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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

Open Premises Directions (No. 7)

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

PART 1 PRELIMINARY

1 Preamble

- (1) The purpose of these directions is to impose obligations upon:
 - (a) **operators** of certain **open premises** in the State of 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:
 - (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 contains definitions:
 - (a) key definitions are contained in clause 32;
 - (b) premises-specific definitions are contained in clause 33;
 - (c) other definitions are contained in clause 34.
- (4) These directions must be read together with the **Directions currently in force**.
- (5) These directions replace the **Open Premises Directions (No. 6)**.

2 Citation

These directions may be referred to as the **Open Premises Directions (No. 7)**.

3 Commencement and revocation

- (1) These directions commence at 06:00:00 pm on 25 November 2021 and end at 11:59:00 pm on 15 December 2021.
- (2) The **Open Premises Directions (No. 6)** are revoked at 06:00:00 pm on 25 November 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.

SPECIAL

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 12 years and 2 months of age) that attends the premises either:
 - (a) on each occasion they attend, to show a person working at the premises **acceptable evidence** that they are either:
 - (i) **fully vaccinated**; or
 - (ii) an **excepted person**; or
 - (b) once prior to their first attendance after 6:00:00 pm on 29 October 2021, if the patron is a **pre-registration patron** and they attend a **pre-registration premises**, to provide the operator with acceptable evidence 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 either:
 - (A) do the things specified in subclause (1)(a); or
 - (B) confirm that the patron has completed the things specified in subclause (1)(b).
 - (3) If an operator of a pre-registration premises maintains a system under subclause (1)(b), the operator must collect, record and hold **vaccination information** about the pre-registration patron.

Patron obligation – patrons must use system

- (4) A patron (except a patron under 12 years and 2 months of age) who attends an open premises must comply with the requirements of the system maintained under subclause (1).
- (5) A patron who is a dependant of another patron is deemed to have complied with subclause (4) 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 12 years and 2 months 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.

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, 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; or
 - (c) if the worker is at the open premises when no patrons are or may be present at the same time, **partially vaccinated**.
- (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** or the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**; and
 - (b) the operator is authorised to use that information for the purposes of complying with subclause (1).

Disclosure to employer or contractor

- (5) If the operator is obliged to comply with clause 6(1) in relation to a worker and the operator is not:
- (a) the employer of the worker; or
 - (b) the person who engaged the worker to work at the premises,
- the operator is authorised to disclose to the employer or person who engaged the worker that the operator is obliged to comply with clause 6(1) in relation to the worker.

Exceptional circumstances

- (6) An operator of an open premises is not required to comply with this clause 7 if one or more of the exceptional circumstances specified in subclause (7) applies.
- (7) The exceptional circumstances are:
- (a) a worker is required to perform work or duties that is or are necessary to provide for urgent specialist clinical or medical care due to an **emergency situation** or a **critical unforeseen circumstance**; or
 - (b) a worker is required to fill a vacancy to provide urgent care, to maintain quality of care and/or to continue essential operations due to an emergency situation or a critical unforeseen circumstance; or
- Example 1: a large number of workers furloughed due to exposure at a Tier 1 site.*
- (c) a worker is required to respond to an emergency; or

- (d) a worker is required to perform urgent and essential work to protect the health and safety of workers or members of the public, or to protect assets and infrastructure.
- (8) If a circumstance specified in subclause (7) applies, the operator must take all reasonable steps to ensure that the worker does not work outside the worker's ordinary place of residence for any longer than the period of time necessary to respond to the exceptional circumstance.

8 Patron limits

- (1) The operator of an open premises must not permit the number of patrons:
 - (a) in all **indoor spaces** combined – to exceed the number specified for the premises in Column 2 in Schedule 1; and
 - (b) in all **outdoor spaces** combined – to exceed the number specified for the premises in Column 3 in Schedule 1.

Note: 'patron' is defined in clause 32(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 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

10 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.

11 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.

12 Education and childcare services

The obligations in Part 2 and the patron limits in Part 4 do not apply in relation to patrons who are enrolled in an **education and childcare service** and attend an open premises for the purpose of an activity including an excursion organised by the operator of that education and childcare service.

Note: the obligations in Part 2 and patron limits in Part 4 still apply to staff, parents and other persons who are not enrolled with the education and childcare service and attend the open premises for the activity.

13 Weddings

- (1) The obligations in Part 2 do not apply in relation to an open premises being operated for the purpose of conducting a wedding if the operator does not permit the number of patrons at the whole of the premises to exceed the lesser of:
 - (a) 50; and
 - (b) **density quotient (4 sq metres)**.
- (2) If an open premises is being operated 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 this clause 13:
 - (a) the two persons being married;
 - (b) the authorised celebrant;
 - (c) a photographer.

14 Funerals

- (1) The obligations in Part 2 do not apply in relation to an open premises being operated for the purpose of conducting a funeral if the operator does not permit the number of patrons at the whole of the premises to exceed the lesser of:
 - (a) 50; and
 - (b) density quotient (4 sq metres).
- (2) If an open premises is being operated for the purpose of conducting a funeral, the minimum number of persons reasonably necessary to conduct the funeral are not to be counted for the purpose of the patron limits specified in clause 8 or this clause 14.

15 Senior Secondary examinations

If an open premises is being operated only for the purpose of conducting **Senior Secondary examinations**, the obligations in Part 2, clause 9 (COVID Check-in Marshal) and any patron limits in Part 4 do not apply.

16 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 Open Premises 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.

17 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**18 Accommodation premises**

- (1) The obligations in Part 2 and clause 9 (COVID Check-in Marshal) 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) 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
 - (b) 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
 - (c) the operator operates any **physical recreation premises** within the accommodation premises in accordance with the requirements of these directions applicable to a physical recreation premises; and
 - (d) 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.

Exception for school use

- (3) Subclause (2) does not apply if an accommodation premises is being operated only for the purpose of one or more schools using the premises exclusively.

19 Adult education or higher education premises

- (1) Clauses 8 (Patron limits) and 9 (COVID Check-in Marshal) do not apply to an **adult education or higher education premises**.
- (2) The obligations in Part 2 do not apply to the operator of an adult education or higher education premises in relation to patrons and workers attending the premises for the purpose of receiving or providing **higher education services**, that:
 - (a) cannot be conducted remotely, including attending assessments and classes; or
 - (b) involve secondary school subjects.

20 Community premises*Exception for contactless collection or delivery*

- (1) The obligations in Part 2 and clause 9 (COVID Check-in Marshal) do not apply in relation to an indoor space or an outdoor space at a **community premises** if that indoor space or outdoor space at 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 group services

- (2) If a community premises is being operated for the purpose of providing essential public support group services in an indoor space or an outdoor space, the obligations in Part 2 and clause 9 (COVID Check-In Marshal) do not apply in relation to that indoor space or outdoor space if the operator does not permit the number of patrons in the space to exceed the lesser of:
 - (a) density quotient (4 sq metres); and
 - (b) 50.

Examples: support groups for people with alcohol or drug addictions.

Exception for essential public support services and essential public health services

- (3) If an indoor space or an outdoor space at a community premises is being operated for the purpose of providing essential public support services or essential public health services, the obligations in Part 2 and clause 9 (COVID Check-In Marshal) do not apply in relation to that indoor space or outdoor space.
- (4) If a community premises is being operated pursuant to subclause (3), the operator may only permit the minimum number of persons required to conduct and/or facilitate the essential public support service or essential public health service to access the indoor space or outdoor space.

Examples: immunisation services (including for non-COVID-19 vaccines), maternal child health services, a food bank or a service for homeless persons (including the provision of food or drink), providing access to shelter or amenities.

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

Exception for essential local government services

- (5) If an indoor space or an outdoor space at a community premises is being operated only for the purpose of:
- (a) providing access to essential local government services; or
Examples: to pay council levy rates and charges, to register a pet, to obtain a permit or to view a planning scheme.
- (b) conducting an essential local council meeting where attendance of patrons through remote electronic means is not reasonably practicable,
- the obligations in Part 2 and clause 9 (COVID Check-In Marshal) do not apply in relation to that indoor space or outdoor space.
- (6) If a community premises is being operated pursuant to subclause (5), the operator may only permit the minimum number of persons required to conduct and/or facilitate the essential local government service or essential local council meeting to access the indoor space or outdoor space.

Exception for use by mandatory vaccination workers

- (7) The obligations in Part 2 do not apply in relation to **mandatory vaccination workers** attending a community premises to perform work or participate in essential training in an indoor space or outdoor space if:
- (a) the community premises is not the mandatory vaccination worker's usual place of work; and
- (b) 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

- (8) 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 and clause 9 (COVID Check-in Marshal) do not apply to those parts of the premises.

21 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.

22 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 operates any food and drink premises within the premises in accordance with the requirements of these directions applicable to a food and drink premises.

23 Entertainment and function premises*Additional requirement for large events*

- (1) The operator of an entertainment and function premises which operates primarily in outdoor spaces must publish a COVID Safe event plan online if the number of patrons attending the premises at any one time is or is expected to be more than 30,000.

Exception for broadcasting

- (2) 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.

24 Food and drink premises*Exception for food courts*

- (1) The obligations in Part 2 and clause 9 (COVID Check-in Marshal) do not apply to a food and drink premises if it is part of a **food court**.

Exception for take-away only

- (2) 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 clause 9 (COVID Check-in Marshal) do not apply.

Exception for take-away and dine-in service

- (3) 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) indoor dine-in service or outdoor dine-in service,

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 dine-in 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 dine-in service and to staff at the premises.

Exception for food and drink premises

- (4) The obligations in clause 5(2)(a) and clause 9 (COVID Check-in Marshal) do not apply in relation to a food and drink premises that has a total area of all indoor spaces and outdoor spaces accessible to patrons of less than 100 square metres if:
 - (a) a person working at the premises requests that each patron (except patrons under 12 years and 2 months of age) show acceptable evidence that they are either:
 - (i) fully vaccinated; or
 - (ii) an excepted person;
 at an entrance to the premises or at the first point of service.

Note: the first point of service is when a worker first interacts with a customer during their attendance at the premises, for example when greeting a customer once they have entered the premises.

25 Funeral parlours and crematoriums

Lower patron limits for unvaccinated operations

The obligations in Part 2 and clause 9 (COVID Check-in Marshal) do not apply in relation to a funeral parlour or crematorium, if the operator of the premises:

- (1) does not permit the number of patrons in an indoor space or outdoor to exceed the density quotient (4 sq metres); and
- (2) does not permit the total number of patrons at the whole of the premises at any time to exceed the lesser of:
 - (a) the density quotient (4 sq metres); or
 - (b) 50.

26 General retail premises

Exception for general retail premises

- (1) The obligations in clause 9 do not apply in relation to a **general retail premises** that is not a **small general retail premises**.

*Note 1: the operator of a general retail premises must request each patron who attends the premises record their attendance in accordance with the **Workplace Directions**.*

Note 2: the operator of a general retail premises (other than a small general retail premises) is required to designate a person as a COVID Check-in Marshal to check a patron's vaccination status in accordance with clause 5(2)(a).

Exception for small general retail premises

- (2) The obligations in clause 5(2)(a) and clause 9 (COVID Check-in Marshal) do not apply in relation to a small general retail premises if a person working at the premises requests that each patron (except patrons under 12 years and 2 months years of age) show acceptable evidence that they are either:

- (a) fully vaccinated; or
- (b) an excepted person,

at the entrance to the premises or the first point of service.

Note: the first point of service is when a worker first interacts with a customer during their attendance at the premises, for example when greeting a customer once they have entered the premises.

27 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 do not apply in relation to any indoor space or outdoor space in a physical recreation premises if that space is being operated only for the purpose of conducting a community sport activity.

Exception for professional or high performance sport

- (3) The obligations in Part 2 do not apply to an operator of a physical recreation premises if:
 - (a) the physical recreation premises is used exclusively for training by **professional or high-performance sports persons**; and
 - (b) 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.

Exception for broadcasting

- (4) The obligations in Part 2 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 unstaffed gymnasiums, fitness centres and outdoor physical recreation premises

- (5) Clauses 5(2) and 9 (COVID Check-in Marshal) do not apply to unstaffed gymnasiums or fitness centres.
- (6) The obligations in Part 2 and clause 9 (COVID Check-in Marshal) do not apply to unstaffed outdoor physical recreation premises.

Exception for physical recreation premises within an accommodation premises

- (7) The obligations in clause 9 (COVID Check-in Marshal) do not apply to a physical recreation premises located within an accommodation premises.

Exception for use by mandatory vaccination workers

- (8) The obligations in Part 2 do not apply in relation to mandatory vaccination workers attending a physical recreation premises to perform work or participate in essential training in an indoor space or outdoor space if:
- (a) the physical recreation premises is not the mandatory vaccination worker's usual place of work; and
 - (b) the operator only permits the minimum number of persons necessary to access the indoor space or outdoor space for that purpose.

Exception for hydrotherapy services

- (9) The obligations in Part 2 do not apply in relation to patrons that attend a swimming pool or a **hydrotherapy pool** at a physical recreation premises for the purpose of obtaining hydrotherapy services (**hydrotherapy patrons**) if the operator complies with the requirements in subclause (10).
- (10) The requirements are that the operator:
- (a) ensures that each hydrotherapy 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 the hydrotherapy patrons to participate in group hydrotherapy services; and
 - (c) does not permit the number of hydrotherapy patrons at any one time to exceed 10 in any pool; 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 premises.

Exception for swimming lessons

- (11) The obligations in Part 2 do not apply in relation to patrons who attend a physical recreation premises:
- (a) for the purpose of participating in a swimming lesson conducted by a person with a current **Swimming and Water Safety Teacher Accreditation**; or
 - (b) to accompany a patron referred to in subclause (a) and who is the parent, guardian or carer of that patron.

28 Places of worship*Exception for broadcasting*

- (1) 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.

Lower patron limits for unvaccinated operations

- (2) 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 at the whole of the premises to exceed the lesser of:
 - (a) the density quotient (4 sq metres); or
 - (b) 50.

29 Real estate*Inspections*

- (1) The obligations in Part 2 do not apply in relation to an inspection of a real estate premises 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.

30 Restricted retail premises*Exception for restricted retail premises*

- (1) The obligations in clauses 5(2) and 9 (COVID Check-in Marshal) do not apply in relation to a restricted retail premises if:
 - (a) a person working at the premises requests that each patron (except patrons under 12 years and 2 months of age) show acceptable evidence that they are either:
 - (i) fully vaccinated; or
 - (ii) an excepted person,at an entrance to the premises or at the first point of service; and
 - (b) the total area of all indoor spaces and outdoor spaces accessible to patrons at the premises does not exceed 100 square metres.

Note: the first point of service is when a worker first interacts with a customer during their attendance at the premises, for example when greeting a customer once they have entered the premises.

31 Tours and transport*No shared equipment*

- (1) An operator of a premises used for **tourism services** must ensure any shared equipment used is cleaned between users.

Exception – tour transport

- (2) Clause 8 (Patron limits) does not apply to an operator of a premises used for **tourism services** if the tourism services are provided in:
 - (a) a vehicle or aircraft; or
 - (b) a cruise ship, if the operator does not permit the total number of patrons on the vessel to exceed 99.

PART 5 DEFINITIONS**32 Key definitions***Patrons, operators and workers*

- (1) For the purpose of these directions:
- (a) **excluded worker** means:
 - (i) a **Commonwealth employee**;
 - (ii) a **judge** or **judicial registrar**;
 - (iii) a person who works in connection with proceedings in a **court**, where that work cannot be done from the person's ordinary place of residence;
 - (iv) a person who is a member of the staff of Court Services Victoria within the meaning of the **Court Services Victoria Act 2014**;
 - (v) a person employed or engaged by the Chief Executive Officer of the Victorian Civil and Administrative Tribunal;
 - (vi) a member of State Parliament;
 - (vii) the Clerk of the Legislative Assembly;
 - (viii) the Clerk of the Legislative Council;
 - (ix) an electorate officer within the meaning of the **Parliamentary Administration Act 2004**;
 - (x) a parliamentary officer within the meaning of the **Parliamentary Administration Act 2004**;
 - (xi) a person who works at or in connection with a **place of worship** and:
 - (A) conducts services of public worship and acknowledgments of faith; or
 - (B) performs marriages, funerals and special memorial services according to tradition and ecclesiastical and civil law; or
 - (C) visits members of the community in their homes, hospitals and other institutions to provide advice and religious comfort for the purpose of end of life faith reasons;
 - (xii) a person identified in Article 1 of the Vienna Convention on Diplomatic Relations, as set out in the Schedule to the **Diplomatic Privileges and Immunities Act 1967** of the Commonwealth;
 - (xiii) a person identified in Article 1 of the Vienna Convention on Consular Relations, as set out in the Schedule to the *Consular Privileges and Immunities Act 1972* of the Commonwealth;
 - (xiv) the Governor and the Lieutenant Governor;
 - (b) **operator** means the operator of an **open premises** or where an **indoor space** or **outdoor space** at an open premises has been leased or hired for use for a period of time, the person to whom that space has been leased or hired for that period of time;
 - (c) **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;
 - (d) **pre-registration patron** means:
 - (i) in relation to an **adult education or higher education premises**, a **patron** that is a student undertaking studies in a regular class or lecture room at the premises;

- (ii) in relation to a **place of worship**, a patron that is prohibited for religious reasons from complying with the obligation to provide **acceptable evidence** that they are **fully vaccinated** or an **excepted person** to the operator on each occasion that they attend the place of worship; or
 - (iii) in relation to an unstaffed gymnasium or fitness centre, any **patron**;
 - (iv) in relation to a **physical recreation premises** located within an **accommodation premises**, any patron;
- (e) **worker** means any person engaged or employed by the operator of an **open premises** to work at the open premises but does not include an **excluded worker**.

Types of premises

- (2) For the purpose of these directions:
- (a) **open premises** means a premises specified in Column 1 of Schedule 1;
 - (b) **pre-registration premises** means:
 - (i) an **adult education or higher education premises**;
 - (ii) a **place of worship** to the extent, and only during the periods of time during which, that place of worship conducts religious ceremonies; or
 - (iii) an unstaffed gymnasium or fitness centre;
 - (iv) a **physical recreation premises** located within an **accommodation premises**;
 - (c) **specified facility** has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
 - (d) **work premises** means a **premises** on which work is undertaken, including any vehicle whilst being used for work purposes, but excludes a person's ordinary place of residence.

Indoor and outdoor spaces

- (3) For the purpose of these directions:
- (a) **density quotient (2 sq metres)** in relation to an **indoor space** or an **outdoor space** that is accessible to **patrons** 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;
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 19.13. The maximum number of patrons that may be present in the space at a single time is 19.
 - (b) **density quotient (4 sq metres)** in relation to an **indoor space** or an **outdoor space** that is accessible to **patrons** 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;
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 maximum number of patrons that may be present in the space at a single time is 9.
 - (c) **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;
 - (d) **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**;
 - (b) **partially vaccinated**; or
 - (c) **excepted person**.
- (5) A person is **fully vaccinated** if the person has received either one dose of a **one dose COVID-19 vaccine** or two doses of a **two dose COVID-19 vaccine**, including a dose of two different types of a two dose COVID-19 vaccine.
- (6) A person is **partially vaccinated** if the person has received one dose of a **two dose COVID-19 vaccine** and is not an **excepted person**.
- (7) A person is an **excepted person** if:
- (a) the person holds **acceptable certification** that the person is unable to receive a dose, or a further dose, of any **COVID-19 vaccine** that is available in Australia due to:
 - (i) a **medical contraindication**; or
 - (ii) an acute medical illness (including where the person has been diagnosed with SARS-CoV-2); or
 - (b) the person is under 12 years and 2 months of age.
- (8) An **acceptable certification** for the purpose of subclause (7)(a) and subclause (9)(a)(i)(D) is:
- (a) a COVID-19 digital certificate issued by Services Australia and displayed through the Medicare App, Service Victoria App or equivalent smartphone wallet that states that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia; or
 - (b) a printed version of the COVID-19 digital certificate referred to in paragraph (a).

Vaccination information and acceptable evidence

- (9) For the purposes of these directions:
- (a) **acceptable evidence** means:
 - (i) in relation to a person who is **fully vaccinated** and ordinarily resides in Australia:
 - (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;
 - (D) in relation to an **excepted person**, an **acceptable certification**;
 - (ii) in relation to a person who is **fully vaccinated** and ordinarily resides outside Australia:
 - (A) a copy of the evidence that has been sighted by the Commonwealth Government as proof of vaccination for the purposes of entry to Australia consisting of either the Australian Traveller Declaration or the COVID-19 Vaccination and Testing Declaration for travel to Australia; and

- (B) a copy of a paper or digital certificate issued by an overseas government authority or an accredited overseas government vaccination provider that shows the person is fully vaccinated with a vaccine approved or recognised by the Therapeutic Goods Administration, is written in English or accompanied by a certified translation, and contains:
 1. the person's name as it appears in their passport;
 2. the person's date of birth or passport number;
 3. the vaccine brand name, and
 4. the date of each dose or the date on which a full course of immunisation was completed; or
- (C) an Australian International COVID-19 Vaccination Certificate; and
- (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, a certificate of immunisation or an immunisation history statement obtained from the Australian Immunisation Register. For overseas travellers, it may be recorded in an Australian International COVID-19 Vaccination Certificate or vaccination certificates issued by an overseas government authority, accompanied by the Australian Traveller Declaration or COVID-19 Vaccination and Testing Declaration for travel to Australia.

Public events

- (10) 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

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

 - (D) publicly announced or advertised; and
 - (E) which may be in a **premises**, venue, **indoor space** or **outdoor space** where such an event (or a series of events) forms part of the routine operations, use, activities or services of the premises, venue, indoor space or outdoor space; or
 - (ii) an event (or series of events) deemed by the Victorian Government to be a State-critical public event (or a series of events),

Examples: an exhibition, sport event, festival, fair, parade, performance or trade show.
- but does not mean:
 - (iii) an ad hoc public gathering in a public place; 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 (Victoria)** otherwise continue to apply; and
- (b) **exempt public event** means an eligible public event which, subject to the process described in the Public Event Framework, the Chief Health Officer or Deputy Chief Health Officer has exempted from a requirement in the Directions currently in force in accordance with clause 16 or the equivalent subclause in any **revoked Open Premises Directions**; and
 - (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.

33 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**; and
 - (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.

Community premises

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

Creative arts premises

- (4) 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**.

Entertainment and function premises

- (5) 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; and
 - (b) **entertainment and function premises** means any 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 **gaming machine premises**;
 - (x) a brothel, sex on premises venue or sexually explicit entertainment venue;
 - (xi) a bingo centre;
 - (xii) a karaoke premises;
 - (xiii) a **nightclub**;

- (xiv) an **animal premises**;
- (xv) a **function premises**;
- (xvi) a convention centre;
- (xvii) a **licensed premises** to the extent that it is operated as a premises specified in paragraphs (i) to (xvi); and
- (c) **function premises** means a building, room or space that is used for the purpose of holding events, functions, conferences or receptions; and
- (d) **National Performing Arts Company** means an organisation funded through the National Performing Arts Partnership Framework; and
- (e) **nightclub** means a **premises**:
 - (i) to which a **late night licence** applies; and
 - (ii) with a dancefloor; and
- (f) **State Library** means the State Library Victoria; and
- (g) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

Food and drink premises

- (6) For the purposes of these directions:
 - (a) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
 - (b) **food court** has the same meaning as in the **Liquor Control Reform Act 1998**; and
 - (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); and
 - (d) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
 - (e) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
 - (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**; and
 - (g) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
 - (h) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
 - (i) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
 - (j) **small food and drink premises** means a **food and drink premises** with a total area of all spaces accessible to members of the public of less than 100 square metres.

Gaming machine premises

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

General retail premises

- (8) For the purposes of these directions:
- (a) **bottle shop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the premises; and
 - (b) **essential retail premises** means:
 - (i) a market;
 - (ii) a supermarket;
 - (iii) a bottle shop;
 - (iv) a petrol station;
 - (v) a newsagent;
 - (vi) a post office;
 - (vii) a grocery store;
 - (viii) a bakery;
 - (ix) a butcher;
 - (x) a fruit and vegetable store;
 - (xi) a fishmonger;
 - (xii) a pharmacy;
 - (xiii) a premises on which vehicle and mechanical repair services are conducted;
 - (xiv) a pet store;
 - (xv) a car wash that can operate in a fully contactless manner;
 - (xvi) a laundry;
 - (xvii) a premises that is used wholly or predominantly for the sale of clothing or supplies, for children, maternity and newborns;
 - (xviii) a dry cleaners;
 - (xix) communal spaces in a retail shopping centre but does not include a retail store that is not a premises referred to in paragraphs (i) to (xviii) (xviii); and
 - (c) **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; or
 - (ii) a **retail betting premises**,but does not include:
 - (iii) an **essential retail premises**; or
 - (iv) a **restricted retail premises**; and

*Note: financial and banking retail outlets and premises that are used wholly or predominantly for the provision of health services (including allied or remedial services such as myotherapy), government services, employment services (such as a recruitment or temporary labour hire office) and professional services (such as architecture firms, law firms and accounting firms) are not considered **general retail premises** and the obligations in Part 2 do not apply in relation to patrons who attend these premises.*

- (d) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**; and
- (e) **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; and
- (f) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**; and
- (g) **small general retail premises** means a **general retail premises** where the total of all indoor spaces accessible to members of the public is less than 2000 square metres; and
- (h) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**.

Physical recreation premises

- (9) For the purposes of these directions:
 - (a) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes; and
 - (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**;
 - (vii) a premises specified in paragraphs (i) to (vi) that is located within an **accommodation premises**,
 but does not include:
 - (viii) a premises that has a skatepark in an outdoor space; or
 - (ix) a premises that has outdoor communal exercise equipment; and
 - (c) a creative arts premises; and
Note: a skatepark in an outdoor space and outdoor communal exercise equipment are part of the definition of 'community premises'.
 - (d) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer.

Places of worship

- (10) For the purposes of these directions:
 - (a) **place of worship** has the same meaning as in the **Heritage Act 2017**.

Real estate

- (11) For the purposes of these directions:
- (a) **estate agent** has the same meaning as in the **Estate Agents Act 1980**; and
 - (b) **real estate** has the same meaning as in the **Estate Agents Act 1980**.

Restricted retail premises

- (12) For the purposes of these directions:
- (a) **beauty therapy premises** means a premises at which beauty therapy and personal care services are provided; and
 - (b) **beauty therapy** has the same meaning as in the **PHW Act**; and
 - (c) **hairdressing premises** means a premises at which hairdressing services are provided; and
 - (d) **hairdressing** has the same meaning as in the **PHW Act**; and
 - (e) **restricted retail premises** means:
 - (i) a **beauty therapy premises**; or
 - (ii) a **hairdressing premises**.

Tours and tourism

- (13) 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**; and
 - (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.

34 Other definitions

For the purposes of these directions:

- (1) **ATAGI** means the Australian Technical Advisory Group on Immunisation;
- (2) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (3) **Commonwealth employee** has the same meaning as in the **Sex Discrimination Act 1984** of the Commonwealth;
- (4) **court** means:
 - (a) the Supreme Court;
 - (b) the County Court;
 - (c) the Magistrates' Court;
 - (d) the Children's Court;
 - (e) any Federal Court;

- (5) **COVID-19 Mandatory Vaccination (Specified Facilities) Directions** means the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 13)** as amended or replaced from time to time;
- (6) **COVID-19 Mandatory Vaccination (Workers) Directions** means the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 8)** 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, provisionally registered or recognised 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) **COVID Check-in Marshal** means a person designated to perform the duty specified in clause 5(2)(a)(ii) and in clause 9;
- (9) **critical unforeseen circumstance** means a circumstance that the operator could not reasonably have foreseen nor planned for which results in a critical need for staff;
- (10) **Directions currently in force** has the same meaning as in the **Workplace Directions** as amended or replaced from time to time;
- (11) **education and childcare service** means:
- (a) school education at a registered school as defined in the **Education and Training Reform Act 2006**;
 - (b) onsite early childhood education and care services or children's services provided under the:
 - (i) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care service, early childhood intervention services, and mobile services, but not including 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;
- (12) **emergency situation** means a situation where it is reasonably apparent to an employer that medical treatment is necessary, as a matter of urgency to:
- (a) save a person's life; or
 - (b) prevent serious damage to a person's health; or
 - (c) prevent a person from suffering or continuing to suffer significant pain or distress;
- (13) **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);
- (14) **judge** has the same meaning as **judicial officer** in the **Judicial Entitlements Act 2015**, but does not include the Deputy State Coroner or a reserve coroner;
- (15) **judicial registrar** has the same meaning as **judicial registrar** in **Judicial Entitlements Act 2015**, but does not include a judicial registrar within the meaning of the **Coroners Act 2008**;
- (16) **mandatory vaccination worker** means:
- (a) a person who is a **worker** within the meaning of the **COVID-19 Mandatory Vaccination (Workers) Directions**;

- (b) a person who is a **worker** in relation to a **specified facility** within the meaning of the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**; and
 - (c) an **excluded worker**;
- (17) **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;
- (18) **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;
- (19) **one dose COVID-19 vaccine** means a **COVID-19 vaccine** called ‘COVID-19 Vaccine Janssen’ (Jansen-Cilag);
- (20) **premises** has the same meaning as in the **PHW Act**;
- (21) **revoked Open Premises Directions** means any of the **Restricted Activity Directions (Victoria)**, the **Restricted Activity Directions (Regional Victoria)**, the **Restricted Activity Directions (Metropolitan Melbourne)** or **Open Premises Directions** that came into effect on or after 27 May 2021 and are no longer in force;
- (22) **Senior Secondary examination** means an examination relating to a senior secondary certificate;
- (23) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No. 30)** as amended or replaced from time to time;
- (24) **Swimming and Water Safety Teacher Accreditation** means an accreditation earned following the successful completion of an SISS001122 course, or accreditation earned following the completion of an equivalent course;

- (25) **two dose COVID-19 vaccine** means any of the following **COVID-19 vaccines**:
- (a) Vaxzevria (AstraZeneca);
 - (b) Comirnaty (Pfizer);
 - (c) Spikevax (Moderna);
 - (d) Coronvac (Sinovac);
 - (e) Covishield (Astrazeneca/Serum Institute of India);
 - (f) Covaxin (Bharat Biotech); or
 - (g) BBIP-CorV (Sinopharm);
- (26) **Workplace Directions** means the **Workplace Directions (No. 57)** as amended or replaced from time to time.

PART 7 – MISCELLANEOUS

35 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.

36 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 25 November 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

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 18	Clause 33(1)
2.	adult education or higher education premises	No limits	No limits	Clause 19	Clause 33(2)
3.	amusement parks	No limits	No limits	Not applicable	Not applicable
4.	arcades, escape rooms, bingo centres	No limits	No limits	Not applicable	Not applicable
5.	casino	No limits	No limits	Not applicable	Not applicable
6.	community premises	No limits	No limits	Clause 20	Clause 33(3)
7.	creative arts premises	No limits	No limits	Clause 21	Clause 33(4)
8.	drive-in cinemas	Not applicable	Not applicable	Clause 22	Clause 33(5)
9.	entertainment and function premises that are not specified elsewhere in this Column 1	30,000	No limits	Clause 23	Clause 33(5)
10.	food and drink premises	No limits	No limits	Clause 24	Clause 33(6)
11.	funeral parlours and crematoriums	No limits	No limits	Clause 25	Not applicable
12.	gaming machine premises	No limits	No limits	Not applicable	Clause 33(7)
13.	general retail premises	No limits	No limits	Clause 26	Clause 33(8)
14.	karaoke and nightclubs	No limits	No limits	Not applicable	Clause 33(5)
15.	physical recreation premises	No limits	No limits	Clause 27	Clause 33(9)
16.	places of worship	No limits	No limits	Clause 28	Clause 33(10)
17.	real estate premises	No limits	No limits	Clause 29	Clause 33(11)
18.	restricted retail premises	No limits	No limits	Not applicable	Clause 33(12)
19.	sex on premises, brothels and sexually explicit venues	No limits	No limits	Not applicable	Clause 33(5)
20.	swimming pools, spas, saunas, steam rooms and springs	No limits	No limits	Clause 27	Clause 33(9)

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
21.	tours	No limits	No limits	Clause 31	Clause 33(13)
22.	premises used for tourism services	No limits	No limits	Clause 31	Clause 33(13)

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. 58)**

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. 57)**.

2 Citation

These directions may be referred to as the **Workplace (Additional Industry Obligations) Directions (No. 58)**.

3 Revocation

The **Workplace (Additional Industry Obligations) Directions (No. 57)** are revoked at 6:00:00 pm on 25 November 2021.

4 Commencement

These directions commence at 6:00:00 pm on 25 November 2021 and end at 11:59:00 pm on 15 December 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) **care facilities;**
 - (h) **ports of entry** servicing international arrivals;
 - (i) **hotel quarantine;**
 - (j) **hospitals;**
 - (k) **construction sites.**
- (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 (a), anywhere in Victoria, unless these directions indicate otherwise.

6 General Obligations

- (1) This clause 6 does not apply to the following Additional Obligation Industries:

- (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) ports of entry servicing international arrivals;
- (g) commercial cleaning services;
- (h) care facilities;
- (i) hospitals (except for **high-risk hospital Work Premises**, to which the clause does apply);
- (j) construction sites.

Note: the exception of care facilities and hospitals (except for high-risk hospital Work Premises) as being exempt 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, care facilities, hospitals, commercial cleaning services, ports of entry, warehousing and distribution centres, supermarket Work Premises and perishable food Work Premises, and construction sites); and

Note: the exception of meat, poultry and seafood processing, care facilities, hospitals, commercial cleaning services, ports of entry, warehousing and distribution centres, supermarket Work Premises and perishable food Work Premises, and construction sites from the requirements in subclause (a) does not exempt meat, poultry and seafood processing, care facilities, hospitals, ports of entry, warehousing and distribution centres, supermarket Work Premises and perishable food Work Premises, and construction sites 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) for industries that require workers to undergo a **SARS-CoV-2 rapid antigen test**, if a worker receives an invalid test result from the SARS-CoV-2 rapid antigen test, the employer must direct the worker to undertake a second SARS-CoV-2 rapid antigen test as soon as possible; and
- (iii) for industries that require workers to undergo a SARS-CoV-2 rapid antigen test, if a worker receives:
- (A) a positive test result from the SARS-CoV-2 rapid antigen test; or
- (B) two successive invalid SARS-CoV-2 rapid antigen test results, the employer must direct the worker to:
- (C) undertake a **SARS-CoV-2 PCR test** as soon as possible; and
- (D) self-isolate until a negative SARS-CoV-2 PCR test result is received; and
- (iv) keep records of surveillance testing of workers for SARS-CoV-2, which demonstrate that the employer has complied with its obligations under subclause (i) in relation to the Work Premises; and
- (v) provide the records required to be kept by the employer under subclause (iv) 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.

- (2) An employer is not required to carry out surveillance testing for SARS-CoV-2 pursuant to subclause (1)(b)(i) in relation to a worker who is a **confirmed case** for period of 90 days commencing from the date the diagnosis of SARS-CoV-2 is confirmed through a **SARS-CoV-2 PCR test**.

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) at a minimum, wearing a surgical face mask, unless it is not reasonably practicable to wear a surgical face mask 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 (b) unless an exception under the **Stay Safe Directions (Victoria)** applies in respect of a worker, in which case the employer is exempted from requiring that worker to wear a **face covering**.*

*Note 2: the exception from the requirement to wear a face covering pursuant to clause 5(3)(i) of the **Stay Safe Directions (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.*

Care facilities

- (4) 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 any indoor space at the care facility if the worker is performing a resident-facing role at the care facility, unless an exception under the **Stay Safe Directions (Victoria)** applies to that worker.

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 1: the exception from the requirement to wear a face covering pursuant to clause 5(3)(i) of the **Stay Safe Directions (Victoria)** does not apply to a worker at a Work Premises that is a care facility in Victoria.*

Note 2: a care facility worker working in a resident-facing role at a care facility must wear a mask at all times while working in an indoor space including when they are not interacting with residents.

- (5) 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 (a) that they are working across more than one Work Premises.
- (6) 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 (excluding a **visiting health care professional**) 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) if the employee or contractor is **fully vaccinated**:
 - (i) at least 7 days have elapsed since the last time the employee or contractor worked at that other facility while a confirmed case was present; and

- (ii) the employee or contractor:
 - (A) has undertaken a test for SARS-CoV-2 on or after 6 days from the day that the employee or contractor last worked at that other facility while a confirmed case was present; and
 - (B) received confirmation that the results of the test undertaken pursuant to subclause (A) were negative; or
- (d) if the employee or contractor is not fully vaccinated:
 - (i) 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
 - (ii) the employee or contractor:
 - (A) 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
 - (B) received confirmation that the results of the test undertaken pursuant to subclause (A) were negative; and
- (e) the employee or contractor has provided evidence of the negative test result pursuant to subclause (c) or (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 (6) 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 either 7 days if they are fully vaccinated or 14 days if they are not fully vaccinated 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.

- (7) For the avoidance of any doubt, the obligations on an employer in subclause (6) do not apply to a **visiting health care professional** entering the care facility.
- (8) 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.
- (9) The Chief Health Officer may grant an exemption in writing to the requirements of subclause (6).

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

- (10) Subject to subclause (11), 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, 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 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. It also refers to boarding or entering a vessel, ship or aircraft where international passengers and crew are or have been.

- (11) Despite subclause (10), a port of entry worker does not include any worker who works in an international departures area of an airport.
- (12) 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) make available an adequate supply of personal protective equipment free of charge to port of entry workers; and
- (b) ensure that all port of entry workers wear **appropriate personal protective equipment** in accordance with the requirements of the Department; and
- (c) if they are an employer of an international aircrew service worker, keep, and provide to the Department upon request by the Department, records of:
- (i) the date and time each SARS-CoV-2 rapid antigen test is administered to an international aircrew service worker; and
- (ii) the result of each SARS-CoV-2 rapid antigen test administered to an international aircrew service worker; and
- (iii) in the event that the result of the SARS-CoV-2 rapid antigen test is positive for an international aircrew service worker, the date, time and result of a polymerase chain reaction test undertaken on that worker.

Hotel quarantine

- (13) In relation to a Work Premises that is a hotel quarantine Work Premises, an employer must:
- (a) make available an adequate supply of personal protective equipment free of charge to workers; and
- (b) ensure that all workers wear appropriate personal protective equipment in accordance with the requirements of the Department; and
- (c) 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.

Hospitals

- (14) In relation to those parts of a hospital that are a high-risk hospital Work Premises, an employer must:
- (a) 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.

- (15) Subject to subclause (16), 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.
- (16) Subclause (15) does not apply where it is not practicable to limit a high-risk hospital Work Premises worker to only one Work Premises.
- (17) Where subclause (16) 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.

- (18) 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 (a) that they are working across more than one Work Premises.
- (19) 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.

- (20) In relation to:
- (a) unless subclause (b) applies, a Work Premises identified in Column 1 of Schedule 1, an employer must comply with the restrictions and requirements outlined in Column 2 of Schedule 1; and
 - (b) a Work Premises identified in Column 1 of Schedule 2, an employer must comply with the restrictions and requirements outlined in Column 2 of Schedule 2 from the date specified in Column 3 of Schedule 2,
- except in relation to:
- (c) an in vitro fertilisation (IVF) procedure performed at a Work Premises that is:
 - (i) a registered facility; or
 - (ii) at a **theatre complex** within a public hospital only if:
 - (A) the employer has reduced the volume of IVF procedures performed per week by at least 50 per cent compared to the usual volume of allocated list time for IVF procedures prior to the introduction of any restrictions on IVF procedures under a revoked **Workplace (Additional Industry Obligations) Directions** or Restricted Activity Directions; or

(B) the IVF procedure is 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

(d) a procedure for the surgical termination of pregnancy.

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) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (6) **Border Directions** means the **Victorian Border Crossing Permit Directions (No. 40)** as amended or replaced from time to time;
- (7) **Care Facilities Directions** means the **Care Facilities Directions (No. 50)** as amended or replaced from time to time;
- (8) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (9) **care facility worker** has the same meaning as ‘worker’ in the **Care Facilities Directions**;
- (10) **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;
- (11) **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;
- (12) **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;
- (13) **Category 3 elective surgery procedure** means a procedure that is clinically indicated within 365 days but is unlikely to deteriorate quickly;
- (14) **cleaned** has the same meaning as in the **Workplace Directions**;
- (15) **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 worker 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).
- (16) **construction site** means a Work Premises at which civil works, building or construction activities take place;

- (17) **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;
- (18) **day procedure centre** has the same meaning as in the **Hospital Visitor Directions**;
- (19) **density quotient** has the same meaning as in the **Workplace Directions**;
- (20) **Department** means the Department of Health;
- (21) **Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (22) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (23) **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);
- (24) **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**;
- (25) **employee** includes a person who is self-employed;
- (26) **employer** means a person who owns, operates or controls a **Work Premises** and includes a person who is self-employed or a sole-trader;
- (27) **face covering** has the same meaning as in the **Workplace Directions**;
- (28) **fully vaccinated** has the same meaning as in the **Open Premises Directions**;
- (29) **high-risk hospital Work Premises** means any **hospital** ward treating a **confirmed case** or cases of **SARS-CoV-2**;
- (30) **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**;
- (31) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (32) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 40)** as amended or replaced from time to time;
- (33) **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;
- (34) **inspector** has the same meaning as in the **OHS Act**;
- (35) **meat processing facility** has the meaning under the PrimeSafe licence category 'further meat processing facilities';
- (36) **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**;
- (37) **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;
- (38) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (39) **Open Premises Directions** means the **Open Premises Directions (No. 7)** as amended or replaced from time to time;

- (40) **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.*
- (41) **patient** has the same meaning as in the **Hospital Visitor Directions**;
- (42) **perishable food Work Premises** means a **Work Premises** that is predominantly a perishable food facility that is a chilled distribution facility;
- (43) **personal protective equipment** has the same meaning as in the **Occupational Health and Safety Regulations 2017**;
- (44) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (45) **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**;
- (46) **port of entry** means a **port** or **airport**;
- (47) **port of entry worker** has the meaning in clause 7(10);
- (48) **poultry processing facility** has the meaning under the PrimeSafe licence category ‘poultry meat processing facilities’;
- (49) **premises** has the same meaning as in the **PHW Act**;
- (50) **private hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (51) **public hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (52) **reasonably practicable** is to have its ordinary and common sense meaning;
- (53) **Regional Victoria** means the areas within the State of Victoria that are not part of Metropolitan Melbourne;
- (54) **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’;
- (55) **representative** in relation to the **operator** of a construction site means the site manager, the duty holder or a registered builder;
- (56) **revoked Workplace (Additional Industry Obligations) Direction** means any of the previous **Workplace (Additional Industry Obligations) Directions** which are no longer in force;
- (57) **SARS-CoV-2 Symptoms** has the same meaning as in the **Workplace Directions**;
- (58) **seafood processing facility** has the meaning under the PrimeSafe licence category ‘seafood processing facilities’;
- (59) **SARS-CoV-2 PCR test** means a SARS-CoV-2 polymerase chain reaction test;
- (60) **SARS-CoV-2 rapid antigen test** means a SARS-CoV-2 rapid antigen test;
- (61) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No. 29)** as amended or replaced from time to time;
- (62) **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;

- (63) **supermarket Work Premises** means the total of all **supermarket** distribution facilities;
- (64) **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.*
- (65) **theatre complex** means the suite of rooms at a hospital where medical procedures are performed and ancillary services are conducted;
- (66) **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**;
- (67) **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;
- (68) **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.*
- (69) **visiting health care professional** means a health care worker whose usual place of work is not the facility but who attends to provide health care services to a resident or facility;
- (70) **Workplace Directions** means the **Workplace Directions (No. 57)** as amended or replaced from time to time;
- (71) **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.*
- (72) **worker** includes **employees**, labour hire, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work.

10 Penalties

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

- Penalty: In the case of a natural person, 60 penalty units;
In the case of a body corporate, 300 penalty units.
- (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading.
- Penalty: In the case of a natural person, 60 penalty units;
In the case of a body corporate, 300 penalty units.
- (3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the charge for the accused to prove that at the time at which the offence is alleged to have been committed, the accused believed on reasonable grounds that the information, statement or document was true or was not misleading.
- (2) Section 203 of the **PHW Act** provides:
- Compliance with direction or other requirement**
- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.
- Penalty: In the case of a natural person, 120 penalty units;
In the case of a body corporate, 600 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.
- (3) A person who fails to comply with these directions is liable for an on-the-spot fine of:
- (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 25 November 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 – CURRENT RESTRICTIONS ON ELECTIVE SURGERY

Work Premises (Column 1)	Current elective surgery restrictions (Column 2)
<p>Private hospitals in Metropolitan Melbourne and in the local government area of the City of Greater Geelong, the City of Ballarat, the City of Greater Shepparton, the City of Greater Bendigo and the City of Latrobe</p> <p>Day procedure centres in Metropolitan Melbourne</p>	<p>(a) An employer may only permit elective surgery procedures to be performed if the employer:</p> <ul style="list-style-type: none"> (i) provides a report to the Department on a fortnightly basis that specifies the volume of elective surgery procedures it is performing and how requests for support from public health services to assist with the COVID-19 response have been fulfilled; and (ii) does not exceed the volume cap on elective surgery procedures in paragraph (b). <p>(b) An employer must ensure that the volume of elective surgery procedures performed per week is less than 50 per cent of the usual volume of allocated list time prior to the introduction of restrictions on elective surgery procedures under a revoked Workplace (Additional Industry Obligations) Directions or Restricted Activity Directions.</p> <p>(c) An employer must ensure patients requiring elective surgery procedures are prioritised based on clinical need. An employer must accommodate urgent elective surgery patients within the 50 per cent cap specified in paragraph (b).</p> <p>(d) An employer must not permit cosmetic surgery or other procedures not addressing significant medical conditions that do not have an MBS item to be performed.</p> <p>(e) 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 (b):</p> <ul style="list-style-type: none"> (i) all activity undertaken on behalf of public health services or public hospitals; and (ii) emergency surgery. <p>(f) An employer must not accept referrals from public health services of public patients waiting for procedures that are not urgent elective surgery procedures, including Category 2B and Category 3 elective surgery procedures if the employer is not performing non-urgent elective surgery procedures on private patients.</p>

<p>All public health services located in Metropolitan Melbourne that do not operate a COVID-19 streaming area</p>	<p>(a) An employer must ensure that the volume of elective surgery procedures performed per week is less than 50 per cent of the usual volume of allocated list time prior to the introduction of restrictions on elective surgery procedures under a revoked Workplace (Additional Industry Obligations) Directions or Restricted Activity Directions.</p> <p>(b) An employer must ensure patients requiring elective surgery procedures are prioritised based on clinical need. An employer must accommodate urgent elective surgery patients within the 50 per cent cap specified in paragraph (a).</p>
<p>All public health services located in Metropolitan Melbourne that operate a COVID-19 streaming area</p> <p>All public health services that are:</p> <ul style="list-style-type: none"> ● part of Barwon Health; ● part of the Ballarat Health Service campus of Grampians Health; ● part of Goulburn Valley Health; ● part of Bendigo Health; or ● the Latrobe Regional Hospital 	<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 all elective surgery procedures that are not urgent elective surgery procedures, including Category 2B elective surgery procedures and Category 3 elective surgery procedures and non-urgent non-ESIS procedures, are temporarily postponed.</p> <p>(c) An employer must not refer public patients to a private hospital who are waiting for procedures that are not urgent elective surgery procedures, including Category 2B and Category 3 elective surgery procedures unless that registered facility is performing non-urgent elective surgery procedures on private patients.</p>
<p>All public health services and public hospitals in Regional Victoria that do not operate a COVID-19 streaming area</p>	<p>(a) If an employer intends to reduce the volume of its allocated elective surgery procedure list, the employer must notify the Department prior to postponing any elective surgery procedures.</p>

SCHEDULE 2 – FUTURE RESTRICTIONS ON ELECTIVE SURGERY

Work Premises (Column 1)	Future elective surgery restrictions (Column 2)	Commencement date (Column 3)
Private hospitals and Day Procedure Centres in Metropolitan Melbourne	<p>(a) An employer may only permit elective surgery procedures to be performed if the employer:</p> <ul style="list-style-type: none"> (i) provides a report to the Department on a fortnightly basis that specifies the volume of elective surgery procedures it is performing and how requests for support from public health services to assist with the COVID-19 response have been fulfilled; and (ii) does not exceed the volume cap on elective surgery procedures in paragraph (b). <p>(b) An employer must ensure that the volume of elective surgery procedures performed per week is less than 75 per cent of the usual volume of allocated list time prior to the introduction of restrictions on elective surgery procedures under a revoked Workplace (Additional Industry Obligations) Directions or Restricted Activity Directions.</p>	29 November 2021
<p>Private hospitals in the local government areas of:</p> <ul style="list-style-type: none"> ● the City of Greater Geelong; ● Ballarat; ● Shepparton; ● Bendigo; and ● the Latrobe Valley 	<p>(c) An employer must ensure patients requiring elective surgery procedures are prioritised based on clinical need. An employer must accommodate urgent elective surgery patients within the 75 per cent cap specified in paragraph (b).</p> <p>(d) An employer must not permit cosmetic surgery or other procedures not addressing significant medical conditions that do not have an MBS item to be performed.</p> <p>(e) The following services completed by private hospitals do not count towards the 75 per cent cap in place at each registered facility in accordance with paragraph (b):</p> <ul style="list-style-type: none"> (i) all activity undertaken on behalf of public health services or public hospitals; and (ii) emergency surgery. 	

<p>All public health services located in Metropolitan Melbourne that do not operate a COVID-19 streaming area</p>	<p>(a) An employer must ensure that the volume of elective surgery procedures performed per week is less than 75 per cent of the usual volume of allocated list time prior to the introduction of restrictions on elective surgery procedures under a revoked Workplace (Additional Industry Obligations) Directions or Restricted Activity Directions.</p> <p>(b) An employer must ensure patients requiring elective surgery procedures are prioritised based on clinical need. An employer must accommodate urgent elective surgery patients within the 75 per cent cap specified in paragraph (a).</p>	<p>29 November 2021</p>
<p>All public health services that are:</p> <ul style="list-style-type: none"> ● part of the Ballarat Health Service campus of Grampians Health; ● part of Goulburn Valley Health; ● part of Bendigo Health; and ● the Latrobe Regional Hospital 	<p>(a) An employer must ensure that the volume of elective surgery procedures performed per week is less than 50 per cent of the usual volume of allocated list time prior to the introduction of restrictions on elective surgery procedures under a revoked Workplace (Additional Industry Obligations) Directions or Restricted Activity Directions.</p> <p>(b) An employer must ensure patients requiring elective surgery procedures are prioritised based on clinical need. An employer must accommodate urgent elective surgery patients within the 50 per cent cap specified in paragraph (a)</p>	<p>29 November 2021</p>

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. 57)**

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. 56)**.

2 Citation

These directions may be referred to as the **Workplace Directions (No. 57)**.

3 Revocation

The **Workplace Directions (No. 56)** are revoked at 6:00:00 pm on 25 November 2021.

4 Commencement

These directions commence at 6:00:00 pm on 25 November 2021 and end at 11:59:00 pm on 15 December 2021.

5 Operation of a Work Premises

- (1) Where an employer permits or requires work to be performed at a Work Premises, the employer must comply with clauses 6 to 8.
- (2) A worker must not attend a Work Premises if:
 - (a) they have been tested for SARS-CoV-2 because they are symptomatic; and
 - (b) they are awaiting the result of that test.

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 (Victoria)** 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 (Victoria)** applies.

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

- (1A) An employer of an **education premises** must take all reasonable steps to ensure that each student who physically attends the education premises complies with any requirement to wear a face covering that may apply to the student under the **Stay Safe Directions (Victoria)**.

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 (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 (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 or **retail shopping centres**, 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) applies 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
 - (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 (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;
 - (b) Work Premises rosters;
 - (c) time and attendance records;
 - (d) payroll data.
- (16) In collecting the information outlined in subclause (15), an employer must:
- (a) use reasonable endeavours to protect the personal information from use or disclosure, other than in accordance with a request made by an Authorised Officer; and
 - (b) destroy the information as soon as reasonably practicable, unless another statutory requirement permits or requires the personal information to be retained.

Signage requirements (signage requirement)

- (17) Where a Work Premises has a publicly accessible space to which the density quotient specified in the **Open Premises Directions** or the **Stay Safe Directions (Victoria)** 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.
- (18) 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)

- (19) 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.
- (20) 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.
- (21) 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.

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) 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.

- (d) 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) A worker who has received a positive test result for SARS-CoV-2 must, as soon as practicable, notify the operator of any Work Premises at which the **diagnosed person** ordinarily works, if the diagnosed person attended an indoor space at the work premises during their Infectious Period.
- (2) As soon as practicable after becoming aware of a diagnosed person who has attended the Work Premises in the Infectious Period, the operator 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) take reasonable steps to notify all workers who were present at the same indoor space that they:
 - (i) may have been exposed to SARS-CoV-2; and
 - (ii) must undertake a test for SARS-CoV-2 within 24 hours of receiving the notification that they may have been exposed to SARS-CoV-2; and
 - (iii) must notify the operator of the Work Premises of their test result; and
 - (d) 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
 - (e) 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.

 - (f) 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 (2)(a) to (e); and
 - (ii) provide it with a copy of the risk assessment conducted in accordance with subclause (2)(C); and

- (iii) provide the Department (or other entity nominated by the Department) with contact details of any exposed persons (whether or not workers) identified pursuant to subclause 2(a); 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
- (g) 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 (2)(a) to (f); and
 - (ii) the Department has completed all relevant contact tracing.

*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**.*

Self-quarantine of exposed persons

- (3) A worker who has been notified under subclause (2)(c) that they may have been exposed to SARS-CoV-2 must:
 - (c) self-quarantine immediately from the time they were notified that they may have been exposed to SARS-CoV-2; and
 - (d) undertake a test for SARS-CoV-2 within 24 hours of being notified that they may have been exposed to SARS-CoV-2; and
 - (e) remain in self-quarantine until they receive a negative test result for SARS-CoV-2 result; and
 - (f) notify the operator of the relevant Work Premises of their test result.

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) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (4) **bus company** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;
- (5) **Care Facilities Directions** means the **Care Facilities Directions (No. 50)** as amended or replaced from time to time;
- (6) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (7) **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;
- (8) **cleaned** has the meaning in clause 6(20);
- (9) **cleaning requirement** has the meaning in clause 6(19) to (21) (both inclusive);
- (10) **commercial passenger vehicle service** has the meaning given in section 4 of the **Commercial Passenger Vehicle Industry Act 2017**;
- (11) **common areas** of a **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (12) **confirmed case** means a diagnosis of SARS-CoV-2 in a **worker** at the **Work Premises**;
- (13) **COVID-19 Mandatory Vaccination (General Workers) Directions** means the **COVID-19 Mandatory Vaccination (General Workers) Directions (No. 3)** as amended or replaced from time to time;
- (14) **COVID-19 Mandatory Vaccination (Specified Facilities) Directions** means the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 13)** as amended or replaced from time to time;
- (15) **COVID-19 Mandatory Vaccination (Workers) Directions** means the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 8)** as amended or replaced from time to time;
- (16) **COVIDSafe Plan** has the meaning in clause 6(2);
- (17) **Department** means the Department of Health;
- (18) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (19) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 35)** as amended or replaced from time to time;
- (20) **diagnosed worker** means a **worker** who is a **diagnosed person**;
- (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 **Stay Safe Directions (Victoria)**, the **Workplace Directions**, the **Workplace (Additional Industry Obligations) Directions**, the **Victorian Border Crossing Permit Directions**, the **COVID-19 Mandatory Vaccination (General Workers) Directions**, the **COVID-19 Mandatory Vaccination Directions (Specified Facilities) Directions**, the **COVID-19 Mandatory Vaccination (Workers) 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;
- (23) **early stage land development site** means an open air, greenfields site where civil works are being undertaken that are associated with, and preparatory to, the construction of multiple individual residential dwellings or an industrial or commercial development on that site, including but not limited to:
- (a) site remediation works;
 - (b) site preparation works;
 - (c) construction of utilities, roads, bridges and trunk infrastructure;
 - (d) stormwater or flood management works;
- but such a site ceases to be an early stage land development site:
- (e) for a residential development where the development is, or will be, subdivided to facilitate the construction of individuals dwellings, on the day that the construction of a dwelling on that part of the subdivision (or planned subdivision) of the early stage land development site commences; and

- (f) for a residential development where the development has not been subdivided and it is not intended that the development will be subdivided in the future, on the day that construction commences; and
- Examples: this type of residential development includes a high-rise apartment complex or a retirement village.*
- (g) for an industrial or commercial development, on the day that construction of a building, warehouse or other physical structure commences;
- (24) **education premises** has the same meaning as in the **Stay Safe Directions (Victoria)**;
- (25) **emergency** has the same meaning as in the **Emergency Management Act 2013**;
- (26) **emergency worker** has the same meaning as in the **Sentencing Act 1991**;
- (27) **employee** includes a person who is self-employed;
- (28) **employer** means a person who owns, operates or controls **Work Premises** (or a Work Premises) and includes a person who is self-employed;
- (29) **exposed person** 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 their **Infectious Period** at a **Work Premises**;
- (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) **general worker** has the same meaning as in the **COVID-19 Mandatory Vaccination (General Workers) Directions**;
- (33) **health and safety representative** has the same meaning as in the **OHS Act**;
- (34) **health service entity** has the same meaning as in the **Health Services Act 1988**;
- (35) **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;
- (36) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (37) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 40)** as replaced or amended from time to time;
- (38) **indoor space** has the same meaning as in the **Open Premises Directions**;
- (39) **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;
- (40) **Infectious Period** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (41) **inspector** has the same meaning as in the **OHS Act**;
- (42) **market** means a public market, whether indoor or outdoor, including a food market;
- (43) **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;
- (44) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (45) **Open Premises Directions** means the **Open Premises Directions (No. 7)** as replaced or amended from time to time;

- (46) **outbreak** means:
- (a) a single **confirmed case** of **SARS-CoV-2** in a resident, staff member or frequent attendee of a residential aged **care facility**; or
 - (b) two or more epidemiologically linked cases outside of a household with symptom onset within 14 days;
- Note: transmission within one household does not constitute an outbreak but will become part of an outbreak response if linked to a high priority setting. Also, in some circumstances, the Department may identify other settings that are sensitive and where a single confirmed case will trigger an outbreak response. Relevant parties will be informed if this occurs. Determining whether a person is a frequent or infrequent visitor may be based on frequency of visits, time spent in the setting, and number of contacts within the setting.*
- (47) **outdoor space** has the same meaning as in the **Open Premises Directions**;
- (48) **owner** has the same meaning as in the **Commercial Passenger Vehicle Industry Act 2017**;
- (49) **owners corporation** has the same meaning as in the **Owners Corporations Act 2006**;
- (50) **passenger services** has the same meaning as in the **Transport Integration Act 2010**;
- (51) **passenger transport company** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;
- (52) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (53) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (54) **PPE** means personal protective equipment;
- (55) **premises** has the same meaning as in the **PHW Act**;
- (56) **prison** has the same meaning as in the **Corrections Act 1986**;
- (57) **public transport** means a vehicle operated by a **passenger transport company** or by a **bus company** in the provision of **public transport service** but does not include a **school bus**;
- (58) **public transport service** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;
- (59) **reasonably practicable** is to have its ordinary and common sense meaning;
- (60) **records requirement** has the meaning in clause 6(6) to (14) (both inclusive);
- (61) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (62) **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**;
- (63) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (64) **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;
- (65) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (66) **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**;
- (67) **School Bus Program** means the program of that name administered by the Department of Education and Training;
- (68) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (69) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (70) **Service Victoria** has the same meaning as in the **Service Victoria Act 2018**;
- (71) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (72) **signage requirement** has the meaning in clauses 6(17) and (18);
- (73) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No. 29)** as amended or replaced from time to time;
- (74) **Students with Disabilities Transport Program** means the program of that name administered by the Department of Education and Training;
- (75) **supermarket** has the same meaning as supermarket business in the **Food Act 1984**;
- (76) **suspected case** means a person who is displaying one or more **SARS-CoV-2 Symptoms**;
- (77) **tour and charter bus service** has the same meaning as in the **Bus Safety Act 2009**;
- (78) **vehicle** has the same meaning as in the **PHW Act**;
- (79) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 40)** as amended or replaced from time to time;
- (80) **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’;
- (81) **Work Premises** means a **premises** in which work is undertaken, including any **vehicle** whilst being used for work purposes, but excluding a person’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.*
- (82) **worker** includes **employees**, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work;
- (83) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 58)** as amended or replaced from time to time;
- (84) **WorkSafe** means WorkSafe Victoria;
- (85) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (86) **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 25 November 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**Victorian Border Crossing Permit Directions (No. 40)**

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 sections 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

1 Preamble

- (1) These directions replace the **Victorian Border Crossing Permit Directions (No. 39)** and provides a scheme for persons entering Australia as an **international passenger arrival** or **international aircrew services worker**, in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.

2 Citation

These directions may be referred to as the **Victorian Border Crossing Permit Directions (No. 40)**.

3 Commencement and revocation

- (1) The **Victorian Border Crossing Permit Directions (No. 39)** are revoked at 6:00:00 pm on 25 November 2021.
- (2) These directions commence at 6:00:00 pm on 25 November 2021 and end at 11:59:00 pm on 15 December 2021.
- (3) Any **permit** issued under a **revoked Border Crossing Permit Scheme Direction** continues to have effect until the validity period expires under the revoked Border Crossing Permit Scheme Direction.

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

4 Restrictions on persons entering Victoria

- (1) A person may enter Victoria under these directions from another Country, if the person is an:
 - (a) **international aircrew services worker** under clause 5; or
 - (b) **international passenger arrival** under clause 6.
- (2) These directions do not apply to a person who enters Victoria from another Country who is not an international passenger arrival under clause 6 or an international aircrew services worker under subclauses 5(1) and 5(4).

Note: a person who is not covered as an international passenger arrival under clause 6 or an international aircrew services worker under clause 5 is not excluded from entering Victoria but is not governed by these directions.

5 International aircrew*Eligibility*

- (1) Subject to subclause (2), a person who is an international aircrew services worker may enter Victoria from another Country if the person:
 - (a) is **fully vaccinated**; or
 - (b) is a **medically exempt person**.
- (2) A person who enters Victoria as an international aircrew services worker under subclause (1) and is completing a layover of 48 hours or longer in Victoria must have completed a pre-departure **SARS-CoV-2 rapid antigen test** within 24 hours of scheduled departure for Victoria and if the person received:
 - (a) a negative test result from the SARS-CoV-2 rapid antigen test, the person is not required to undertake further testing; or

- (b) a positive test result from the SARS-CoV-2 rapid antigen test, the person must complete a **SARS-CoV-2 PCR test** and isolate until receiving a negative test result.
- (3) A person who enters Victoria as an Australian based international aircrew services worker who is fully vaccinated under subclause (1)(a) is exempt from the requirements in subclause (2), provided that:
 - (a) the person is operating turnaround flights to a country outside of Australia (including passenger flights, freight and maintenance); and
 - (b) all aircrew services workers from that flight remain airside while in a country outside of Australia; and
 - (c) all aircrew services workers adhere to post-arrival SARS-CoV-2 rapid antigen testing requirements in subclause (4); and
 - (d) the person must otherwise comply with relevant airline requirements and **COVIDSafe Plan** whilst in Victoria and in any other State or Territory in Australia.

International aircrew – Obligations after entry

- (4) A person who enters Victoria as an international aircrew services worker under subclause (1):
 - (a) must comply with the **general post-entry conditions**; and
 - (b) if completing a layover of 48 hours or longer in Victoria, must:
 - (i) complete a SARS-CoV-2 rapid antigen test within 24 hours of arrival in Victoria; and
 - (ii) if the SARS-CoV-2 rapid antigen test is positive, complete a SARS-CoV-2 PCR test and isolate until the person receives a negative test result; and
 - (c) must carry and present on request to an authorised officer, Victoria Police Officer or a Protective Services officer (or other person under such person’s direction);
 - (i) an acceptable form of identification; and
 - (ii) **international acceptable evidence** to show that they are fully vaccinated or **international acceptable certification** to show they are a medically exempt person.
- (5) If an international aircrew services worker who is fully vaccinated enters Victoria under subclause (1)(a), that person must, in addition to complying with the obligations specified in subclause (4), not attend a **residential aged care facility**, a **disability residential service** or a **hospital** (unless the person is obtaining urgent medical care) for 7 days after entering Victoria, unless:
 - (a) the worker has completed a SARS-CoV-2 PCR test and returned a negative result within 24 hours prior to visiting the residential aged care facility, disability residential service or hospital; or
 - (b) the worker has completed a SARS-CoV-2 rapid antigen test and returned a negative test result on the day they are visiting the residential aged care facility, disability residential service or hospital.
- (6) If an international aircrew services worker who is a medically exempt person enters Victoria under subclause (1)(b), that person must, in addition to complying with the obligations specified in subclause (4), not attend an **educational facility**, **childcare or early childhood services**, a **residential aged care facility**, a **disability residential service** or a **hospital** (unless the person is obtaining urgent medical care) for 14 days after entering Victoria.

6 International passenger arrivals

Eligibility

- (1) A person may enter Victoria from another Country as an international passenger arrival if the person, at the time they enter Victoria, is:
- (a) 12 years and 2 months of age or above and is fully vaccinated or a medically exempt person; or
 - (b) younger than 12 years and 2 months of age and is either:
 - (i) travelling with at least one parent or guardian who is fully vaccinated or is a medically exempt person; or
 - (ii) travelling unaccompanied; or
 - (c) at least 12 years and 2 months of age and less than 18 years of age and is not fully vaccinated or a medically exempt person and is either:
 - (i) travelling with at least one parent or guardian who is fully vaccinated or is a medically exempt person; or
 - (ii) travelling unaccompanied.

Requirements for entry

- (2) An international passenger arrival may enter Victoria if the person:
- (a) is either:
 - (i) 12 years and 2 months of age or above; or
 - (ii) younger than 12 years and 2 months of age and travelling unaccompanied; and
 - (b) obtains a valid **international passenger arrival permit** which includes:
 - (i) the person's **personal details**; and
 - (ii) an attestation by the person stating that (as at the date of attestation) the person and each dependant under 12 years and 2 months of age entering Victoria with that person:
 - (A) meets the requirements in subclause (1); and
 - (B) has provided information in the permit that is true and correct; and
 - (C) will comply with the **international passenger arrival conditions**; and
 - (iii) a QR code capable of being scanned by an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction).

Note: dependants under the age of 12 years and 2 months do not need to obtain their own permit but must instead be listed on the permit obtained by their parent or guardian that they are travelling with.

International passenger arrival conditions after entry

- (3) An international passenger arrival who enters Victoria under subclause (1) must, for 14 days after entering Victoria:
- (a) comply with all **general post-entry conditions**; and
 - (b) complete a SARS-CoV-2 PCR test within 24 hours of arrival in Victoria and again between the fifth and seventh day of arrival in Victoria; and
 - (c) carry and present on request to an authorised officer, Victoria Police Officer or a Protective Services officer (or other person under such person's direction);
 - (i) their valid vaccinated international passenger arrival permit (unless they are a child under 12 years and 2 months of age and travelling with a person who holds a valid permit); and

- (ii) an acceptable form of identification; and
 - (iii) evidence of their SARS-CoV-2 PCR test results that were carried out less than 24 hours and between the fifth and seventh day after arriving in Victoria in accordance with subclause (b); and
 - (iv) international acceptable evidence or international acceptable certification to show that:
 - (A) they are fully vaccinated or a medically exempt person; or
 - (B) if younger than 12 years and 2 months of age, at least one of their parents or guardians is fully vaccinated or is a medically exempt person; or
 - (C) if at least 12 years and 2 months of age and less than 18 years of age and not:
 - 1. fully vaccinated or a medically exempt person; or
 - 2. travelling unaccompanied,
 at least one of their parents or guardians is fully vaccinated or is a medically exempt person.
- (4) If a fully vaccinated person aged 12 years and 2 months of age or above enters Victoria under subclause (1)(a), that person must, in addition to complying with the obligations specified in subclause (3), not attend an educational facility, childcare or early childhood services, a residential aged care facility, a disability residential service or a hospital (unless the person is obtaining urgent medical care) for 7 days after entering Victoria, unless:
- (a) the person has completed a SARS-CoV-2 PCR test and returned a negative result within 24 hours prior to visiting the educational facility, childcare or early childhood services, a residential aged care facility, a disability residential service or a hospital; or
 - (b) the person has completed a SARS-CoV-2 rapid antigen test and returned a negative test result on the day they are visiting the educational facility, childcare or early childhood services, a residential aged care facility, a disability residential service or a hospital.
- (5) If a person who is neither fully vaccinated nor a medically exempt person enters Victoria under subclause (1)(c), that person must, in addition to the obligations specified in subclause (3):
- (a) travel immediately and directly to, and self-quarantine at, the premises at which the person will reside for the purposes of self-quarantine for a period of 7 days; and
 - (b) remain in self-quarantine unless undertaking **essential activities** for the period specified in subclause (a); and
 - (c) wear a face covering whenever leaving the premises for the purposes permitted in subclause (b) (unless, in accordance with the Directions currently in force, an exception applies); and
 - (d) not attend an educational facility:
 - (i) for 7 days after entering Victoria; and
 - (ii) until they have received a negative result from their SARS-CoV-2 PCR test carried out between the fifth and seventh day after arrival, in accordance with subclause (3)(b); and
 - (e) not attend childcare or early childhood services, a residential aged care facility, a disability residential service or a hospital, unless obtaining urgent medical care, for 14 days after entering Victoria.

Note: the period specified in (e) is an additional 7 days from the end of the self-quarantine period specified in (a).

- (6) If a medically exempt person aged 18 years or older enters Victoria under subclause (1)(a), that person must, in addition to the obligations specified in subclause (3), not attend an educational facility, childcare or early childhood services, a residential aged care facility, a disability residential service or a hospital (unless obtaining urgent medical care) for 14 days after entering Victoria.
- (7) If a medically exempt person aged at least 12 years and 2 months and less than 18 years enters Victoria under subclause (1)(a), that person must, in addition to the obligations specified in subclause (3):
 - (a) not attend an educational facility:
 - (i) for 7 days after entering Victoria; and
 - (ii) until they have received a negative result from their SARS-CoV-2 PCR test carried out between the fifth and seventh day after arrival in accordance with subclause (3)(b); and
 - (b) not attend a childcare or early childhood services, a residential aged care facility, a disability residential service or a hospital (unless obtaining urgent medical care) for 14 days after entering Victoria.
- (8) A person younger than 12 years and 2 months of age who enters Victoria under subclause (1)(b) must, in addition to the obligations specified in subclause (3):
 - (a) not attend an educational facility:
 - (i) for 7 days after entering Victoria; and
 - (ii) until they have received a negative result from their SARS-CoV-2 PCR test carried out between the fifth and seventh day after arrival, in accordance with subclause (3)(b); and
 - (b) not attend childcare or early childhood services, a residential aged care facility, a disability residential service or a hospital, unless obtaining urgent medical care, for 14 days after entering Victoria.

Permit validity and revocation

- (9) An international passenger arrival permit:
 - (a) is valid for 14 days from the date the person first enters Victoria (unless revoked earlier); and
 - (b) may only be used once by a person to enter Victoria during the validity period in subclause (a).

7 Applications for a permit

- (1) A person may apply for a permit using a digital system provided by the **Service Victoria CEO** and other parts of the Victorian Government.
- (2) An application for a permit must contain all information reasonably required by the Department from time to time, for the purpose of protecting public health.
- (3) The Service Victoria CEO:
 - (a) may deliver a permit to a person if clause 6 (*international passenger arrivals*) applies, the person makes an application under subclause (1) and the application complies with the requirements under subclause (2); and
 - (a) may provide a copy of the permit to the Department; and
 - (b) will provide any information contained in an application to the Department on behalf of the person.
- (4) A person must not give information, or make a statement, in an application for a permit that is false or misleading in a material particular.

8 Exemption power

Request for exemption

- (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 (6).
- (2) A person may request an exemption by:
 - (a) using a digital system provided by the Service Victoria CEO and other parts of the Victorian Government; or
 - (b) contacting the Department by phone (or other method determined by the Department from time to time).
- (3) A request for exemption must contain all information reasonably required by the Department from time to time, for the purpose of protecting public health.
- (4) The Service Victoria CEO will provide any information contained in a request for exemption under subclause (2)(a) to the Department.

Exemptions, generally

- (5) A person may request an exemption from any or all requirements contained in these directions.
- (6) The Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) may exempt a person or group of persons from any or all requirements contained in these directions, if satisfied that an exemption is appropriate, having regard to the:
 - (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the PHW Act, as appropriate.
- (7) Before granting any exemption under subclause (6) the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) must consider:
 - (a) the circumstances set out in any request; and
 - (b) any documentary evidence provided by the person, including test results or other medical information in relation to the person; and
 - (c) any further documentary evidence requested by the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) and provided by the person.
- (8) An exemption under subclause (6):
 - (a) must:
 - (i) be given by the Department, in writing, to the person who is the subject of the exemption; or
 - (ii) be published by the Department, in writing, for the purpose of any group of persons who are the subject of the exemption; and
 - (iii) specify the requirement or requirements that the person or group of persons need not comply with; and
 - (b) may be subject to additional or different conditions approved by the Chief Health Officer or Deputy Chief Health Officer.
- (9) An exemption granted under subclause (6) does not prevent an authorised officer from exercising an emergency power to give the person or group of persons a different direction or impose a different requirement on the person or group of persons.

Conditions of exemption

- (10) A person who receives an exemption under subclause (6) must:
- (a) enter Victoria within 72 hours of the time set out in the exemption, if applicable; and
Note 1: an exemption will expire if the person does not enter Victoria within 72 hours of the time set out in the exemption and the person will need to re-apply for a new exemption.
Note 2: an exemption may be subject to a condition to enter at a particular point of entry into Victoria under subclause (8)(b).
 - (b) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under their direction):
 - (i) the exemption; and
 - (ii) documentary evidence supporting the grounds for the exemption, if applicable; and
 - (iii) an acceptable form of identification; and
 - (c) comply with any conditions imposed on the exemption.
- (11) Nothing in subclauses (1) to (10) prevents an authorised officer from exercising an emergency power to give a person a different direction or impose a different requirement or condition of exemption on the person.

9 Definitions

In these directions:

- (1) **acceptable certification** has the same meaning as in the **Open Premises Directions**;
- (2) **acceptable form of identification** means:
- (a) subject to subclauses (b) and (c), photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and
Example: photographic personal identification includes a driver's licence issued by any State or Territory or a passport issued by Australia. Evidence of the current address where the person ordinarily resides includes a driver's licence or any other document issued by any State or Territory or any municipal district, local government area, unincorporated local government area (not including Lord Howe Island) or local authority, including a rates notice.
 - (b) if the person is unable to provide photographic personal identification in accordance with subclause (a), two forms of documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) to prove the person's identity (unless the person is under the age of 18); and
Example: documentary evidence includes Medicare card, Australian, State or Territory government correspondence, credit card or utility bill.
 - (c) if the person is unable to provide evidence of the current address where the person ordinarily resides in accordance with subclause (a), other documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) of the person's address (unless the person is under the age of 18);
Example: a letter from an Indigenous community leader or community services provider confirming the person's identity and confirming the person's address or other place of residence arrangements.
- (3) **aircrew services worker** means a pilot or a member of cabin crew who:
- (a) is undertaking operational flying duties or proficiency training on an aircraft that is not an aircraft of any part of the Australian Defence Force (including any aircraft that is commanded by a member of that Force in the course of duties as such a member); or

- (b) is required by their employer to attend facilities in Victoria for the purpose of undertaking simulator training or emergency procedures training;
- (4) **authorised officer** has the same meaning as in the **PHW Act**;
- (5) **childcare or early childhood services** means onsite early childhood education and care services or children's services provided under the:
- (a) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs; or
- (b) **Education and Care Services National Law Act 2010** and the **Education and Care Services National Regulations 2011** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services;
- (6) **COVID-19 Mandatory Vaccination (General Workers) Directions** means the **COVID-19 Mandatory Vaccination (General Workers) Directions (No. 3)** as amended or replaced from time to time;
- (7) **COVID-19 Mandatory Vaccination (Specified Facilities) Directions** means the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 13)** as amended or replaced from time to time;
- (8) **COVID-19 Mandatory Vaccination (Workers) Directions** means the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 8)** as amended or replaced from time to time;
- (9) **COVID-19 vaccine** means a vaccine to protect a person against SARS-CoV-2 that:
- (a) has been registered, provisionally registered or recognised by the Therapeutic Goods Administration; or
- (b) has been approved by a comparable overseas regulator, as determined by the Therapeutic Goods Administration under regulation 16DA(3) of the **Therapeutic Goods Regulation 1990** of the Commonwealth;
- (10) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (11) **Department** means the Victorian Department of Health;
- (12) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (13) **disability residential service** means a residential service within the meaning of the **Disability Act 2006** and to avoid doubt, includes the facility called the Intensive Residential Treatment Program of the Statewide Forensic Service;
- Note: the Intensive Residential Treatment Program of the Statewide Forensic Service is often referred to as 'DFATS'.*
- (14) **educational facility** has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
- (15) **essential activities** means;
- (a) obtaining medical care or medical supplies; or
- (b) obtaining a **SARS-CoV-2** test; or
- (c) responding to an emergency situation; or
- (d) activities required to comply with any law; or
- (e) departing the State of Victoria;
- (16) **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);
- (17) **fully vaccinated** means a person who has received either one dose of a **one dose COVID-19 vaccine** or two doses of a **two dose COVID-19 vaccine**, including a dose of two different types of a **two dose COVID-19 vaccine**;

- (18) **general post-entry conditions** means that a person must:
- (a) comply with all of the **Directions currently in force**; and
 - (b) monitor for **SARS-CoV-2 symptoms**; and
 - (c) obtain a test for **SARS-CoV-2** as soon as possible after experiencing any **SARS-CoV-2 symptoms**;
- (19) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (20) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 40)** as amended from time to time;
- (21) **international acceptable certification** means the person has a certificate issued by an overseas government authority or an accredited vaccination provider (a vaccination provider that is accredited in or by the overseas government authority in the country which the person received the vaccination), that is written in English or accompanied by a certified translation and contains:
- (i) the person's name as it appears on their passport; and
 - (ii) the person's date of birth or passport number; and
 - (iii) 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) a **medical contraindication**; or
 - (B) an acute medical illness (including where the person has been diagnosed with SARS-CoV-2); or
 - (C) a documented diagnosed SARS-CoV-2 infection confirmed by a **SARS-CoV-2 PCR test** within the previous 6 months.
- Note: a person who enters Victoria on an international passenger arrival permit has a temporary medical exemption pursuant to subclause (C) and will not meet the definition for a medical exemption in other relevant Directions in force in Victoria, including the COVID-19 Mandatory Vaccination (Specified Facilities) Directions, COVID-19 Mandatory Vaccination (General Workers) Directions, COVID-19 Mandatory Vaccination (Specified Workers) Directions and the Open Premises Directions, unless they also meet the criteria at subclause (A) or (B).*
- (22) **international acceptable evidence** means information about a person's vaccination status:
- (a) 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; or
 - (b) in relation to a person who is **fully vaccinated** and ordinarily resides outside Australia, is a copy of a paper or digital certificate issued by an overseas government authority or an accredited overseas government vaccination provider that shows the person is fully vaccinated, is written in English or accompanied by a certified translation, and contains:
 - (i) the person's name as it appears in their passport;
 - (ii) the person's date of birth or passport number;
 - (iii) the vaccine brand name, and
 - (iv) the date of each dose or the date on which a full course of immunisation was completed; or
 - (c) an Australian International COVID-19 Vaccination Certificate.
- (23) **international aircrew services worker** means an **aircrew services worker** who is arriving or departing Victoria on a flight to or from an international port;
- (24) **international passenger arrival** means a person who meets all of the requirements specified in clause 6(1);

- (25) **international passenger arrival conditions** means all of the conditions set out in clause 6(3);
- (26) **international passenger arrival permit** has the meaning in clause 6;
- (27) **medical contraindication** has the meaning in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
- (28) **medical practitioner** has the meaning in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
- (29) **medically exempt person** means a person who holds **international acceptable 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) a **medical contraindication**; or
 - (b) an acute medical illness (including where the person has been diagnosed with SARS-CoV-2).
- (30) **one dose COVID-19 vaccine** means the **COVID-19 vaccine** called ‘COVID-19 Vaccine Janssen’ (Jansen-Cilag);
- (31) **Open Premises Directions** means the **Open Premises Directions (No. 7)** as amended from time to time;
- (32) **permit** means the written notice (digital or otherwise) provided under clause 7 and includes **international passenger arrival permit**;
- (33) **personal details** means:
- (a) the person’s full name; and
 - (b) the person’s contact phone number; and
 - (c) the full names of any dependants under the age of 12 years and 2 months for whom the person is a parent, guardian or carer, entering Victoria with the person; and
 - (d) the address from which the person is departing when entering Victoria; and
 - (e) where applicable, the current address where the person ordinarily resides; and
 - (f) the address where the person will reside after entering Victoria; and
- Note: if the person is in Victoria temporarily, they can provide details of the accommodation at which they are staying.*
- (g) the date of entry to Victoria; and
 - (h) if applicable, any planned date of departure from Victoria;
 - (i) the person’s **vaccination status**;
- (34) **residential aged care facility** means premises at which accommodation and personal care or nursing care or both are provided to a person in respect of whom a **residential care subsidy** or a **flexible care subsidy** is payable under the **Aged Care Act 1997** of the Commonwealth;
- (35) **revoked Border Crossing Permit Scheme Directions** means any of the **New South Wales Border Crossing Permit Scheme Directions**, **New South Wales and Queensland Border Crossing Scheme Directions** or the **Victorian Border Crossing Permit Directions**;
- (36) **SARS-CoV-2 PCR test** means a SARS-CoV-2 polymerase chain reaction test;
- (37) **SARS-CoV-2 rapid antigen test** means a SARS-CoV-2 rapid antigen test;
- (38) **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;
- (39) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (40) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (41) **two dose COVID-19 vaccine** means any of the following **COVID-19 vaccines** called:
- (a) Vaxzevria (AstraZeneca);
 - (b) Comirnaty (Pfizer);
 - (c) Spikevax (Moderna);
 - (d) Coronvac (Sinovac);
 - (e) Covishield (Astrazeneca/Serum Institute of India);
 - (f) Covaxin (Bharat Biotech); or
 - (g) BBIP-CorV (Sinopharm);
- (42) **vaccination status** means whether a person is **fully vaccinated**, received one dose of a **two dose COVID-19 vaccine** or has not received any dose of a **COVID-19 vaccine**;
- (43) **Workplace Directions** means the **Workplace Directions (No. 57)** as amended from time to time.

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; or

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

- (c) if the contravention of these directions is constituted by refusing or failing to comply with a requirement to self-isolate or self-quarantine:
 - (i) in the case of a person aged 18 years or older – 30 penalty units;
 - (ii) in the case of a child aged 15 years or older but under the age of 18 years – 5 penalty units;
 - (iii) in the case of a child under the age of 15 years – 1 penalty unit; or

*Note: it is intended that subclause (c) is a reference to Item 76 of Table 2 of Schedule 8 of the **Public Health and Wellbeing Regulations 2019**. Item 76 establishes the infringement offence constituted by a contravention of directions given under section 200(1) of the PHW Act by refusing or failing to comply with a requirement to self-isolate or self-quarantine.*

- (d) if the contravention of these directions is constituted by refusing or failing to comply with a requirement in relation to a person travelling from a restricted area and seeking to enter Victoria without a reasonable excuse or other valid reason or excuse, in the case of a natural person:
 - (i) aged 15 years or older but under the age of 18 years – 5 penalty units;
 - (ii) under the age of 15 years – 1 penalty unit;
 - (iii) in any other case – 30 penalty units.

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

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

Dated 25 November 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**Diagnosed Persons and Close Contacts Directions (No. 35)**

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. 34)**.

2 Citation

These directions may be referred to as the **Diagnosed Persons and Close Contacts Directions (No. 35)**.

3 Commencement and revocation

- (1) These directions commence at 6:00:00 pm on 25 November 2021 and end at 11:59:00 pm on 15 December 2021.
- (2) The **Diagnosed Persons and Close Contacts Directions (No. 34)** are revoked at 6:00:00 pm on 25 November 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 15 December 2021 has been informed that they have been diagnosed with SARS-CoV-2; and
 - (b) has not:
 - (i) been given, or is not taken to have been given, **clearance from self-isolation** under clause 5; or
 - (ii) completed 10 days of self-isolation after the date on which the person undertook a **test for SARS-CoV-2**, from which they were diagnosed with SARS-CoV-2,whichever is earlier.

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 9. 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 9(2)(a) and 9(8).

- (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 on the earlier of:
- (a) 10 days after the date on which the person undertook a test for SARS-CoV-2, from which they were diagnosed with SARS-CoV-2; or
 - (b) 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.

- (10) The diagnosed person must notify:
- (a) the operator of any work premises at which the diagnosed person ordinarily works, if the diagnosed person attended an **indoor space** at the work premises during their **infectious period**; or
 - (b) the operator of any **education facility** at which they are enrolled, if the diagnosed person attended an indoor space at the education facility during their infectious period,
- that the diagnosed person has been diagnosed with SARS-CoV-2, and of the diagnosed person's infectious period.

Note: the diagnosed person's parent, guardian or carer may notify the operator of the education facility on behalf of the diagnosed person for the purpose of subclause (b).

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 between midnight 11 May 2020 and 11:59:00 pm on 15 December 2021:
- (a) an officer or nominated representative of the Department makes a determination that the person is a close contact of a diagnosed person, including in the event of an **outbreak**, and has given that person a notice of the determination in accordance with subclause (2); or
 - (b) the person has spent more than four hours in an indoor space at a private residence, **accommodation premises** or **care facility** with a diagnosed person during their infectious period.
- (2) For the purposes of subclause (1)(a), 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

- (3) Subject to subclause (8), for the purposes of this clause, if a person:
- (a) is a close contact; and
 - (b) the person:
 - (i) is **fully vaccinated**; or
 - (ii) is under 12 years and two months of age and all persons with whom they ordinarily reside are fully vaccinated,

- then
- (c) the person is required to self-quarantine for seven days from the date the diagnosed person tested positive for SARS-CoV-2.
- (4) Subject to subclause (8), for the purposes of this clause, if a person:
- (a) is a close contact; and
 - (b) the person:
 - (i) is aged 12 years and two months or over and is not fully vaccinated; or
 - (ii) is under 12 years and two months of age and any person with whom they ordinarily reside is not fully vaccinated,
- then
- (c) the person is required to self-quarantine for 14 days from the date the diagnosed person tested positive for SARS-CoV-2.

Requirement to self-quarantine

- (5) Subject to subclause (9), a close contact must self-quarantine under these directions.

Note: the requirements of self-quarantine are specified in clause 9.

Location of self-quarantine

- (6) 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 9(2)(a) and 9(8).

- (7) If, at the time a person becomes aware or is given notice that they are a close contact, the person is not at the premises chosen by the person under subclause (6), the person must immediately and directly travel to those premises.

End of period of self-quarantine

- (8) For the purposes of this clause, the period of self-quarantine ends:
- (a) subject to subclauses (b) and (c), at the time specified in subclause (3) or (3) or as varied under subclause (11) or extended under clause 7(1) or 7(3); or
 - (b) the notice given to the person under subclause (1)(a) is revoked under subclause (11), 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 for SARS-CoV-2 under clause 7.

Exception – previous clearance

- (9) A close contact is not required to self-quarantine under this clause if the person has been given clearance from self-quarantine by the **Director or Medical Lead of a designated Local Public Health Unit** in accordance with subclause (10).
- (10) For the purposes of subclause (9):
- (a) the Director or Medical Lead of a designated Local Public Health Unit may make a determination in relation to a person if the Director or Medical Lead of

a designated Local Public Health Unit 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

- (11) 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 (1)(a) and, if satisfied that it is appropriate, having regard to Departmental Requirements, may vary or revoke the notice given to the person under subclause (1)(a) and must give the person notice of the decision.
- (12) For the purposes of subclause (11), 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

- (13) 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 (1)(a); and
 - (b) for the purposes of subclause (6), 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

- (14) 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 the close contact must inform the other person of their self-quarantine.

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) undertakes a test 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 for SARS-CoV-2,

the period of self-quarantine is extended until the person receives the result of the test for SARS-CoV-2.

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 subclause (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 10.

Note 3: a person is not required to continue to self-quarantine under subclause (1) if the person is exempted in accordance with clause 10, 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 subclause (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(3) 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) 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 for SARS-CoV-2 does not occur an authorised officer may give a further direction under section 200(1)(d) and subclause (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 subclause (4) under clause 10, 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 10, 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 Exposed persons

Notifications by the operator

- (1) An operator of a work premises or an education facility who has been informed under clause 4(10) that a diagnosed person attended an indoor space at that work premises or education facility during the diagnosed person's infectious period, must take reasonable steps to notify their employees or persons enrolled at the education facility who were present in the same indoor space as the diagnosed person during their infectious period, as the case may be, that those employees or persons enrolled at the education facility:
- (a) may have been exposed to SARS-CoV-2; and

- (b) must undertake a test for SARS-CoV-2 within 24 hours of receiving the notification under subclause (a) that they may have been exposed to SARS-CoV-2; and
- (c) must notify the operator of the work premises or education facility of their test result.

Self-quarantine of exposed persons

- (2) A person who has been notified under subclause (1) that they may have been exposed to SARS-CoV-2 must:
 - (a) self-quarantine immediately from the time they were notified that they may have been exposed to SARS-CoV-2; and
 - (b) undertake a test for SARS-CoV-2 within 24 hours of being notified that they may have been exposed to SARS-CoV-2; and
 - (c) remain in self-quarantine until they receive a negative test for SARS-CoV-2 result; and
 - (d) notify the operator of the relevant work premises or education facility of their test result.

Note: the exposed person's parent, guardian or carer may notify the operator of the education facility on behalf of the exposed person, for the purpose of subclause (d).

Collection of information by operators

- (3) The operator of a work premises or education facility must collect, record and store the following information:
 - (a) a list of employees or persons enrolled at the education facility who have been notified under subclause (1) that they may have been exposed to SARS-CoV-2; and
 - (b) the results of the tests for SARS-CoV-2 of those employees or persons enrolled at the education facility who may have been exposed to SARS-CoV-2.
- (4) For the purposes of complying with this clause, an operator of a work premises or education facility is authorised to use any information that it holds under subclause (3).

Notification of exposure by the Department

- (5) A person who has been notified by the Department that they may have been exposed to SARS-CoV-2 must:
 - (a) self-quarantine immediately from the time they were notified that they may have been exposed to SARS-CoV-2; and
 - (b) undertake a test for SARS-CoV-2 within 24 hours of being notified that they may have been exposed to SARS-CoV-2; and
 - (c) remain in self-quarantine until they receive a negative test for SARS-CoV-2 result.

9 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; or
 - (viii) where:
 - (A) the person is a close contact but is not residing at the same premises where a diagnosed person is self-isolating; and
 - (B) the person:
 - 1. was enrolled at an education facility at the time they became a close contact; and
 - 2. is **unvaccinated** or an excepted person,
 to attend that education facility for a **relevant purpose** on and from day 8 of their period of self-quarantine, only if the person or the person's parent, guardian or carer:
 - (C) obtains confirmation from the operator of the education facility that it is maintaining a system to collect, hold and record the information provided to it under subclauses (D) and (E);
 - (D) provides **acceptable evidence** to the operator of the education facility prior to the person's first attendance at the education facility since becoming a close contact that the person:
 - 1. is not residing with a diagnosed person; and
 - 2. has undertaken a test for SARS-CoV-2 on day 6 of their period of self-quarantine and received a test result that they have not been diagnosed with SARS-CoV-2; and
 - (E) provides acceptable evidence to the operator of the education facility prior to the person entering an indoor space at the education facility on each day on and from day 8 of their period of self-quarantine that the person has undertaken a **SARS-CoV-2 rapid antigen test** and received a negative test result; 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) A person who is required to complete a SARS-CoV-2 rapid antigen test in accordance with subclause (2)(b)(viii)(E) must:
 - (a) undertake a second SARS-CoV-2 rapid antigen test as soon as possible if the person receives an invalid test result from the SARS-CoV-2 rapid antigen test, such that it is not possible to conclude that the result is a negative test result; and
 - (b) if the result of the first SARS-CoV-2 rapid antigen test is positive, or the result of the second SARS-CoV-2 rapid antigen test is invalid, such that it is not possible to conclude that the result is negative:
 - (i) complete a test for SARS-CoV-2 within 24 hours; and
 - (ii) not attend the education facility until the person receives a negative test for SARS-CoV-2 result.
- (4) In the event that a person receives a positive test result from either a SARS-CoV-2 rapid antigen test or a test for SARS-CoV-2 referred to in subclauses (2)(b)(viii)(2)(b)(viii)(D), (2)(b)(viii)(E) and (3), the person or the person's parent, guardian or carer must notify the operator of the education facility of the test result by the next day that the education facility is operational following receipt of the test result.
- (5) The operator of an education facility may maintain a system to collect, hold and record the information provided to it under subclauses (2)(b)(viii)(D), (2)(b)(viii)(E) and (4).
- (6) An operator of an education facility is authorised to use any information that it has been provided under the system maintained under subclause (5).
- (7) 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.
- (8) 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 10(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.
- (9) 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 10(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.

10 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 9(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(6) (location of self-quarantine) or 9(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 9(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 a person from any or all of the requirements of clause 6(6) (location of self-quarantine) or clause 9(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.

11 Definitions

In these directions:

- (1) **acceptable evidence** means evidence of the matters described in subclauses 9(2)(2)(b)(viii)(D) and (2)(b)(viii)(E) that the relevant operator of the education facility determines is acceptable;
- (2) **accommodation premises** has the same meaning as in the **Open Premises Directions**;
- (3) **adult education or higher education premises** means a premises that operates for the purpose of providing **higher education services**;
- (4) **authorised officer** has the same meaning as in the **PHW Act**;
- (5) **Care Facilities Directions** means the **Care Facilities Directions (No. 50)** as amended or replaced from time to time;
- (6) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (7) **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;
- (8) **clearance from self-isolation** has the meaning in clause 5(1);
- (9) **close contact** has the meaning in clause 6(1);
- (10) **COVID-19 Mandatory Vaccination (Workers) Directions** means the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 8)** as amended or replaced from time to time;
- (11) **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;
- (12) **Department** means the Victorian Department of Health;
- (13) **Departmental Requirements** means the document titled ‘Case, Contact and Outbreak Management Policy’, 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;
- (14) **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;
- (15) **diagnosed person** has the meaning in clause 4(1);
- (16) **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;
- (17) **education facility** means:
- (a) premises at which a **childcare or early childhood service** is provided;
 - (b) premises at which an outside school hours care service is provided;
 - (c) a **school**;
 - (d) **school boarding premises**;
 - (e) for the purpose of clause 9 only, an **adult education or higher education premises**;
- (18) **emergency powers** has the same meaning as in the **PHW Act**;
- (19) **employee** includes a person who is self-employed;
- (20) **employer** means a person who owns, operates or controls **Work Premises** (or a Work Premises) and includes a person who is self-employed;
- (21) **excepted person** has the same meaning as in the **Open Premises Directions**;
- (22) **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 10(2), 10(6), 10(10) of these directions or the equivalent provision in any **Revoked Isolation Direction**;
- (23) **fully vaccinated** has the same meaning as in the **Open Premises Directions**;
- (24) **healthcare worker** means a **worker** of a health service managed by a **designated Local Public Health Unit**;
- (25) **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, senior secondary certificates and other post-compulsory education or training;
- (26) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (27) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 40)** as amended or replaced from time to time;
- (28) **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:
- (a) permanent or temporary; or
 - (b) open or closed;
- (29) **infectious period** means the period:
- (a) commencing:
 - (i) if the person undertook a **test for SARS-CoV-2** (from which they were diagnosed with SARS-CoV-2) without experiencing symptoms of SARS-CoV-2, 48 hours before the person undertook the **test for SARS-CoV-2**; or

- (ii) if the person was experiencing symptoms of SARS-CoV-2 at the time they undertook a **test for SARS-CoV-2** (from which they were diagnosed with SARS-CoV-2), 48 hours before the person first experienced symptoms; and
- (b) concluding:
 - (i) 10 days after the date on which the person undertook the **test for SARS-CoV-2** (from which they were diagnosed with SARS-CoV-2); or
 - (ii) such other time as specified by an officer or nominated representative of the Department;
- (30) **Open Premises Directions** means the **Open Premises Directions (No. 7)** as amended or replaced from time to time;
- (31) **outbreak** means a declaration made by the Chief Health Officer, a Deputy Chief Health Officer, a **Director or Medical Lead of a designated Local Public Health Unit** in relation to a specific location at which **diagnosed persons** were present at a specific time, which presents a public health risk of the transmission of SARS-CoV-2;
- (32) **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;
- (33) **relevant purpose** means the purpose of:
 - (a) participating in any activity that is onsite at the **education facility** other than at an **adult education or higher education premises**; or
 - (b) for secondary school students, undertaking a senior secondary certificate (the Victorian Certificate of Education (VCE) or the Victorian Certificate of Applied Learning (VCAL)) or Vocational Education and Training (VET) at an **adult education or higher education premises**;
- (34) **resident** of a **care facility** has the same meaning as in the **Care Facilities Directions**;
- (35) **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;
- (hh) **Diagnosed Persons and Close Contacts Directions (No. 31)**, given on 23 October 2021;
- (ii) **Diagnosed Persons and Close Contacts Directions (No. 32)**, given on 29 October 2021;

- (jj) **Diagnosed Persons and Close Contacts Directions (No. 33)** given on 11 November 2021;
- (kk) **Diagnosed Persons and Close Contacts Directions (No. 34)** given on 18 November 2021;
- (36) **SARS-CoV-2 rapid antigen test** means a SARS-CoV-2 rapid antigen test;
- (37) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (38) **school boarding premises** means a registered school boarding premises, as defined in the **Education and Training Reform Act 2006**;
- (39) **Senior Secondary examination** means an examination relating to a senior secondary certificate;
- (40) **test for SARS-CoV-2** means a SARS-CoV-2 polymerase chain reaction test;
- (41) **unvaccinated** has the same meaning as in the **COVID-19 Mandatory Vaccination (Workers) Directions**;
- (42) **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;
- (43) **worker** includes **employees**, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work;
- (44) 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**.

12 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

Penalty: In the case of a natural person, 120 penalty units;
In the case of a body corporate, 600 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.

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

Dated 25 November 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 (Victoria) (No. 30)**

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 (Victoria) (No. 29)**.
- (4) These directions require everyone who ordinarily resides in the State of Victoria to carry and wear **face coverings** in certain settings.

2 Citation

These directions may be referred to as the **Stay Safe Directions (Victoria) (No. 30)**.

3 Commencement and revocation

- (1) These directions commence at 06:00:00 pm on 25 November 2021 and end at 11:59:00 pm on 15 December 2021.
- (2) The **Stay Safe Directions (Victoria) (No. 29)** are revoked at 06:00:00 pm on 25 November 2021.

4 Stay safe period

For the purposes of these directions, the stay safe period is the period beginning at 06:00:00 pm on 25 November 2021 and ending at 11:59:00 pm on 15 December 2021.

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

- (1) A person must not perform work outside of the person's ordinary place of residence or enter, or remain on, a **work premises** to perform work, if the **employer** of the person or the operator of their work premises, is not permitted to allow the person to do so under the **Open Premises Directions**, the **COVID-19 Mandatory Vaccination (Workers) Directions**, the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions** or the **COVID-19 Mandatory Vaccination (General Workers) Directions**.

Face covering requirements

- (2) A person must:
 - (a) carry a face covering at all times, except where subclause (3)(a), (b), (c), (d) or (e) applies; and
 - (b) wear a face covering:
 - (i) while in an **indoor space** at an **education premises** that is a primary **school** (including an outside school hours care service at a primary school) if:
 - (A) the person is a **worker**; or

- (B) the person is a student in Year 3 or above, up to and including Year 6; or
- (C) the person is a visitor at the education premises and aged 12 years or above; and
- (ii) while in an indoor space at a **prison, remand centre, youth residential centre** or **youth justice centre** if the person is a worker; and
- (iii) while in an indoor space that is a publicly accessible area of a **retail premises**; and
- (iv) while in an indoor space that is a publicly accessible area of a **food and drink premises** (including a food court) if the person is a worker working at the food and drink premises; and
- (v) while in an indoor space at a **court** that is:
 - (A) a publicly accessible area of a court; or
 - (B) a facility used for jury trials in a court; and
- (vi) while in an indoor space that is a **ceremonial space** if the person is a **patron** attending a **ceremony** in the ceremonial space and the ceremonial space is also attended by a patron/s who are not **fully vaccinated**; and
- (vii) while in an indoor space that is a publicly accessible area of a **healthcare premises**; and
- (viii) while visiting a **hospital**; and
- (ix) while visiting a **care facility**; and
- (x) while on **public transport** or in a **commercial passenger vehicle** or in a **vehicle** being operated by a **licensed tourism operator**; and
- (xi) 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
- (xii) 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.

- (3) Subclauses 5(2)(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 where subclause 5(2)(b)(i) applies; 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 5(2)(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 a classroom at an education premises after hours.
- (j) the person is one of two persons being married, during their wedding ceremony, or while being photographed at the wedding; or
- (k) the person is a professional sportsperson when training or competing; or
- (l) the person is engaged in any strenuous physical exercise; or
Examples: jogging, running, swimming, cycling.
- (m) the person is riding a bicycle or a motorcycle; or
- (n) the person is consuming:
 - (i) medicine; or
 - (ii) food or drink; or
- (o) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (p) 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
- (q) the person is receiving a service and it is not reasonably practicable to receive that service wearing a face covering; or
- (r) the person is providing a service and it is not reasonably practicable to provide that service wearing a face covering; or
- (s) the person is an accused person in a criminal case in any court located in the State of 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
- (t) 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.
- (u) for emergency purposes; or
- (v) when required or authorised by law; or
- (w) when doing so is not safe in all the circumstances.

Face covering requirements in airports and on aircraft

- (4) Without limiting subclause 5(2)(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 (5)(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

- (5) Subclauses (4)(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 and it is not reasonably practicable to receive that service wearing a face covering; or
 - (i) the person is providing a service and 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.
- (6) An **authorised officer** may require a person to attest in writing that they have complied with the requirements of subclause (4) to wear a face covering on an aircraft (subject to subclause (5)).

PART 3 – CEREMONIES

6 Ceremonies

Organiser obligations – maintenance of system

- (1) An **organiser** of a ceremony must maintain a system that requires a patron (except a patron under 12 years and 2 months of age) that attends the ceremonial space to show the organiser or a worker of the organiser **acceptable evidence** that records that they are either:
- (a) fully vaccinated; or
 - (b) an **excepted person**.

Patron obligation – patrons must use system

- (2) A patron (except a patron under 12 years and 2 months of age) who attends a ceremonial space for a ceremony must comply with the requirements of the system maintained under subclause (1).
- (3) A patron who is a dependant of another patron is deemed to have complied with subclause (2) if the other patron, on behalf of the dependant, complies with the requirements of the system maintained under subclause (1).

Organiser obligation – exclusion of persons

- (4) An organiser of a ceremony 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 subclause (1),
 does not attend the ceremonial space for the ceremony.

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.

- (5) For the purposes of complying with subclause (4), an organiser is authorised to use any information about a patron that it has been provided under the system maintained under subclause (1).

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

- (6) A patron who is not:
 - (a) fully vaccinated; or
 - (b) an excepted person,
 must not attend a ceremonial space for a ceremony.

Worker requirements

- (7) The organiser of a ceremony must not permit any person to work at the ceremonial space unless the person is:
 - (a) fully vaccinated; or
 - (b) an excepted person; or
 - (c) a person who:
 - (i) conducts services of public worship and acknowledgments of faith; or
 - (ii) performs marriages, funerals and special memorial services according to tradition and ecclesiastical and civil law; or
 - (iii) visits members of the community in their homes, hospitals and other institutions to provide advice and religious comfort for the purpose of end of life faith reasons.
- (8) The organiser must collect, record and hold **vaccination information** about each fully vaccinated person and each excepted person who works at the ceremonial space.
- (9) For the purposes of complying with subclause (7) an organiser is authorised to use any information about a worker that it holds under subclause (8).
- (10) If an organiser is the employer of a fully vaccinated person or an excepted person who works at the premises:
 - (a) the organiser is deemed to have complied with subclause (8) if they hold vaccination information about the person under the **COVID-19 Mandatory Vaccination (Workers) Directions**, the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**, **COVID-19 Mandatory Vaccination (General Workers) Directions** or the **Open Premises Directions**; and

- (b) the organiser is authorised to use that information for the purposes of complying with subclause (7).

Patron limits

- (11) The obligations in subclauses (1) to (8) do not apply to an organiser of a ceremony if the organiser does not permit the number of patrons in all indoor spaces and outdoor spaces combined to exceed the lesser of:
 - (a) **density quotient (4 sq metres)**; and
 - (b) 50.

PART 4 – OTHER PROVISIONS

7 Relationship with other Directions

- (1) If there is any inconsistency between Parts 2 and 3 of these directions and the **Diagnosed Persons and Close Contacts Directions**, Parts 2 and 3 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.

8 Definitions

For the purposes of these directions:

- (1) **acceptable evidence** has the same meaning as in the **Open Premises Directions**;
- (2) **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;
- (3) **airport** means an aerodrome at which facilities are available for the arrival or departure of **aircraft** into or from the State of Victoria;
- (4) **authorised officer** has the same meaning as in the **PHW Act**;
- (5) **bus company** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (6) **Care Facilities Directions** means **Care Facilities Directions (No. 50)** as amended or replaced from time to time;
- (7) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (8) **ceremonial space** means the premises or land on which a **ceremony** is held;
- (9) **ceremony** means a religious gathering, a wedding or a funeral that is held at any **premises** or land that is not a private residence or an ‘open premises’ within the meaning of the **Open Premises Directions**;
- (10) **commercial passenger vehicle** has the same meaning as in the **Workplace Directions**;
- (11) **court** means any **premises** in the State of Victoria that is:
 - (a) the Supreme Court; or
 - (b) the County Court; or

- (c) the Magistrates' Court; or
 - (d) the Children's Court; or
 - (e) any Federal Court; or
 - (f) the Coroner's Court; or
 - (g) the Victorian Civil and Administrative Tribunal; or
 - (h) any other court or tribunal of Victoria conducting in-person hearings;
- (12) **COVID-19 Mandatory Vaccination (General Workers) Directions** means the **COVID-19 Mandatory Vaccination (General Workers) Directions (No. 3)** as amended or replaced from time to time;
- (13) **COVID-19 Mandatory Vaccination (Specified Facilities) Directions** means the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 13)** as amended or replaced from time to time;
- (14) **COVID-19 Mandatory Vaccination (Workers) Directions** means the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 8)** as amended or replaced from time to time;
- (15) **density quotient (4 sq metres)** has the same meaning as in the **Open Premises Directions**;
- (16) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 35)** as amended or replaced from time to time;
- (17) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (18) **Directions currently in force** means the **Open Premises Directions**, the **Stay Safe Directions (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 (General Workers) 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;
- (19) **education premises** means:
- (a) a **school**; or
 - (b) a school boarding premises; or
 - (c) a **premises** that provides outside school hours care services;
- (20) **employer** has the same meaning as in the **Workplace Directions**;
- (21) **excepted person** has the same meaning as in the **Open Premises Directions**;
- (22) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection (but does not include a face shield);
- (23) **food and drink premises** has the same meaning as in the **Open Premises Direction**.
- (24) **fully vaccinated** has the same meaning as in the **Open Premises Directions**;
- (25) **healthcare premises** means:
- (a) a community health centre, including mental health, child and maternity, and drug and alcohol counselling services centres; or
 - (b) a general practice; or
 - (c) a COVID-19 related healthcare site, including testing sites, vaccination centres and hotel quarantine premises; or
 - (d) a dental surgery and dental practice; or

- (e) a health clinic, including medical specialist and/or allied health professional operated clinics; or
 - (f) a diagnostic and medical imaging centre; or
 - (g) a premises at which mobile health services are provided; or
 - (h) a premises at which blood donation services are provided;
- (26) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (27) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 40)** as amended or replaced from time to time;
- (28) **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;
- (29) **licensed tourism operator** has the same meaning as in the **Open Premises Directions**;
- (30) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (31) **Open Premises Directions** means the **Open Premises Directions (No. 7)** as amended or replaced from time to time;
- (32) **organiser** means a person who is primarily responsible for organising a **ceremony**;
- (33) **outdoor space** means a space that is not an **indoor space**;
- (34) **patron** means any person who attends a **ceremony**, except:
 - (a) a person under 1 year of age;
 - (b) a worker;
 - (c) a person who attends the premises in connection with an emergency;
- (35) **passenger transport company** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (36) **premises** means:
 - (a) a building, or part of a building; and
 - (b) any land on which the building is located, other than land that is available for communal use;
- (37) **prison** has the same meaning as in the **Corrections Act 1986**;
- (38) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (39) **public transport** means a vehicle operated by a **passenger transport company** or by a **bus company** in the provision of **public transport service**;
- (40) **public transport service** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (41) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (42) **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.
- (43) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (44) **stay safe period** has the meaning in clause 4;
- (45) **vehicle** has the same meaning as in the **PHW Act**;
- (46) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 40)** as amended or replaced from time to time;

- (47) **work premises** has the same meaning as in the **Workplace Directions**;
- (48) **worker** means any person engaged or employed by either:
- (a) an operator of a **premises** to work at the premises; or
 - (b) an **organiser** to work at the **ceremonial space**;
- (49) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 58)** as amended or replaced from time to time;
- (50) **Workplace Directions** means the **Workplace Directions (No. 57)** as amended or replaced from time to time;
- (51) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (52) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

9 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

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

Dated 25 November 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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