarily resides at the same premises; or
- (d) for the purpose of a religious gathering (including ceremonies) provided that the operator of the premises at which the religious gathering is held complies with any requirements under the **Open Premises Directions** and provided all attendees are persons who ordinarily reside in Metropolitan Melbourne (unless the religious gathering is a wedding or a funeral, in which case the wedding or a funeral must comply with subclauses (5) to (10)); or
- (e) for the purposes of an outdoor routine religious gathering (including ceremonies) if all attendees are fully vaccinated or excepted persons, provided that:
 - (i) the gathering is only conducted outdoors; and
 - (ii) the number of **members of the public** present at the same time in the space does not exceed the **density quotient**; and
 - (iii) the maximum number of members of the public that attend the gathering is 50, not including those necessary to conduct the service; or
- (f) for the purposes of an outdoor routine religious gathering (including ceremonies) if not all attendees are fully vaccinated or their vaccination status is unknown, provided that:
 - (i) the gathering is only conducted outdoors; and
 - (ii) the number of members of the public present at the same time in the space does not exceed the density quotient; and
 - (iii) the maximum number of members of the public that attend the gathering is 20, not including those necessary to conduct the service; or
- (g) for the purpose of a wedding in Metropolitan Melbourne that complies with the requirements in subclause (5), (6) or (7) or a wedding in Regional Victoria that complies with the requirements of the **Stay Safe Directions (Regional Victoria)**; or
- (h) for the purpose of a funeral in Metropolitan Melbourne that complies with the requirements in subclause (8), (9) or (10) or a funeral in Regional Victoria that complies with the requirements of the **Stay Safe Directions (Regional Victoria)**; or
- (i) it is necessary to arrange a meeting, or organise or attend a gathering, for one or more of the following purposes:
 - (i) engaging in an activity that an operator is permitted to operate at the premises under, and provided the operator complies with any requirements of, the **Open Premises Directions**; or
 - (ii) to attend or undertake work in accordance with clause 6 (**attending work or education**); or
 - (iii) medical or emergency purposes; or
 - (iv) purposes as required or authorised by law; or
 - (v) purposes relating to the administration of justice.

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

Weddings

- (5) The requirements for a wedding that is held at a person's ordinary place of residence in Metropolitan Melbourne during the stay safe period are that there are no more than 10 persons in attendance, with the following persons not counting towards this limit:
- (a) the two persons being married; and
 - (b) the **authorised celebrant**; and
 - (c) the photographer; and
 - (d) any person who ordinarily resides at the premises; and
 - (e) any other person with whom a person in subparagraph (d) is in an intimate personal relationship.
- (6) The requirements for a wedding held in an indoor space that is not a person's ordinary residence in Metropolitan Melbourne during the stay safe period are that:
- (a) there are either no more than:
 - (i) 20 persons in attendance at the wedding excluding the two persons being married, the authorised celebrant, and the photographer provided that all persons aged 16 years or over are fully vaccinated or an excepted person including the two persons being married, the authorised celebrant, and the photographer; or
 - (ii) 10 persons in attendance at the wedding excluding the two persons being married, the authorised celebrant, and the photographer if any person aged 16 years or over is not fully vaccinated and is not an excepted person, or their vaccination status is unknown; and
 - (b) the total number of members of the public present at the same time in the space must not exceed the density quotient; and
 - (c) the operator of the premises where the wedding is held complies with any requirements under the **Open Premises Directions**.

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

- (7) The requirements for a wedding held in an outdoor space in Metropolitan Melbourne during the stay safe period are that:
- (a) there are either no more than:
 - (i) 50 persons in attendance at the wedding excluding the two persons being married, the authorised celebrant, and the photographer provided that all persons aged 16 years or over are fully vaccinated or an excepted person including the two persons being married, the authorised celebrant, and the photographer; or
 - (ii) 20 persons in attendance at the wedding excluding the two persons being married, the authorised celebrant, and the photographer if any person aged 16 years or over is not fully vaccinated and is not an excepted person, or their vaccination status is unknown; and
 - (b) the total number of members of the public present at the same time in the space must not exceed the density quotient; and
 - (c) the operator of the premises where the wedding is held complies with any requirements under the **Open Premises Directions**.

Funerals

- (8) The requirements for a funeral held at a person's ordinary place of residence in Metropolitan Melbourne are that:
- (a) if all people in attendance have a principal place of residence in Metropolitan Melbourne, it involves only 10 **members of the public** with the following

- persons not counting towards this limit:
- (i) any infant under 12 months of age; and
 - (ii) the minimum number of persons reasonably necessary for the conduct of the funeral; and
 - (iii) any person who ordinarily resides at the premises; and
 - (iv) any other person with whom a person in subparagraph (iii) is in an intimate personal relationship.
- (9) The requirements for a funeral held in an indoor space that is not a person's ordinary place of residence in Metropolitan Melbourne during the stay safe period are that:
- (a) there are either no more than:
 - (i) 20 persons attending the funeral excluding the persons necessary to conduct the funeral provided that all persons aged 16 years or over are fully vaccinated or an excepted person including the persons necessary to conduct the funeral; or
 - (ii) 10 persons attending the funeral excluding the persons necessary to conduct the funeral if any person aged 16 years or over is not fully vaccinated and is not an excepted person, or their vaccination status is unknown; and
 - (b) the total number of members of the public present at the same time in the space must not exceed the density quotient; and
 - (c) the operator of the premises where the funeral is held complies with any requirements under the **Open Premises Directions**.
- Note: record-keeping requirements apply to funerals as set out in the **Workplace Directions**.*
- (10) The requirements for a funeral held in an outdoor space in Metropolitan Melbourne are that:
- (a) there are either no more than:
 - (i) 50 persons attending the funeral excluding the persons necessary to conduct the funeral provided that all persons aged 16 years or over are fully vaccinated or an excepted person including the persons necessary to conduct the funeral; or
 - (ii) 20 persons attending the funeral excluding the persons necessary to conduct the funeral if any person aged 16 years or over is not fully vaccinated and is not an excepted person, or their vaccination status is unknown; and
 - (b) the total number of members of the public present at the same time in the space must not exceed the density quotient; and
 - (c) the operator of the premises where the funeral is held complies with any requirements under the **Open Premises Directions**.

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

PART 5 – OTHER PROVISIONS

8 Relationship with other Directions

- (1) If there is any inconsistency between Parts 2, 3 and 4 of these directions and the **Diagnosed Persons and Close Contacts Directions**, Parts 2, 3 and 4 of these directions are inoperative to the extent of any inconsistency.
- (2) If there is any inconsistency between these directions and a direction or other requirement contained in a **Direction and Detention Notice**, these directions are inoperative to the extent of the inconsistency.

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

9 Definitions

For the purposes of these directions:

- (1) **aircraft** means an aircraft that is mainly used for the purpose of, or is engaged, or is intended or likely to be engaged, in a flight wholly within Australia;
- (2) **airport** means an aerodrome at which facilities are available for the arrival or departure of **aircraft** into or from the State of Victoria;
- (3) **alpine resort management board** has the same meaning as in the **Alpine Resorts (Management) Act 1997**;
- (4) **Area Directions** means the **Area Directions (No. 27)** as amended or replaced from time to time;
- (5) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (6) **authorised officer** has the same meaning as in the **PHW Act**;
- (7) **authorised provider** means a provider of goods or services as set out in the **Authorised Provider and Authorised Worker List**;
- (8) **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
- (9) **authorised worker** means a person who performs work as set out in the **Authorised Provider and Authorised Worker List**;
- (10) **bus company** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (11) **Care Facilities Directions** means **Care Facilities Directions (No. 47)** as amended or replaced from time to time;
- (12) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (13) **care or other compassionate reasons** means:
 - (a) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
 - (b) if the person is a parent or guardian of a child (with or without that child):
 - (i) to visit the child if the child is in detention, or in the care of another person; or
 - (ii) to meet any obligations in relation to care and support for that child; or

- (iii) to take the child to:
 - (A) a **childcare or early childhood service** in accordance with clause 6(4); or
 - (B) **educational services** in which they are enrolled in accordance with clause 6; or
- (c) to provide care and support to a person who has, or to receive care or support because the person has:
 - (i) particular needs because of age, infirmity, disability, illness, a chronic health condition, homelessness or family violence; or
 - (ii) particular needs because of matters relating to the other person's health (including mental health or pregnancy),
including to assist the person with emergency preparation activities; or
- (d) to provide childminding services to a **vulnerable child or young person** only;
- (e) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions**; or
- (f) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions**; or
- (g) to attend a wedding or a funeral in an ordinary place of residence in Regional Victoria, if that wedding is for **end of life** purposes or funeral complies with the requirements in clause 7(8);
- (h) to attend a **memorial** site to pay respects to a deceased person provided that this is in alignment with private and public gathering limits outlined in clause 7; or
- (i) to donate biological material at a blood bank or other similar donation facility; or
- (j) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises; or
- (k) to visit a person with whom they are in an intimate personal relationship; or
Note: people in an intimate personal relationship may stay overnight at each other's ordinary places of residence, and are not required to wear a face covering while visiting each other at those premises, provided they otherwise comply with these directions.
- (l) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal.
*Examples: feeding a horse in a paddock; collecting a pet from an animal shelter.
Note: the distance travelled and the time taken should be no more than is absolutely necessary.*
- (14) **childcare or early childhood service** means onsite early childhood education and care services or children's services provided under the:
 - (a) **Education and Care Services National Law** and the **Education and Care Services National Regulations** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services; and
 - (b) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;
- (15) **commercial passenger vehicle** has the same meaning as in the **Workplace Directions**;
- (16) **community facility** has the same meaning as in the **Open Premises Directions**;
- (17) **COVID-19 Mandatory Vaccination (Specified Facilities) Directions** means the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 10)** as amended or replaced from time to time;

- (18) **COVID-19 Mandatory Vaccination (Workers) Directions** means the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 5)** as amended or replaced from time to time;
- (19) **density quotient** has the same meaning as in the Workplace Directions;
- (20) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 31)** as amended or replaced from time to time;
- (21) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (22) **Directions currently in force** means the **Open Premises Directions**, the **Area Directions**, the **Stay Safe Directions (Metropolitan Melbourne)**, the **Stay Safe Directions (Regional Victoria)**, the **Diagnosed Persons and Close Contacts Directions**, the **Hospital Visitor Directions**, the **Care Facilities Directions**, the **Workplace Directions**, the **Victorian Border Crossing Permit Directions**, the **Workplace (Additional Industry Obligations) Directions**, the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**, and the **COVID-19 Mandatory Vaccination (Workers) Directions**, each as amended or replaced from time to time;
- (23) **educational services** means school educational services (including at a school or non-school senior secondary provider and outside school hours care services), but does not include **childcare or early childhood services** or **higher education services**;
- (24) **emergency preparation activities** means activities relating to emergency preparedness in either **Metropolitan Melbourne** or **Regional Victoria** that are:
- (a) urgent and essential; or
 - (b) from 11 October 2021, the subject of an approval in writing issued by a local council, **alpine resort management board** or Regional Director of the Department of Environment, Land, Water and Planning (DELWP) to undertake bushfire preparation activities within the municipal district, alpine resort area or unincorporated area for which that local council, **alpine resort management board** or DELWP is responsible and that comply with any conditions imposed under that approval;
- Note: emergency preparation activities includes activities such as travelling to a tip to dispose of garden waste or other bushfire preparedness activities.*
- (25) **emergency response activities** means activities related to emergency responses in either **Metropolitan Melbourne** or **Regional Victoria** including to assess whether property has been damaged after an emergency;
- (26) **end of life** means:
- (a) a situation where a person's death is expected within days (including periods of 28 days or less), or where the person, with or without existing conditions, is at risk of dying from a sudden acute event; and
 - (b) does not mean a situation where a person has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the person is expected to die within 12 months (except where the situation also falls within paragraph (a));
- (27) **excepted person** has the same meaning as in the **Open Premises Directions**;
- (28) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection (but does not include a face shield);
- (29) **food and drink facility** has the same meaning as in the **Open Premises Directions**;
- (30) **fully vaccinated** has the same meaning as in the **Open Premises Directions**;

- (31) **higher education services** means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, and other post-compulsory education or training;
- (32) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (33) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No 38)** as amended or replaced from time to time;
- (34) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are permanent structures rising either from floor to ceiling or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are open or closed;
- (35) **licensed tourism operator** has the same meaning as in the **Open Premises Directions**;
- (36) **members of the public** has the same meaning as in the **Open Premises Directions**;
- (37) **memorial** means a place of interment of bodily remains or cremated human remains (including a columbarium), as each of these terms are defined in the **Cemeteries and Crematoria Act 2003**;
- (38) **Metropolitan Melbourne** has the same meaning as in the **Area Directions**;
- (39) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (40) **Open Premises Directions** means the **Open Premises Directions (No. 2)** as amended or replaced from time to time;
- (41) **outdoor space** means a space that is not an **indoor space**;
- (42) **passenger transport company** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (43) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (44) **photographer** means a person who takes photographs as a business and has an Australian Business Number for this purpose;
- (45) **place of transit** means an **airport**, **port**, train station or bus terminal;
- (46) **port** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions**;
- (47) **premises** means:
- (a) a building, or part of a building; and
 - (b) any land on which the building is located, other than land that is available for communal use;
- (48) **prison** has the same meaning as in the **Corrections Act 1986**;
- (49) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (50) **public transport** means a vehicle operated by a **passenger transport company** or by a **bus company** in the provision of **public transport service**;
- (51) **public transport service** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (52) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (53) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (54) **retail facility** has the same meaning as in the **Open Premises Directions**;
- (55) **restricted retail facility** has the same meaning as in the **Open Premises Directions**;
- (56) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;

- (57) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 15)** as amended or replaced from time to time;
- (58) **stay safe period** has the meaning in clause 4;
- (59) **vehicle** has the same meaning as in the **PHW Act**;
- (60) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 35)** as amended or replaced from time to time;
- (61) **vulnerable child or young person** means a child or young person who:
- resides in the care of the State or in out-of-home care; or
 - 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
 - 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
 - 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;
- (62) **work premises** has the same meaning as in the **Workplace Directions**;
- (63) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 53)** as amended or replaced from time to time;
- (64) **Workplace Directions** means the **Workplace Directions (No. 53)** as amended or replaced from time to time;
- (65) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (66) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

10 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

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

Dated 23 October 2021

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

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Stay Safe Directions (Regional Victoria) (No. 15)**

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

PART 1 – PRELIMINARY**1 Preamble**

- (1) The purpose of these directions is to address the serious public health risk posed to the State of Victoria by the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Stay Safe Directions (Regional Victoria) (No. 14)**.
- (4) These directions require everyone who ordinarily resides in Regional Victoria to:
 - (a) restrict the circumstances in which they may leave Regional Victoria; and
 - (b) limit interactions with others by restricting private and public gatherings; and
 - (c) carry and wear **face coverings** at all times except in limited circumstances.

2 Citation

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

3 Commencement and revocation

- (1) These directions commence at 11:59:00 pm on 23 October 2021 and end at 11:59:00 pm on 18 November 2021.
- (2) The **Stay Safe Directions (Regional Victoria) (No. 14)** are revoked at 11:59:00 pm on 23 October 2021.

4 Stay safe period

For the purposes of these directions, the stay safe period is the period beginning at 11:59:00 pm on 23 October 2021 and ending at 11:59:00 pm on 18 November 2021.

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

- (1) A person who ordinarily resides in Regional Victoria during the stay safe period may leave the premises where the person ordinarily resides for any reason.
- (2) When leaving their premises, a person must, during the stay safe period:
 - (a) not travel to Metropolitan Melbourne other than in accordance with subclauses (3), (3A), (3B), (4), (5), (6) and (7); and
 - (b) comply with the face covering requirements in subclauses (8), (9), (10), (11) and (12); and
 - (c) if attending work or obtaining education services, do so in accordance with clause 6 (**attending work or education**); and
 - (d) comply with the restrictions on gatherings in clause 7 (**restrictions on gatherings**); and
 - (e) comply with the Directions currently in force; and

- (f) not attend or engage in an activity on a premises if the operator of that premises is prohibited from allowing the person to attend or engage in that activity under the **Open Premises Directions**.

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

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

Travel to Metropolitan Melbourne

- (2) Subject to subclauses (3A), (3B), (4), (5), (6) and (7) a person who ordinarily resides in Regional Victoria during the stay safe period must not travel to **Metropolitan Melbourne** other than for one or more of the following reasons:

- (a) to obtain necessary goods or services, including (but not limited to) goods or services provided by:
- (i) a financial institution;
 - (ii) a government body or government agency;
 - (iii) a post office;
 - (iv) a **pharmacy**;
 - (v) a petrol station;
 - (vi) a pet store or veterinary clinic;
 - (vii) a **retail facility** that is permitted to operate under, and is operating in accordance with, the **Open Premises Directions**,

provided that the place from which the person is obtaining the necessary goods or services is the closest place to the person's principal place of residence from which those goods or services can be obtained;

- (b) for **care or other compassionate reasons**; or
- (c) if the person is an **authorised worker** or works for an **authorised provider** and is required to attend a **work premises** in Metropolitan Melbourne; or
- (d) if permitted to obtain education services in Metropolitan Melbourne in accordance with clause 6 (**attending work or education**);
- (e) to receive a SARS-CoV-2 vaccination, provided that the distance travelled and the time taken is no more than is reasonably necessary and the location where the person is receiving the SARS-CoV-2 vaccination is in an adjacent local government area to where the person resides; or
- (f) for the reasons relating to the following matters:
 - (i) for **emergency preparation activities** or **emergency response activities** provided that the person can only be accompanied by other persons who ordinarily reside with them and/or an intimate partner; or
 - (ii) for emergency purposes which includes, without limitation, seeking emergency medical assistance; or
 - (iii) as required or authorised by law; or
 - (iv) for purposes relating to the administration of justice, including (but not limited to) attending:
 - (A) a police station; or
 - (B) a court or other premises for purposes relating to the justice or law enforcement system; or

- (v) to attend a **community facility**, which is permitted to operate under, and is operating in accordance with, the **Open Premises Directions**, and for the purposes of essential support services only; or
- (vi) for the purpose of driving a person with whom they ordinarily reside where it is not otherwise reasonably practicable for that person to leave their premises for a purpose permitted under, and provided they comply with, these directions; or
Examples: driving a household member who is an authorised worker or works for an authorised provider; and who does not have a driver's licence, to or from work.
- (vii) if the premises in which the person ordinarily resides is no longer available for the person to reside in or is no longer suitable for the person to reside in; or
- (viii) for the purposes of moving to a new premises at which the person will ordinarily reside; or
- (ix) if the person ordinarily resides outside Regional Victoria, for the purposes of leaving Regional Victoria; or
- (x) if the person is permitted to leave Australia, for the purposes of leaving Australia; or
- (xi) for the purposes of **national security**; or
- (xii) to attend an inspection of real estate for the purposes of a prospective sale of the property, or for end of lease activities; or
- (xiii) if the person is temporarily residing at a premises that is not their ordinary place of residence, to return to their ordinary place of residence; or
- (xiv) for the purpose of recruitment, where it is not reasonably practicable for that recruitment to occur from the place where those involved in the recruitment ordinarily reside.

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

- (3A) A person who ordinarily resides in Regional Victoria during the stay safe period may travel through Metropolitan Melbourne in order to travel to another part of Regional Victoria if necessary.
- (3B) A person who ordinarily resides in Regional Victoria during the stay safe period may travel:
 - (a) through Metropolitan Melbourne if required for the purpose of direct and short term transit in order to leave Regional Victoria or to return to their ordinary place of residence in Regional Victoria (by air, sea, road or rail); or
 - (b) to Metropolitan Melbourne for the purpose of picking up or dropping off a passenger from a **place of transit**.

Principal place of residence

- (4) If a person has more than one ordinary place of residence, their place of residence as at 11:59:00pm on 22 August 2021 must remain their principal place of residence for the duration of the stay safe period. If the person's principal place of residence is:
 - (a) within Regional Victoria, they must not leave to go to any other ordinary place of residence outside Regional Victoria; or
 - (b) outside Regional Victoria, they must not leave to go to any other ordinary place of residence within Regional Victoria,except:
 - (c) for the purposes of (and provided they comply with) clause 6 (**attending work or education**); or

- (d) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
- (e) for emergency maintenance of the other residence; or
- (f) for emergency purposes; or
- (g) for emergency preparation activities; or
- (h) for emergency response activities; or
- (i) as required or authorised by law.

Ordinary place of residence

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

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

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

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

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

Face covering requirements

- (8) A person in Regional Victoria must:
- (a) carry a face covering at all times, except where subclause (9)(a), (b), (c), (d), (e) or (aa) applies; and
 - (b) wear a face covering:
 - (i) while in an **indoor space**; and
 - (ii) while in an **outdoor space**; and
 - (iii) while visiting a **hospital**; and
 - (iv) while visiting a **care facility**; and
 - (v) while on **public transport** or in a **commercial passenger vehicle** or in a **vehicle** being operated by a **licensed tourism operator**; and
 - (vi) while attending onsite **educational services** in Regional Victoria or Metropolitan Melbourne, in accordance with the **Open Premises Directions**; or
 - (vii) if the person is a diagnosed person or close contact and is leaving the premises in accordance with the **Diagnosed Persons and Close Contacts Directions**; and

- (viii) if the person has been tested for SARS-CoV-2 and is awaiting the results of that test, except where that test was taken as part of a surveillance or other asymptomatic testing program; and

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

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

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

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

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

- (a) the person is an infant or a child under the age of 12 years except the requirements in subclause (8)(b)(vi) continue to apply; or
- (b) the person is a **prisoner** in a **prison** (either in their cell or common areas), subject to any policies of that prison; or
- (c) the person is detained in a **remand centre, youth residential centre or youth justice centre** (either in their room or common areas), subject to any policies of that centre; or
- (d) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or

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

- (e) it is not practicable for the person to comply with subclauses (8)(b) or (c) because the person is escaping harm or the risk of harm, including harm relating to family violence or violence of another person; or
- (f) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (g) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
- (h) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or

Examples: teaching, lecturing, broadcasting.

- (i) the person is working by themselves in an enclosed indoor space (unless and until another person enters that indoor space); or

Example: a person working by themselves in an office.

- (j) the person is working by themselves in an outdoor space, provided no other person is also in the outdoor space (except a person who ordinarily resides at the same premises with them); or

Example: a farmer working by themselves in a field, or with their family who lives in the same premises as them.

- (k) the person is visiting a person in accordance with clause 7(1) and (2) (*private gatherings*); or

- (l) the person is one of two persons being married, during their wedding ceremony, or while being photographed at the wedding; or

- (m) the person is a professional sportsperson when training or competing; or

- (n) the person is engaged in any strenuous physical exercise; or

Examples: jogging, running, swimming, cycling.

- (o) the person is riding a bicycle or a motorcycle; or
- (p) the person is travelling in a vehicle by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (q) the person is consuming:
 - (i) medicine; or
 - (ii) food or drink in any space except an indoor space within a retail facility or **restricted retail facility**; or
 - (iii) food or drink in an indoor space within a retail facility or restricted retail facility only if the person is:
 - (A) a worker at the retail facility or restricted retail facility; or
 - (B) on the premises of a **food and drink facility** within the retail facility or restricted retail facility; or

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

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

- (r) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (s) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (t) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Open Premises Directions**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
- (u) the person is providing a service from a facility which is permitted to operate under, and is operating in accordance with, the **Open Premises Directions**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
- (v) the person is an accused person in a criminal case in any court located in Regional Victoria and the person is in the dock either alone or with a co-accused, provided that any co-accused also present in the dock is at least 1.5 metres away from the person; or
- (w) the person is asked to remove the face covering to ascertain identity; or

Example: a person may be asked by police, security, bank or post office staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.
- (x) for emergency purposes; or
- (y) when required or authorised by law; or
- (z) when doing so is not safe in all the circumstances; or
- (aa) the person is at a premises that is their ordinary place of residence or their temporary place of residence.

Face covering requirements in airports and on aircraft

- (10) Without limiting subclause (8)(b), during the stay safe period, a person in the State of Victoria at an **airport** or travelling in an **aircraft** must:
 - (a) carry a face covering at all times, except where subclause (11)(a) or (b) applies; and
 - (b) wear a face covering while in an indoor space at an airport (and at all times while inside an aircraft); and

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

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

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

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

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

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

Examples: teaching, lecturing, broadcasting.

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

- (j) the person is asked to remove the face covering to ascertain identity; or
- Examples: a person may be asked by police, security, or airport staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.*

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

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

PART 3 – WORK AND EDUCATION

6 Attending work or education

- (1) A person who ordinarily resides in Regional Victoria may only attend work (whether paid or voluntary, including for charitable or religious purposes) at a work premises in:
 - (a) Regional Victoria if:
 - (i) it is not reasonably practicable for the person to work from the premises where they ordinarily reside or another suitable premises; or

- (ii) in relation to office-based work premises, the person who has employed or engaged the person to work has advised that it is permissible for them to do so in accordance with the Directions currently in force; or
 - (b) Metropolitan Melbourne if:
 - (i) they are an authorised worker or work for an authorised provider; and
 - (ii) it is not reasonably practicable for the person to work from the premises where they ordinarily reside or another suitable premises.
- (2) A person who ordinarily resides in Regional Victoria may attend or obtain onsite educational services that are permitted in Regional Victoria.
- (3) A person who ordinarily resides in Regional Victoria and is enrolled in educational services in Metropolitan Melbourne can only attend or obtain those services in Metropolitan Melbourne if they would have been permitted to do so under the **Stay Safe Directions (Metropolitan Melbourne)**, if they were an ordinary resident of Metropolitan Melbourne. The requirements are that the person:
 - (a) has two parents, guardians or carers and both of them are authorised workers or work for an authorised provider and are working outside of the home and are unable to make alternative supervision arrangements for that child, children or young person; or
 - (b) has a single parent, guardian or carer and that parent, guardian or carer is an authorised worker or works for an authorised provider and are working outside the home and are unable to make alternative supervision arrangements for that child, children or young person; or
 - (c) is a **vulnerable child or young person**; or
 - (d) only attends the onsite educational services for no more than the number of days specified in the **Open Premises Directions** for the year level of the person and meets the requirement imposed on the operator of the educational services under the **Open Premises Directions** in relation to that person.
- (4) A child who ordinarily resides in Regional Victoria and is enrolled in a **childcare or early childhood service** in Metropolitan Melbourne can only attend or obtain those service in Metropolitan Melbourne they would have been permitted to do so under the **Stay Safe Directions (Metropolitan Melbourne)**, if they were an ordinary resident of Metropolitan Melbourne.
- (5) Subject to subclause (6), a person who ordinarily resides in Regional Victoria may only attend **higher education services** (whether in Regional Victoria or in Metropolitan Melbourne) if:
 - (a) it is in relation to:
 - (i) final year assessments for Tertiary Education Quality and Standards Agency regulated courses; and
 - (ii) where the person does not have alternative options to complete the study by the end of 2021; or
 - (b) it is in relation to an assessment that a person is unable to complete at their ordinary place of residence; or
 - (c) it is to perform the practical, skills-based components of a person's study that the person is unable to complete at their ordinary place of residence.
- (6) A person who ordinarily resides in Regional Victoria may only attend higher education services in Metropolitan Melbourne if the person is undertaking secondary school subjects, attend onsite higher education services for no more than the number of days specified in the **Open Premises Directions** for the year level of the subjects that they are undertaking and meet the requirement imposed on the operator of the educational services under the **Open Premises Directions** in relation to that person.

PART 4 – GATHERINGS**7 Restrictions on gatherings***Private gatherings*

- (1) During the stay safe period, a person who ordinarily resides in Regional Victoria must not permit more than 10 persons per day to enter any premises at which the person is residing in Regional Victoria, with the following persons not counting towards this limit:
- (a) any infant under 12 months of age; and
 - (b) any person who ordinarily reside at the premises; and
 - (c) any other person with whom a person at subparagraph (b) is in an intimate relationship,

except if the relevant premises is a **care facility**.

*Note: Any regulation of access and visits to care facilities is contained in the **Care Facilities Directions**.*

- (2) The capacity limit in subclause (1) does not prevent any person from permitting entry to another person or from entering a premises:
- (a) if permitted under, and provided they comply with the requirements of, the Directions currently in force; or
 - (b) to provide or receive necessary goods or services; or
 - (c) to attend or undertake work, and in accordance with clause 6 (**attending work or education**); or

Examples: a tradesperson for the purpose of carrying out repairs, a disability support worker, a vet, a person for end of life faith reasons, a cleaner.

Note: this includes a person who provides professional respite care for carers of people with complex needs, where that professional is permitted to work in accordance with the Directions currently in force.

- (d) to provide child-minding (where the child, children or young person is primary school age or younger), **childcare or early childhood service**, schooling or education services (whether paid or on a voluntary basis) only if the person also ordinarily resides in Regional Victoria; or
- (e) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
- (f) if the person entering the premises is a parent or guardian of a child and they are entering the premises:
 - (i) to visit that child; or
 - (ii) to meet any obligations in relation to care or support for that child; or
 - (iii) to take the child to another person's premises for the purpose of that other person providing child-minding assistance; or
- (g) to provide care and support to a relative or other person who ordinarily resides at the premises and:
 - (i) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or
 - (ii) because of matters relating to the relative or other person's health (including mental health or pregnancy),
including to assist the person with emergency preparation activities; or
- (h) to visit someone who ordinarily resides at those premises and with whom they are in an intimate personal relationship; or

Note: people in an intimate personal relationship may stay overnight at each other's ordinary places of residence, and are not required to wear a face covering while visiting each other at those premises, provided they otherwise comply with these directions.

- (i) to attend a wedding or funeral in Regional Victoria if that wedding or funeral complies with the requirements in subclauses (5) to (10); or
 - (j) to attend an **end of life** activity;
 - (k) to attend a **memorial site** to pay respects to a deceased person provided that this is only with any other person (or people) who ordinarily resides at the same premises as that person or one other person; or
 - (l) if the premises in which the person ordinarily resides is no longer available to, or is no longer suitable for, the person; or
 - (m) to attend an inspection of real estate for the purposes of a prospective sale or rental of the property or to attend an auction provided that the inspection and auction is carried out in accordance with the **Open Premises Directions**; or
 - (n) for the purpose of moving to the premises as the place where they will ordinarily reside; or
 - (o) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
 - (p) for medical or emergency purposes (other than emergency maintenance); or
 - (q) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal; or
 - (r) for purposes relating to the administration of justice; or
 - (s) as required or authorised by law; or
 - (t) for the purposes of national security.
- (3) During the stay safe period, a person who ordinarily resides in Regional Victoria must not permit a person who ordinarily resides in Metropolitan Melbourne to enter the premises at which they ordinarily reside (whether or not entering any building on the premises) unless that other person is entering the premises for one or more of the following reasons:
- (a) for care or other compassionate reasons; or
 - (b) for emergency preparation activities or emergency response activities; or
 - (c) for emergency purposes; or
 - (d) as required or authorised by law; or
 - (e) for purposes relating to the administration of justice; or
 - (f) for the purposes of national security.

Public gatherings

- (4) During the stay safe period, a person who ordinarily resides in Regional Victoria must not arrange to meet, or organise or intentionally attend a gathering of:
- (a) more than 19 other persons who ordinarily reside in Regional Victoria (with any infant under one year of age not counting towards this limit) for a common purpose at a public place; or
 - (b) any persons who ordinarily reside in Metropolitan Melbourne, for a common purpose at a public place,

except:

Note 1: under subclause (4), the limit on the number of people who may meet in a public place at any one time is 20, and all persons in attendance must ordinarily reside in Regional Victoria.

Note 2: two or more groups of 20 cannot meet for a common purpose at a public place. In addition, a group in a public place must take reasonable steps to maintain a safe distance from any other groups in that public place.

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

- (c) where each other person ordinarily resides at the same premises; or
- (d) for the purpose of a religious gathering (including ceremonies) provided that the operator of the premises at which the religious gathering is held complies with any requirements of the **Open Premises Directions** and provided all attendees are persons who ordinarily reside in Regional Victoria (unless the religious gathering is a wedding or a funeral, in which case the wedding or a funeral must comply with subclauses (5) to (10)); or
- (e) for the purposes of an outdoor routine religious gathering (including ceremonies) if all attendees are fully vaccinated or excepted persons, provided that:
 - (i) the gathering is only conducted outdoors; and
 - (ii) the number of **members of the public** present at the same time in the space does not exceed the **density quotient**; and
 - (iii) the maximum number of members of the public that attend the gathering is 50, not including those necessary to conduct the service; or
- (f) for the purposes of an outdoor routine religious gathering (including ceremonies) if not all attendees are fully vaccinated or their vaccination status is unknown, provided that:
 - (i) the gathering is only conducted outdoors; and
 - (ii) the number of members of the public present at the same time in the space does not exceed the density quotient; and
 - (iii) the maximum number of members of the public that attend the gathering is 20, not including those necessary to conduct the service; or
- (g) for the purpose of a wedding in Regional Victoria that complies with the requirements in subclause (5), (6), or (7) or a wedding in Metropolitan Melbourne that complies with the requirements of the **Stay Safe Directions (Metropolitan Melbourne)**; or
Note: a person who ordinarily resides in Metropolitan Melbourne is only permitted to attend a wedding in Regional Victoria for end of life purposes.
- (h) for the purpose of a funeral in Regional Victoria that complies with the requirements in subclause (8), (9), or (10) or a funeral in Metropolitan Melbourne that complies with the requirements of the **Stay Safe Directions (Metropolitan Melbourne)**; or
Note: a person who ordinarily resides in Metropolitan Melbourne is permitted to attend a funeral in Regional Victoria.
- (i) it is necessary to arrange a meeting, or organise or attend a gathering, for one or more of the following purposes:
 - (i) engaging in an activity that an operator is permitted to operate at the premises under, and provided the operator complies with any requirements of, the **Open Premises Directions**, with persons who ordinarily reside in Regional Victoria only; or
 - (ii) to attend or undertake work in accordance with clause 6 (**attending work or education**); or
 - (iii) medical or emergency purposes; or
 - (iv) purposes as required or authorised by law; or
 - (v) purposes relating to the administration of justice.

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

Weddings

- (5) The requirements for a wedding that is held at a person's ordinary place of residence in Regional Victoria during the stay safe period are that there are no more than 10 persons in attendance, with the following persons not counting towards this limit;
- (a) the two persons being married; and
 - (b) the **authorised celebrant**; and
 - (c) the photographer; and
 - (d) any person who ordinarily resides at the premises; and
 - (e) any other person with whom a person in subparagraph (d) is in an intimate personal relationship.
- (6) The requirements for a wedding held in an indoor space that is not a person's ordinary residence in Regional Victoria during the stay safe period are that:
- (a) there are either no more than:
 - (i) 30 persons in attendance at the wedding excluding the two persons being married, the authorised celebrant and the photographer provided that all persons aged 16 years or over are fully vaccinated or an excepted person including the two persons being married, the authorised celebrant and the photographer; or
 - (ii) 10 persons in attendance at the wedding excluding the two persons being married, the authorised celebrant, and the photographer if any person aged 16 years or over is not fully vaccinated and is not an excepted person, or their vaccination status is unknown; and
 - (b) the total number of members of the public present at the same time in the space must not exceed the density quotient; and
 - (c) the operator of the premises where the wedding is held complies with any requirements under the **Open Premises Directions**.

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

- (7) The requirements for a wedding held in an outdoor space in Regional Victoria during the stay safe period are that:
- (a) there are either no more than:
 - (i) 100 persons in attendance at the wedding excluding the two persons being married, the authorised celebrant and the photographer provided that all persons aged 16 years or over are fully vaccinated or an excepted person including the two persons being married, the authorised celebrant and the photographer; or
 - (ii) 20 persons in attendance at the wedding excluding the two persons being married, the authorised celebrant, and the photographer if any person aged 16 years or over is not fully vaccinated and is not an excepted person, or their vaccination status is unknown; and
 - (b) the total number of members of the public present at the same time in the space must not exceed the **density quotient**; and
 - (c) the operator of the premises where the wedding is held complies with any requirements under the **Open Premises Directions**.

Funerals

- (8) The requirements for a funeral held at a person's ordinary place of residence in Regional Victoria during the stay safe period are that, if all people in attendance have

a principal place of residence in Regional Victoria, it involves only 10 **members of the public** with the following persons not counting towards this limit:

- (a) any infant under one year of age; and
 - (b) the minimum number of persons reasonably necessary for the conduct of the funeral; and
 - (c) any person who ordinarily resides at the premises; and
 - (d) any other person with whom a person in subparagraph (iii) is in an intimate personal relationship.
- (9) The requirements for a funeral held in an indoor space that is not a person's ordinary residence in Regional Victoria during the stay safe period are that:
- (a) there are either no more than:
 - (i) 30 persons in attendance at the funeral excluding the persons necessary to conduct the funeral provided that all persons aged 16 years or over are fully vaccinated or an excepted person including the persons necessary to conduct the funeral; or
 - (ii) 20 persons attending the funeral excluding the persons necessary to conduct the funeral if any person aged 16 years or over is not fully vaccinated and is not an excepted person, or their vaccination status is unknown; and
 - (b) the total number of members of the public present at the same time in the space must not exceed the density quotient; and
 - (c) the operator of the premises where the funeral is held complies with any requirements under the **Open Premises Directions**.

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

- (10) The requirements for a funeral held in an outdoor space in Regional Victoria during the stay safe period are that:
- (a) there are either no more than:
 - (i) 100 persons in attendance at the funeral excluding those necessary to conduct the funeral provided that all persons attending the funeral aged 16 years or over are fully vaccinated or an excepted person including the persons necessary to conduct the funeral; or
 - (ii) 20 persons attending the funeral excluding the persons necessary to conduct the funeral if any person aged 16 years or over is not fully vaccinated and is not an excepted person, or their vaccination status is unknown; and
 - (b) the total number of members of the public present at the same time in the space must not exceed the density quotient two; and
 - (b) the operator of the premises where the funeral is held complies with any c under the **Open Premises Directions**.

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

PART 5 – OTHER PROVISIONS

8 Relationship with other Directions

- (1) If there is any inconsistency between Parts 2, 3 and 4 of these directions and the **Diagnosed Persons and Close Contacts Directions**, Parts 2, 3 and 4 of these directions are inoperative to the extent of any inconsistency.
- (2) If there is any inconsistency between these directions and a direction or other requirement contained in a **Direction and Detention Notice**, these directions are inoperative to the extent of the inconsistency.

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

9 Definitions

For the purposes of these directions:

- (1) **aircraft** means an aircraft that is mainly used for the purpose of, or is engaged, or is intended or likely to be engaged, in a flight wholly within Australia;
- (2) **airport** means an aerodrome at which facilities are available for the arrival or departure of **aircraft** into or from the State of Victoria;
- (3) **alpine resort management board** has the same meaning as in the **Alpine Resorts (Management) Act 1997**;
- (4) **Area Directions** means the **Area Directions (No. 27)** as amended or replaced from time to time;
- (5) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (6) **authorised officer** has the same meaning as in the **PHW Act**;
- (7) **authorised provider** means a provider of goods or services as set out in the Authorised Provider and Authorised Worker List;
- (8) **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 coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-list
- (9) **authorised worker** means a person who performs work as set out in the Authorised Provider and Authorised Worker List;
- (10) **bus company** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (11) **Care Facilities Directions** means **Care Facilities Directions (No. 47)** as amended or replaced from time to time;
- (12) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (13) **care or other compassionate reasons** means the following:
 - (a) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
 - (b) if the person is a parent or guardian of a child (with or without that child):
 - (i) to visit the child if the child is in detention, or in the care of another person; or
 - (ii) to meet any obligations in relation to care and support for that child; or

- (iii) to take the child to:
 - (A) a **childcare or early childhood service** in accordance with clause 6(4); or
 - (B) **educational services** in which they are enrolled in accordance with clause 6; or
 - (c) to provide care and support to a person who has, or to receive care or support because the person has:
 - (i) particular needs because of age, infirmity, disability, illness, a chronic health condition, homelessness or family violence; or
 - (ii) particular needs because of matters relating to the other person's health (including mental health or pregnancy),
including to assist the person with emergency preparation activities; or
 - (d) to provide childminding services to a **vulnerable child or young person** only;
 - (e) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions**; or
 - (f) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions**; or
 - (g) to attend a wedding or funeral in an ordinary place of residence in Metropolitan Melbourne, if that wedding is for end of life purposes or funeral complies with the requirements in clause 7(8); or
 - (h) to attend a **memorial** site to pay respects to a deceased person provided that this is in alignment with private and public gathering limits outlined in clause 7; or
 - (i) to donate biological material at a blood bank or other similar donation facility; or
 - (j) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises; or
 - (k) to visit a person with whom they are in an intimate personal relationship; or
Note: people in an intimate personal relationship may stay overnight at each other's ordinary places of residence, and are not required to wear a face covering while visiting each other at those premises, provided they otherwise comply with these directions.
 - (l) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal.
Examples: feeding a horse in a paddock; collecting a pet from an animal shelter.
Note: the distance travelled and the time taken should be no more than is absolutely necessary.
- (14) **childcare or early childhood service** means onsite early childhood education and care services or children's services provided under the:
- (a) **Education and Care Services National Law** and the **Education and Care Services National Regulations** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services; and
 - (b) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;
- (15) **commercial passenger vehicle** has the same meaning as in the **Workplace Directions**;
- (16) **community facility** has the same meaning as in the **Open Premises Directions**;
- (17) **COVID-19 Mandatory Vaccination (Specified Facilities) Directions** means the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 10)** as amended or replaced from time to time;

- (18) **COVID-19 Mandatory Vaccination (Workers) Directions** means the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 5)** as amended or replaced from time to time;
- (19) **density quotient** means the number of **members of the public** in an **indoor space** and/or an **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;
- (20) **density quotient two** means the number of **members of the public** in an **indoor space** and/or an **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 2;
- (21) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 31)** as amended or replaced from time to time;
- (22) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (23) **Directions currently in force** means the **Open Premises Directions**, the **Area Directions**, the **Stay Safe Directions (Regional Victoria)**, the **Stay Safe Directions (Metropolitan Melbourne)**, the **Diagnosed Persons and Close Contacts Directions**, the **Hospital Visitor Directions**, the **Care Facilities Directions**, the **Workplace Directions**, the **Victorian Border Crossing Permit Directions**, the **Workplace (Additional Industry Obligations) Directions**, the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**, and the **COVID-19 Mandatory Vaccination (Workers) Directions** each as amended or replaced from time to time;
- (24) **educational services** means school educational services (including at a school or non-school senior secondary provider and outside school hours care services), but does not include **childcare or early childhood services** or **higher education services**;
- (25) **emergency preparation activities** means activities relating to emergency preparedness in either **Metropolitan Melbourne** or **Regional Victoria** that are:
- (a) urgent and essential; or
 - (b) from 11 October 2021, the subject of an approval in writing issued by a local council, **alpine resort management board** or Regional Director of the Department of Environment, Land, Water and Planning (DELWP) to undertake bushfire preparation activities within the municipal district, alpine resort area or unincorporated area for which that local council, **alpine resort management board** or DELWP is responsible and that comply with any conditions imposed under that approval;
- Note: emergency preparation activities includes activities such as travelling to a tip to dispose of garden waste or other bushfire preparedness activities.*
- (26) **emergency response activities** means activities related to emergency responses in either **Metropolitan Melbourne** or **Regional Victoria** including to assess whether property has been damaged after an emergency;
- (27) **end of life** means:
- (a) a situation where a person's death is expected within days (including periods of 28 days or less), or where the person, with or without existing conditions, is at risk of dying from a sudden acute event; and
 - (b) does not mean a situation where a person has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the person is expected to die within 12 months (except where the situation also falls within paragraph (a));
- (28) **excepted person** has the same meaning as in the **Open Premises Directions**;
- (29) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection (but does not include a face shield);

- (30) **food and drink facility** has the same meaning as in the **Open Premises Directions**;
- (31) **fully vaccinated** has the same meaning as in the **Open Premises Directions**;
- (32) **higher education services** means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, and other post-compulsory education or training;
- (33) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (34) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No 37)** as amended or replaced from time to time;
- (35) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are permanent structures rising either from floor to ceiling or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are open or closed;
- (36) **licensed tourism operator** has the same meaning as in the **Open Premises Directions**;
- (37) **members of the public** has the same meaning as in the **Open Premises Directions**;
- (38) **memorial** means a place of interment of bodily remains or cremated human remains (including a columbarium), as each of these terms are defined in the **Cemeteries and Crematoria Act 2003**;
- (39) **Metropolitan Melbourne** has the same meaning as in the **Area Directions**;
- (40) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (41) **Open Premises Directions** means the **Open Premises Directions (No. 2)** as amended or replaced from time to time;
- (42) **outdoor space** means a space that is not an **indoor space**;
- (43) **passenger transport company** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (44) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (45) **photographer** means a person who takes photographs as a business and has an Australian Business Number for this purpose;
- (46) **place of transit** means an **airport**, **port**, train station or bus terminal;
- (47) **port** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions**;
- (48) **premises** means:
- (a) a building, or part of a building; and
 - (b) any land on which the building is located, other than land that is available for communal use;
- (49) **prison** has the same meaning as in the **Corrections Act 1986**;
- (50) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (51) **public transport** means a vehicle operated by a **passenger transport company** or by a **bus company** in the provision of **public transport service**;
- (52) **public transport service** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (53) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (54) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (55) **retail facility** has the same meaning as in the **Open Premises Directions**;
- (56) **restricted retail facility** has the same meaning as in the **Open Premises Directions**;
- (57) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;

- (58) **Stay Safe Directions (Metropolitan Melbourne)** means the **Stay Safe Directions (Metropolitan Melbourne) (No. 5)** as amended or replaced from time to time;
- (59) **stay safe period** has the meaning in clause 4;
- (60) **vehicle** has the same meaning as in the **PHW Act**;
- (61) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 35)** as amended or replaced from time to time;
- (62) **vulnerable child or young person** means a child or young person who:
- resides in the care of the State or in out-of-home care; or
 - 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
 - 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
 - is identified by a parent or guardian as vulnerable because the child or young person has a disability and cannot learn from home due to the circumstances of that disability;
- (63) **work premises** has the same meaning as in the **Workplace Directions**;
- (64) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 53)** as amended or replaced from time to time;
- (65) **Workplace Directions** means the **Workplace Directions (No. 53)** as amended or replaced from time to time;
- (66) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (67) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

10 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

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

Dated 23 October 2021

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

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Open Premises 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:
 - (a) operators of certain **premises** in **Metropolitan Melbourne** and **Regional Victoria**; and
 - (b) patrons that attend those premises;in relation to vaccination against COVID-19 and other requirements, in order to address the serious public health risk posed to Victoria by severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) Parts 2, 3 and 4 govern **open premises**, which are specified in Schedule 1 (Metropolitan Melbourne) and Schedule 3 (Regional Victoria):
 - (a) Part 2 contains vaccination requirements;
 - (b) Part 3 contains additional requirements and exceptions;
 - (c) Part 4 contains further requirements and exceptions for specific open premises.
- (3) Part 5 governs **closed premises**, which are specified in Schedule 2 (Metropolitan Melbourne).
- (4) Part 6 contains definitions:
 - (a) key definitions are contained in clause 39;
 - (b) premises-specific definitions are contained in clause 40;
 - (c) other definitions are contained in clause 41;
- (5) These directions must be read together with the **Directions currently in force**.
- (6) These directions replace the **Open Premises Directions**.

2 Citation

These directions may be referred to as the **Open Premises Directions (No. 2)**.

3 Commencement and revocation

- (1) These directions commence at 11:59:00 pm on 23 October 2021 and end at 11:59:00 pm on 18 November 2021.
- (2) The **Open Premises Directions** are revoked at 11:59:00 pm on 23 October 2021.

PART 2 – OPEN PREMISES – VACCINATION REQUIREMENTS**4 Open premises**

The operator of an open premises must operate the premises in accordance with:

- (1) the obligations in this Part;
- (2) any additional obligations in Part 3; and
- (3) any premises-specific obligations in Part 4.

5 Provision of vaccination information

Operator obligations – maintenance of system

- (1) The operator of an open premises must maintain a system that requires a **patron** (except a patron under 16 years or age) that attends the premises, on each occasion they attend:

- (a) to show a person working at the premises **acceptable evidence** that records that they are either:
 - (i) **fully vaccinated**; or
 - (ii) **an excepted person**.

*Note: an operator must require patrons to check-in to their premises under the **Workplace Directions**.*

- (2) The system maintained under subclause (1) must include:
 - (a) the placement, at each entrance to the premises that is accessible by patrons, a **worker**:
 - (i) who is designated as a **COVID Check-in Marshal**; and
 - (ii) who requests each patron attending the premises to do the things specified in subclause (1).

Patron obligation – patrons must use system

- (3) A patron (except a patron under 16 years or age) who attends an open premises must comply with the requirements of the system maintained under subclause (1).
- (4) A patron who is a dependant of another patron is deemed to have complied with subclause (3) if the other patron, on behalf of the dependant, complies with the requirements of the system maintained under subclause (1).

6 No entry of patrons who are not fully vaccinated or excepted persons

Operator obligation – exclusion of persons

- (1) The operator of an open premises must take all reasonable steps to ensure that a patron who:
 - (a) is not fully vaccinated; and
 - (b) is not an excepted person; or
 - (c) does not comply with the requirements of the system maintained by the operator under clause 5(1),

does not enter, or remain on, the premises.

Note: this obligation does not apply in relation to patrons who are fully vaccinated or excepted persons (which includes children under 16 years of age) and have provided acceptable evidence.

- (2) For the purposes of complying with subclause (1), the operator is authorised to use any information about a patron that it has been provided under the system maintained under clause 5(1).

Patron obligation – no entry unless fully vaccinated or an excepted person

- (3) A patron who is not:
 - (a) fully vaccinated; or
 - (b) an excepted person;
 must not enter, or remain on, the premises of an open premises.

7 Worker requirements

Workers must be fully vaccinated

- (1) The operator of an open premises must not permit any person to work at the premises unless the person is:
 - (a) fully vaccinated; or
 - (b) an excepted person.
- (2) The operator must collect, record and hold **vaccination information** about each fully vaccinated person and each excepted person who works at the premises.
- (3) For the purposes of complying with subclause (1), an operator is authorised to use any information about a worker that it holds under subclause (2).

Information held under Mandatory Vaccination (Workers) Directions

- (4) If an operator is the employer of a fully vaccinated person or an excepted person who works at the premises:
- (a) the operator is deemed to have complied with subclause (2) if they hold vaccination information about the person under the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 5)** or the **COVID-19 Mandatory Vaccination (Specified Facilities) (No. 9)**; and
 - (b) the operator is authorised to use that information for the purposes of complying with subclause (1).

8 Patron limits

The operator of an open premises must not permit the number of patrons:

- (1) in all **indoor spaces** combined—to exceed the number specified for the premises:
 - (a) in Column 2 in Schedule 1 for a premises in Metropolitan Melbourne; or
 - (b) in Column 2 in Schedule 3 for a premises in Regional Victoria;
- (2) in all **outdoor spaces** combined—to exceed the number specified for the premises:
 - (a) in Column 3 in Schedule 1 for a premises in Metropolitan Melbourne; or
 - (b) in Column 3 in Schedule 3 for a premises in Regional Victoria,

Note: 'patron' is defined in clause 39(1) and does not include a person under 1 year of age.

PART 3 – OTHER REQUIREMENTS AND EXCEPTIONS FOR OPEN PREMISES***Division 1 – Other requirements*****9 No dancefloors**

The operator of an open premises must not permit any indoor space or outdoor space at that premises to be used as a dancefloor.

10 Separate entrance at private residences

If an open premises is located at a private residence, the operator must have an entrance accessible to patrons that is separate to the entrance used by the residents of, or visitors to, the private residence.

11 COVID Check-in Marshal for check-in

The operator of an open premises must place a person designated as a COVID Check-in Marshal at each entrance to the premises that is accessible by patrons and who requests each patron to record their attendance at the premises in accordance with the **Workplace Directions**.

Division 2 – Exceptions**12 Access to bathrooms**

The patron limits specified in clause 8 and the requirements in Part 4 do not prevent an operator from permitting a patron to access a bathroom.

13 Severe weather

The patron limits specified in clause 8 and the requirements in Part 4 do not prevent an operator from permitting a patron in an outdoor space at the open premises from entering an indoor space in the event of severe weather.

14 Exclusive use by one school

If an open premises is being operated only for the purpose of one school using the premises exclusively, the obligations in Part 2 and the patron limits in Part 4 do not apply.

15 Weddings

If an open premises is being operated only for the purpose of conducting a wedding the following patrons are not to be counted for the purpose of any patron limits specified in clause 8 or in Part 4:

- (1) the two persons being married;

- (2) the authorised celebrant;
- (3) a photographer.

16 Funerals

- (1) If an open premises is being operated for the purpose of conducting a funeral, the following patrons are not to be counted for the purpose of the patron limits specified in clause 8 or in Part 4:
 - (a) the minimum number of persons reasonably necessary to conduct the funeral.
- (2) An operator of an open premises that is being operated for the purpose of conducting a funeral must ensure that food, drink, crockery, utensils, vessels and other equipment are not shared between patrons.

17 Senior Secondary examinations

If an open premises is being operated only for the purpose of conducting **Senior Secondary examinations**, the obligations in Part 2 and any patron limits in Part 4 do not apply.

18 Public Event Framework

- (1) If an open premises is being operated only for the purpose of conducting an **exempt public event**, the obligations in Part 2 and the patron limits in Part 4 do not apply.
- (2) 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.
- (3) An exemption:
 - (a) must be given in writing; and
 - (b) must be published at www.coronavirus.vic.gov.au/public-events as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer; and
 - (c) must specify each requirement in the Directions currently in force to which, subject to subclause (d), an exemption is granted; and
 - (d) may impose conditions on an exemption.
- (4) 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

- (5) Any exemption granted for an exempt public event under any revoked Restricted Activity Directions continues to have effect.
- (6) Any application for an exemption for an eligible public event 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.

19 Vaccinated Economy Trials

- (1) A person who owns, controls or operates an **exempt premises** is not required to comply with the requirements of these directions and the Directions currently in force in respect of that exempt premises to the extent specified in the exemption and subject to any conditions of the exemption.
- (2) 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 premises** (or class of eligible premises) 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.
- (3) An exemption:
 - (a) must be given in writing; and
 - (b) must be published at 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.
- (4) 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

- (5) Any exemption granted for an exempt premises under any revoked Restricted Activity Directions continues to have effect.
- (6) Any application for an exemption for an eligible premises made under any revoked Restricted Activity Directions continues to have effect.

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

20 Emergency use and operations

Nothing in these directions is intended to prevent or otherwise affect the operation of a premises 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**.

PART 4– ADDITIONAL REQUIREMENTS AND EXCEPTIONS FOR SPECIFIC PREMISES

21 Accommodation premises

- (1) The obligations in Part 2 do not apply to an **accommodation premises**.
- (2) An operator of an accommodation premises may operate that premises for the purpose of providing accommodation only if:
 - (a) the operator does not permit the number of patrons in any communal indoor or outdoor space to exceed the **density quotient (4 sq metres)**; and

- (b) patrons under different bookings do not share any bedrooms; and
- (c) all surfaces in the premises that are used exclusively by a particular group, including a hotel room or cabin, are cleaned between each booking; and
- (d) the operator operates any **food and drink premises** within the accommodation premises in accordance with the requirements of these directions applicable to a food and drink premises; and
- (e) the operator operates any **entertainment and function premises** within the accommodation premises in accordance with the requirements of these directions applicable to an entertainment and function premises; and
- (f) the operator takes reasonable steps to ensure that each non-communal indoor or outdoor space is used by patrons in accordance with the requirements that apply in relation to private gatherings as specified in the:
 - (i) **Stay Safe Directions (Metropolitan Melbourne)**, if the premises is located in Metropolitan Melbourne; or
 - (ii) **Stay Safe Directions (Regional Victoria)**, if the premises is located in Regional Victoria.

22 Adult education or higher education premises

- (1) The obligations in Part 2 do not apply to an **adult education or higher education premises**.
- (2) The operator of an adult education or higher education premises must not provide services to patrons at the premises, except for the purpose of:
 - (a) providing higher education services, including assessments and classes, which cannot be conducted remotely; or
 - (b) providing services to person undertaking secondary school subjects.
- (3) If the operator provides services in accordance with subclause (2)(c) at an adult education or higher education premises in:
 - (a) Metropolitan Melbourne – the operator must:
 - (i) not permit a student to physically attend the premises on more days than the number of days specified in Column 2 of Schedule 4 that are specified for the year level of the student; and
 - (ii) take all reasonable steps to ensure that each student who physically attends the premises complies with the requirements in Column 3 of Schedule 4 that are specified for the year level of the student; or
 - (b) Regional Victoria—the operator must take all reasonable steps to ensure that each student who physically attends the premises complies with the requirements in Column 3 of Schedule 4 that are specified for the year level of the student.

23 Childcare or early childhood premises

- (1) The obligations in Part 2 do not apply to a **childcare or early childhood premises**.
Metropolitan Melbourne – Who can attend?
- (2) The operator of a childcare or early childhood premises in Metropolitan Melbourne must not provide services to a child, unless:
 - (a) at least one parent, guardian or carer of the child:
 - (i) is an **authorised worker** or works for an **authorised provider**; and
 - (ii) is unable to make alternative supervision arrangements for the child; or
 - (b) each parent, guardian or carer of the child with whom the child ordinarily resides is fully vaccinated or an excepted person; or

- (c) the child is a child of a single parent, guardian or carer, and that person is:
 - (i) working outside of the home and is unable to make alternative supervision arrangements for that child; or
 - (ii) working at home and is unable to make alternative supervision arrangements for that child; or
- (d) the child is a **vulnerable child**.

Metropolitan Melbourne – Vaccination status of parents, guardians and carers

- (3) If an operator of a childcare or early childhood premises provides services to a child on the basis of subclause (2)(b) (fully vaccinated parents, guardians or carers), the operator must maintain a system that requires the parent, guardian or carer of the child with whom the child ordinarily resides:
 - (a) to show a person working at the premises acceptable evidence that records that they are either:
 - (i) fully vaccinated; or
 - (ii) an excepted person,the first time that the services are provided to their child after 21 October 2021.
- (4) Each parent, guardian or carer of a child who receives services on the basis of subclause (2)(b) (fully vaccinated parents, guardians or carers) must comply with the requirements of the system maintained under subclause (3).
- (5) For the purposes of complying with subclause (2), the operator is authorised to use any information about a patron that it has been provided under the system maintained under subclause (3).

Regional Victoria – Vaccination status of parents, guardians and carers

- (6) The operator of a childcare or early childhood premises in Regional Victoria must not provide services to a child who ordinarily resides in Metropolitan Melbourne, unless:
 - (a) at least one parent, guardian or carer of the child:
 - (i) is an authorised worker or works for an authorised provider; and
 - (ii) is unable to make alternative supervision arrangements for the child; or
 - (b) each parent, guardian or carer of the child with whom the child ordinarily resides is fully vaccinated or an excepted person; or
 - (c) the child is a child of a single parent, guardian or carer, and that person is:
 - (i) working outside of the home and is unable to make alternative supervision arrangements for that child; or
 - (ii) working at home and is unable to make alternative supervision arrangements for that child; or
 - (d) the child is a vulnerable child.
- (7) If an operator of a childcare or early childhood premises provides services to a child on the basis of clause 23(6)(b) (fully vaccinated parents, guardians or carers), the operator must maintain a system that requires the parent, guardian or carer of the child with whom the child ordinarily resides:
 - (a) to show a person working at the premises acceptable evidence that records that they are either:
 - (i) fully vaccinated; or
 - (ii) an excepted person,the first time that the services are provided to their child after 21 October 2021.
- (8) Each parent, guardian or carer of a child who receives services on the basis of clause 23(6)(b) (fully vaccinated parents, guardians or carers) must comply with the requirements of the system maintained under subclause (7).

- (9) For the purposes of complying with subclause (6), the operator is authorised to use any information about a patron that it has been provided under the system maintained under subclause (7).

24 Community premises

Exception for contactless collection or delivery

- (1) The obligations in Part 2 do not apply in relation to a **community premises** if the premises is operated only for the purposes of contactless collection or delivery of pre-ordered goods.

Example: a library is permitted to operate for the purpose of a 'click and collect' service to facilitate the loaning of and/or returning of books, toys and other similar goods without complying with the requirements in Part 2.

Exception for essential public support services

- (2) If a community premises is being operated for the purpose of providing essential public support services (except support group services) in an indoor space or an outdoor space, the obligations in Part 2 and the patron limits in subclause (5) do not apply in relation to that indoor space or outdoor space if:

- (a) the operator does not permit the number of patrons in the space to exceed 10; and
- (b) the operator only permits the minimum number of persons required to conduct and/or facilitate the essential public support service to access the indoor space or outdoor space.

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

Note 1: support groups do not fall within this exception and the operator must comply with applicable patron limits.

Note 2: only patrons receiving essential public support services and those conducting it can be present.

Exception for use by authorised workers

- (3) The obligations in Part 2 do not apply in relation to authorised workers attending a community premises to perform work in an indoor space or outdoor space provided that the operator only permits the minimum number of persons necessary to access the indoor space or outdoor space for that purpose.

Exception for playgrounds, skateparks and outdoor communal exercise equipment

- (4) If the community premises is a premises that has:
- (a) a playground; or
 - (b) a skatepark in an outdoor space; or
 - (c) outdoor communal exercise equipment,
- the obligations in Part 2 do not apply to those parts of the premises.

Regional Victoria – Lower patron limits for unvaccinated operations

- (5) The obligations in Part 2 do not apply to a community premises in Regional Victoria if:
- (a) the operator of the premises does not permit the number of patrons in each indoor space and each outdoor space to exceed the density quotient (4 sq metres); and
 - (b) the operator of the premises does not permit the total number of patrons at the whole of the premises to exceed 20.

25 Creative arts premises

Requirement to clean equipment

- (1) The operator of a **creative arts premises** must ensure that any equipment used in an activity is cleaned between users.

Regional Victoria – Lower patron limits for unvaccinated operations

- (2) The obligations in Part 2 do not apply to a creative arts premises in Regional Victoria if:
- (a) the operator of the premises does not permit the number of patrons in each indoor space and each outdoor space to exceed the density quotient; and
 - (b) the operator of the premises does not permit the total number of patrons at the whole of the premises to exceed 20.

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

26 Drive-in cinemas

- (1) The obligations in Part 2 do not apply to a drive-in cinema.
- (2) An operator of a drive-in cinema may only operate the premises if:
- (a) the drive-in cinema is in an outdoor space accessed by vehicles; and
 - (b) the operator only permits access to a vehicle if the patrons in each vehicle consist only of 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; and
 - (c) the operator operates any food and drink premises within the premises in accordance with the requirements of these directions applicable to a food and drink premises; and
 - (d) the operator does not permit patrons to be seated outside of their vehicles; and
 - (e) the operator does not permit the total number of patrons at the whole of the premises at any time to exceed the lesser of:
 - (i) the density quotient (4 sq metres); or
 - (ii) 50.

27 Education premises

- (1) The obligations in Part 2 do not apply to an **education premises**.

Metropolitan Melbourne – Who can attend?

- (2) The operator of an education premises in Metropolitan Melbourne must not permit a student to physically attend the education premises on more days than specified in Column 2 of Schedule 4 for the year level of the student.
- (3) Subclause (2) does not apply in relation to a student:
- (a) if each parent, guardian or carer of the student with whom the student ordinarily resides:
 - (i) is an authorised worker or works for an authorised provider; and
 - (ii) is required to attend the work premises; and
 - (iii) is unable to make alternative supervision arrangements for that student; or
 - (b) if the student is a vulnerable child.

Metropolitan Melbourne – Additional requirements

- (4) The operator of an education premises in Metropolitan Melbourne must take all reasonable steps to ensure that each student who physically attends the premises complies with the requirements in Column 3 of Schedule 4 that are specified for the year level of the student.

Regional Victoria – Additional requirements

- (5) The operator of an education premises in Regional Victoria must take all reasonable steps to ensure that each student who physically attends the premises complies with the requirements in Column 3 of Schedule 4 that are specified for the year level of the student.

28 Entertainment and function premises*Patron limits apply per space*

- (1) The limits on the number of patrons specified in Columns 2 and 3 in Schedules 1 and 3 apply to **animal premises** and entertainment and functions premises that are not otherwise specified in Schedule 1 or 3 to each indoor space or each outdoor space, rather than all indoor spaces and all outdoor spaces combined.

Casino, nightclubs and karaoke premises

- (2) An operator of a:
- (a) casino—may only operate the premises as a food and drink premises or an accommodation premises; and
 - (b) **nightclub** or karaoke premises—may only operate the premises as a food and drink premises.
- (3) An operator referred to in subclause (2) must operate the premises in accordance with the requirements of these directions applicable to a food and drink premises or an accommodation premises.

Exception for broadcasting

- (4) The obligations in Part 2 do not apply in relation to an entertainment and function premises, if the operator:
- (a) only operates the entertainment and function premises for the purposes of broadcasting a performance;
 - (b) only permits the minimum number of persons required to conduct and broadcast the performance to be present at the premises; and
 - (c) does not permit the number of persons in an indoor space or an outdoor space to exceed 5.

Lower patron limits for unvaccinated operation of large rehearsal theatres

- (5) An operator of an entertainment and function premises that is a **large rehearsal theatre** may operate the premises only for the purpose of rehearsals in an indoor space or an outdoor space.
- (6) The obligations in Part 2 and the patron limits in subclause (7) do not apply to a large rehearsal theatre that is operated for the purpose of rehearsals in accordance with subclause (5), if:
- (a) the large rehearsal theatre is in Metropolitan Melbourne or the rehearsals are conducted in an indoor space in a large rehearsal theatre in Regional Victoria—the operator does not permit the number of persons in each indoor space or outdoor space at any one time to exceed the greater of:
 - (i) the lesser of:
 - (A) **density quotient (2 sq metres)**; and
 - (B) 60; or
 - (ii) the lesser of:
 - (A) density quotient (4 sq metres); and
 - (B) 120; or
 - (b) the rehearsals are conducted in an outdoor space in a large rehearsal theatre in Regional Victoria—the operator does not permit the number of persons in each outdoor space at any one time to exceed the lesser of:
 - (i) density quotient (2 sq metres); and
 - (ii) 300; and

- (c) the operator does not permit any person to enter or remain in the space, unless the person is necessary for the conduct of the rehearsal.

Regional Victoria – Lower patron limits for unvaccinated operations

- (7) The obligations in Part 2 do not apply in relation to any of the following types of entertainment and function premises in Regional Victoria:
 - (a) a theatre;
 - (b) a cinema, but excluding 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 amusement park;
 - (h) an animal premises;
 - (i) a convention centre;
 - (j) a **function premises**;if the operator of the premises:
 - (k) does not permit the number of patrons in a non-seated indoor space or non-seated outdoor space to exceed the density quotient (4 sq metres); and
 - (l) does not permit the number of patrons in each indoor space to exceed 20; and
 - (m) does not permit the number of patrons in each **discrete outdoor space** to exceed:
 - (i) 300; or
 - (ii) 25% of the normal capacity of that outdoor space.

29 Food and drink premises

Seated patrons

- (1) The operator of a food and drink premises must take all reasonable steps to ensure that a patron remains seated except when the patron is:
 - (a) entering or leaving the premises;
 - (b) making an order; or
 - (c) accessing a bathroom.

Food courts – take-away and delivery only

- (2) If a food and drink premises is a **food court**:
 - (a) the operator of the food court must operate the premises only for the purposes of providing take-away goods or delivery of pre-ordered goods; and
 - (b) the obligations in Part 2 do not apply.

Exception for take-away only

- (3) If a food and drink premises is being operated only for the purposes of providing take-away goods or delivery of pre-ordered goods, the obligations in Part 2 and subclause (1) do not apply.
- (4) Patrons who attend a food and drink premises only to purchase or collect take-away or pre-ordered goods do not count for the purposes of the patron limits specified in Schedule 1, Schedule 3 or subclause (7).

Exception for take-away and seated service

- (5) If a food and drink premises is being operated for the purposes of both:
 - (a) providing take-away goods or delivery of pre-ordered goods; and

- (b) seated service in accordance with subclause (1),
the obligations in Part 2 do not apply in relation to a patron who attends only to collect take-away goods.

Note: a food and drink premises can operate a take-away and a seated service at the same time. The obligations in Part 2 do not apply in relation to patrons that are purchasing take-away goods or delivery of pre-ordered goods but does apply in relation to patrons who attend the premises for a seated service and to staff at the premises.

- (6) Patrons who attend a food and drink premises only to purchase or collect take-away or pre-ordered goods do not count for the purposes of the patron limits specified in Schedule 1, Schedule 3 or subclause (7).

Regional Victoria – Lower patron limits for unvaccinated operations

- (7) The obligations in Part 2 do not apply in relation to a food or drink premises (other than a food court) in Regional Victoria, if the operator of the premises:
- (a) does not permit the number of patrons in all outdoor spaces combined to exceed 30;
 - (b) does not permit the number of patrons in all indoor spaces combined to exceed 10; and
 - (c) does not permit the total number of patrons at the whole of the premises at any time to exceed the lesser of:
 - (i) the density quotient (4 sq metres); or
 - (ii) 40.

Note 1: the operator must also comply with the conditions of any liquor licence or planning permit.

*Note 2: patrons in a **retail betting premises** or **gaming machine premises** in an indoor space of the food and drink premises are included in this limit.*

30 Funeral parlours and crematoriums

Metropolitan Melbourne – Lower patron limits for unvaccinated operations

- (1) The obligations in Part 2 do not apply in relation to a funeral parlour or crematorium in Metropolitan Melbourne, if the operator of the premises:
- (a) does not permit the number of patrons in an indoor space or outdoor to exceed the density quotient (4 sq metres); and
 - (b) does not permit the total number of patrons in all of the indoor spaces at the premises to exceed 10; and
 - (c) does not permit the total number of patrons in all of the outdoor spaces at the premises to exceed 20.

Regional Victoria – Lower patron limits for unvaccinated operations

- (2) The obligations in Part 2 do not apply in relation to a funeral parlour or crematorium in Regional Victoria, if the operator of the premises:
- (a) does not permit the number of patrons in an indoor space or outdoor to exceed the density quotient (4 sq metres); and
 - (b) does not permit the total number of patrons at the whole of the premises at any time to exceed the lesser of:
 - (i) the density quotient (4 sq metres); or
 - (ii) 20.

31 Gaming machine premises

Regional Victoria – Spacing of gaming machines

- (1) The operator of a gaming machine premises in Regional Victoria must ensure that each **gaming machine** is either spaced at least 1.5m apart or every second gaming machine is closed.

Regional Victoria – Lower patron limits for unvaccinated operations

- (2) The obligations in Part 2 do not apply in relation to a gaming machine premises in Regional Victoria, if the operator of the premises does not permit:
 - (a) the number of patrons in any outdoor space to exceed 20;
 - (b) the number of patrons in any indoor space to exceed 10; and
 - (c) the total number of patrons in the whole of the gaming machine premises to exceed the lesser of:
 - (i) the density quotient (4 sq metres); and
 - (ii) 30.
- (3) If a gaming machine premises is within a larger premises that is subject to patron limits under these directions, the number of patrons within the gaming machine premises are to be counted for the purposes of any patron limits that apply to the larger premises.

32 Physical recreation premises*Shared equipment*

- (1) The operator of a **physical recreation premises** must ensure that any shared equipment is cleaned between users.

Exception for community sport

- (2) The obligations in Part 2 and the patron limits in subclause (11) do not apply in relation to any outdoor space in a physical recreation premises if:
 - (a) the premises is being operated only for the purpose of conducting a community sport activity; and
 - (b) in Metropolitan Melbourne:
 - (i) the premises is used only for training purposes and not for any competition activities; and
 - (ii) the operator does not permit any spectators to attend the community sport activity; and
 - (iii) the operator only permits the participants and the minimum number of persons required to conduct the community sport activity to attend the premises; and
 - (iv) the operator does not permit a person who ordinarily resides in Regional Victoria to participate in the community sport activity; and
 - (c) in Regional Victoria:
 - (i) the operator ensures that any spectators of the community sport activity comply with the relevant limits on public gatherings in accordance with the **Stay Safe Directions (Regional Victoria)**; and
 - (ii) the operator otherwise only permits the participants and the minimum number of persons required to conduct the community sport activity to attend the premises; and
 - (iii) the operator does not permit a person who ordinarily resides in Metropolitan Melbourne to participate in the community sport activity.

Exception for professional or high performance sport

- (3) Despite subclause (8), the operator of a physical recreation premises may operate a physical recreation premises for exclusive use by **professional or high-performance sports persons**, only if the operator does not permit any person to enter or remain at the premises unless the person is necessary for the conduct of the activity being undertaken by the professional or high-performance sports persons.

- (4) The obligations in Part 2 and the patron limits in subclause (11) do not apply if the physical recreation premises is operated for the exclusive use for professional or high-performance sports persons.

Exception for broadcasting

- (5) The obligations in Part 2 and the patron limits in subclause (11) do not apply in relation to a physical recreation premises if the operator:
- (a) uses the premises only for the purpose of broadcasting an online class from the physical recreation premises; and
 - (b) does not permit the total number of persons at the premises for the purpose of broadcasting the online class to exceed 5.

Exception for use by authorised workers

- (6) The obligations in Part 2 and the patron limits in subclause (11) do not apply in relation to authorised workers attending a physical recreation premises to perform work or participate in essential training in an indoor space or outdoor space provided that the operator only permits the minimum number of persons necessary to access the indoor space or outdoor space for that purpose.

Metropolitan Melbourne – Indoor spas, saunas, steam rooms and change rooms to remain closed

- (7) The operator of a physical recreation premises must ensure that any indoor spa, sauna, steam room or change room at the premises is closed at all times to patrons.

Metropolitan Melbourne – Indoor spaces in physical recreation premises to remain closed

- (8) The operator of a physical recreation premises in Metropolitan Melbourne must not operate any indoor spaces of the premises, unless otherwise permitted in accordance with this Part.

Metropolitan Melbourne – Exception for hydrotherapy services

- (9) The obligations in Part 2 do not apply if the premises is operated for the purpose of the provision of hydrotherapy services in accordance with subclause (10).
- (10) Despite subclause (8), the operator of a swimming pool or a **hydrotherapy pool** at a physical recreation premises in Metropolitan Melbourne may operate that premises for the purpose of the provision of hydrotherapy services to patrons at the premises if the operator:
- (a) ensures that any patron accessing hydrotherapy services is accompanied by:
 - (i) a health worker; or
 - (ii) a carer, parent or guardian (if required); and
 - (b) does not permit group hydrotherapy services; and
 - (c) does not permit the number of patrons at any one time in any water or non-water part of the premises to exceed:
 - (i) 10 in any pool; and
 - (ii) in respect of the whole of the premises, the number that is the number calculated by dividing the total accessible space (measured in square metres) by 8; and
 - (d) takes all reasonable steps to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Regional Victoria – Lower patron limits for unvaccinated operations

- (11) The obligations in Part 2 do not apply in relation to a physical recreation premises in Regional Victoria if the operator of the premises:
- (a) does not permit the number of patrons in any indoor space or any non-seated outdoor space to exceed the density quotient (4 sq metres); and

- (b) does not permit the number of patrons in all indoors spaces at the whole of the premises (other than an indoor swimming pool) to exceed 10; and
 - (c) does not permit the number of patrons in all outdoor spaces at the whole of the premises to exceed 20; and
 - (d) does not permit the number of patrons in any:
 - (i) indoor swimming pool at the premises to exceed 20; and
 - (ii) outdoor swimming pool at the premises to exceed 50; and
 - (e) does not permit the number of patrons in a group to exceed 10; and
 - (f) operates any food and drink premises within the physical recreation premises in accordance with the requirements of these directions applicable to a food and drink premises; and
 - (g) operates any retail premises within the physical recreation premises in accordance with the requirements of these directions applicable to a retail premises;.
- (12) If an operator of a physical recreation premises in Regional Victoria operates the premises in accordance with subclause (11) and the operator operates the premises for the purpose of swimming or water safety lessons, subclauses (11)(a) and (11)(e) do not apply.

33 Places of worship

Use of indoor space or outdoor space

- (1) The operator of a place of worship may only permit patrons to use for a primary purpose, at any one time, either:
- (a) one or more indoor spaces; or
 - (b) one or more outdoor spaces.

Note: operators are not permitted to operate for a primary purpose outdoor spaces at the same time as indoor spaces and vice versa. Patrons that are using the indoor space for a primary purpose may use the outdoor space provided that the indoor patron limit is complied with for the whole venue at all times.

No shared equipment

- (2) The operator of a place of worship must not permit food, drink, crockery, utensils, vessels or other equipment to be shared between patrons.

Exception for broadcasting

- (3) The obligations in Part 2 do not apply in relation to a place of worship, if the operator of the place of worship:
- (a) only operates the place of worship for the purposes of broadcasting (live or otherwise) a religious ceremony via electronic means; and
 - (b) only permits the minimum number of persons required to conduct and broadcast the religious ceremony to be present at the premises; and
 - (c) does not permit the number of persons in an indoor space or an outdoor space to exceed 5.

Exception for essential public support services

- (4) If a place of worship is being operated for the purpose of providing essential public support services (except support group services) in an indoor space or an outdoor space, the obligations in Part 2 and patron limits in subclause (4) do not apply in relation that indoor space or outdoor space if:
- (a) the operator does not permit the number of patrons in the space to exceed 10; and

- (b) the operator only permits the minimum number of persons required to conduct and/or facilitate the essential public support service to access the indoor space or outdoor space.

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.

Lower patron limits for unvaccinated operations

- (5) The obligations in Part 2 do not apply in relation to a place of worship if the operator of the place of worship does not permit the number of patrons in an indoor space or an outdoor space to exceed the lesser of:
 - (a) the density quotient (4 sq metres); or
 - (b) if the place of worship is:
 - (i) in Metropolitan Melbourne – 10; or
 - (ii) in Regional Victoria – 20.
- (6) The exceptions in clause 15 (weddings) and clause 16 (funerals) apply for the purpose of the patron limit specified in subclause (4).

34 Real estate

Vaccination requirements for auctions and inspections

- (1) The obligations in Part 2 only apply in relation to a **real estate** premises where:
 - (a) an auction is conducted in either Metropolitan Melbourne or Regional Victoria; or
 - (b) an inspection is conducted in Regional Victoria.

Metropolitan Melbourne – Inspections

- (2) An **estate agent** may only conduct an inspection by patrons of a real estate premises in Metropolitan Melbourne if:
 - (a) the inspection by patrons is arranged by private appointment; and
 - (b) the patrons who attend the inspection are from a single household and the estate agent does not enter the premises during the inspection.

Regional Victoria – Lower patron limit for unvaccinated patrons (auctions and inspections)

- (3) The obligations in Part 2 do not apply if an estate agent conducts an auction or an inspection of a real estate premises in Regional Victoria and does not permit the number of patrons attending the auction in person to exceed the lesser of:
 - (a) the density quotient (4 sq metres); and
 - (b) 10.
- (4) The owners or residents of the property and the minimum number of persons required to conduct or broadcast the auction do not count for the purposes of the patron limit in subclause (3).

35 Retail betting premises

- (1) The obligations in Part 2 do not apply to a **retail betting premises**.

Metropolitan Melbourne – Additional requirement for retail betting premises

- (2) The operator of a retail betting premises in Metropolitan Melbourne may only operate the premises:
 - (a) in an outdoor space and the number of patrons does not exceed the density quotient (4 sq metres); or
 - (b) out of a truck or other vehicle in an outdoor space, provided that the operator does not permit patrons to enter the truck or vehicle.

Regional Victoria – Patron limits

- (3) The operator of a retail betting premises in Regional Victoria must not permit the number of patrons any indoor space or outdoor space to exceed to the density quotient (4 sq metres).
- (5) If a retail betting premises is within a larger premises that is subject to patron limits under these directions, the number of patrons within the retail betting premises are to be counted for the purposes of any patron limits that apply to the larger premises.

36 Retail premises*Essential retail premises and general retail premises – no vaccination requirements*

- (1) The obligations in Part 2 do not apply to:
 - (a) an **essential retail premises**; or
 - (b) a **general retail premises**.

Metropolitan Melbourne – Auction houses (online only)

- (2) If a retail premises in Metropolitan Melbourne is an auction house:
 - (a) the operator of the auction house must operate the premises only for the purposes of conducting auctions for online participants; and
 - (b) the obligations in Part 2 do not apply.

Metropolitan Melbourne – General retail premises

- (3) An operator of a general retail premises in Metropolitan Melbourne may only operate the premises if the operator:
 - (a) operates the premises only for the purposes of contactless collection or delivery of pre-ordered goods; or
 - (b) operates the premises only in an outdoor space and the number of patrons in the outdoor space does not exceed the density quotient (4 sq metres).

Regional Victoria – Lower patron limits for unvaccinated operations

- (4) The obligations in Part 2 do not apply in relation to a **restricted retail premises** in Regional Victoria:
 - (a) if the operator of the premises does not permit the number of patrons:
 - (i) in an indoor space or an outdoor space to exceed the density quotient (4 sq metres); and
 - (ii) at the premises at any one time to exceed 10; or
 - (b) if:
 - (i) the total area of all indoor spaces and outdoor spaces at the premises that are accessible to patrons (excluding all **communal or shared spaces**) is less than 80 square metres; and
 - (ii) the operator of the premises does not permit the number of patrons at the premises at any one time to exceed 20.
- (5) The operator of a general retail premises in Regional Victoria must not permit the number of patrons to exceed the limits in subclause (4).

37 Tours and transport*No shared equipment*

- (1) A person providing **tourism services** must ensure any shared equipment used is cleaned between users and is not shared between patrons in a tour group.

Metropolitan Melbourne – Restriction on tour transport in Metropolitan Melbourne

- (2) A person may only provide tourism services in Metropolitan Melbourne provided that:

- (a) the tourism services are not operated in an indoor space; and
- (b) patrons are only transported by walking or cycling.

Regional Victoria – Lower patron limit for unvaccinated patrons

- (3) The obligations in Part 2 do not apply in relation to a premises in Regional Victoria that is operated for the exclusive purpose of providing tourism services if:
 - (a) the tourism services are not operated in an indoor space; and
 - (b) the operator of the premises is a **licensed tourism operator**; and
 - (c) the operator does not permit the number of patrons:
 - (i) to exceed 20 in any outdoor tour; and
 - (ii) to exceed 10 when being transported in a vehicle; and
 - (d) the tourism services are conducted by the minimum number of persons required.

PART 5 – CLOSED PREMISES

38 Closed premises

The operator of a **closed premises** must not operate the premises.

PART 6 – DEFINITIONS

39 Key definitions

Patrons and workers

- (1) For the purpose of these directions:
 - (a) **patron** means any person who attends a **premises**, except:
 - (i) a person under 1 year of age;
 - (ii) a **worker**;
 - (iii) a person who attends the premises in connection with an emergency;
 - (b) **worker** means any person engaged or employed by the operator of a premises to work at the premises.

Types of premises

- (2) For the purpose of these directions:
 - (a) **closed premises** means a premises:
 - (i) in **Metropolitan Melbourne** specified in Column 1 of Schedule 2;
 - (b) **open premises** means a premises:
 - (i) in **Metropolitan Melbourne** specified in Column 1 of Schedule 1; or
 - (ii) in **Regional Victoria** specified in Column 1 of Schedule 3.

Indoor and outdoor spaces

- (3) For the purpose of these directions:
 - (a) **communal or shared space** means an **indoor space** or an **outdoor space** that may be shared or accessed by more than one distinct group of patrons;
 - (b) **density quotient (2 sq m)** in relation to an **indoor space** or an **outdoor space** is the number calculated by dividing the total area of the space (measured in square metres) by 2, rounded down to the nearest whole number;
 - (c) **density quotient (4 sq m)** in relation to an **indoor space** or an **outdoor space** is the number calculated by dividing the total area of the space (measured in square metres) by 4, rounded down to the nearest whole number;
 - (d) **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:

- (i) people are attending to participate in a shared purpose or activity; or
Example: an area for participating in a competition.
- (ii) 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.
- (e) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are either floor to ceiling high or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are:
 - (i) permanent or temporary;
 - (ii) open or closed;
- (f) **outdoor space** means an area, room or **premises** that is not an **indoor space**.

Vaccination status

- (4) A person's **vaccination status** is one of the following:
 - (a) **fully vaccinated**; or
 - (b) **excepted person**.
- (5) A person is **fully vaccinated** if the person has received two doses of a **COVID-19 vaccine**.
- (6) 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); or
 - (c) the person is under 16 years of age.
- (7) A certification for the purpose of subclause (6)(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 and acceptable evidence

- (8) For the purposes of these directions:
 - (a) **acceptable evidence** means:
 - (i) in relation to a person who is **fully vaccinated**:
 - (A) successful completion of a Service Victoria QR check-in that includes confirmation that the person is fully vaccinated displayed through the Service Victoria App; or
 - (B) a COVID-19 digital certificate displayed through the Medicare App, the Service Victoria App or equivalent smartphone wallet; or
 - (C) a printed version of the COVID-19 digital certificate or immunisation history statement issued by the vaccination provider, a **medical practitioner** or the Australian Immunisation Register, but does not include a copy of the COVID-19 digital certificate that is printed by the person;
 - (ii) in relation to an **excepted person**:

- (A) 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) 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);
- (b) **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.

Public events

(9) For the purpose of these directions:

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

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; or
- (iv) an ad hoc or routine public gathering in a premises, venue, indoor space or outdoor space which forms part of the ad hoc or routine operations, use, activities or services of the premises, venue, indoor space or outdoor space; or
- (v) a private gathering; or
- (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 Safe Directions (Metropolitan Melbourne)** otherwise continue to apply;

- (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 clause 18 or the equivalent subclause in any **revoked Restricted Activity Directions**;

- (c) **Public Event Framework** means the Public Event Framework available at www.coronavirus.vic.gov.au/public-events as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer.

Vaccinated Economy Trials

(10) For the purpose of these directions:

- (a) **eligible premises** means a business or premises approved by the Chief Health Officer as being eligible to participate in the Vaccinated Economy Trial; and
- (b) **exempt premises** means an eligible premises 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 clause 19 or the equivalent subclause in any **revoked Restricted Activity Directions**.

40 Premises-specific definitions

Accommodation premises

(1) For the purposes of these directions:

- (a) **accommodation premises** means any of the following:
- (i) a camping ground;
 - (ii) a caravan park;
 - (iii) a hotel;
 - (iv) a hostel;
 - (v) a bed and breakfast;
 - (vi) a private holiday rental facility, including Airbnbs;
 - (vii) a motel;
 - (viii) a serviced apartment; or
 - (ix) a **licensed premises** to the extent that it is operated as a **premises** specified in paragraphs (i) to (viii).

Adult education or higher education premises

(2) For the purposes of these directions:

- (a) **adult education or higher education premises** means a **premises** that operates for the purpose of providing **higher education services**;
- (b) **higher education services** means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, and other post-compulsory education or training.

Childcare or early childhood premises

(3) For the purposes of these directions:

- (a) **childcare or early childhood premises** means a **premises** at which onsite early childhood education and care services or children's services are provided under the:
- (i) **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

- (ii) **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.

Community premises

- (4) For the purposes of these directions:
 - (a) **community premises** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (i) a community centre or community hall;
 - (ii) a public library (including a toy library, but not the **State Library**);
 - (iii) a youth centre;
 - (iv) a playground;
 - (v) a skatepark in an outdoor space; or
 - (vi) a **premises** that has outdoor communal exercise equipment, but does not include:
 - (vii) a **creative arts premises**;
 - (viii) a **physical recreation premises**; or
 - (ix) a premises that has a swimming pool, **hydrotherapy pool**, spa, sauna, steam room or **spring**.

Creative arts premises

- (5) For the purposes of these directions:
 - (a) **creative arts premises** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (i) an art studio;
 - (ii) a ceramics studio;
 - (iii) a music room or studio;
 - (iv) a rehearsal room or studio;
 - (v) any other **premises** that is used for creative art, but does not include:
 - (vi) a **physical recreation premises**;
 - (vii) a **community premises**; or
 - (viii) a **place of worship**.

Education premises

- (6) For the purposes of these directions:
 - (a) **education premises** means:
 - (i) a **school**; or
 - (i) a **school boarding premises**;
 - (b) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
 - (c) **school boarding premises** means a registered school boarding premises, as defined in the **Education and Training Reform Act 2006**.

Entertainment and function premises

- (7) For the purposes of these directions:
 - (a) **animal premises** means any of the following:
 - (i) a **zoological park**;

- (ii) a wildlife centre;
 - (iii) a petting zoo;
 - (iv) an aquarium;
 - (v) an animal farm that is not being operated for the purpose of producing food;
- (b) **entertainment and function premises** means of the following, whether operated on a for profit or not-for-profit basis:
- (i) a theatre;
 - (ii) a cinema;
 - (iii) a music hall, concert hall or auditorium;
 - (iv) a gallery or a museum;
 - (v) the **State Library**;
 - (vi) an arena or stadium;
 - (vii) an arcade;
 - (viii) an amusement park;
 - (ix) a **retail betting premises**;
 - (x) a **gaming machine premises**;
 - (xi) a brothel, sex on premises venue or sexually explicit entertainment venue;
 - (xii) a bingo centre;
 - (xiii) a karaoke premises;
 - (xiv) a **nightclub**;
 - (xv) an **animal premises**;
 - (xvi) a **function premises**;
 - (xvii) a convention centre;
 - (xviii) a **licensed premises** to the extent that it is operated as a premises specified in paragraphs (i) to (xvii).
- (c) **function premises** a building, room or space that is used for the purpose of holding events, functions, conferences or receptions;
- (d) **large rehearsal theatre** means a theatre:
- (i) at which rehearsals are conducted by a **National Performing Arts Company**; or
 - (ii) that has a seated capacity of over 1000 people and ordinarily conducts performances on a commercial basis;
- (e) **National Performing Arts Company** means an organisation funded through the National Performing Arts Partnership Framework;
- (f) **nightclub** means a **premises**:
- (i) to which a **late night licence** applies; and
 - (ii) with a dancefloor; and
 - (iii) which does not serve food prepared at the premises for consumption on the premises;
- (g) **State Library** means the State Library Victoria;
- (h) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

Food and drink premises

- (8) For the purposes of these directions:
- (a) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
 - (b) **food court** has the same meaning as in the **Liquor Control Reform Act 1998**;
 - (c) **food and drink premises** means:
 - (i) a cafe;
 - (ii) a restaurant;
 - (iii) a fast-food store;
 - (iv) a cafeteria;
 - (v) a canteen;
 - (vi) a winery;
 - (vii) a food court;
 - (viii) a **licensed premises** to the extent it operates as a premises specified in paragraphs (i) to (vii);
 - (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** or a **packaged liquor licence**;
 - (g) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
 - (h) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
 - (i) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**.

Gaming machine premises

- (9) For the purposes of these directions:
- (a) **gaming machine** has the same meaning as in the **Gambling Regulation Act 2003**;
 - (b) **gaming machine premises** has the same meaning as 'gaming machine area' in the **Gambling Regulation Act 2003**.

Physical recreation premises

- (10) For the purposes of these directions:
- (a) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
 - (b) **physical recreation premises** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (i) a **premises** used predominantly for indoor sport or physical recreation;
Examples: gymnasium, health club, fitness centre, yoga studio, pilates studio, barre studio, dance studio, spin premises, indoor basketball court, indoor climbing premises, squash court, table tennis centre.
 - (ii) a premises 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.

- (iii) a cardio or strength training premises;

Examples: a cardio or strength premises 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 premises may be a stand-alone premises or part of another premises (such as a gymnasium, health club or fitness centre).

- (iv) a skatepark in an indoor space;

- (v) a trampolining centre;

- (vi) a premises that has a swimming pool, **hydrotherapy pool**, spa, sauna, steam room or **spring**,

but does not include:

- (vii) a premises that has a skatepark in an outdoor space;

- (viii) a premises that has outdoor communal exercise equipment;

- (ix) a **creative arts premises**;

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

- (c) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer.

Places of worship

- (11) For the purposes of these directions:

- (a) **place of worship** has the same meaning as in the **Heritage Act 2017**.

Real estate

- (12) For the purposes of these directions:

- (a) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;

- (b) **real estate** has the same meaning as in the **Estate Agents Act 1980**.

Retail betting premises

- (13) For the purposes of these directions:

- (a) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;

- (b) **retail betting premises** 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;

- (c) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**.

Retail premises

- (14) For the purposes of these directions:

- (a) **beauty therapy premises** means a premises at which beauty therapy and personal care services are provided;

- (b) **beauty therapy** has the same meaning as in the **PHW Act**;

- (c) **bottle shop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the premises;

- (d) **essential retail premises** means:

- (i) a **market**;

- (ii) a **retail shopping centre**;

- (iii) a supermarket;

- (iv) a **bottle shop**;

- (v) a petrol station;
- (vi) a newsagent;
- (vii) a post office;
- (viii) a grocery store;
- (ix) a bakery;
- (x) a butcher;
- (xi) a fruit and vegetable store;
- (xii) a fishmonger;
- (xiii) a pharmacy;
- (xiv) a premises on which vehicle and mechanical repair services are conducted;
- (xv) a pet store;
- (xvi) a car wash that can operate in a fully contactless manner;
- (xvii) a laundry;
- (xviii) a dry cleaners;
- (e) **general retail premises** means a premises that is used wholly or predominantly for the sale or hire of goods by retail, or the retail provision of services, and includes:
 - (i) an auction house;
 - but does not include:
 - (ii) an **essential retail premises**; or
 - (iii) a **restricted retail premises**;
- (f) **hairdressing premises** means a premises at which hairdressing services are provided;
- (g) **hairdressing** has the same meaning as in the **PHW Act**;
- (h) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;
- (i) **restricted retail premises** means:
 - (i) a **beauty therapy premises**; or
 - (ii) a **hairdressing premises**;
- (j) **retail premises** means:
 - (i) an **essential retail premises**;
 - (ii) a **general retail premises**; or
 - (iii) a **restricted retail premises**;
- (k) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**.

Tours and tourism

- (15) For the purposes of these directions:
- (a) **licensed tourism operator** means a person:
 - (i) granted a tour operator licence under:
 - (A) section 21B of the **Crown Land (Reserves) Act 1978**; or
 - (B) section 57F of the **Forests Act 1958**; or
 - (C) section 140I of the **Land Act 1958**; or

- (D) section 27D of the **National Parks Act 1975**; or
- (E) section 21B of the **Wildlife Act 1975**; or
- (ii) providing a tour of an **entertainment and function premises**;
- (b) **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.

41 Other definitions

For the purposes of these directions:

- (1) **Area Directions** means the **Area Directions (No. 27)**, as amended or replaced from time to time;
- (2) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (3) **authorised provider** means a provider of goods or services as set out in the **Authorised Provider and Authorised Worker List**;
- (4) **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
- (5) **authorised worker** has the same meaning as in the **Workplace Directions**;
- (6) **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;
- (7) **COVID Check-in Marshal** means a person designated to perform the duty specified in clause 5(2)(a)(ii) and in clause 11;
- (8) **Directions currently in force** has the same meaning as in the **Workplace Directions** as amended or replaced from time to time;
- (9) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection (but does not include a face shield);
- (10) **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;
- (11) **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;
- (12) **Metropolitan Melbourne** has the same meaning as in the **Area Directions**;
- (13) **premises** has the same meaning as in the **PHW Act**;
- (14) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (15) **revoked Restricted Activity Directions** means many 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;
- (16) **Senior Secondary examination** means an examination relating to a senior secondary certificate;
- (17) **Stay Safe Directions (Metropolitan Melbourne)** means the **Stay Safe Directions (Metropolitan Melbourne) (No. 4)** as amended or replaced from time to time;
- (18) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 14)** as amended or replaced from time to time;
- (19) **vulnerable child** 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 premises 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;
- (20) **Workplace Directions** means the **Workplace Directions (No. 52)** as amended or replaced from time to time.

PART 7 – MISCELLANEOUS**42 Disclosure to Authorised Officers**

- (1) An **Authorised Officer** may request an operator or its workers to produce to the Authorised Officer any vaccination information held by the operator in accordance with these directions.
- (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.

43 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 23 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 – OPEN PREMISES (METROPOLITAN MELBOURNE)

Row	Open premises (Column 1)	Vaccinated patron limit for all indoor spaces (Column 2)	Vaccinated patron limit for all outdoor spaces (Column 3)	Additional reqs and exceptions	Premises- specific definitions
1.	accommodation premises	Not applicable	Not applicable	Clause 21	Clause 40(1)
2.	adult education or higher education premises	Not applicable	Not applicable	Clause 22	Clause 40(2)
3.	animal premises	Zero.	In each outdoor space, the lesser of: (a) the density quotient (4 sq m); or (b) 25% capacity.	Clause 28	Clause 40(7) (a)
4.	casino operating as accommodation premises	Not applicable	Not applicable	Clause 28(1) (a)	Clause 40(7)
5.	casino operating as food and drink premises	The lesser of: (a) the density quotient (4 sq m); or (b) 20.	The lesser of: (a) the density quotient (4 sqm); or (b) 50.	Clause 28(1) (a)	Clause 40(7)
6.	childcare or early childhood premises	Not applicable	Not applicable	Clause 23	Clause 40(3)
7.	community premises	Zero.	The lesser of: (a) the density quotient (4 sq m); or (b) 50.	Clause 24	Clause 40(4)
8.	creative arts premises	Zero.	The lesser of: (a) the density quotient (4 sq m); or (b) 50.	Clause 25	Clause 40(5)
9.	drive-in cinemas	Not applicable	Not applicable	Clause 26	Clause 40(7)

Row	Open premises (Column 1)	Vaccinated patron limit for all indoor spaces (Column 2)	Vaccinated patron limit for all outdoor spaces (Column 3)	Additional regs and exceptions	Premises- specific definitions
10.	education premises	Not applicable	Not applicable	Clause 27	Clause 40(6)
11.	entertainment and function premises that are not specified elsewhere in this Column 1 or in Schedule 2	Zero.	In each outdoor space, the lesser of: (a) the density quotient (4 sqm); or (b) 50.	Clause 28	Clause 40(7)
12.	essential retail premises	Not applicable	Not applicable	Clause 36	Clause 40(14)
13.	food and drink premises	The lesser of: (a) the density quotient (4 sq m); or (b) 20.	The lesser of: (a) the density quotient (4 sq m); or (b) 50.	Clause 29	Clause 40(8)
14.	funeral parlours and crematoriums	The lesser of: (a) the density quotient (4 sq m); or (b) 20.	The lesser of: (a) the density quotient (4 sq m); or (b) 50.	Clause 30	Not applicable
15.	general retail premises	Not applicable	Not applicable	Clause 36	Clause 40(14)
16.	karaoke and nightclubs operating as food and drink premises	The lesser of: (a) the density quotient (4 sq m); or (b) 20.	The lesser of: (a) the density quotient (4 sq m); or (b) 50.	Clause 28(1) (b)	Clause 40(7)
17.	large rehearsal theatre	The lesser of: (a) the density quotient (4 sq m); or (b) 120.	The lesser of: (a) the density quotient (4 sq m); or (b) 120.	Clause 28(4)	Clause 28(4)

Row	Open premises (Column 1)	Vaccinated patron limit for all indoor spaces (Column 2)	Vaccinated patron limit for all outdoor spaces (Column 3)	Additional reqs and exceptions	Premises- specific definitions
18.	physical recreation premises	Zero.	The lesser of: (a) the density quotient (4 sq m); or (b) 50.	Clause 32	Clause 40(10)
19.	places of worship	The lesser of: (a) the density quotient (4 sq m); or (b) 20.	The lesser of: (a) the density quotient (4 sq m); or (b) 50.	Clause 33	Clause 40(11)
20.	real estate premises – auctions	Zero.	The lesser of: (a) the density quotient (4 sq m); or (b) 50.	Clause 34	Clause 40(12)
21.	real estate premises – inspections	Not applicable	Not applicable	Clause 34	Clause 40(12)
22.	restricted retail premises	The lesser of: (a) the density quotient (4 sq m); or (b) 5.	The lesser of: (a) the density quotient (4 sq m); or (b) 5.	Clause 36	Clause 40(14)
23.	retail betting premises	Not applicable	Not applicable	Clause 35	Clause 40(13)
24.	tours (walking or cycling)	Zero.	The lesser of: (a) the density quotient (4 sq m); or (b) 50.	Clause 37	Clause 40(15)

SCHEDULE 2 – CLOSED PREMISES (METROPOLITAN MELBOURNE)

Row	Closed premises (Column 1)	Premises-specific definitions
1.	gaming machine premises	Clause 40(9)
2.	sex on premises, brothels and sexually explicit venues	Clause 40(7)

SCHEDULE 3 – OPEN PREMISES (REGIONAL VICTORIA)

Row	Open premises (Column 1)	Vaccinated patron limit for all indoor spaces (Column 2)	Vaccinated patron limit for all outdoor spaces (Column 3)	Additional reqs and exceptions	Premises- specific definitions
1.	accommodation premises	Not applicable	Not applicable	Clause 21	Clause 40(2)
2.	adult education or higher education premises	Not applicable	Not applicable	Clause 22	Clause 40(1)
3.	arcades, escape rooms, bingo centres	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 100.	Clause 28	Clause 40(7)
4.	childcare and early childhood premises	Not applicable	Not applicable	Clause 23	Clause 40(3)
5.	community premises	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 100.	Clause 24	Clause 40(4)
6.	creative arts premises	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 100.	Clause 25	Clause 40(5)
7.	drive-in cinemas	Not applicable	Not applicable	Clause 26	Clause 40(7)
8.	education premises	Not applicable	Not applicable	Clause 27	Clause 40(6)

9.	entertainment and function premises that are not specified elsewhere in this Column 1	In each indoor space, the lesser of: (a) the density quotient (4 sq m); or (b) 30.	In each outdoor space, the lesser of: (a) the density quotient (2 sq m); or (b) 300.	Clause 28	Clause 40(7)
10.	essential retail premises	Not applicable	Not applicable	Clause 36	Clause 40(14)
11.	food and drink premises	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 100.	Clause 29	Clause 40(8)
12.	funeral parlours and crematoriums	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 100.	Clause 30	Not applicable
13.	gaming machine premises	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	Not applicable	Clause 31	Clause 40(9)
14.	general retail premises	Not applicable	Not applicable	Clause 36	Clause 40(14)
15.	karaoke and nightclubs operating as food and drink premises	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 100.	Clause 28(1) (b)	Clause 40(7)
16.	large rehearsal theatre	The lesser of: (a) the density quotient (4 sq m); or (b) 120.	The lesser of: (a) the density quotient (2 sq m); or (b) 300.	Clause 28(4)	Clause 40(7)
17.	physical recreation premises	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 100.	Clause 32	Clause 40(10)

18.	places of worship	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 100.	Clause 33	Clause 40(11)
19.	real estate premises (inspections)	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 100.	Clause 34	Clause 40(12)
20.	real estate premises (auctions)	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 100.	Clause 34	Clause 40(12)
21.	restricted retail premises	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	Not applicable	Clause 36	Clause 40(14)
22.	retail betting premises	Not applicable	Not applicable	Clause 35	Clause 40(13)
23.	sex on premises, brothels and sexually explicit venues	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	Not applicable	Not applicable	Clause 40(7)
24.	swimming pools, spas, saunas, steam rooms and springs	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 150.	Clause 32	Clause 40(10)
25.	tours (walking or cycling)	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 100.	Clause 37	Clause 40(15)
26.	premises used for tourism services (other than cycling or walking tours)	30	Not applicable	Clause 37	Clause 40(15)

SCHEDULE 4 – SCHOOLS RETURN TO ONSITE LEARNING

Year level (Column 1)	Phase B	
	Onsite attendance (Column 2) (Metropolitan Melbourne)	Student requirements (Column 3) (Metropolitan Melbourne and Regional Victoria)
Foundation (Prep)	3 days per week	None.
Year 1 Year 2	2 days per week	
Year 3 Year 4	2 days per week	Face covering must be worn in all indoor spaces at the education premises.
Year 5 Year 6		
Year 7	5 days per week	
Year 8 Year 9	2 days per week	
Year 10	2 days per week	
Year 11	5 days per week	Face covering must be worn in all indoor spaces or outdoor spaces at the education premises.
Year 12	5 days per week	Face covering must be worn in all indoor spaces or outdoor spaces at the education premises.

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Diagnosed Persons and Close Contacts Directions (No. 31)**

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 purpose of these directions is to require persons:
 - (a) diagnosed with severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) to self-isolate;
 - (b) who are living with a **diagnosed person**, or who have been in close contact with a diagnosed person, to self-quarantine, in order to limit the spread of SARS-CoV-2.
- (2) These directions replace the **Diagnosed Persons and Close Contacts Directions (No. 30)**.

2 Citation

These directions may be referred to as the **Diagnosed Persons and Close Contacts Directions (No. 31)**.

3 Commencement and revocation

- (1) These directions commence at 11:59:00 pm on 23 October 2021 and end at 11:59:00 pm on 18 November 2021.
- (2) The **Diagnosed Persons and Close Contacts Directions (No. 30)** are revoked at 11:59:00 pm on 23 October 2021.

4 Self-isolation for diagnosed persons

Who is a diagnosed person?

- (1) A person is a **diagnosed person** if the person:
 - (a) at any time between midnight on 25 March 2020 and 11:59:00 pm on 18 November 2021 has been informed that they have been diagnosed with SARS-CoV-2; and
 - (b) has not been given, or is not taken to have been given, **clearance from self-isolation** under clause 5.

Requirement to self-isolate

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

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

Location of self-isolation

- (3) A diagnosed person must self-isolate:
 - (a) if subclause (2)(a) applies, at the premises chosen by the person under subclause (4); or
 - (b) if subclause (2)(b) applies, at the premises at which the person was required to reside under a **Revoked Isolation Direction**.

- (4) For the purposes of subclause (3)(a), the diagnosed person may choose to self-isolate at:
- (a) a premises at which they ordinarily reside; or
 - (b) another premises that is suitable for the person to reside in for the purpose of self-isolation.

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

Note 2: once a person has chosen the premises at which to self-isolate, the person must reside at that premises for the entirety of the period of self-isolation unless an exemption to move to and self-isolate at an alternate premises has been given: see clauses 8(2)(a) and 8(4).

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

Self-isolation period

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

Notifications by the diagnosed person

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

5 Clearance from self-isolation

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

nominated representative is satisfied that the person meets the criteria for discharge from self-isolation under existing **Departmental Requirements**.

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

6 Self-quarantine for close contacts

Who is a close contact?

- (1) For the purposes of this clause, a person is a **close contact** if:
 - (a) an officer or nominated representative of the Department has made a determination under subclause (2) in relation to the person; and
 - (b) between midnight on 11 May 2020 and 11:59:00 pm on 18 November 2021, the person has been given notice of the determination in accordance with subclause (3).
- (2) For the purposes of subclause (1)(a), an officer or nominated representative of the Department may make a determination in relation to a person if the officer or nominated representative is satisfied that the person is a close contact of a diagnosed person, having regard to whether the person has had face to face contact or shared a closed space with a diagnosed person during their **infectious period**, where there is a reasonable risk of transmission based on a risk assessment conducted in accordance with Departmental Requirements.

Note: the Departmental Requirements describe the different types of close contacts and the public health risks associated with each type of close contact (e.g. household close contacts, workplace close contacts, school exposure site close contacts and other exposure site close contacts).

- (3) For the purposes of subclause (1)(b), the notice:
 - (a) may be given orally or in writing, and, if given orally, must be confirmed in writing as soon as reasonably practicable; and
 - (b) is not required to be in a particular form.

Period of self-quarantine

- (4) Subject to subclause (9), for the purposes of this clause, a close contact is no longer required to self-quarantine:
 - (a) if the person is **fully vaccinated** and is not a **household close contact**, seven days after the time (including by reference to an event); or
 - (b) if the person is not fully vaccinated or is a household close contact, 14 days after the time (including by reference to an event),determined by an officer or nominated representative of the Department having regard to, and in accordance with, Departmental Requirements and notified to the person by an officer or nominated representative of the Department.

Note 1: a person who is not fully vaccinated, including persons who are ineligible or unable to be vaccinated, will be required to self-quarantine for 14 days pursuant to subclause (4)(b).

Note 2: subclause (4) applies to any person who is required to self-quarantine under these Directions on or after 11:59:00 pm on 21 October 2021.

- (5) For the purposes of subclause (4), the notice:
 - (a) may be given orally or in writing, and, if given orally, must be confirmed in writing as soon as reasonably practicable; and
 - (b) is not required to be in a particular form.

Requirement to self-quarantine

- (6) Subject to subclause (10), a close contact must self-quarantine under these directions.

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

Location of self-quarantine

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

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

Note 2: once a person has chosen the premises at which to self-quarantine, the person must reside at that premises for the entirety of the period of self-quarantine unless an exemption to move to and self-quarantine at an alternate premises has been given: see clauses 8(2)(a) and 8(4).

- (8) If, at the time a person is given a notice under subclause (1)(b), the person is not at the premises chosen by the person under subclause (7), the person must immediately and directly travel to those premises.

End of period of self-quarantine

- (9) For the purposes of this clause, the period of self-quarantine ends:
- (a) subject to subclauses (b) and (c), at the time specified in the notice given under subclause (4) as given or as varied under subclause (12) or extended under clause 7(1) or 7(3); or
 - (b) the notice given to the person under subclause (1)(b) is revoked under subclause (12), at the time that revocation takes effect; or
 - (c) if the person becomes a diagnosed person following a test for SARS-CoV-2, when the diagnosis is communicated to the person.

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

Note 2: a close contact's period of self-quarantine may be extended if the person is waiting to receive test result under clause 7(1) or has refused to undertake a test under clause 7.

Exception – previous clearance

- (10) A close contact is not required to self-quarantine under this clause if the person has been given clearance from self-quarantine by the **Expert Review Panel** in accordance with subclause (11).
- (11) For the purposes of subclause (10):
- (a) the Expert Review Panel may make a determination in relation to a person if the Expert Review Panel is satisfied that the person is at negligible risk of infection of SARS-CoV-2, on the basis that the person has previously been a diagnosed person and has since been given clearance from self-isolation in accordance with clause 5(1) and must give the person notice of the decision; and
 - (b) for the purposes of subclause (a), the notice must be in writing but is not required to be in a particular form.

Review of determination and notice

- (12) The Chief Health Officer, a Deputy Chief Health Officer or an **authorised officer** who is authorised to exercise **emergency powers** under section 199(2)(a) of the PHW Act, may review a determination made under subclause (2) or (4) and, if satisfied that it is appropriate, having regard to Departmental Requirements, may:
- (a) vary or revoke the notice given to the person under subclause (3); or

- (b) vary the notice given to the person under subclause (5), and must give the person notice of the decision.
- (13) For the purposes of subclause (12), the notice must be given in writing but is not required to be in a particular form.

Transitional provision – close contacts under Revoked Isolation Directions

- (14) If a person was a close contact under a Revoked Isolation Direction:
 - (a) a determination made, or taken to have been made, under the Revoked Isolation Direction in relation to the person's status as a close contact is taken to be a determination made under subclause (2); and
 - (b) a notice given, or taken to have been given, to the person under the Revoked Isolation Direction in relation to the determination referred to in subclause (a) is taken to be a notice given under subclause (1)(b); and
 - (c) for the purposes of subclause (7), the person is taken to have chosen to self-quarantine at the premises at which the person was required to self-quarantine under the Revoked Isolation Direction.

Notifications by the close contact

- (15) Immediately after choosing a premises under subclause (7), a close contact required to self-quarantine under clause 6 must notify the Department of:
 - (a) the address of the premises chosen by the close contact; and
 - (b) the name of any other person who is residing at the premises chosen by the close contact.
- (16) If a close contact is required to self-quarantine under clause 6 and, during the period of self-quarantine, another person informs the close contact that they intend to commence residing at the premises chosen by the close contact:
 - (a) the close contact must inform the other person of their self-quarantine; and
 - (b) if the other person commences residing at the premises, the close contact must notify the Department that a person has commenced residing with the close contact and of the name of that person.

7 Testing of persons in self-quarantine

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

the period of self-quarantine is extended until the person receives the result of the test.

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

Note 2: in some circumstances, the Chief Health Officer or Deputy Chief Health Officer may consider it appropriate to exempt a person from the extension of the period of self-quarantine period under clause 7(1), having regard to the need to protect public health and relevant principles in the PHW Act as they apply in the person's individual circumstances: clause 9.

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

- (2) If a close contact is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person receives a test result stating that they have been diagnosed with SARS-CoV-2, the person becomes a diagnosed person and must self-isolate under clause 4.

- (3) If a close contact is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person receives a test result stating that they have not been diagnosed with SARS-CoV-2, the person:
- (a) if the period of self-quarantine has not expired – must continue to self-quarantine under clause 6 for the remainder of the self-quarantine period; or
 - (b) if the period of self-quarantine was extended under subclause (1) – may cease self-quarantining immediately; or
 - (c) if the period of self-quarantine was extended under subclause (4) – may cease self-quarantining at the time referred to in clause 7(4)(c) and, if that time has already passed, may cease self-quarantining immediately.
- (4) If a close contact is required to self-quarantine under clause 6 and:
- (a) clause 6(4)(a) applies to the person and the person refuses or otherwise fails to take a test for SARS-CoV-2 when offered on the sixth day of their period of self-quarantine; and
 - (b) clause 6(4)(b) applies to the person and the person refuses or otherwise fails to take a test for SARS-CoV-2 when offered on the thirteenth day of their period of self-quarantine,

then the Chief Health Officer, a Deputy Chief Health Officer or an **authorised officer** authorised to exercise **emergency powers** under section 199(2)(a) of the PHW Act, may make a determination in relation to a person that the period of self-quarantine is extended until the earlier of:

- (c) a period specified in the notice (which must not exceed 14 days); or
- (d) the person receives a test result stating that they have not been diagnosed with SARS-CoV-2,

and must give the person notice of the decision.

Note 1: close contacts of diagnosed persons will be offered a test for SARS-CoV-2 on day 6 (if the relevant period is 7 days) or day 13 (if the relevant period is 14 days), as testing at this time is likely to detect the presence of SARS-CoV-2 even if the person has not yet developed symptoms. As a person may be infectious for up to 14 days after the 14 day incubation period, if this test does not occur an authorised officer may give a further direction under section 200(1)(d) and clause 7(4) to extend the period of self-quarantine for an additional period, being the period specified in the notice (which must not exceed 14 days) or the person receives a test result stating that they have not been diagnosed with SARS-CoV-2 (whichever is earlier). Such extended period of self-quarantine is required to prevent a person who develops SARS-CoV-2 towards the end of the likely incubation period, even if not symptomatic, transmitting SARS-CoV-2 to the broader community.

Note 2: in some circumstances, the Chief Health Officer or Deputy Chief Health Officer may consider it appropriate to exempt a person from the extension of the period of self-quarantine period under clause 7(4) under clause 9, having regard to the need to protect public health and relevant principles in the PHW Act as they apply in the person's individual circumstances.

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

- (5) For the purposes of subclause (4), the notice must be given in writing but is not required to be in a particular form.

8 Requirements of self-isolation and self-quarantine

- (1) This clause applies to a person who is required to:
- (a) self-isolate at a premises under clause 4; or
 - (b) self-quarantine at a premises under clause 6.
- (2) The person identified in subclause (1):
- (a) must reside at the premises for the entirety of the period of self-isolation or self-quarantine, as the case requires, except for any period that the person is admitted to a hospital or other facility for the purposes of receiving medical care; and

- (b) must not leave the premises, except:
 - (i) for the purposes of obtaining medical care or medical supplies; or
 - (ii) for the purposes of getting tested for SARS-CoV-2; or
 - (iii) in any emergency situation; or
 - (iv) if required to do so by law; or
 - (v) for the purposes of visiting a patient in hospital if permitted to do so under the **Hospital Visitor Directions**; or
 - (vi) for the purposes of working in a **care facility** if permitted to do so under the **Care Facilities Directions**; or
 - (vii) for the purpose of sitting a **Senior Secondary examination** provided that the person is not a diagnosed person; and
 - (c) must not permit any other person to enter the premises unless:
 - (i) that other person:
 - (A) ordinarily resides at the premises; or
 - (B) is required to self-isolate or self-quarantine at the premises under these directions; or
 - (ii) it is necessary for the other person to enter for medical or emergency purposes; or
 - (iii) the other person is a **disability worker**, and it is necessary for the disability worker to enter for the purpose of providing a **disability service** to a person with a **disability**; or
 - (iv) it is necessary for the other person to enter for the purpose of providing personal care or household assistance to the person as a result of that person's age, disability or chronic health condition; or
Examples: personal care includes assistance with showering, toileting, eating; household assistance includes help with cooking, house cleaning, laundry and gardening.
 - (v) the entry is otherwise required or authorised by law.
- (3) Subclause (2)(c) does not apply to a person who is a **resident** of a care facility.
Note: the Care Facilities Directions govern who can enter a care facility.
- (4) Despite subclause (2)(a):
- (a) a diagnosed person who is required to self-isolate; or
 - (b) a close contact who is required to self-quarantine,
- may apply under clause 9(6) to the Chief Health Officer, a Deputy Chief Health Officer, a **Director or Medical Lead of a designated Local Public Health Unit** for an exemption from the requirement to remain at the premises chosen for the purposes of subclause (2)(a) for the purpose of moving to an alternate premises for the remainder of the period of self-quarantine or self-isolation.
- (5) Despite subclause (2)(a), a **healthcare worker** who is a close contact and required to self-quarantine, may apply to the Chief Health Officer, a Deputy Chief Health Officer or a Director or Medical Lead of a designated Local Public Health Unit under clause 9(10) for an exemption from the requirement to remain at the premises chosen for the purposes of subclause (2)(a) for the purpose of a healthcare worker who is a close contact returning to work.

9 Exemption power

General exemption power

- (1) A person is not required to comply with a requirement of these directions if the person is granted an exemption from that requirement under subclause (2).

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

Exemption power – alternate premises for self-quarantine or self-isolation

- (5) A person is not required to comply with the requirement to remain at the premises chosen for the purposes of clause 8(2)(a) for the purpose of moving to an alternate premises for the remainder of the period of self-isolation or self-quarantine if the person is granted an exemption from the requirement under subclause (6)
- (6) The Chief Health Officer, a Deputy Chief Health Officer or a Director or Medical Lead of a designated Local Public Health Unit may exempt a person or group of persons from any or all requirements in clauses 4(3), 4(4) (location of self-isolation) or 6(7) (location of self-quarantine) or 8(2)(a), if satisfied that an exemption from a requirement is appropriate having regard to the:
 - (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the PHW Act, as appropriate.
- (7) An exemption under subclause (6) must:
 - (a) be given, in writing, to the person the subject of the exemption; and
 - (b) specify the requirement or requirements that the person need not comply with.
- (8) An exemption granted to a person under subclause (6) does not prevent an authorised officer from exercising an emergency power to give the person a different direction or impose a different requirement on the person.

Exemption power – healthcare worker who is a close contact – return to work

- (9) A healthcare worker who is a close contact is not required to comply with a requirement to remain at the premises chosen for the purposes of clause 8(2)(a) for the purpose of the healthcare worker returning to work if the person is granted an exemption from the requirement under subclause (10).
- (10) The Chief Health Officer, a Deputy Chief Health Officer, a Director or Medical Lead of a designated Local Public Health Unit may exempt person from any or all of the requirements of clause 6(7) (location of self-quarantine) or clause 8(2)(a), if satisfied that an exemption from that requirement is appropriate having regard to the:
 - (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the PHW Act, as appropriate.
- (11) An exemption under subclause (10) must:
 - (a) be given, in writing, to the person the subject of the exemption; and
 - (b) specify the requirement or requirements that the person need not comply with.
- (12) An exemption granted to a person under subclause (10) does not prevent an authorised officer from exercising an emergency power to give the person a different direction or impose a different requirement on the person.

Transitional provision – exemption

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

10 Definitions

In these directions:

- (1) **authorised officer** has the same meaning as in the **PHW Act**;
- (2) **Care Facilities Directions** means the **Care Facilities Directions (No. 47)** as amended or replaced from time to time;
- (3) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (4) **clearance from self-isolation** has the meaning in clause 5(1);
- (5) **close contact** has the meaning in clause 6(1);
- (6) **COVID-19 Mandatory Vaccination (Workers) Directions** means the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 5)** as amended or replaced from time to time;
- (7) **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;
- (8) **Department** means the Victorian Department of Health;
- (9) **Departmental Requirements** means the document titled ‘Case and contact management guidelines for health services and general practitioners’ available at www.dhhs.vic.gov.au/health-services-and-professionals-coronavirus-covid-19 as amended or reissued from time to time by the Victorian Government with the approval of the Chief Health Officer or a Deputy Chief Health Officer;
- (10) **designated Local Public Health Unit** means:
 - (a) Western Public Health Unit;
 - (b) South Eastern Public Health Unit;
 - (c) North Eastern Public Health Unit;
 - (d) Barwon South West Public Health Unit;
 - (e) Grampians Wimmera Southern Mallee Public Health Unit;
 - (f) Loddon-Mallee Public Health Unit;
 - (g) (Hume) Goulburn Valley Public Health Unit;
 - (h) (Hume) Albury-Wodonga Public Health Unit;
 - (i) Gippsland Public Health Unit;
- (11) **diagnosed person** has the meaning in clause 4(1);
- (12) **Director or Medical Lead of a designated Local Public Health Unit** means a person with the title of Director or Medical Lead in a **designated Local Public Health Unit** who is authorised under section 199(2)(a) of the **PHW Act** to exercise **emergency powers** or to exercise public health risk powers;
- (13) **emergency powers** has the same meaning as in the **PHW Act**;
- (14) **employee** includes a person who is self-employed;
- (15) **employer** means a person who owns, operates or controls **Work Premises** (or a Work Premises) and includes a person who is self-employed;

- (16) **excepted person** in relation to a person means 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); or
 - (c) the person is under 12 years of age.
- (17) **exemption** means an exemption granted by the Chief Health Officer or the Deputy Chief Health Officer, or a **Director or Medical Lead of a designated Local Public Health Unit** under clause 9(2), 9(6), 9(10) of these directions or the equivalent provision in any **Revoked Isolation Direction**;
- (18) **Expert Review Panel** means the group of public health specialists convened on an as-required basis to review the available medical, epidemiological and laboratory information for the purposes of clinical assessments, case review, close contact designations and to provide evidence-based advice to the Chief Health Officer and Deputy Chief Health Officer. The panel is comprised of experts from public health medicine, infectious disease, microbiology, epidemiology and Department of Health representatives from Intelligence, Case and Contact Outbreak Management and Pathology;
- (19) **fully vaccinated** in relation to a person means if the person has received two doses of a COVID-19 vaccine;
- (20) **healthcare worker** means a **worker** of a health service managed by a **designated Local Public Health Unit**;
- (21) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (22) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 38)** as amended or replaced from time to time;
- (23) **household close contact** means a person who resides with, stays with or otherwise shares accommodation with a **diagnosed person** during the diagnosed person's **infectious period**;
- (24) **infectious period** means either:
- (a) from 48 hours before the onset of symptoms of SARS-CoV-2, until the person is given clearance from self-isolation in accordance with clause 5(1);
 - (b) if the person has not experienced symptoms of SARS-CoV-2, from 48 hours before the person is first tested for SARS-CoV-2 until the person is given clearance from self-isolation in accordance with clause 5(1); or
 - (c) a period determined by an officer or nominated representative of the Department having regard to, and in accordance with, Departmental Requirements and notified to the person by an officer or nominated representative of the Department;
- (25) **medical contraindication** has the same meaning as in the **COVID-19 Mandatory Vaccination (Workers) Directions**;
- (26) **medical practitioner** has the same meaning as in the **COVID-19 Mandatory Vaccination (Workers) Directions**;
- (27) **premises** means:
- (a) a building, or part of a building; and
 - (b) any land on which the building is located, other than land that is available for communal use;

- (28) **resident of a care facility** has the same meaning as in the **Care Facilities Directions**;
- (29) **Revoked Isolation Direction** means the following directions:
- (a) **Isolation (Diagnosis) Direction**, given on 25 March 2020;
 - (b) **Isolation (Diagnosis) Direction (No. 2)**, given on 13 April 2020;
 - (c) **Diagnosed Persons and Close Contacts Directions**, given on 11 May 2020;
 - (d) **Diagnosed Persons and Close Contacts Directions (No. 2)**, given on 31 May 2020;
 - (e) **Diagnosed Persons and Close Contacts Directions (No. 3)**, given on 21 June 2020;
 - (f) **Diagnosed Persons and Close Contacts Directions (No. 4)**, given on 1 July 2020;
 - (g) **Diagnosed Persons and Close Contacts Directions (No. 5)**, given on 15 July 2020;
 - (h) **Diagnosed Persons and Close Contacts Directions (No. 6)**, given on 19 July 2020;
 - (i) **Diagnosed Persons and Close Contacts Directions (No. 7)**, given on 22 July 2020;
 - (j) **Diagnosed Persons and Close Contacts Directions (No. 8)**, given on 3 August 2020;
 - (k) **Diagnosed Persons and Close Contacts Directions (No. 9)**, given on 13 August 2020;
 - (l) **Diagnosed Persons and Close Contacts Directions (No. 10)**, given on 16 August 2020;
 - (m) **Diagnosed Persons and Close Contacts Directions (No. 11)**, given on 13 September 2020;
 - (n) **Diagnosed Persons and Close Contacts Directions (No. 12)**, given on 11 October 2020;
 - (o) **Diagnosed Persons and Close Contacts Directions (No. 13)**, given on 8 November 2020;
 - (p) **Diagnosed Persons and Close Contacts Directions (No. 14)**, given on 6 December 2020;
 - (q) **Diagnosed Persons and Close Contacts Directions (No. 15)**, given on 3 January 2021;
 - (r) **Diagnosed Persons and Close Contacts Directions (No. 16)**, given on 29 January 2021;
 - (s) **Diagnosed Persons and Close Contacts Directions (No. 17)**, given on 26 February 2021;
 - (t) **Diagnosed Persons and Close Contacts Directions (No. 18)**, given on 15 March 2021;
 - (u) **Diagnosed Persons and Close Contacts Directions (No. 19)**, given on 26 March 2021;
 - (v) **Diagnosed Persons and Close Contacts Directions (No. 20)**, given on 27 March 2021;
 - (w) **Diagnosed Persons and Close Contacts Directions (No. 21)**, given on 9 April 2021;
 - (x) **Diagnosed Persons and Close Contacts Directions (No. 22)**, given on 7 May 2021;
 - (y) **Diagnosed Persons and Close Contacts Directions (No. 23)**, given on 3 June 2021;

- (z) **Diagnosed Persons and Close Contacts Directions (No. 24)**, given on 1 July 2021;
 - (aa) **Diagnosed Persons and Close Contacts Directions (No. 25)**, given on 29 July 2021;
 - (bb) **Diagnosed Persons and Close Contacts Directions (No. 26)**, given on 26 August 2021;
 - (cc) **Diagnosed Persons and Close Contacts Directions (No. 27)**, given on 23 September 2021;
 - (dd) **Diagnosed Persons and Close Contacts Directions (No. 28)**, given on 29 September 2021;
 - (ee) **Diagnosed Persons and Close Contacts Directions (No. 28)**, given on 30 September 2021;
 - (ff) **Diagnosed Persons and Close Contacts Directions (No. 29)**, given on 19 October 2021;
 - (gg) **Diagnosed Persons and Close Contacts Directions (No. 30)**, given on 21 October 2021;
- (30) **Senior Secondary examination** means an examination relating to a senior secondary certificate;
- (31) **Work Premises** means the **premises** of an **employer** in which work is undertaken, including any vehicle whilst being used for work purposes, but excluding a **worker's** ordinary place of residence;
- (32) **worker** includes **employees**, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work;
- (33) the following expressions have the same meaning that they have in the **Disability Service Safeguards Act 2018**:
- (a) **disability**;
 - (b) **disability service**;
 - (c) **disability worker**.

11 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

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

Dated 23 October 2021

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

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Workplace (Additional Industry Obligations) Directions (No 53)**

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. 52)**.

2 Citation

These directions may be referred to as the **Workplace (Additional Industry Obligations) Directions (No. 53)**.

3 Revocation

The **Workplace (Additional Industry Obligations) Directions (No. 52)** are revoked at 11:59:00 pm on 23 October 2021.

4 Commencement

These directions commence at 11:59:00 pm on 23 October 2021 and end at 11:59:00 pm on 18 November 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); 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 Safe Directions (Metropolitan Melbourne) 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 Safe Directions (Metropolitan Melbourne) 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.

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 Safe Directions (Metropolitan Melbourne) applies in respect of a worker, in which case the employer is exempted from requiring that worker to wear a face covering.

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

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

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

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

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

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

Horticulture Work Premises using seasonal workers for seasonal horticultural work

- (6) An employer may only operate a **seasonal Work Premises** using seasonal workers for seasonal horticultural work if it complies with subclauses (7) to (10) (inclusive).
- (7) The employer must arrange operations at the Work Premises so as to have seasonal workers working consistently with the same group of other seasonal workers where reasonably practicable, including (but not limited to):

- (a) developing separate shifts in a way that minimises physical interactions between groups of seasonal workers attending different shifts;
- (b) separating seasonal workers into work areas;
- (c) dividing work areas up further into separate teams;
- (d) providing suitable separate break areas for the separate teams including, to the extent possible, outdoor break areas with shade;
- (e) where seasonal workers are from the same household, ensuring they work in the same shift and work area.

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

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

Care facilities

- (11) 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 Safe Directions (Metropolitan Melbourne)** 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 Safe Directions (Metropolitan Melbourne)** or the **Stay Safe Directions (Regional Victoria)** does not apply to care facility workers whilst working in a care facility in Victoria.*

- (12) 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 (12)(a) that they are working across more than one Work Premises.

- (13) An employer in relation to a Work Premises that is a care facility in Victoria must require care facility workers in relation to the care facility to declare in writing at the start of each shift that the worker:
- (a) is free of **SARS-CoV-2 Symptoms**; and
Note: for the purposes of these directions, SARS-CoV-2 Symptoms, including but not limited to acute respiratory infection (such as cough, shortness of breath, sore throat); loss of smell; and loss of taste do not include those symptoms where caused by an underlying health condition or medication.
 - (b) has, in the preceding 14 days, not been in contact with a **confirmed case** (except in the course of their duties while wearing appropriate personal protective equipment); and
 - (c) is not currently required to **self-isolate** or **self-quarantine** under the **Diagnosed Persons and Close Contacts Directions**.
- (14) 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 (d) 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 (14) 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.
- (15) 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.
- (16) The Chief Health Officer may grant an exemption in writing to the requirements of subclause (14).
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

- (17) Subject to subclause (18), a **port of entry worker** means:
- (a) any **airport** or maritime **port** worker who has direct contact (including occasional contact or interactions) with international passengers or crew

(excluding international passengers and crew entering Victoria from a **Green Zone Country**), at the international **port of entry**; or

- (b) a worker or person who interacts with the environment within the international port of entry (including any worker or person who boards a vessel, ship or **aircraft**) where international passengers and crew (excluding international passengers and crew entering Victoria from a Green Zone Country) are or have been.

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

- (18) Despite subclause (17), a port of entry worker does not include any worker who works in an international departures area of an airport.

- (19) 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 (19)(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.
- (20) Subclauses (19)(b) and (19)(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

- (21) 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.
- (22) 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 (22)(c).
- (23) Subject to subclause (24), 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.
- (24) Subclause (23) does not apply where it is not practicable to limit a worker to only one hotel quarantine Work Premises.
- (25) Where subclause (24) 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.*
- (26) 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 (26)(a) that they are working across more than one Work Premises.

Hospitals

- (27) 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**.
- (28) 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.
- (29) Subject to subclause (30), 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.
- (30) Subclause (29) does not apply where it is not practicable to limit a high-risk hospital Work Premises worker to only one Work Premises.
- (31) Where subclause (30) 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.

- (32) 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 (32)(a) that they are working across more than one Work Premises.
- (33) 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.

- (34) In relation to a Work Premises identified in Column 1 of Schedule 1, an employer must comply with the restrictions and requirements outlined in Column 3 of Schedule 1 from the date specified in Column 2 of Schedule 1 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; or
 - (c) a procedure for the surgical termination of pregnancy.

Australian Air Transport Services (Passenger)

- (35) 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 (35)(a).

Construction sites

- (36) 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) the density quotient; and
 - (ii) the face coverings and cleaning requirements; and
 - (b) 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
- (c) 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, except in relation to a small-scale construction site, where 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; and
- (d) 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.

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. 27)** as amended or replaced from time to time;
- (6) **Australian air transport operator** has the same meaning as in the **Civil Aviation Safety Amendment (Part 119) Regulations 2018** of the Commonwealth;
- (7) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (8) **Border Directions** means the **Victorian Border Crossing Permit Directions (No. 35)** as amended or replaced from time to time;
- (9) **Care Facilities Directions** means the **Care Facilities Directions (No. 47)** as amended or replaced from time to time;
- (10) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (11) **care facility worker** has the same meaning as ‘worker’ in the **Care Facilities Directions**;
- (12) **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;
- (13) **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;
- (14) **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;
- (15) **Category 3 elective surgery procedure** means a procedure that is clinically indicated within 365 days but is unlikely to deteriorate quickly;
- (16) **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;
- (17) **cleaned** has the same meaning as in the **Workplace Directions**;
- (18) **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).
- (19) **construction site** means a Work Premises at which civil works, building or construction activities take place;
- (20) **COVID Marshal** has the meaning in clauses 7(2A)(b), 7(28)(a) and 7(36)(c) (as the case may be);
- (21) **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;
- (22) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;

- (23) **COVID-19 Mandatory Vaccination (Specified Facilities) Directions** means the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 10)** as amended or replaced from time to time;
- (24) **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;
- (25) **day procedure centre** has the same meaning as in the **Hospital Visitor Directions**;
- (26) **density quotient** has the same meaning as in the **Workplace Directions**;
- (27) **Department** means the Department of Health;
- (28) **Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (29) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 31)** as amended or replaced from time to time;
- (30) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (31) **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);
- (32) **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**;
- (33) **employee** includes a person who is self-employed;
- (34) **employer** means a person who owns, operates or controls a **Work Premises** and includes a person who is self-employed or a sole-trader;
- (35) **excepted person** has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
- (36) **face covering** has the same meaning as in the **Workplace Directions**;
- (37) **fully vaccinated** has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
- (38) **Green Zone Country** means a country with a current, valid (and not temporarily or permanently suspended) safe travel zone agreement with the Commonwealth of Australia;
- Note: information regarding countries with current, valid (and not temporarily or permanently suspended) safe travel zone agreements with the Commonwealth of Australia is available at: www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert/coronavirus-covid-19-travel-and-restrictions/coronavirus-covid-19-advice-for-international-travellers#travel-zones as amended or replaced from time to time by the Victorian Government.*
- (39) **high-risk hospital Work Premises** means any **hospital** ward treating a **confirmed case** or cases of **SARS-CoV-2**;

- (40) **high-risk hospital Work Premises worker** means any **worker** involved in the direct care of patients, and those who interact with a **high-risk hospital Work Premises**;
- (41) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (42) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No 38)** as amended or replaced from time to time;
- (43) **hotel quarantine** means a place (being a hotel or other facility or class of facility), designated by the Attorney-General and published in the Government Gazette, where people are detained in or directed to remain in, or are staying in, quarantine, isolation or emergency accommodation at, for the purpose of eliminating or reducing the serious risk to public health posed by the COVID-19 pandemic;
- (44) **inspector** has the same meaning as in the **OHS Act**;
- (45) **large-scale construction site** means, a construction site if:
- (a) it is for construction of a building where a planning permit has been issued in relation to the site for a building that is greater than three storeys tall (excluding basement level(s)); or
 - (b) the site size is more than 1,500 m² floor size (inclusive of all floors); or
 - (c) it is for construction of a premises that is predominantly for office use, or that is the internal fit-out of a large-format retail **premises**; or
 - (d) it is for construction of a premises that is predominantly for industrial or large format retail use;

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

- (46) **meat processing facility** has the meaning under the PrimeSafe licence category ‘further meat processing facilities’;
- (47) **Metropolitan Melbourne** means the area within the municipal districts under the local government of the municipal councils set out in Schedule 2 of the **Planning and Environment Act 1987**;
- (48) **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;
- (49) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (50) **operator** in relation to a construction site has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
- (51) **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.

- (52) **partially vaccinated** has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
- (53) **patient** has the same meaning as in the **Hospital Visitor Directions**;
- (54) **perishable food Work Premises** means a **Work Premises** that is predominantly a perishable food facility that is a chilled distribution facility;

- (55) **personal protective equipment** has the same meaning as in the **Occupational Health and Safety Regulations 2017**;
- (56) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (57) **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**;
- (58) **port of entry** means a **port** or **airport**;
- (59) **port of entry worker** has the meaning in clause 7(17);
- (60) **poultry processing facility** has the meaning under the PrimeSafe licence category ‘poultry meat processing facilities’;
- (61) **premises** has the same meaning as in the **PHW Act**;
- (62) **private hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (63) **public hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (64) **reasonably practicable** is to have its ordinary and common sense meaning;
- (65) **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’;
- (66) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (67) **representative** in relation to the **operator** of a construction site means the site manager, the duty holder or a registered builder;
- (68) **revoked Workplace (Additional Industry Obligations) Direction** means any of the previous **Workplace (Additional Industry Obligations) Directions** which are no longer in force;
- (69) **SARS-CoV-2 Symptoms** has the same meaning as in the **Workplace Directions**;
- (70) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (71) **seafood processing facility** has the meaning under the PrimeSafe licence category ‘seafood processing facilities’;
- (72) **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;
- (73) **seasonal Work Premises** means a farm or workplace where **seasonal horticultural work** is undertaken;
- (74) **seasonal worker** means a **worker** temporarily employed or engaged to perform **seasonal horticultural work** at **seasonal Work Premises**;
- (75) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (76) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (77) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (78) **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;
- (79) **small-scale construction site** means a construction site other than a large-scale construction site or an early stage land development site;

- (80) **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;
- (81) **Stay Safe Directions (Metropolitan Melbourne)** means the **Stay Safe Directions (Metropolitan Melbourne) (No. 5)** as amended or replaced from time to time;
- (82) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 15)** as amended or replaced from time to time;
- (83) **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;
- (84) **supermarket Work Premises** means the total of all **supermarket** distribution facilities;
- (85) **Surveillance Testing Industry List and Requirements** means the **Department** document that lists the industries (as amended from time to time on the advice of the Chief Health Officer) that are required to carry out surveillance testing on their **workers**, and also sets out the surveillance testing requirements for those listed industries;
- Note: the Surveillance Testing Industry List and Requirements are available at www.dhhs.vic.gov.au/surveillance-testing-industry-list-covid-19 as amended from time to time by the Victorian Government.*
- (86) **unvaccinated** has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
- (87) **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**;
- (88) **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;
- (89) **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.*
- (90) **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.*
- (91) **Workplace Directions** means the **Workplace Directions (No. 53)** as amended or replaced from time to time;
- (92) **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.*
- (93) **worker** includes **employees**, labour hire, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work.

10 Penalties

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

False or misleading information

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

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

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

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

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

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

Compliance with direction or other requirement

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

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

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

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

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

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

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

Dated 23 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 – 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 the City of Greater Geelong</p> <p>Day procedure centres in Metropolitan Melbourne</p>	14 October 2021	<p>(a) An employer may only permit an elective surgery procedure to be performed that is an urgent elective surgery procedure.</p> <p>(b) An employer must ensure that all elective surgery procedures that are not urgent elective surgery procedures 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 private hospitals and day procedure centres:</p> <p>(i) all activity undertaken on behalf of a public health service or public hospital; and</p> <p>(ii) emergency surgery.</p>
<p>Private hospitals in the local government areas of the City of Ballarat and the City of Greater Shepparton</p>	18 October 2021	<p>(a) An employer must reduce 50 per cent of allocated elective surgery procedure lists per week at each registered facility.</p> <p>(b) An employer must ensure patients requiring elective surgery procedures 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>Private hospitals in the local government areas of the City of Greater Bendigo and the City of LaTrobe</p>	25 October 2021	<p>(d) The following services completed by private hospitals 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 public hospitals; and</p> <p>(ii) emergency surgery.</p>

All public health services located in Metropolitan Melbourne and that are part of Barwon Health	14 October 2021	(a) An employer may only permit an elective surgery procedure to be performed that is an urgent elective surgery procedure . (b) An employer must ensure all elective surgery procedures that are not urgent elective surgery procedures are temporarily postponed.
All public health services that are part of Ballarat Health and Goulburn Valley Health	18 October 2021	
All public health services that are part of Bendigo Health and the Latrobe Regional Hospital	25 October 2021	

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Workplace Directions (No. 53)**

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

1 Preamble

- (1) The presence of a person with a positive diagnosis of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) at a **Work Premises** is considered to pose an immediate risk of transmission to persons who attend, or may attend, the Work Premises.
- (2) The purpose of these directions is to limit the number of Victorians attending Work Premises to assist in reducing the frequency and scale of **outbreaks** of SARS-CoV-2 in Victorian workplaces and to establish more specific obligations on **employers** and **workers** in relation to managing the risk associated with SARS-CoV-2.
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions are intended to supplement any obligation an employer may have under the **OHS Act** and are not intended to derogate from any such obligations.
- (5) These directions replace the **Workplace Directions (No. 52)**.

2 Citation

These directions may be referred to as the **Workplace Directions (No. 53)**.

3 Revocation

The **Workplace Directions (No. 52)** are revoked at 11:59:00 pm on 23 October 2021.

4 Commencement

These directions commence at 11:59:00 pm on 23 October 2021 and end at 11:59:00 pm on 18 November 2021.

5 Operation of a Work Premises

- (1) An employer in respect of a Work Premises in **Metropolitan Melbourne**:
 - (a) may only permit a worker to perform work at the employer's Work Premises if it is not reasonably practicable for the worker to perform work at their ordinary place of residence or another suitable premises which is not the Work Premises; and
 - (b) must comply with the **Stay Safe Directions (Metropolitan Melbourne)**, the **Workplace (Additional Industry Obligations) Directions** and all other Directions currently in force where they apply to that employer.
- (2) An employer in respect of a Work Premises in **Regional Victoria**:
 - (a) may permit workers to perform work from the employer's Work Premises if it is not reasonably practicable for the worker to perform work at their ordinary place of residence or another suitable premises which is not the Work Premises; and
 - (b) in relation to office-based Work Premises, an employer:
 - (i) subject to subclauses (b)(ii) and (b)(iii), may permit workers who reside in Regional Victoria and who do not fall within subclause (2)(a) to work from the employer's Work Premises; and

- (ii) must use their best endeavours to ensure that the number of workers permitted to attend the Work Premises at any one time is limited to the greater of:
 - (A) 25 per cent of the total number of workers for that Work Premises; and
 - (B) 10; and
- (iii) the cap in subclause (ii) does not apply, and may be exceeded, where it is not reasonably practicable for more than 25 per cent of the total number of workers for that Work Premises or 10 workers (whichever is greater), to work at the worker's place of residence or another suitable premises which is not the Work Premises; and

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

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

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

- (iv) must comply with the **Stay Safe Directions (Metropolitan Melbourne)**, the **Stay Safe Directions (Regional Victoria)**, the **Workplace (Additional Industry Obligations) Directions** and all other Directions currently in force where they apply to that employer.
- (3) Where an employer permits or requires work to be performed at a Work Premises, the employer must comply with clauses 6 to 8.
 - (4) Workers must not attend a Work Premises if they have been tested for SARS-CoV-2 because they are symptomatic whilst awaiting the result of that test (excluding where a worker is awaiting results of a test taken in accordance with a surveillance testing obligation under the **Workplace (Additional Industry Obligations) Directions**).

6 Preventative measures at Work Premises to reduce the risk of SARS-CoV-2

Face coverings requirement

- (1) An employer must take reasonable steps to ensure a worker, when working at a Work Premises:
 - (a) carries a **face covering** at all times, except where the exception in clause 5 of the **Stay Safe Directions (Metropolitan Melbourne)** or clause 5 of the **Stay Safe Directions (Regional Victoria)**, as applicable, applies; and
 - (b) wears a face covering where required to do so in accordance with any other Directions currently in force, except where an exception in clause 5 of the **Stay Safe Directions (Metropolitan Melbourne)** or clause 5 of the **Stay Safe Directions (Regional Victoria)**, as applicable, applies.

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

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

COVIDSafe Plan

- (2) Subject to subclause (4), an employer must, for each Work Premises:
- (a) have in place a COVIDSafe Plan, which addresses the health and safety issues arising from SARS-CoV-2, including but not limited to:

Note: employers can use the template plan accessible from the following website for guidance: www.coronavirus.vic.gov.au/covidsafe-plan as amended or replaced from time to time by the Victorian Government.

- (i) the employer's process for implementing the record-keeping obligation under subclause (6);
- (ii) the appropriate level of **PPE** to be worn at the Work Premises;
- (iii) actions taken by the employer to mitigate the introduction of SARS-CoV-2 at the Work Premises;
- Examples: temperature testing, provision and training for PPE use, regular cleaning, specific **cleaning requirements** following an outbreak, physical distancing requirements (e.g. closing or reconfiguring **common areas** such as lunchrooms to support workers remaining 1.5 metres apart at all times).*
- (iv) the processes which the employer has put in place to respond to any **suspected case** or any **confirmed case** of SARS-CoV-2 at the Work Premises, taking into account the employer's obligations under these directions;
- (v) an acknowledgement that the employer understands its responsibilities and obligations under these directions; and
- (b) document and evidence, and require its managers to document and evidence, implementation of the COVIDSafe Plan.

(3) The employer and the employer's workers must comply with the COVIDSafe Plan.

- (4) An employer is not required to comply with subclause (2):
- (a) for any Work Premises that have no workers working at that Work Premises; or
- (b) in relation to:
- (i) each individual **vehicle** that makes up a fleet of two or more vehicles; and

Note 1: despite subclause (4)(b)(i), an employer must have a COVIDSafe Plan in relation to a fleet of two or more vehicles.

Note 2: where an employer owns, operates or controls only one vehicle, then it must have a COVIDSafe Plan for that vehicle.

*Example: where an employer owns, operates or controls only one vehicle used to provide **commercial passenger vehicle services** or a vehicle used to provide **passenger services**, then it must have a COVIDSafe Plan for that vehicle.*

- (ii) vehicles used predominantly by a worker to travel between the Work Premises and the worker's ordinary place of residence; or
- Note: each vehicle used predominantly as a Work Premises (e.g. food trucks, dental vans) requires a COVIDSafe Plan.*
- (c) in relation to a premises governed by an **owners corporation** where that premises has:
- (i) no shared spaces; or
- (ii) only shared **outdoor spaces** (such as shared driveways, lawns or gardens).

*Note: an owners corporation is required to have a COVIDSafe Plan for all premises where there are shared **indoor spaces** (for example: hallways, underground carparking facilities, or gyms).*

- (5) An employer must:
- (a) comply with any direction given by an Authorised Officer or **WorkSafe inspector** to modify a COVIDSafe Plan, including:
 - (i) following an outbreak of confirmed cases of SARS-CoV-2 at a Work Premises; or
 - (ii) if the Authorised Officer considers that the COVIDSafe Plan is not fit for purpose; and
 - (b) implement any modifications required in accordance with subclause (5)(a).

Record-keeping obligations (records requirement)

- (6) Subject to subclause (10), an employer must keep a record of all persons who attend the Work Premises, which includes:
- (a) the person's first name; and
 - (b) the person's surname; and
 - (c) a contact phone number; and
 - (d) the date and time at which the person attended the Work Premises; and
 - (e) the areas of the Work Premises which the person attended.

Note 1: where a venue is not staffed, an employer will have complied with the records requirement if they display instructions in a prominent location that clearly explain how patrons and other visitors to the venue should record their details.

Note 2: where a person does not have a phone number, an employer may comply with the record-keeping requirement by registering that person's contact details using a phone number for the contact most likely to be able to locate the person, such as a known relative, carer, or the phone number of the employer itself.

- (7) Subject to subclauses (8) – (13), an employer must:
- (a) comply with subclause (6) using the **Victorian Government QR code system**; and
 - (b) make reasonable efforts to ensure that a person required to record an attendance at the Work Premises in accordance with subclause (a) can do so using the Victorian Government QR code system for that purpose even where they do not have access to a personal mobile phone or other device that enables them to do so; and

Note: compliance with subclause (7)(b) could include making a terminal (e.g. a tablet or other device) available for persons to register their contact details via the Victorian Government QR code system and staff available to provide assistance to persons to do so.

- (c) prominently display signage at each entrance to the Work Premises so that **members of the public** can record their attendance using the Victorian Government QR code system; and

Note: signage may also be displayed nearby to an entrance as well as at the entrance (for example, inside the Work Premises, in a hallway or waiting room near the entrance) if required to prevent people lining up outside or congregating at the entrance.

- (d) where a Work Premises is:
 - (i) a **retail facility** other than a **supermarket**, where the total of all indoor spaces accessible to members of the public is 2,000 square metres or more; or
 - (ii) a **market**,then:

- (iii) the Work Premises must prominently display signage at all points of sale at the Work Premises so that members of the public can record their attendance using the Victorian Government QR code system; and

Note 1: Work Premises to which subclause (d) applies are required to comply with the signage requirements in subclause (d) in addition to the signage requirements in subclause (c).

Note 2: a point of sale includes where a customer pays for goods or services.

- (iv) other than for Work Premises that are markets, a staff member must request all members of the public who attend the Work Premises to record their attendance at an entrance to the Work Premises; and

- (e) where a Work Premises is:

- (i) a retail facility other than a supermarket, where the total of all indoor spaces accessible to members of the public is less than 2,000 square metres; or

- (ii) a market stall,

then:

- (iii) the Work Premises must prominently display signage at all points of sale at the Work Premises so that members of the public can record their attendance using the Victorian Government QR code system; and

Note 1: Work Premises to which subclause (e) applies are required to comply with the signage requirements in subclause (e) in addition to the signage requirements in subclause (c).

Note 2: a point of sale includes where a customer pays for goods or services.

- (iv) staff members who interact with a member of the public at a point of service must request that the member of the public record their attendance at the Work Premises; and

Note: a point of service includes where a worker interacts with a customer other than at a point of sale during their attendance, for example, a waiter attending a table to take an order, or when greeting a customer once they have entered the Work Premises.

- (f) where a Work Premises is a **food and drink facility**, then:

- (i) the Work Premises must prominently display signage at all points of sale and at all points of service, so that members of the public can record their attendance using the Victorian Government QR code system; and

Note: Work Premises to which subclause (f) applies are required to comply with the signage requirements in subclause (f) in addition to the signage requirements in subclause (c).

- (ii) a staff member must request all members of the public attending the Work Premises to record their attendance at:

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

- (B) a point of sale; or

- (C) a point of service; and

Note: a point of sale includes where a customer pays for goods or services. A point of service includes where a worker interacts with a customer other than at a point of sale during their attendance, for example, a waiter attending a table to take an order, or when greeting a customer once they have entered the Work Premises. Where a food and drink facility is a food court, a point of service includes the tables provided within the food court.

- (g) where a Work Premises is a supermarket, then:

- (i) the Work Premises must prominently display signage at all points of sale at the Work Premises so that members of the public can record their attendance using the Victorian Government QR code system; and

Note 1: Work Premises to which subclause (g) apply are required to comply with the signage requirements in subclause (g) in addition to the signage requirements in subclause (c).

Note 2: a point of sale includes where a customer pays for goods or services.

- (ii) staff members who interact with a member of the public at a point of sale must request that the member of the public record their attendance at the Work Premises.
- (8) Where:
- (a) it is not reasonably practicable for a person to record an attendance at a Work Premises using the Victorian Government QR code system; or
- (b) there is an access issue that prevents the Victorian Government QR code system from operating,
- then the employer must use an alternative record-keeping method to comply with the records requirement.
- Example 1: worshippers wishing to attend a synagogue on the Sabbath (if permitted by the Directions currently in force) who are prohibited from using the Victorian Government QR code system during the Sabbath could pre-register details with the synagogue, with the details recorded and stored by the synagogue electronically.*
- Example 2: where a venue has no internet coverage, such as in a remote location, manual records could be kept and stored electronically by the venue.*
- (8A) Information collected by an employer using an alternative record-keeping method under subclause (8) must be provided by the employer to **Service Victoria** if requested to do so by the Department or Service Victoria.
- (9) Where a person who attends a Work Premises is unable to check in using the Victorian Government QR code system for the purpose of subclauses (6) or (13), that information may be collected by an employer or an **owner** of a vehicle used as a commercial passenger vehicle service from another person on behalf of the first person using the Victorian Government QR code system for that purpose.
- (10) An employer is not required to comply with the records requirement in subclause (6):
- (a) subject to subclause (13), in relation to members of the public using a commercial passenger vehicle service; or
- (b) in relation to essential support groups and health services if confidentiality is typically required; or
- Example: support groups for alcohol and drugs or family violence typically require confidentiality.*
- (c) in relation to common property areas governed by an owners corporation; or
- Note: where a common property area is a facility such as a gym, pool, or cinema subject to the **Open Premises Directions**, that facility is required to comply with the record-keeping requirements and any other relevant requirements in the **Open Premises Directions**.*
- (d) in relation to persons receiving contactless ‘click and collect’ services where the transaction does not involve entering any indoor space at a Work Premises; or
- Example: attending a retail facility where a worker drops the goods into the boot of a customer’s car whilst the customer remains in the car.*
- (e) in relation to takeaway food providers in respect of customers attending the premises for the sole purpose of collecting food at a drive-through window; or
- (f) in relation to service stations in respect of members of the public who do not enter a building and pay using contactless payment methods at the petrol bowser; or
- (g) in relation to **emergency workers** attending a Work Premises for the purposes of responding to an **emergency** where complying with the records requirement is not practicable in the circumstances; or
- (h) in relation to attendances at a Work Premises for the purposes of police matters (including investigations), and the administration of justice where the

- person who is the subject of the record requests that their attendance is kept confidential; or
- (i) subject to subclause (13), in relation to members of the public using public transport or at a stop or station for passenger services of a public transport service; or
 - (j) subject to subclause (13), in relation to a **tour and charter bus service**, except in relation to workers operating or delivering the tour and charter bus service; or
 - (k) in relation to workers of, or visitors to premises owned or operated by, intelligence agencies who attend that premises for reasons of national security; or
 - (l) in relation to parents, guardians and carers attending a **school, childcare or early childhood service** or outside school hours care service for the purposes of picking up or dropping off children or students, provided the parent, guardian or carer does not enter an indoor space at the school, childcare or early childhood service or outside school hours care service.
- (11) An employer is not required to comply with subclause (7) in relation to Work Premises that are:
- (a) schools, childcare or early childhood services and outside school hours care services in respect of all students, teachers and other school staff (but not visitors, contractors or other workers); or
Note: educational facilities (other than schools and childcare or early childhood services and outside school hours care services) are required to comply with subclause (7).
 - (b) **care facilities** in respect of residents; or
 - (c) a **health service entity**; or
 - (d) farms in respect of workers and other persons attending for work-related purposes; or
 - (e) premises where pre-ordered goods are being delivered via contactless delivery; or
Example: a meal delivery service driver attending a premises to drop a meal ordered via an app at the door is not required to check-in at that premises.
 - (f) a private residence attended by workers for the purposes of undertaking work; or
Note: this excludes common property areas governed by an owners corporation.
 - (g) a **prison, remand centre, youth residential centre, or youth justice centre**; or
 - (h) a site operated by COVID-19 Quarantine Victoria; or
 - (i) a site where the use of electronic devices is prohibited due to safety concerns; or
Example: petrochemical bulk storage and transport, and other flammable liquids sites.
 - (j) a **school bus**; or
 - (k) an **early stage land development site**, excluding any site office at that site.
Example: workers conducting scoping work on empty land prior to the commencement of construction will not be required to check-in using the Victorian Government QR code system. However, a worker entering a site office on otherwise empty land will need to check-in to that office using the Victorian Government QR code system.
- (12) An employer to whom clause 7 (*accommodation facilities*) of the **Open Premises Directions** as applicable, applies is only required to comply with subclause (7) in respect of a person who:

- (a) is not registered to stay overnight at the **accommodation facility**; and
 - (b) attends a communal or shared accommodation space.
- (13) Despite subclause (7):
- (a) an owner of a vehicle used as a commercial passenger vehicle service; or
 - (b) an employer in respect of:
 - (i) public transport; or
 - (ii) a stop or station for passenger services of a public transport service, other than stops or stations that are not regularly staffed; or
 - (iii) a tour and charter bus service,must make available and clearly visible and accessible in the vehicle, stop or station at all times, a sign that allows members of the public in the vehicle or at the stop or station to use the Victorian Government QR code system.
- (14) In handling any information collected under subclause (6):
- (a) an employer who uses or an owner who makes available a system other than the Victorian Government QR code system, must:
 - (i) not collect personal information unless:
 - (A) the information is necessary to meet the requirements outlined in subclause (6); or
 - (B) the information is provided by a driver or passenger using the system made available under subclause (13); and
 - (ii) use reasonable endeavours to protect the personal information from use or disclosure, other than in accordance with a request made by an Authorised Officer (or a person assisting an Authorised Officer); and
Note: information should be collected in a way that protects it from being disclosed to other patrons.
Example: where using a paper-based method, a sheet of paper could be placed over previous visitor details on a sheet that records the names.
 - (iii) use reasonable endeavours to notify the person from whom the personal information is being collected that the primary purpose of collection is for SARS-CoV-2 contact tracing, and that their personal information may be collected and stored by the Victorian Government for this purpose; and
 - (iv) destroy the information as soon as reasonably practicable following 28 days after the attendance at the Work Premises, unless a statutory requirement permits or requires the personal information to be retained; and
Note: subclause (14)(a) is intended to apply to employers who use or owners who collect information pursuant to subclauses (6) or (13) using a method other than the Victorian Government QR code system, whether or not:
 - (a) the employer also uses or the owner also uses the Victorian Government QR code system to comply with subclauses (6) or (13); or
 - (b) the system used by the employer or made available by the owner links to the Victorian Government QR code system.
 - (b) Service Victoria and/or another operator of the Victorian Government QR code system must destroy the information as soon as reasonably practicable following 28 days after the attendance at the Work Premises unless a statutory requirement permits or requires the personal information to be retained.

Additional records requirement (additional records requirement)

- (15) An employer must keep records to demonstrate compliance with these directions, including (but not limited to):
- (a) all logs created during the time these directions are in place;
 - (a) Work Premises rosters;
 - (b) time and attendance records;
 - (c) payroll data.
- (16) In collecting the information outlined in subclause (15), an employer must:
- (a) use reasonable endeavours to protect the personal information from use or disclosure, other than in accordance with a request made by an Authorised Officer; and
 - (b) destroy the information as soon as reasonably practicable, unless another statutory requirement permits or requires the personal information to be retained.

Density quotient (density quotient)

- (17) In any shared spaces and publicly accessible areas at the Work Premises, an employer must comply with the density quotient for each shared space and each publicly accessible space.

*Note: in relation to a **care facility**, shared spaces and publicly accessible spaces include entrance areas, waiting rooms and communal areas where visitors may enter but do not include patient or resident rooms or resident lounges not accessible by visitors.*

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

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

- (18) The density quotient in relation to Work Premises for the purposes of subclause (17) limits:

- (a) in relation to a shared space, the number of persons who are permitted in a shared space; or
- (b) in relation to a publicly accessible space:
 - (i) where that publicly accessible space is occupied by workers on an ad hoc basis, the number of members of the public; or
 - (ii) where that publicly accessible space is occupied by workers on an ongoing basis, the number of persons,

*Note: the **Open Premises Directions** specify which facilities should calculate the density quotient by reference to the number of persons in the accessible area or alternatively the number of members of the public in the accessible area.*

at any one time to the number calculated by dividing the total accessible space (measured in square metres) by 4 in relation to any shared space or publicly accessible space and:

- (c) for an indoor space, applies to each single undivided space permitted to operate under these directions; and
- (d) for an **indoor zone**, applies to each indoor zone within an indoor space permitted to operate under these directions; and
- (e) for an outdoor space, market or **retail shopping centre**, applies to the total space permitted to operate under these directions; and
- (f) for a hospital, to non-clinical areas of the **hospital** where practicable; and

- (g) for a Work Premises that is the employer's ordinary place of residence, to each space of the residence accessible to persons for the purposes of receiving goods or services from the employer or a worker.

Example: if an outdoor space is 8.5 metres long and 4.5 metres wide, its total area is 38.25 square metres. Its density quotient is 9.56, so no more than 9 members of the public would be permitted to be in the outdoor space at the same time.

- (19) The number of people allowed in a shared space or publicly accessible area may be subject to a separate specified density measure or cap under the **Open Premises Directions** and, in those circumstances, the density quotient will not apply.
- (20) Despite subclauses (17), (18) and (19), an employer is not required to comply with the density quotient in respect of:
- (a) any shared spaces in schools, non-school senior secondary providers, childcare or early childhood services, or **higher education services** used by students or children, including classrooms; and
 - (b) clinical areas of a hospital; and
 - (c) any Work Premises, or part thereof, that has been granted an exemption to the density quotient by the Chief Health Officer in writing, including on specified conditions, on the basis that:
 - (i) the work is urgently required to be undertaken at that Work Premises, or part thereof, for the purpose of sustaining human health, safety and wellbeing; and
 - (ii) the work cannot be carried out, or cannot safely be carried out, while complying with the density quotient; and
 - (d) areas of a building that are being used for the purpose of a jury trial, except the employer must ensure the total number of persons present in the areas that are being used for the purpose of a jury trial at any one time does not exceed the number calculated by dividing the total accessible space (measured in square metres) by 2.

*Note 1: in relation to a school, non-school senior secondary provider, education and care service, childcare or early childhood service, or higher education service, spaces for the purpose of student and children use (such as classrooms, hallways and gymnasiums) are not subject to the density quotient. The density quotient does, however, still apply to office areas including shared spaces that form part of an office area, spaces such as lunchrooms, photocopier room, principal's office, back of reception and resource rooms. The density quotient also applies to any publicly accessible areas (including in relation to a school, non-school senior secondary providers, or childcare or early childhood service, or higher education service), and any such publicly accessible areas that are subject to the **signage requirement** under subclause (21).*

Note 2: in relation to a school, non-school senior secondary provider, childcare or early childhood service, or higher education service using facilities other than the school, childcare or higher education service premises, the density quotient of the relevant facility and the relevant requirements of the facility's COVIDSafe Plan will apply to the school, non-school senior secondary provider, childcare or early childhood service, or higher education service when using that facility. As an alternative to using the facility's COVIDSafe Plan, the school, non-school senior secondary provider, childcare or early childhood service, or higher education service may apply their own COVIDSafe Plan to the use of the facility, so long as it has been adjusted so that it is fit for purpose taking into account the unique features of the relevant facility.

Note 3: in relation to a hospital, clinical areas including emergency department waiting rooms and hospital wards are areas of a hospital that the density quotient does not apply to, however, other non-clinical areas of the hospital are subject to the density quotient where practicable.

Signage requirements (signage requirement)

- (21) Where a Work Premises has a publicly accessible space to which the density quotient applies, an employer must display a sign at each public entry to each such space that includes a statement specifying the maximum number of members of the public that may be present in the space at a single time, being the number permitted by the density quotient, rounded down to the nearest whole number.

Example: if an area is 8.5 metres long and 4.5 metres wide, its total space is 38.25 square metres. Its density quotient is 9.56. The sign should state that the maximum number of members of the public that may be present in the space at a single time is 9.

- (22) A person who owns, operates or controls a market stall, market or retail shopping centre must:
- (a) limit the number of members of the public permitted by the density quotient as it applies respectively to the market stall, market or the retail shopping centre; and
 - (b) use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.
- (23) Where any other Directions currently in force require a face covering to be worn in a Work Premises or part of a Work Premises:
- (a) an employer in relation to that Work Premises; or
 - (b) a person who owns, operates or controls that Work Premises,
- must display a sign at each public entry advising that each person entering the Work Premises must wear a face covering, unless an exception under a Direction currently in force applies.

Cleaning requirements (cleaning requirement)

- (24) An employer must take all reasonable steps to ensure that shared spaces at which work is performed and areas accessible to members of the public at any Work Premises are **cleaned** on a regular basis, including:
- (a) frequently touched surfaces, including toilets and handrails, are cleaned at least twice on any given day; and
 - (b) surfaces are cleaned when visibly soiled; and
 - (c) if a function is to occur, a reasonable period of time has elapsed since the conclusion of any earlier function to allow for cleaning in between the functions; and
 - (d) surfaces accessible to a particular group are cleaned between groups; and
Example: cleaning surfaces between shifts of workers.
 - (e) surfaces are cleaned immediately after a spill on the surface.
- (25) To ensure a surface is cleaned for the purposes of these directions, a person must wipe the surface with a detergent before applying a disinfectant:
- (a) the label of which states a claim by the manufacturer that the disinfectant has anti-viral properties; or
 - (b) made by a person according to instructions issued by the Department.
- (26) A person who owns, operates or controls a market stall, market or retail shopping centre must comply with the cleaning requirement respectively for the market stall, market or the common areas of the retail shopping centre.

Work Premises at private residences

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

*Note: this subclause applies insofar as Work Premises are permitted to operate under the **Open Premises Directions**.*

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

- (1) An employer must not require a worker to perform work at a Work Premises if the worker is displaying one or more **SARS-CoV-2 Symptoms**.

- (2) As soon as practicable after becoming aware of a suspected case in a worker who has attended a Work Premises in the period commencing 48 hours prior to the onset of symptoms, an employer must:
- (a) advise the worker to **self-isolate** immediately and support the worker in doing so, by either:
 - (i) directing the worker to travel home immediately (and providing support to the worker to do so); or
 - (ii) where the worker is unable to travel home immediately, directing the worker to isolate themselves at the Work Premises and, whilst doing so, to wear a face covering and remain at least 1.5 metres from any other person at the Work Premises, until the worker can return home later that day to self-isolate; and

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

Examples: lift buttons, door handles, washroom facilities, kitchen facilities, water coolers. For further information, see the guidance www.dhhs.vic.gov.au/coronavirus-cleaning-guidelines-for-workplaces-doc as amended or replaced from time to time by the Victorian Government.
 - (d) ensure appropriate records are maintained in accordance with clause 6(6) in order to support contact tracing if the suspected case becomes a confirmed case, particularly from the period commencing 48 hours prior to the onset of symptoms in the suspected case; and
- Note: this will include, for example, rosters and worker details, and details of all visitors to the Work Premises, to ascertain which persons were present at the Work Premises and who they may have come into contact with.*
- (e) inform all workers (including the **health and safety representative**) to be vigilant about the onset of symptoms of SARS-CoV-2 and advise all workers to be tested for SARS-CoV-2 and self-isolate if they become symptomatic.

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

- (1) In these directions, in respect of a worker who has tested positive to SARS-CoV-2, **Relevant Period** means the period commencing 48 hours prior to:
- (a) the onset of symptoms of SARS-CoV-2 in the worker, if symptomatic; or
 - (b) the worker having been tested for SARS-CoV-2, if asymptomatic,
- and up to the **diagnosed person** receiving clearance from the Department.
- (2) A worker who has received a positive test result for SARS-CoV-2 must, as soon as practicable, notify the employer of any Work Premises which the worker has attended in the Relevant Period.
- (3) As soon as practicable after becoming aware of a confirmed case who has attended the Work Premises in the Relevant Period, the employer must:
- (a) notify the Department and WorkSafe in accordance with the **Occupational Health and Safety (COVID-19 Incident Notification) Regulations 2021** and the health and safety representative at the Work Premises; and

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

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

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

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

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

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

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

- (i) contact the Department (or other entity nominated by the Department on its website) and:
 - (i) notify it of the actions taken in accordance with subclauses (3)(a) to (h); and
 - (ii) provide it with a copy of the risk assessment conducted in accordance with subclause (3)(c); and
 - (iii) provide the Department (or other entity nominated by the Department) with contact details of any close contacts (whether or not workers) identified pursuant to subclause (3)(e); and
 - (iv) comply with any further directions given by the Department or WorkSafe in relation to closure of the Work Premises (or part of the Work Premises) and/or cleaning; and

- (j) where the Work Premises (or part of the Work Premises) is closed, not re-open that Work Premises (or that part of the Work Premises which was closed) until all of the following have occurred:
- (i) the employer has complied with all of its obligations under subclauses (3)(a) to (i); and
 - (ii) the Department has completed all relevant contact tracing; and
 - (iii) the Department has given clearance for the Work Premises to re-open.

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

9 Relationship with other directions

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

10 Definitions

For the purposes of these directions:

- (1) **accommodation facility** has the same meaning as in the **Open Premises Directions**;
- (2) **additional records requirement** has the meaning in clause 6(15) and 6(16) (both inclusive);
- (3) **Area Directions** means the **Area Directions (No. 27)** as amended or replaced from time to time;
- (4) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (5) **bus company** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;
- (6) **Care Facilities Directions** means the **Care Facilities Directions (No. 47)** as amended or replaced from time to time;
- (7) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (8) **childcare or early childhood service** means onsite early childhood education and care services or children's services provided under the:
 - (a) **Education and Care Services National Law** and the **Education and Care Services National Regulations**, including long day care services, kindergartens and/or preschool and family daycare services, but not including outside **school** hours care services; and
 - (b) **Children's Services Act 1996**, including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;
- (9) **cleaned** has the meaning in clause 6(25);
- (10) **cleaning requirement** has the meaning in clause 6(24) to (26) (both inclusive);
- (11) **close contact** means any person who has had face-to-face contact of any duration, or who has shared a closed space, with a **confirmed case** during the **Relevant Period**;
- (12) **commercial passenger vehicle service** has the meaning given in section 4 of the **Commercial Passenger Vehicle Industry Act 2017**;
- (13) **common areas of a retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (14) **confirmed case** means a diagnosis of **SARS-CoV-2** in a **worker** at the **Work Premises**;
- (15) **COVID-19 Mandatory Vaccination (Specified Facilities) Directions** means the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 10)** as amended or replaced from time to time.

- (16) **COVID-19 Mandatory Vaccination (Workers) Directions** means the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 5)** as amended or replaced from time to time;
- (17) **COVIDSafe Plan** has the meaning in clause 6(2);
- (18) **density quotient** has the meaning in clause 6(17);
- (19) **Department** means the Department of Health;
- (20) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (21) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 31)** as amended or replaced from time to time;
- (22) **diagnosed worker** means a **worker** who is a **diagnosed person**;
- (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** means the **Area Directions**, the **Stay Safe Directions (Metropolitan Melbourne)**, the **Stay Safe Directions (Regional Victoria)**, the **Workplace Directions**, the **Workplace (Additional Industry Obligations) Directions**, the **Victorian Border Crossing Permit Directions**, the **COVID-19 Mandatory Vaccination Directions (Specified Facilities) Directions**, the **COVID-19 Mandatory Vaccination (Workers) Directions**, the **COVID-19 Vaccinated Activities Directions**, the **Hospital Visitors Directions**, the **Care Facilities Directions**, the **Open Premises Directions**, and the **Diagnosed Persons and Close Contacts Directions** each as amended or replaced from time to time;
- (25) **early stage land development site** means an open air, greenfields site where civil works are being undertaken that are associated with, and preparatory to, the construction of multiple individual residential dwellings or an industrial or commercial development on that site, including but not limited to:
- (a) site remediation works;
 - (b) site preparation works;
 - (c) construction of utilities, roads, bridges and trunk infrastructure;
 - (d) stormwater or flood management works;
- but such a site ceases to be an early stage land development site:
- (e) for a residential development where the development is, or will be, subdivided to facilitate the construction of individual dwellings, on the day that the construction of a dwelling on that part of the subdivision (or planned subdivision) of the early stage land development site commences; and
 - (f) for a residential development where the development has not been subdivided and it is not intended that the development will be subdivided in the future, on the day that construction commences; and
- Examples: this type of residential development includes a high-rise apartment complex or a retirement village.*
- (g) for an industrial or commercial development, on the day that construction of a building, warehouse or other physical structure commences;
- (26) **emergency** has the same meaning as in the **Emergency Management Act 2013**;
- (27) **emergency worker** has the same meaning as in the **Sentencing Act 1991**;
- (28) **employee** includes a person who is self-employed;
- (29) **employer** means a person who owns, operates or controls **Work Premises** (or a Work Premises) and includes a person who is self-employed;
- (30) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection;

- (31) **food and drink facility** has the same meaning as in the **Open Premises Directions**;
- (32) **health and safety representative** has the same meaning as in the **OHS Act**;
- (33) **health service entity** has the same meaning as in the **Health Services Act 1988**;
- (34) **higher education services** means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, and other post-compulsory education or training;
- (35) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (36) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No 38)** as replaced or amended from time to time;
- (37) **indoor space** has the same meaning as in the **Open Premises Directions**;
- (38) **indoor zone** means a section of an **indoor space** that:
 - (a) is designated by the person who owns, controls or operates the indoor space as being for the exclusive use of specified **members of the public**; and
 - (b) is delineated by temporary barriers, tape or other clearly visible markings or means;
- (39) **inspector** has the same meaning as in the **OHS Act**;
- (40) **market** means a public market, whether indoor or outdoor, including a food market;
- (41) **member of the public** is a person but does not include:
 - (a) a person who is an **employee** of an operator of the facility or venue; or
 - (b) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;
- (42) **Metropolitan Melbourne** has the same meaning as in the **Area Directions**;
- (43) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (44) **Open Premises Directions** means the **Open Premises Directions** as replaced or amended from time to time;
- (45) **outbreak** means:
 - (a) a single **confirmed case** of **SARS-CoV-2** in a resident, staff member or frequent attendee of a residential aged **care facility**; or
 - (b) two or more epidemiologically linked cases outside of a household with symptom onset within 14 days;

Note: transmission within one household does not constitute an outbreak but will become part of an outbreak response if linked to a high priority setting. Also, in some circumstances, the Department may identify other settings that are sensitive and where a single confirmed case will trigger an outbreak response. Relevant parties will be informed if this occurs. Determining whether a person is a frequent or infrequent visitor may be based on frequency of visits, time spent in the setting, and number of contacts within the setting.
- (46) **outdoor space** has the same meaning as in the **Open Premises Directions**;
- (47) **owner** has the same meaning as in the **Commercial Passenger Vehicle Industry Act 2017**;
- (48) **owners corporation** has the same meaning as in the **Owners Corporations Act 2006**;
- (49) **passenger services** has the same meaning as in the **Transport Integration Act 2010**;
- (50) **passenger transport company** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;
- (51) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (52) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (53) **PPE** means personal protective equipment;

- (54) **premises** has the same meaning as in the **PHW Act**;
- (55) **prison** has the same meaning as in the **Corrections Act 1986**;
- (56) **public transport** means a vehicle operated by a **passenger transport company** or by a **bus company** in the provision of **public transport service** but does not include a **school bus**;
- (57) **public transport service** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;
- (58) **reasonably practicable** is to have its ordinary and common sense meaning;
- (59) **records requirement** has the meaning in clause 6(6) to (14) (both inclusive);
- (60) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (61) **Relevant Period** has the meaning given in clause 8(1);
- (62) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (63) **retail facility** means a **premises**, or part of a **premises**, that are used wholly or predominantly for the sale or hire of goods by retail, the retail provision of services and includes a **market**, **retail shopping centre** and **supermarkets**;
- (64) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (65) **SARS-CoV-2 Symptoms** means symptoms consistent with **SARS-CoV-2**, including but not limited to the following:
 - (a) a fever ($\geq 37.5^{\circ}\text{C}$) or consistent fever of less than 37.5°C (such as night sweats, chills);
 - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
 - (c) loss of smell;
 - (d) loss of taste;
- (66) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (67) **school bus** means any bus while being used as part of:
 - (a) the **School Bus Program**; or
 - (b) the **Students with Disabilities Transport Program**; or
 - (c) a private arrangement between a **school** at a **bus company**;
- (68) **School Bus Program** means the program of that name administered by the Department of Education and Training;
- (69) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (70) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (71) **Service Victoria** has the same meaning as in the **Service Victoria Act 2018**;
- (72) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (73) **signage requirement** has the meaning in clauses 6(21), (22) and (23);
- (74) **Stay Safe Directions (Metropolitan Melbourne)** means the **Stay Safe Directions (Metropolitan Melbourne) (No. 5)** as amended or replaced from time to time;
- (75) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 15)** as amended or replaced from time to time;
- (76) **Students with Disabilities Transport Program** means the program of that name administered by the Department of Education and Training;
- (77) **supermarket** has the same meaning as supermarket business in the **Food Act 1984**;

- (78) **suspected case** means a person who is displaying one or more **SARS-CoV-2 Symptoms**;
- (79) **tour and charter bus service** has the same meaning as in the **Bus Safety Act 2009**;
- (80) **vehicle** has the same meaning as in the **PHW Act**;
- (81) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 35)** as amended or replaced from time to time;
- (82) **Victorian Government QR code system** means the digital system provided by the **Service Victoria CEO** and other parts of the Victorian Government that is known as the ‘Service Victoria app’ or the ‘Victorian Government QR Code Service’;
- (83) **Work Premises** means the **premises** of an **employer** in which work is undertaken, including any **vehicle** whilst being used for work purposes, but excluding a **worker’s** ordinary place of residence.
Note: this includes a community facility such as a community centre or community hall, or a public library, or a place of worship, or a home or residential property when a business is operated from that home or residential property.
- (84) **worker** includes **employees**, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work;
- (85) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 53)** as amended or replaced from time to time;
- (86) **WorkSafe** means WorkSafe Victoria;
- (87) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (88) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

11 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

Note: section 209 of the PHW Act provides for infringement notices to be served on any person who without reasonable excuse has refused or failed to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person who refuses or fails to comply.

Dated 23 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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