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Public Health and Wellbeing Act 2008 Section 200

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

Stay Safe Directions (Victoria) (No. 14)

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

PART 1 — PRELIMINARY

1 Preamble

- (1) The purpose of these directions is to address the serious public health risk posed to the State of Victoria by severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Stay Safe Directions (Victoria) (No. 13)** and require everyone who ordinarily resides in the State of Victoria to limit their interaction with others by:
 - (a) restricting the circumstances in which they may leave the **premises** where they ordinarily reside; and
 - (b) restricting public and private gatherings, including prohibiting visitors to another person's home other than in limited circumstances; and
 - (c) requiring **face coverings** to be worn indoors and outdoors.

2 Citation

These directions may be referred to as the **Stay Safe Directions (Victoria) (No. 14)**.

3 Revocation

The **Stay Safe Directions (Victoria) (No. 13)** are revoked at 11:59:00 pm on 12 February 2021.

4 Stay safe period

For the purposes of these directions, the **stay safe period** is the period beginning at 11:59:00 pm on 12 February 2021 and ending at 11:59:00 pm on 26 February 2021.

PART 2 — STAY SAFE

5 Direction — staying at home other than in specified circumstances

Requirement to stay at home

- (1) A person who ordinarily resides in the State of Victoria during the stay safe period must not leave the premises where the person ordinarily resides, other than for one or more of the reasons specified in:
 - (a) clause 6 (**necessary goods or services**);
 - (b) clause 7 (**care or other compassionate reasons**);
 - (c) clause 8 (**work or education**);
 - (d) clause 9 (**exercise**);
 - (e) clause 10 (**other specified reasons**).

Note 1: a person may have more than one ordinary place of residence but is only permitted to move between those places in accordance with subclause (7).

Note 2: when leaving home in accordance with law a person must take all reasonable steps to comply with the obligations in these and all other Directions currently in force.

SPECIAL

- (2) When leaving their premises, a person:
- (a) must comply with the face covering requirements in subclauses (15), (16), (17) and (19); and
 - (b) must comply with the restrictions on gatherings in clause 11 (**gatherings**); and
 - (c) must comply with the Directions currently in force, including (without limitation) by:
 - (i) not engaging in an activity that is prohibited under the **Restricted Activity Directions (Victoria)**; and
 - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Victoria)** in accordance with any requirements set out in those directions.

Note 1: a person should take reasonable steps to maintain a distance of 1.5 metres from all other persons (except those people with whom they ordinarily reside) when leaving their premises, and should practise hand hygiene in accordance with the Department of Health and Human Services' guidelines as amended from time to time by the Victorian government, available at: www.dhhs.vic.gov.au/staying-safe-covid-19.

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

Travel restrictions

- (3) A person may only leave their premises under subclause (1) where it does not involve unreasonable travel or travelling to a place for an unreasonable period of time.
- Note: people in an intimate personal relationship may stay overnight at each other's premises provided they otherwise comply with these directions.*
- (4) A person must not travel in a **vehicle** with another person with whom they do not ordinarily reside unless it is not otherwise reasonably practicable for either person to leave their premises for a purpose permitted under these directions.
- Example: a person who does not hold a driver's licence may travel in a vehicle with another person with whom they do not ordinarily reside for the purposes of attending a medical appointment or doing their grocery shopping if it is not reasonably practicable for them to get there another way.*
- (5) A person who leaves their premises under either clause 6 (necessary goods or services) or clause 9 (exercise) must not:
- Note: a person may leave their premises once per day under clause 6 (necessary goods or services) and separately once per day under clause 9 (exercise), but should seek to minimise separate trips as much as possible.*
- (a) travel further than 5km from their premises; or
 - (b) do so more than once per day; or
 - (c) do so for a period longer than 2 hours in the case of exercise.
- (6) Where a person leaves their premises under clause 6 (necessary goods or services):
- (a) subclause (5)(b) does not apply if the person leaves the premises to obtain goods or services provided by a:
 - (i) financial institution under clause 6(1)(c)(i); or
 - (ii) government body or government agency under clause 6(1)(c)(ii); and
 - (b) subclause (5) does not apply if:
 - (i) the person leaves the premises to obtain goods or services for health or medical purposes under clause 6(1)(b); or
 - (ii) as a consequence of those requirements, it is not reasonably practicable for the person to obtain necessary goods or services.

Note 1: if the closest necessary goods or services are more than 5km from a person's ordinary place of residence, then it would not be reasonably practicable for that person to obtain goods and services within the travel limits imposed by subclause (5).

Note 2: where subparagraph (b) applies, the person must not travel any further than is reasonably necessary to obtain necessary goods or services.

- (7) Only one person from a given residence per day may leave the premises under clause 6 (necessary goods or services), except where:
- (a) the person leaves the premises to obtain goods or services:
 - (i) for health or medical purposes under clause 6(1)(b); or
 - (ii) provided by a:
 - (A) financial institution under clause 6(1)(c)(i); or
 - (B) government body or government agency under clause 6(1)(c)(ii); or
 - (b) the person is a parent or guardian of a child and they cannot access any child-minding assistance (whether on a paid or voluntary basis) so that they can leave the premises without the child; or
 - (c) it is necessary for the person to provide, or the person requires, care and support due to:
 - (i) age, infirmity, disability, illness or a chronic health condition; or
 - (ii) matters relating to the person's health (including mental health or pregnancy).
- (8) Where a person leaves the premises under clause 9 (exercise), the person must only use a vehicle where:
- (a) the person is using it by themselves; or
 - (b) the person is using it with another person with whom they ordinarily reside in accordance with these directions; or
 - (c) it is not otherwise reasonably practicable for the person to undertake exercise without using a vehicle.

Note: if a person needs to access an area within 5km of their premises for exercise, but can only do so due to mobility (such as a parent with a young child or a person with disability) or safety reasons (such as needing to exercise in an area with greater passive surveillance) by using a vehicle with another person with whom they do not live, then it would not be reasonably practicable for that person to undertake exercise without sharing a vehicle to do so.

Principal place of residence

- (9) If a person has more than one ordinary place of residence, their place of residence as at 11:59:00 pm on 12 February 2021 must remain their principal place of residence for the duration of the stay safe period. A person must not leave their principal place of residence to go to any other ordinary place of residence except:
- (a) for the purposes of (and provided they comply with) clause 8 (**work or education**); or
 - (b) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
 - (c) for emergency maintenance of the other residence; or
 - (d) for emergency purposes; or
 - (e) as required or authorised by law.

Ordinary place of residence

- (10) Subject to subclause (11) and (12), subclauses (1) and (9) does not apply to a person at any time during the stay safe period when the person:
- (a) no longer has an ordinary place of residence in the State of Victoria; or
 - (b) has an ordinary place of residence or principal place of residence (as applicable) in the State of Victoria, but that place is temporarily unavailable or is unavailable because of a risk of harm (including harm relating to family violence or violence of another person at the premises).
- (11) If a suitable premises is made available for a person identified in subclause (10) to reside at for the stay safe period (or part thereof), that premises is taken to be the person's ordinary place of residence for the stay safe period (or part thereof).
- (12) If subclause (10) applies, if a person has more than one ordinary place of residence and can choose another such residence to be their principal place of residence for the stay safe period (or part thereof), that residence is taken to be the person's principal place of residence and subclause (9) applies accordingly.
- (13) If a person's ordinary place of residence is outside the State of Victoria, the premises where that person is temporarily residing in the State of Victoria during the stay safe period (or part thereof) is taken to be the person's ordinary place of residence for the period (or part thereof).

Note: a person who is visiting and staying in Victoria, whether from overseas or interstate, is taken to be temporarily residing in Victoria. Where that person is staying in Victoria, these directions apply to them.

- (14) If, during the stay safe period, a person moves from the premises at which they ordinarily reside to a new premises, the new premises is taken to be the premises at which the person ordinarily resides from midnight on the day that the person moves.

Example: subclause (13) applies if a person sells their ordinary place of residence, buys a new ordinary place of residence and wishes to move between them. Otherwise, movement between multiple ordinary places of residence is regulated by subclause (9).

Face covering requirements

- (15) Subject to subclause (17), a person may only leave the premises under subclause (1) if they:
- (a) carry a face covering at all times, except where subclause (16)(a), (b), (c) or (d) applies; and
 - (b) wear a face covering at all times, except where subclause (16) applies; and
 - (c) wear a face covering where required to do so in accordance with any other Directions currently in force.

Note 1: face shields on their own do not meet the face covering requirements. For further information, please refer to the Department of Health and Human Services' guidelines as amended from time to time by the Victorian government, available at: www.dhhs.vic.gov.au/face-masks-vic-covid-19.

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

- (16) Subclause (15)(b) and (c) do not apply if a person complies with any other requirements under any other Directions currently in force and:
- (a) the person is an infant or a child under the age of 12 years; or
 - (b) the person is a student while onsite at a primary **school** or outside school hours care; or
 - (c) the person is a **prisoner** in a **prison** (either in their cell or common areas), subject to any policies of that prison; or
 - (d) the person is detained in a **remand centre, youth residential centre or youth justice centre** (either in their room or common areas), subject to any policies of that centre; or

- (e) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or
Examples: persons who have obstructed breathing, a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.
- (f) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (g) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
- (h) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or
Examples: teaching, lecturing, broadcasting.
- (i) the person is working by themselves in an enclosed indoor space (unless and until another person enters that indoor space); or
Example: a person working by themselves in an office.
- (j) the person is visiting a person with whom they are in an intimate personal relationship in accordance with clause 7(1)(j);
- (k) the person is one of two persons being married while in the process of being married; or
- (l) the person is a professional sportsperson when training or competing; or
- (m) the person is engaged in any strenuous physical exercise; or
Examples: jogging, running, swimming, cycling.
- (n) the person is riding a bicycle or a motorcycle; or
- (o) the person is travelling in a vehicle by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (p) the person is consuming food, drink or medicine; or
- (q) 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
- (r) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Victoria)**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
- (s) the person is providing a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Victoria)**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
- (t) the person is asked to remove the face covering to ascertain identity; or
Examples: a person may be asked by police, security, bank or post office staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.
- (u) for emergency purposes; or
- (v) required or authorised by law; or
- (w) doing so is not safe in all the circumstances.

Face covering requirements in airports and on aircraft

- (17) Without limiting subclause (15)(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 (18)(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 and Human Services' guidelines as amended from time to time by the Victorian government, available at: www.dhhs.vic.gov.au/face-masks-vic-covid-19.

- (18) Subclause (17)(b) and (c) do not apply if a person complies with any other requirements under any other Directions currently in force and:

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

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

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

Examples: teaching, lecturing, broadcasting.

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

- (j) the person is asked to remove the face covering to ascertain identity; or

Examples: a person may be asked by police, security, or airport staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.

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

- (19) An **Authorised Officer** may require a person to attest in writing that they have complied with the requirements of subclause (17) to wear a face covering on an aircraft (subject to clause (18)).

PART 3 — REASONS TO LEAVE PREMISES

6 Leaving premises to obtain necessary goods or services

- (1) A person who ordinarily resides in the State of Victoria may leave the premises to obtain:
- (a) take away food or drink; or

Note: a person who ordinarily resides in the State of Victoria may not leave their premises to have a dine-in meal at any location.

- (b) goods and services for health or medical purposes; or
- (c) other necessary goods or services, including (but not limited to) goods or services provided by:
 - (i) a financial institution;
 - (ii) a government body or government agency;
 - (iii) a post office;
 - (iv) a **pharmacy**;
 - (v) a petrol station;
 - (vi) a pet store or veterinary clinic;
 - (vii) a retail facility that is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Victoria)**.

7 Leaving premises for care or other compassionate reasons

- (1) A person who ordinarily resides in the State of Victoria may leave the premises:
 - (a) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
 - (b) if the person is a parent or guardian of a child (with or without that child):
 - (i) to visit the child if the child is in detention, or in the care of another person; or
 - (ii) to meet any obligations in relation to care and support for that child; or
 - (iii) to take the child to another person's premises for the purpose of that other person providing child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can do one of the things specified in clauses 6 (necessary goods or services), 7 (care or other compassionate reasons), 8 (work or education), 9 (exercise) or 10 (other specified reasons); or
 - (iv) to take the child to:
 - (A) a **childcare or early childhood service**; or
 - (B) a school or outside school hours care service in which they are enrolled in accordance with clause 8(3); or
 - (c) to provide care and support to a person:
 - (i) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or
 - (ii) because of matters relating to the other person's health (including mental health or pregnancy); or
 - (d) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions**; or
 - (e) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions**; or
 - (f) to attend a funeral, wedding or **end of life** activity, if that funeral, wedding or end of life activity complies with the requirements in clause 11; or
 - (g) to donate blood or breast milk; or
 - (h) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises; or
 - (i) to visit a person with whom they are in an intimate personal relationship; or
 - (j) to provide child-minding assistance (whether on a paid or voluntary basis); or

- (k) if the person has a pet at their premises and it is necessary to take the pet outdoors to urinate or defecate, if it is not reasonably practicable for the pet to do so at the person's premises; or

Note: if a person takes their pet outdoors, the distance travelled and the time taken should be no more than is absolutely necessary.

- (l) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal.

Examples: feeding a horse in a paddock; collecting a pet from an animal shelter.

Note: the distance travelled and the time taken should be no more than is absolutely necessary.

8 Leaving premises to attend work or education

- (1) Subject to subclauses (2) and (3), a person who ordinarily resides in the State of Victoria may leave the premises to:
 - (a) attend work (whether paid or voluntary, including for charitable or religious purposes); or
 - (b) obtain educational services, which includes going to primary or secondary school including outside school hours care but does not include **higher education services**.
- (2) A person may leave the premises under subclause (1)(a) only if:
 - (a) it is not reasonably practicable for the person to work from the premises; and
 - (b) the person is an **essential worker**, works for an **essential provider**, or is required to attend a closed work premises as defined in, and provided they are permitted to do so under clauses 6 and 7 of, the **Restricted Activity Directions (Victoria)**.
- (3) A person may leave the premises under subclause (1)(b) only:
 - (a) if it is not reasonably practicable for the person to obtain educational services from the premises; and
 - (b) for school educational services (including at a school or non-school senior secondary provider and outside school hours care services) if the person:
 - (i) has parents or guardians who are essential workers or work for an essential provider; or
 - (ii) is a vulnerable child or young person.

9 Leaving premises for exercise

- (1) A person who ordinarily resides in the State of Victoria may leave the premises to exercise, but must:
 - (a) only exercise at a facility that is not prohibited by, and provided they comply with any requirements of, the **Restricted Activity Directions (Victoria)**; and
 - (b) comply with the gathering restrictions in clause 11; and
 - (c) take reasonable steps to maintain a distance of 1.5 metres from all other persons.
- (2) Subclause (1)(c) does not prevent a person from walking with other persons for the purposes of exercise where this is permitted in accordance with the gathering restrictions in clause 11.

10 Leaving premises for other reasons

- (1) A person who ordinarily resides in the State of Victoria may leave the premises in the following circumstances:
 - (a) for emergency preparation activities (together with any other person or people who ordinarily reside with them or any immediate family member), provided such work is urgent and essential; or

- (b) for emergency purposes (other than emergency preparation activities); or
- (c) as required or authorised by law; or
- (d) for purposes relating to the administration of justice, including (but not limited to) attending:
 - (i) a police station; or
 - (ii) a court or other premises for purposes relating to the justice or law enforcement system; or
- (e) to attend a **community facility**, which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Victoria)**; or
- (f) for the purpose of driving a person with whom they ordinarily reside where it is not otherwise reasonably practicable for that person to leave their premises for a purpose permitted under, and provided they comply with, these directions; or
Examples: driving a household member who is an essential worker or works for an essential provider, and who does not have a driver's licence, to or from work.
- (g) if the premises in which the person ordinarily resides is no longer available for the person to reside in or is no longer suitable for the person to reside in; or
- (h) for the purposes of moving to a new premises at which the person will ordinarily reside; or
- (i) if the person ordinarily resides outside Victoria, for the purposes of leaving Victoria; or
- (j) if the person is permitted to leave Australia, for the purposes of leaving Australia; or
- (k) for the purposes of **national security**.

PART 4 — GATHERINGS

11 Restrictions on gatherings

Private gatherings

- (1) During the stay safe period, a person must not enter a premises (at which they do not ordinarily reside) in the State of Victoria, except for one or more of the purposes specified in (and provided they comply with) clauses 6 (necessary goods or services), 7 (care or other compassionate reasons), 8 (work or education), or 10 (other specified reasons).
- (2) During the stay safe period, a person who ordinarily resides in the State of Victoria must not permit another person to enter the premises at which they ordinarily reside (whether or not entering any building on the premises), unless:
 - (a) the other person also ordinarily resides at the premises; or
 - (b) the other person is residing at the premises in accordance with the **Diagnosed Persons and Close Contacts Directions**;
 - (c) it is necessary for the other person to enter the premises for one or more of the purposes specified in:
 - (i) clause 7 (care or other compassionate reasons); or
Note: those entering the premises for a care or other compassionate purpose should be no more than the minimum necessary to do so.
 - (ii) clause 8 (work or education), provided that the premises is where the work will take place and such work is urgent and essential; or
Examples: a tradesperson for the purpose of carrying out urgent and essential repairs; a disability support worker; a vet; a person for end of life faith reasons.
Note: this includes a person who provides professional respite care for carers of people with complex needs, where that professional is permitted to work in accordance with the Directions currently in force.

- (d) it is necessary for the other person to enter for the purpose of moving to the premises as the place where they will ordinarily reside; or
- (e) it is necessary for the other person to enter to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
- (f) it is necessary for the other person to enter for medical or emergency purposes; or
- (g) the entry is permitted under, and provided they comply with the requirements of, the Directions currently in force; or
- (h) the entry is for purposes relating to the administration of justice; or
- (i) the entry is as required or authorised by law; or
- (j) the entry is for the purposes of national security.

*Note: subclause (1) does not apply to a care facility. Any regulation of access and visits to care facilities is contained in the **Care Facilities Directions**.*

Public gatherings

- (3) During the stay safe period, a person in the State of Victoria must not arrange to meet, or organise or intentionally attend a gathering of, with any other person (with any infant under one year of age not counting towards this limit) for a common purpose at a public place, except:

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

- (a) where it is necessary for the person to provide, or the person requires, care and support due to:
 - (i) age, infirmity, disability, illness or a chronic health condition; or
 - (ii) matters relating to the person's health (including mental health or pregnancy); or
- (b) if the person is a parent or guardian of a child and they cannot access any child-minding assistance (whether on a paid or voluntary basis) so that they can leave the premises without the child, then the child may accompany the parent or guardian when gathering with one other person; or
- (c) for the purpose of attending a wedding in the State of Victoria that complies with the requirements in subclause (4); or
- (d) for the purpose of attending a funeral in the State of Victoria that complies with the requirements in subclause (5); or
- (e) for the purpose of attending end of life activity that complies with the requirements in subclause (6); or
- (f) it is necessary to arrange a meeting or organise or attend a gathering for one or more of the purposes specified in:
 - (i) clause 7 (care or other compassionate reasons); or
 - (ii) clause 8 (work or education); or
 - (iii) clause 9 (exercise), provided it is only with:
 - (A) any other person (or people) who ordinarily reside at the same premises; or
 - (B) a person with whom they are in an intimate personal relationship; or
 - (C) one other person with whom the person does not ordinarily reside; or

- (iv) clause 10 (other specified reasons), provided that if it is for approved emergency preparation activities it is only with any other person (or other people) who ordinarily reside at the same premises or any immediate family member; or
- (g) where it is for one or more of the purposes specified in clause 6 (necessary good or services) and the exceptions in clause 5(7) apply.

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

Weddings and funerals

- (4) The requirements for a wedding held in the State of Victoria are that:
 - (a) one of the persons being married is experiencing end of life; and
 - (b) it involves only 5 persons:
 - (i) the two persons being married; and
 - (ii) the **authorised celebrant**; and
 - (iii) two persons witnessing the marriage for the purposes of section 44 of the **Marriage Act 1961** of the Commonwealth; and
 - (c) in any case (other than at a person's ordinary place of residence), the total number of members of the public present at the same time in the space must not exceed the **density quotient**; and
 - (d) if held at a person's ordinary place of residence, it must comply with the gathering restrictions in subclauses (1) and (2).

Note: the celebrant can enter the premises under subclause (2)(c) (work).

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

- (5) The requirements for a funeral held in the State of Victoria are that:
 - (a) it involves no more than 10 members of the public; and
 - (b) in any case (other than at a person's ordinary place of residence), the total number of members of the public present at the same time in the space must not exceed the density quotient; and
 - (c) if held at a person's ordinary place of residence, it must comply with the gathering restrictions in subclauses (1) and (2).

Note: the persons reasonably necessary for the conduct of the funeral can enter the premises under subclause (2)(c) (work).

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

- (6) The requirements for end of life activity in the State of Victoria are that:
 - (a) if a person is experiencing end of life, that person or someone on their behalf may apply to the Chief Health Officer or the Deputy Chief Health Officer for permission to conduct an end of life activity; and

Examples: a patient is deteriorating and death is expected soon; a patient may be commenced on a care plan for the dying; a person is unlikely to be discharged if they are admitted to hospital.
 - (b) the Chief Health Officer or the Deputy Chief Health Officer may, in writing, grant permission for an end of life activity which involves:
 - (i) the person experiencing end of life and either:
 - (A) any other person (or people) who ordinarily reside at the same premises as that person; or
 - (B) one other people (with any infant under one year of age not counting towards this limit); and
 - (ii) those people gathering indoors (including at a person's ordinary place of residence) or outdoors, or attending an entertainment or recreational

facility which is permitted to operate in accordance with the Directions currently in force, but in each case only for a set period of time; and

- (c) in any case (other than at a person's ordinary place of residence), the total number of members of the public present at the same time in the space must not exceed the density quotient.

PART 5 — OTHER PROVISIONS

12 Relationship with other Directions

- (1) If there is any inconsistency between Parts 2, 3 and 4 of these directions and the **Diagnosed Persons and Close Contacts Directions**, Parts 2, 3 and 4 of these directions are inoperative to the extent of any inconsistency.
- (2) If there is any inconsistency between these directions and a direction or other requirement contained in a **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 Detention Notice, or in any approved form under a Direction currently in force or a Detention Notice to:
 - (a) a Direction currently in force or these directions, or a defined term in a Direction currently in force or these directions, will be taken to mean that direction (and hence that defined term) as amended or replaced from time to time; or
 - (b) an earlier version of a particular Direction currently in force or these directions will be taken to be a reference to the current version of that particular direction.

13 Definitions

For the purposes of these directions:

- (1) **aircraft** means aircraft that is mainly used for the purpose of, or is engaged, or is intended or likely to be engaged, in a flight wholly within Australia;
- (2) **airport** means an aerodrome at which facilities are available for the arrival or departure of **aircraft** into or from the State of Victoria;
- (3) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (4) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (5) **Care Facilities Directions** means **Care Facilities Directions (No. 21)** 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, kindergarten/preschool and family day care services, but does not include outside school hours care services; and
 - (b) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;
- (8) **close contact** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;

- (9) **commercial passenger vehicle** has the same meaning as in the **Commercial Passenger Vehicle Industry Act 2017**;
- (10) **community facility** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (11) **density quotient** has the same meaning as in the **Workplace Directions**;
- (12) **Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (13) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (14) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 16)** as amended or replaced from time to time;
- (15) **Directions currently in force** means the **Restricted Activity Directions (Victoria)**, 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** and the **Workplace (Additional Industry Obligations) Directions**, each as amended or replaced from time to time;
- (16) **end of life** means:
- (a) a situation where a person's death is expected within days (including periods of 14 days or longer), or where the person, with or without existing conditions, is at risk of dying from a sudden acute event; and
- (b) does not mean a situation where a person has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the person is expected to die within 12 months (except where the situation also falls within paragraph (a));
- (17) **essential provider** means a provider of essential goods or services as set out in the 'Essential Worker and Essential Provider List' as amended by the Victorian government from time to time, available at www.dhhs.vic.gov.au/essential-worker-provider-list-doc-covid-19;
- (18) **essential worker** means a person who performs work that is essential as set out in the 'Essential Worker and Essential Provider List' as amended by the Victorian government from time to time, available at www.dhhs.vic.gov.au/essential-worker-provider-list-doc-covid-19;
- (19) **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);
- (20) **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;
- (21) **hospital** means the same meaning as in the **Hospital Visitor Directions**;
- (22) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 19)** as amended or replaced from time to time;
- (23) **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;
- (24) **member of the public** means 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;
- (25) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (26) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (27) **physical recreational facility** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (28) **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;
- (29) **prison** has the same meaning as in the **Corrections Act 1986**;
- (30) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (31) **public transport** means a **vehicle** operated by a passenger transport company or by a **bus company** in the provision of a public transport service;
- (32) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (33) **Restricted Activity Directions (Victoria)** means the **Restricted Activity Directions (Victoria) (No. 7)** as amended or replaced from time to time;
- (34) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (35) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No. 14)** as amended or replaced from time to time;
- (36) **stay safe period** has the meaning in clause 4;
- (37) **vehicle** has the same meaning as in the PHW Act;
- (38) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 5)** as amended or replaced from time to time;
- (39) **vulnerable child or young person** means a child or young person who:
 - (a) resides in the care of the State or in out-of-home care; or
 - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or
 - (c) identified by a **school** as vulnerable, (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service);
- (40) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) (No. 17)** as amended or replaced from time to time;
- (41) **Workplace Directions** means the **Workplace Directions (No. 19)** as amended or replaced from time to time;
- (42) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (43) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (44) the following expressions have the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**:

- (a) bus company;
- (b) passenger transport company;
- (c) public transport service.

14 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

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

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

Dated 12 February 2021

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

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Restricted Activity Directions (Victoria) (No. 7)**

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

1 Preamble

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings in the State of Victoria to address the serious public health risk posed to Victoria by severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Restricted Activity Directions (Victoria) (No. 6)**.

2 Citation

These directions may be referred to as the **Restricted Activity Directions (Victoria) (No. 7)**.

3 Revocation

The **Restricted Activity Directions (Victoria) (No. 6)** are revoked at 11:59:00 pm on 12 February 2021.

4 Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00 pm on 12 February 2021 and ending at 11:59:00 pm on 26 February 2021.

5 Essential work premises

- (1) For the purposes of this clause, an **essential work premises** is a **work premises** at which:
 - (a) an **essential provider** operates; or
 - (b) an **essential worker** performs essential work.
- (2) A person who owns, controls or operates an **essential work premises** in the State of Victoria may operate that **premises** during the restricted activity period to the extent permitted by the Directions currently in force.

*Note: restrictions on essential work premises include the relevant restrictions applying under the **Workplace Directions**, which include requirements for work premises in relation to **face coverings**, the **density quotient**, signage and cleaning requirements and **COVIDSafe Plans**, and the **Workplace (Additional Industry Obligations) Directions**.*
- (3) Despite subclause (2), a person who owns, controls or operates an essential work premises in the State of Victoria may operate that premises:
 - (a) for the purpose of **essential maintenance**; or
 - (b) for the purposes of recruitment, where it is not reasonably practicable for that recruitment to occur from the place where those involved in the recruitment ordinarily reside; or

Example: Victoria Police may permit applicants for employment to attend examinations, fitness assessments and other medical and psychological screening where these activities cannot be undertaken from home.
 - (c) by permitting employees to work from the place where they ordinarily reside; or
 - (d) as required or authorised by law; or
 - (e) in an emergency; or
 - (f) as otherwise permitted by the Directions currently in force.

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

6 Closed work premises

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

7 Exceptions

Permitted operations — accommodation facilities

- (1) A person who owns, controls or operates an **accommodation facility** in the State of Victoria may operate that facility for the purposes of providing accommodation:
 - (a) to a person whose place of residence is the accommodation facility; or
 - (b) to a person who is ordinarily a resident of Victoria but has no permanent place of residence in Victoria; or
 - (c) to a person who has a permanent place of residence in Victoria, but that place is temporarily unavailable; or
 - (d) to a person, on a temporary basis, who has travelled to Victoria for work purposes; or
 - (e) to a person who was a temporary guest of the accommodation facility on the date that these directions were given; or
 - (f) to a person who requires emergency accommodation, including in relation to family violence and other vulnerable groups; or
 - (g) to a person who requires accommodation for work purposes, where their work is for the purposes of responding to the state of emergency in existence under the PHW Act; or
 - (h) to a person who is subject to a **Direction and Detention Notice** or the **Diagnosed Persons and Close Contacts Directions**.

Permitted operations — community facilities

- (2) A person who owns, controls or operates a **community facility** in the State of Victoria may operate that facility during the restricted activity period for the purpose of:
 - (a) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise); or

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

- (b) conducting a wedding or funeral that complies with the requirements of the **Stay Safe Directions (Victoria)**.

Permitted operations — educational facilities

- (3) A person who owns, controls or operates a **school** or educational facility in the State of Victoria may only operate that facility during the restricted activity period for the purposes of providing school educational services (including at a school or non-school senior secondary provider and outside school hours care services) to:

- (a) a person whose parents or guardians are all essential workers or persons who work for an essential provider; or

Note: if a child or young person is residing with one or more parents or guardians on the relevant day, all parents or guardians must be essential workers or persons who work for an essential provider.

- (b) a **vulnerable child or young person** in a school.

Permitted operations — places of worship

- (4) A person who owns, controls or operates a **place of worship** in the State of Victoria may operate that place of worship during the restricted activity period for the purpose of:

- (a) broadcasting (live or otherwise) via electronic means a religious ceremony, with only the minimum number of persons required to conduct the ceremony and facilitate the broadcasting, up to a maximum of 5 people, in attendance; or
- (b) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise); or

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

- (c) conducting a wedding or funeral that complies with the requirements of the **Stay Safe Directions (Victoria)**.

Permitted operations — playground facilities

- (5) A person who owns, controls or operates a **playground** in the State of Victoria may operate that facility during the restricted activity period for the purposes of allowing access for its ordinary use by **members of the public**.

Permitted operations — professional sport

- (6) A person who owns, controls or operates a **sports facility**, arena or stadium in the State of Victoria may operate that facility for the exclusive use of training for professional and high-performance sportspersons or the conduct of a professional sporting event if they:

- (a) only permit a person who is necessary for the management of the facility or professional sport training or the conduct of a professional sporting event to attend the facility; and

Examples: coaching staff of a professional sports team, and persons employed or engaged in the management or maintenance of the facility are necessary attendees.

- (b) do not permit a **food and drink facility** to operate at the facility, other than to the extent necessary to provide food and drink to persons permitted to attend the facility under paragraph (a); and
- (c) do not allow the admission of spectators; and
- (d) use all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations — retail goods facilities

- (7) A person who owns, controls or operates a **retail goods facility** that is a closed work premises in the State of Victoria may operate that facility for the purposes of contactless collection or delivery of pre-ordered goods.

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

8 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.

9 Public Events

(1) For the purpose of this clause:

(a) **eligible public event** means an organised public gathering for a common purpose on a for profit or not-for-profit basis which is:

(i) an event (or a series of events):

(a) conducted on a one-off or periodic basis; and

(b) open to members of the public; and

(c) which may be subject to specific licences, approvals or permits; and

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

(d) publicly announced or advertised; and

(e) which may be in a facility, venue or space where such an event (or a series of events) forms part of the routine operations, use, activities or services of the facility, venue or space; or

(ii) an event (or series of events) deemed by the Victorian Government to be a State-critical public event (or a series of events),

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

but does not mean:

(iii) an ad hoc public gathering in a public place;

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

(v) a private gathering;

(vi) a wedding, funeral or end of life activity;

(vii) a routine religious gathering or ceremony,

to which these directions and the **Stay Safe Directions (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 subclause (3); 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.

(2) A person who arranges to meet, or organises or intentionally attends a public gathering for a common purpose in a public place is not required to comply with the requirements of the Directions currently in force in respect of such a public gathering:

(a) if the public gathering is an **exempt public event**; and

(b) to the extent of an exemption granted under subclause (3) (including any conditions on an exemption).

- (3) The Chief Health Officer or Deputy Chief Health Officer may exempt an **eligible public event** (or class of eligible public events) from any requirement of the Directions currently in force if satisfied that the exemption is appropriate, having regard to:
 - (a) the need to protect public health; and
 - (b) the principles in sections 5 to 10 of the PHW Act, as appropriate.
- (4) An exemption under subclause (3):
 - (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 paragraph (d), an exemption is granted; and
 - (d) may impose conditions on an exemption.
- (5) An exemption under subclause (3) 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 granted under subclause (3) (including any conditions on an exemption); or
 - (ii) the requirements of all other Directions currently in force.

10 Emergency use and operations

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

11 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.

12 Definitions

For the purposes of these directions:

- (1) **accommodation facility** is a facility that provides accommodation to **members of the public**, whether operated on a for profit or not-for-profit basis, and includes, but is not limited to, any of the following:
 - (a) a camping ground;
 - (b) a caravan park;
 - (c) a hotel;
 - (d) a hostel;
 - (e) a Bed and Breakfast;
 - (f) a private holiday rental facility, including AirBnBs;
 - (g) a motel;
 - (h) a serviced apartment;
- (2) **closed work premises** means a **work premises** that is not an **essential work premises**;

- (3) **community facility** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a community centre or community hall;
 - (b) a public library (including a toy library, but not the **State Library**);
 - (c) a youth centre;
- (4) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (5) **density quotient** has the same meaning as in the **Workplace Directions**;
- (6) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 16)** as amended or replaced from time to time;
- (7) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (8) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Victoria)**;
- (9) **essential maintenance** means:
 - (a) treating or caring for animals or performing an animal rescue function; or
 - (b) critical maintenance and safety works including to satisfy environmental obligations;
- (10) **essential provider** means a provider of essential goods or services as set out in the ‘Essential Worker and Essential Provider List’ as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer, available at <https://www.dhhs.vic.gov.au/essential-worker-provider-list-doc-covid-19>;
- (11) **essential worker** means a person who performs work that is essential as set out in the ‘Essential Worker and Essential Provider List’ as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer, available at <https://www.dhhs.vic.gov.au/essential-worker-provider-list-doc-covid-19>;
- (12) **essential work premises** has the meaning as in clause 5(1);
- (13) **face covering** has the same meaning as in the **Workplace Directions**;
- (14) **member of the public**, in relation to a facility or venue, means a person other than:
 - (a) a person who is an employee of an operator of the facility or venue; or
 - (b) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;
- (15) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (16) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**;
- (17) **premises** has the same meaning as in the PHW Act;
- (18) **restricted activity period** has the meaning in clause 4;
- (19) **retail goods facility** means a **premises** at which a business operates to provide for the sale or hire of goods by retail;
- (20) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (21) **sports facility** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a facility used predominantly for indoor sport;
Examples: gymnasium, basketball court, squash court, table tennis centre, tennis court.

- (b) a facility used predominantly for outdoor sport;
Examples: basketball centre, cricket ground, equestrian centre, football oval, go kart track, golf course, lawn bowls green, rifle range, tennis court, soccer pitch.
- (22) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No. 14)** as amended or replaced from time to time;
- (23) **vulnerable child or young person** means a child or young person who:
 - (a) resides in the care of the State or in out-of-home care; or
 - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or
 - (c) identified by a **school** as vulnerable, (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service);
- (24) **Workplace Directions** means the **Workplace Directions (No. 19)** as amended or replaced from time to time.

13 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.

Dated 12 February 2021

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

Public Health and Wellbeing Act 2008

Section 200

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

Hospital Visitor Directions (No. 19)

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

1 Preamble

- (1) The purpose of these directions is to prohibit non-essential visits and access to **hospitals** in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) within a particularly vulnerable population,
- (2) These directions replace the **Hospital Visitor Directions (No. 18)**.

2 Citation

- (1) These directions may be referred to as the **Hospital Visitor Directions (No. 19)**.
- (2) A reference in any other direction to the **Hospital Visitors Directions (No. 18)** is taken to be a reference to these directions.

3 Revocation

The **Hospital Visitor Directions (No. 18)** are revoked at 11:59:00 pm on 12 February 2021.

4 Prohibition on entry

- (1) A person must not enter, or remain at, a hospital in Victoria between (and including) 11:59:00 pm on 12 February 2021 and 11:59:00 pm on 26 February 2021 unless:
 - (a) the person is a **patient** of the hospital; or
 - (b) the person is a **worker** in relation to the hospital, as defined in clause 5; or
 - (c) the person is a **visitor** in relation to a patient of the hospital, as defined in clause 6, and the person's visit complies with the limits in that clause; or
 - (d) the person is present in an area of the hospital in respect of which an exemption under clause 7 is in force.

Excluded persons

- (2) Despite subclause (1), a worker or a visitor to a patient, or a person referred to in subclause (1)(d) must not enter or remain at a hospital in Victoria between (and including) 11:59:00 pm on 12 February 2021 and 11:59:00 pm on 26 February 2021 if:
 - (a) the person has been diagnosed with SARS-CoV-2, and has not yet been given, or taken to have been given, clearance from self-isolation under the **Diagnosed Persons and Close Contacts Directions**; or
 - (b) during the 14 days immediately preceding the entry, the person arrived in Australia from a place outside Australia other than a person arriving on a **quarantine-free flight** from an overseas location designated by the Australian Government as a green travel zone; or
 - (c) during the 14 days immediately preceding the entry, the person had known contact with a person who has been diagnosed with SARS-CoV-2; or

*Note: a person who has had known contact with a person who has been diagnosed with SARS-CoV-2 may also be required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions**.*

- (d) the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection; or
- (e) the person is aged under 16 years, other than in circumstances where:
 - (i) the person's presence at the hospital is for the purposes of **end of life** support for a patient; and
 - (ii) the person is a child, grandchild or sibling of the patient; or
- (f) in the case of a visitor – the person has been tested for SARS-CoV-2, and has not yet received the results of that test.

Hospital may permit certain excluded persons to visit

- (3) Despite subclause (2), a person referred to in subclause (2)(a) may enter or remain at a hospital if:
 - (a) the person is:
 - (i) the **parent, carer or guardian** of the patient, or has temporary care of the patient, and the purpose of the visit is to breastfeed the patient; or
 - (ii) a person whose presence at the hospital is for the purposes of end of life support for a patient of the hospital; or
 - (iii) an immediate family member of a patient whose medical condition is life threatening; and
 - (b) the person is authorised to enter or remain at the hospital by:
 - (i) an officer of the hospital with the position of Executive Director Nursing or equivalent; and
 - (ii) the Chief Health Officer or Deputy Chief Health Officer.

*Note: a person who has been diagnosed with SARS-CoV-2 and has not yet been given, or taken to have been given, clearance from self-isolation under the **Diagnosed Persons and Close Contacts Directions** may be authorised to visit the hospital under this subclause. Such authorisation has to be given by the hospital and the Chief Health Officer or the Deputy Chief Health Officer, and can be subject to conditions: see subclause (6).*

- (4) Despite subclause (2), a person referred to in subclause (2)(b), (2)(c) or (2)(f) may enter or remain at a hospital if:
 - (a) the person is:
 - (i) the parent, carer or guardian of the patient, or has temporary care of the patient; or
 - (ii) the partner or support person of a pregnant patient of the hospital, and the purpose of the visit is to attend the birth of the patient's child; or
 - (iii) a person whose presence at the hospital is for the purposes of end of life support for a patient of the hospital; or
 - (iv) an immediate family member of a patient whose medical condition is life threatening; and
 - (b) the person is authorised to enter or remain at the hospital by an officer of the hospital with the position of Executive Director Nursing and Midwifery or equivalent.

Note: a hospital may determine whether it will allow a person who has been in close contact with a person who has been diagnosed with SARS-CoV-2, who has recently arrived from overseas or who has been tested for SARS-CoV-2 and has not yet received the results of their test to visit the hospital in certain specified circumstances, and what conditions it will impose on such visits.

- (5) A person permitted to enter or remain at a hospital under subclause (3) must comply with any directions or conditions imposed in relation to their visit by the officer of the hospital who authorised their visit under subclause (4)(b).

- (6) A person permitted to enter or remain at a hospital under subclause (3) must comply with any directions or conditions imposed in relation to their visit by either or both of:
- (a) the officer of the hospital who authorised their visit under subclause (3)(b)(i); and
 - (b) the Chief Health Officer or the Deputy Chief Health Officer.
- (7) An officer of the hospital referred to in subclause (3)(b)(i) or subclause (4)(b) as the case may be, must keep, in relation to each person to whom they give authorisation under that subclause, a record of:
- (a) the contact details of the person; and
 - (b) the date and time at which that person entered and left the hospital, for at least 28 days from the day the authorisation is given.

5 Definition of worker

- (1) A person is a **worker** in relation to a hospital if:
- (a) the person is an **essential employee or essential contractor** of the hospital or an **essential student** under the supervision of an essential employee or essential contractor of the hospital; or
 - (b) the person's presence at the hospital:
 - (i) is for the purposes of providing health, medical or pharmaceutical goods or services to a patient of the hospital, whether the goods or services are provided for consideration or on a voluntary basis; and
 - (ii) has been arranged by appointment in advance; and
 - (iii) is approved by an officer of the hospital with the position of Chief Medical Officer, Chief Operating Officer, or equivalent; or
 - (c) the person is a **disability worker** and the person's presence at the hospital is for the purposes of providing a **disability service** to a patient with a **disability**; or
 - (d) the person's presence at the hospital is for the purposes of providing goods or services that are necessary for the effective operation of the hospital, whether the goods or services are provided for consideration or on a voluntary basis; or
Note: union and employer representatives are covered by this paragraph.
 - (e) the person's presence at the hospital is authorised or required for the purposes of emergency management, law enforcement, or the performance of a duty, function or power under a law.

6 Definition of visitor, limits on visits

- (1) A person is a **visitor** in relation to a patient of a hospital if:
- (a) the person is described in one of subclauses (2)(a) to (2)(m); and
 - (b) the person's visit to the hospital satisfies the limits specified in italics below the relevant subclause.
- (2) A person may visit a patient in a hospital if:
- (a) in the case of a patient of the hospital aged under 18 years – the person is the parent or guardian of the patient or has temporary care of the patient; or
Limit: only 1 visitor at any one time.
 - (b) in the case of a patient of the hospital aged 18 years or over – the person is the parent, guardian, partner, carer or support person of the patient, and the person's presence at the hospital is for the purpose of providing emotional and social support to the patient that cannot be provided by that person via electronic or other non-contact means; or
Limit: only 1 visitor, once per day, for a maximum of 1 hour.

- (c) the person's presence at the hospital is for the purposes of providing essential care and support necessary for the patient's immediate physical wellbeing that optimises the care and support delivered by workers at the hospital and cannot be provided by that person via electronic means; or
Limit: only 1 visitor at any one time.
Example: providing ongoing support, assistance or personal care to a patient with activities of daily living such as showering, dressing, or meals.
- (d) the person's presence at the hospital is for the purposes of providing essential care and support necessary for the patient's immediate emotional and social wellbeing (including mental health support) that optimises the care and support delivered by workers at the hospital and cannot be provided by that person via electronic means; or
Limit: only 1 visitor at any one time.
Example: the person's physical presence is necessary to support individual behaviours of concern, such as for people living with dementia or who have a known or emerging serious mental illness.
- (e) the person's presence at the hospital is for the purposes of providing interpreter or informal language support to enable the delivery of care by workers at the hospital; or
Limit: only 1 visitor at any one time.
- (f) in the case of a pregnant patient of the hospital whose status as a patient relates to the pregnancy – the person is the patient's partner or support person; or
Limit: only 1 visitor at any one time.
- (g) in the case of a patient of the hospital who is in a maternity ward – the person is the patient's partner or support person; or
Limit: only 1 visitor, once per day, for a maximum of 2 hours.
- (h) in the case of a patient of the hospital attending at the hospital's emergency department – the person is accompanying the patient; or
Limit: only 1 visitor, once per day, for a maximum of 1 hour (if required).
- (i) in the case of a patient of the hospital attending an outpatient appointment – the person is accompanying the patient; or
Limit: only 1 visitor, once per day, for a maximum of 1 hour (if required).
- (j) the person's presence at the hospital is for the purposes of end of life support for a patient of the hospital; or
Limit: maximum of 2 visitors at any one time.
- (k) in the case of a patient of the hospital whose medical condition is life threatening – the person is an immediate family member of the patient; or
Limit: maximum of 2 visitors at any one time.
- (l) in the case of a patient of the hospital who has a mental illness – the person is the patient's **nominated person** and the person's presence at the hospital is for the purposes of matters relating to their role as nominated person; or
Limit: only 1 visitor at any one time, for a maximum of 1 hour per visit.
- (m) the person's presence at the hospital is for the purposes of the person learning to support the patient's care upon the patient's discharge.
Limit: only 1 visitor, once per day, for a maximum of 1 hour.
Examples: learning how to care for a newborn, or to manage specific needs in a home setting.
- (3) Except in the situations referred to in subclause (2)(j) or (k), no more than 1 visitor may visit a patient at any one time.

7 Exemption power

The Chief Health Officer or the Deputy Chief Health Officer may, in writing, grant an exemption from these directions in respect of a specified area of a hospital if the Chief Health Officer or the Deputy Chief Health Officer, as the case requires, is satisfied, having regard to the need to limit the spread of SARS-CoV-2, that an exemption is appropriate due to:

- (1) the nature of the area; or
- (2) the existing limits on the number of people that may be present in the area (whether because of the operation of a direction under the PHW Act, or otherwise).

8 Operator to take all reasonable steps

The **operator** of a hospital in Victoria must take all reasonable steps to ensure that:

- (1) a person does not enter or remain on the premises of the hospital if the person is prohibited from doing so by clause 4; and
- (2) a record is kept, in relation to each person who enters or remains at the hospital as a visitor under these directions of:
 - (a) the contact details of the person; and
 - (b) the date and time at which that person entered and left the hospital; for at least 28 days from the day of the entry; and
- (3) the hospital facilitates telephone, video or other means of electronic communication with the parents, guardians, partners, carers and support persons of patients to support the physical, emotional and social wellbeing (including mental health) of patients.

Examples: Visiting Medical Officers, locum doctors.

9 Other Definitions

For the purposes of these directions:

- (1) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 16)** as amended or replaced from time to time;
- (2) **end of life**, in relation to a **patient**:
 - (a) means a situation where the patient's death is expected within days (including periods of 14 days or longer), or where the patient, with or without existing conditions, is at risk of dying from a sudden acute event;
 - (b) does not mean a situation where a patient has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the patient is expected to die within 12 months (except where the situation also falls within paragraph (a)).
- (3) **essential employee or essential contractor**, in relation to a **hospital** means a person employed or engaged as a contractor by the **operator** of the hospital and identified on the Essential Worker and Essential Provider List;
- (4) **Essential Worker and Essential Provider List** has the meaning in the **Stay Safe Directions**;
- (5) **essential student** in relation to a **hospital** means a person under the supervision of an **essential employee or essential contractor**;
- (6) **hospital** means:
 - (a) a public hospital;
 - (b) a denominational hospital;
 - (c) a multi-purpose service;
 - (d) a private hospital; or
 - (e) a day procedure centre;

- (7) **nominated person** in relation to a **patient** has the same meaning as in the **Mental Health Act 2014**;
- (8) **operator** of a **hospital** means a person who owns, controls or operates the hospital;
- (9) **parent, carer or guardian** in relation to a **patient** aged under 18 means an adult in a significant primary caring role, including biological, adoptive, or foster parents, kinship carers, step-parents and legal guardians;
- (10) **patient** of a **hospital** means a person who requests or is being provided with health, medical or pharmaceutical services by the hospital;
- (11) **quarantine-free flight** means a flight where no passenger on board is required to quarantine as a result of having been outside an Australian Government designated green travel zone in the 14 days prior to arrival in Victoria;
- (12) **Stay Safe Directions** means the **Stay Safe Directions (Victoria) (No. 14)** as amended or replaced from time to time;
- (13) 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;
- (14) the following expressions have the same meanings as they have in the **Health Services Act 1988**:
 - (a) day procedure centre;
 - (b) denominational hospital;
 - (c) multi-purpose service;
 - (d) public hospital; and
 - (e) private hospital.

10 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

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

Dated 12 February 2021

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

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Care Facilities Directions (No. 21)**

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

1 Preamble

- (1) The purpose of these directions is to prohibit non-essential visits and access to care facilities in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) within a particularly vulnerable population.
- (2) These directions replace the **Care Facilities Directions (No. 20)**.

2 Citation

- (1) These directions may be referred to as the **Care Facilities Directions (No. 21)**.
- (2) A reference in any other direction to the **Care Facilities Directions (No. 20)** is taken to be a reference to these directions.

3 Revocation

The **Care Facilities Directions (No. 20)** are revoked at 11:59:00 pm on 12 February 2021.

4 Definition of care facility

A **care facility** is a facility in Victoria that is:

- (1) an **alcohol and drug residential service**;
- (2) a **homelessness residential service**;
- (3) a **residential aged care facility**;
- (4) a **disability residential service**;
- (5) an **eligible SDA enrolled dwelling**;
- (6) a **secure welfare service**;
- (7) a **short-term accommodation and assistance dwelling**;
- (8) a **supported residential service**;
- (9) the **Thomas Embling Hospital**.

5 Prohibition on entry

- (1) A person must not enter, or remain on, the premises of a care facility between (and including) 11:59:00 pm on 12 February 2021 and 11:59:00 pm on 26 February 2021 unless:
 - (a) the person is a **resident** of the facility; or
 - (b) the person is a **worker** in relation to the facility, as defined in clause 6; or
 - (c) the person is a **visitor** in relation to the facility as defined in clause 7, and the person's visit complies with the limits in that clause.

Excluded persons

- (2) Despite subclause (1), a person who is a worker or a visitor in relation to a care facility must not enter, or remain on, the premises of the facility between (and including) 11:59:00 pm on 12 February 2021 and 11:59:00 pm on 26 February 2021 if:
 - (a) the person is required to self-isolate under the **Diagnosed Persons and Close Contacts Directions**; or

- (b) the person is required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions**; or
 - (c) during the 14 days immediately preceding the entry, the person arrived in Australia from a place outside Australia other than a person arriving on a **quarantine-free flight** from an overseas location designated by the Australian Government as a green travel zone; or
 - (d) during the 14 days immediately preceding the entry, the person had known contact with a **confirmed case** (except in the course of their employment while wearing the appropriate level of personal protective equipment in the circumstances); or
- Note: a person who has had known contact with a person who has been diagnosed with SARS-CoV-2 may also be required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions**.*
- (e) the person has **SARS-CoV-2 Symptoms**; or
 - (f) the person is aged under 16 years, other than in circumstances where:
 - (i) the person's presence at the premises is for the purposes of **end of life** support for a resident of the facility; and
 - (ii) the person is a child, grandchild or sibling of the resident; or
 - (g) in the case of a visitor—the person has been tested for SARS-CoV-2, and has not yet received the results of that test.

Certain excluded persons may be permitted to visit a care facility

- (3) Despite subclause (2), a person referred to in subclause (2)(c) may enter, or remain on, the premises of the care facility if:
 - (a) the person's presence at the facility is for the purposes of providing end of life support to a resident of the care facility; and
 - (b) the person is authorised to enter or remain at the care facility by:
 - (i) an officer of the care facility with the position of Director of the facility or equivalent; and
 - (ii) the Chief Health Officer, or a person authorised by the Chief Health Officer to exercise this power of authorisation.
- (4) A person authorised to enter or remain at the care facility under subclause (3) must comply with any directions or conditions to which that authorisation is subject.

6 Definition of worker

- (1) A person is a **worker** in relation to a care facility if:
 - (a) the person is the **operator** of the care facility or an **essential employee or essential contractor** in relation to the care facility; or
 - (b) the person's presence at the premises of the care facility is for the purposes of providing goods or services that are necessary for the effective operation of the care facility, whether the goods or services are provided for consideration or on a voluntary basis; or
 - (c) the person's presence at the premises of the care facility is for the purposes of providing any of the following goods or services to a resident of the care facility, whether the goods or services are provided for consideration or on a voluntary basis:
 - (i) health, medical, or pharmaceutical goods or services;
 - (ii) behavioural support services; or
 - (iii) functional and well-being support services; or
 - (iv) other support services; or

- (d) in the case of a disability residential service or an eligible SDA enrolled dwelling—the person's presence at the premises of the facility is for the purposes of providing treatment under a treatment plan to a resident of the facility, whether the treatment is provided for consideration or on a voluntary basis; or
- (e) in the case of a secure welfare service—the person's presence at the premises of the facility is for the purposes of providing educational services to a resident of the facility, whether the goods or services are provided for consideration or on a voluntary basis; or
- (f) the person's presence at the premises of the care facility is authorised or required for the purposes of emergency management, law enforcement, or the performance of a duty, function or power under a law.

Note: this includes advocates with a legislated role such as the National Aged Care Advocacy Program and the Community Visitors Scheme.

7 Definition of visitor, limits on visits

- (1) A person is a visitor in relation to a care facility if:
 - (a) the person is described in one of subclauses (2)(a) to (2)(h); and
 - (b) the person's visit to the care facility satisfies the limits specified in italics below the relevant subclause.
- (2) A person may visit a resident at a care facility if:
 - (a) in the case of a resident of a facility aged under 18 years—the person is the parent or guardian of the resident or has temporary care of the resident; or
Limit: only 1 visitor at any one time.
 - (b) in the case of a resident of a facility aged 18 years or over—the person is the parent, guardian, partner, carer or support person of the resident, and the person's visit is for the purpose of providing emotional and social support to the resident that cannot be provided by that person via electronic or other non-contact means; or
Limit: only 1 visitor, once per day, for a maximum of 1 hour.
 - (c) in the case of a resident of the facility who has a mental illness—the person is the resident's **nominated person** and the person's presence at the facility is for the purposes of matters relating to their role as nominated person; or
Limit: only 1 visitor at any one time, for a maximum of 1 hour per visit.
 - (d) the person's presence at the facility is for the purposes of providing essential care and support necessary for the resident's immediate physical wellbeing that optimises the care and support delivered by workers at the facility and cannot be provided by that person via electronic means; or
Limit: only 1 visitor at any one time.
Example: providing ongoing support, assistance or personal care to a resident with activities of daily living such as showering, dressing, or meals.
 - (e) the person's presence at the facility is for the purposes of providing essential care and support necessary for the resident's immediate emotional and social wellbeing (including mental health supports) that optimises the care and support delivered by workers at the facility and cannot be provided by that person via electronic means; or
Limit: only 1 visitor at any one time.
Example: the person's physical presence is necessary to support individual behaviours of concern, such as for people living with dementia or who have a known or emerging serious mental illness.
 - (f) the person's presence at the facility is for the purposes of providing interpreter or informal language support to enable the delivery of care by workers at the facility.
Limit: only 1 visitor at any one time.

- (g) the person's presence at the facility is for the purposes of learning to support the resident's care upon the resident's discharge; or
Limit: only 1 visitor, once per day, for a maximum of 1 hour.
Example: in preparation for providing in home care.
 - (h) the person's presence at the facility is for the purposes of providing end of life support to a resident of the facility.
Limit: maximum of 2 visitors at any one time.
Note: for residents of disability residential services, support workers and carers are considered workers, not visitors, and there is no limit on the number or duration of such visits: see clause 6(1)(c).
- (3) Except in the situation referred to in subclause (2)(h), no more than 1 visitor may visit a resident at any one time.

8 Operator obligations

Operator to take all reasonable steps

- (1) The operator of a care facility in Victoria must take all reasonable steps to ensure that:
- (a) a person does not enter or remain on the premises of the care facility if the person is prohibited from doing so by clause 5; and
 - (b) the care facility facilitates telephone, video or other means of electronic communication with the parents, guardians, partners, carers and support persons of residents to support the physical, emotional and social wellbeing (including mental health) of residents.

Visitor declarations

- (2) The operator of a care facility in Victoria must require visitors in relation to the care facility to declare in writing at the start of each visit, but before entering any area of the care facility that is freely accessible to residents, whether the visitor:
- (a) is free of SARS-CoV-2 Symptoms; and
 - (b) has, in the preceding 14 days, been in contact with a confirmed case (except in the course of their employment while wearing the appropriate level of personal protective equipment in the circumstances); and
 - (c) is currently required to self-isolate or self-quarantine in accordance with the **Diagnosed Persons and Close Contacts Directions**.
- Note: operators of care facilities are subject to additional obligations under the **Workplace (Additional Industry Obligations) Directions**.*
- (3) Where a visitor in relation to a care facility is aged under 18 years, a parent or guardian of the visitor may make the declaration required of the visitor by the operator of the care facility under subclause (2) on the visitor's behalf.

9 Relationship with other Directions

- (1) Where the premises of a care facility are located within the premises of a hospital subject to the **Hospital Visitor Directions** these directions apply, to the exclusion of the **Hospital Visitor Directions**, in relation to the premises of the care facility and to matters that relate to the care facility.
- (2) These directions operate alongside, and are not intended to derogate from, obligations imposed on operators of care facilities under the **Workplace Directions** and **Workplace (Additional Industry Obligations) Directions**.

10 Definitions

For the purposes of these directions:

- (1) **alcohol and drug residential service** means any of the following:
- (a) a treatment centre within the meaning of the **Severe Substance Dependence Treatment Act 2010**;

- (b) a residential treatment service (however described) that provides drug or alcohol withdrawal or rehabilitation services in a residential setting to people dependent on alcohol or other drugs;
 - (c) a service that provides supported accommodation to a person after the person has received residential treatment services of the kind referred to in paragraph (b);
- (2) **care facility** has the meaning in clause 4;
 - (3) **confirmed case** means a person who has been diagnosed with **SARS-CoV-2**;
 - (4) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 17)** as amended or replaced from time to time;
 - (5) **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'.
 - (6) **eligible SDA enrolled dwelling** means a Specialist Disability Accommodation (SDA) enrolled dwelling that is provided under an SDA residency agreement within the meaning of section 498B of the **Residential Tenancies Act 1997**;
 - (7) **end of life**, in relation to a **resident**:
 - (a) means a situation where the resident's death is expected within days (including periods of 14 days or longer), or where the resident, with or without existing conditions, is at risk of dying from a sudden acute event;
 - (b) does not mean a situation where a resident has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the resident is expected to die within 12 months (except where the situation also falls within paragraph (a));
 - (8) **essential employee or essential contractor**, in relation to a **care facility**, means a person employed or engaged as a contractor by the **operator** of the care facility and identified on the **Essential Worker and Essential Provider List**, and includes a person who **provides labour hire services** to the operator of the care facility;
 - (9) **Essential Worker and Essential Provider List** has the meaning in the **Stay Safe Directions**;
 - (10) **flexible care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
 - (11) **homelessness residential service** means a service that is funded by government to provide a staffed residential service to people who are homeless or at risk of being homeless;
 - (12) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 19)** as amended or replaced from time to time;
 - (13) **nominated person** in relation to a **resident** has the same meaning as in the **Mental Health Act 2014**;
 - (14) **operator** of a **care facility** means:
 - (a) for an **alcohol and drug treatment facility**—the operator of the facility;
 - (b) for a **homelessness residential service**—the entity that receives government funding to provide the service;
 - (c) for a **residential aged care facility**—the operator of the facility;
 - (d) for a **disability residential service**—the **disability service provider** that operates the service;
 - (e) for an **eligible SDA enrolled dwelling**—the **disability service provider** or the **registered NDIS provider** that operates the service;

- (f) for a **short-term accommodation and assistance dwelling**—the **registered NDIS provider** or the **disability service provider** that operates the service;
 - (g) for a **secure welfare service**—the Secretary to the Department of Families, Fairness and Housing;
 - (h) for a **supported residential service**—the **proprietor** of the supported residential service;
 - (i) for the **Thomas Embling Hospital**—the **Victorian Institute of Forensic Mental Health**;
- (15) **proprietor of a supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (16) **provides labour hire services** has the same meaning as in the **Labour Hire Licensing Act 2018**;
- (17) **quarantine-free flight** means a flight where no passenger on board is required to quarantine as a result of having been outside an Australian Government designated green travel zone in the 14 days prior to arrival in Victoria;
- (18) **registered NDIS provider** has the same meaning as in the **National Disability Insurance Scheme Act 2013** of the Commonwealth;
- (19) **resident of a care facility** includes a patient of the care facility;
- (20) **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;
- (21) **residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (22) **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 or chills);
 - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
 - (c) loss of smell;
 - (d) loss of taste;
- (23) **secure welfare service** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (24) **Stay Safe Directions** means the **Stay Safe Directions (Victoria) (No. 14)** as amended or replaced from time to time;
- (25) **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (26) **Thomas Embling Hospital** means the hospital of that name operated by the **Victorian Institute of Forensic Mental Health**;
- (27) the following expressions have the same meaning as they have in the **Disability Act 2006**:
- (a) disability service provider;
 - (b) SDA enrolled dwelling;
 - (c) SDA provider;
 - (d) short-term accommodation and assistance dwelling;
 - (e) treatment plan;
- (28) **Victorian Institute of Forensic Mental Health** has the same meaning as in the **Mental Health Act 2014**;

- (29) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 17)** as amended or replaced from time to time;
- (30) **Workplace Directions** means the **Workplace Directions (No. 19)** as amended or replaced from time to time.

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.

Dated 12 February 2021

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

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Workplace Directions (No. 19)**

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

1 Preamble

- (1) The presence of a person with a positive diagnosis of Novel Coronavirus 2019 (**SARS-CoV-2**) at a **Work Premises** is considered to pose an immediate risk of transmission to persons who attend, or may attend, the Work Premises.
- (2) The purpose of these directions is to 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. 18)**.

2 Citation

These directions may be referred to as the **Workplace Directions (No. 19)**.

3 Revocation

The **Workplace Directions (No. 18)** are revoked at 11:59:00 pm on 12 February 2021.

4 Commencement

These directions commence at 11:59:00 pm on 12 February 2021 and end at 11:59:00 pm on 26 February 2021.

5 Operation of a Work Premises

- (1) An employer:
 - (a) must not permit a worker to perform work at the Work Premises where it is reasonably practicable for the worker to work at the worker's place of residence or another suitable **premises** which is not the Work Premises; and
*Note: the **Stay Safe Directions (Victoria) (No. 14)** refers to an Essential Worker and Essential Provider List.*
 - (b) must comply with the **Stay Safe Directions**), the **Workplace (Additional Industry Obligations) Directions** and all other Directions currently in force where they apply to that employer; and
 - (c) may permit workers to work from the employer's Work Premises, to the extent the Work Premises is permitted to operate under the **Restricted Activity Directions (Victoria)**;
- (2) Where an employer permits or requires work to be performed at a Work Premises, the employer must comply with clauses 6 to 8.
- (3) Workers must not attend a Work Premises if they have been tested for SARS-CoV-2 because they are symptomatic whilst awaiting the result of that test (excluding where a worker is awaiting results of a test taken in accordance with a surveillance testing obligation under the **Workplace (Additional Industry Obligations) Directions**).

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

Face coverings requirement

(1) An employer must take reasonable steps to ensure the worker, when working at a Work Premises:

- (a) carries a **face covering** at all times, except where subclause (2)(a) applies; and
- (b) wears 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. Please refer to the Department's guidelines for further information.

(2) Subclause (1) does not apply if:

- (a) the worker has a physical or mental health illness or condition or disability which makes wearing a face covering unsuitable; or

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

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

Examples: teaching, lecturing, broadcasting.

- (e) the person is working by themselves in an enclosed **indoor space** (unless and until another person enters that indoor space); or
- (f) the worker is travelling in a **vehicle** for work purposes by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (g) the worker is consuming food, drink or medicine; or
- (h) the worker is asked to remove the face covering to ascertain identity; or
- (i) for emergency purposes; or
- (j) required or authorised by law; or
- (k) doing so is not safe in all the circumstances.

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

COVIDSafe Plan

(3) Subject to subclause (5), 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 (7);
- (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.
- (4) The employer and the employer's workers must comply with the COVIDSafe Plan.
- (5) An employer is not required to comply with subclause (3):
- (a) for any Work Premises that have no workers working at that Work Premises;
 - (b) in relation to:
 - (i) each individual vehicle that makes up a fleet of two or more vehicles;

Note 1: despite subclause (5)(b), 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 an **employee** to travel between the Work Premises and the employee's ordinary place of residence.

Note: each vehicle used predominantly as a Work Premises (e.g. food trucks, dental vans) requires a COVIDSafe Plan.
- (6) 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 (6)(a).

Record-keeping obligations (records requirement)

- (7) Subject to subclause (9), an employer must keep a record of all workers and all visitors who attend the Work Premises for longer than 15 minutes (at a minimum), which includes:
- (a) the person's first name; and
 - (b) a contact phone number; and
 - (c) the date and time at which the person attended the Work Premises; and
 - (d) the areas of the Work Premises which the person attended.
- Note: the records requirement applies in respect of all persons that attend the facility or venue for longer than 15 minutes, which may include staff, customers, and maintenance and delivery workers.*
- (8) An employer may comply with the record-keeping requirements in subclause (7) in relation to a worker or visitor where the worker or visitor records their visit to the Work Premises using a digital system provided by the **Service Victoria CEO** and other parts of the Victorian Government for that purpose.

- (9) An employer is not required to comply with the records requirement in subclause (7):
- (a) where they are operating a Work Premises which is a **market**, market stall, a **retail facility** or **retail shopping centre** with respect to customers who attend that Work Premises, where it is not practicable to do so; or
 - (b) in relation to **members of the public** using a **commercial passenger vehicle service**; or
 - (c) in relation to essential support groups and health services if confidentiality is typically required.

Example: support groups for alcohol and drugs or family violence typically require confidentiality.

- (10) In handling the information outlined in subclause (7):

- (a) an employer who uses a system other than a digital system provided by the Service Victoria CEO and other parts of the Victorian Government must:
 - (i) not collect personal information unless the information is necessary to meet the requirements outlined in subclause (7); 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: Clause 10(a) is intended to apply to employers who use a third party digital system, or other system (e.g. paper based record keeping), to create a worker or visitor record, whether or not:

- (a) the employer also uses a digital system provided by the Service Victoria CEO and other parts of the Victorian Government to comply with subclause (7); or
 - (b) the third party digital system, or other system used by the employer, links to a digital system provided by the Service Victoria CEO and other parts of the Victorian Government.
- (b) **Service Victoria** and/or another operator of a system provided by the Victorian Government, 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)

- (11) 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.

- (12) In collecting the information outlined in subclause (11), an employer must:
- (a) use reasonable endeavours to protect the personal information from use or disclosure, other than in accordance with a request made by an Authorised Officer; and
 - (b) destroy the information as soon as reasonably practicable, unless another statutory requirement permits or requires the personal information to be retained.

Density quotient (Density quotient)

- (13) In any shared spaces (such as lunchrooms) and publicly accessible areas at the Work Premises (except in relation to any shared spaces in **schools**, non-school senior secondary providers, **childcare or early childhood services**, or **higher education services** used by students or children, including classrooms, and clinical areas of a **hospital**), an employer must comply with the density quotient for each shared space and each publicly accessible area.

*Note 1: in relation to a school, non-school senior secondary provider, education and care service, childcare or early childhood service, or higher education service, spaces for the purpose of student and children use (such as classrooms, hallways and gymnasiums) are not subject to the density quotient. The density quotient does, however, still apply to spaces used only by staff (such as staff lunchrooms, photocopier room, principal's office, back of reception and resource rooms). The density quotient also applies to any publicly accessible areas (including in relation to a school, non-school senior secondary providers, or childcare early childhood service, or higher education service), and any such publicly accessible areas that are subject to the **signage requirements** under subclause (16).*

*Note 2: in relation to a school, non-school senior secondary provider, childcare or early childhood service, or higher education service using facilities other than the school, childcare or higher education service premises, the density quotient of the relevant facility and the relevant requirements of the facility's COVIDSafe Plan will apply to the school, non-school senior secondary provider, childcare or early childhood service, or higher education service when using that facility. As an alternative to using the facility's COVIDSafe Plan, the school, non-school senior secondary provider, childcare or early childhood service, or higher education service may apply their own COVIDSafe Plan to the use of the facility, so long as it has been adjusted so that it is fit for purpose taking into account the unique features of the relevant facility. If the facility is being used exclusively by a single school, non-school senior secondary provider, childcare or early childhood service, or higher education service for educational purposes, the restrictions and guidance on teachers, staff, students and children under the **Restricted Activity Directions (Victoria)** apply in relation to the school, non-school senior secondary provider, childcare or early childhood service, or higher education service having exclusive use of that facility.*

*Note 3: In relation to a **care facility**, shared spaces and publicly accessible spaces include entrance areas, waiting rooms and communal areas where visitors may enter but does not include patient or resident rooms or resident lounges not accessible by visitors.*

Note 4: In relation to a hospital, clinical areas including emergency department waiting rooms and hospital wards are areas of a hospital that the density quotient does not apply to, however, other non-clinical areas of the hospital are subject to the density quotient where practicable.

- (14) The **density quotient** for the purposes of subclause (13) limits:
- (a) in relation to a shared space, the number of persons who are permitted in a shared space; or
 - (b) in relation to a publicly accessible space:
 - (i) where that publicly accessible space is occupied by workers on an ad hoc basis, the number of members of the public; or
 - (ii) where that publicly accessible space is occupied by workers on an ongoing basis, the number of persons,

*Note: the **Restricted Activity Directions (Victoria)** specifies which facilities should calculate the density quotient by reference to the number of persons in the accessible area or alternatively the number of members of the public in the accessible area.*

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

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

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

- (15) The number of people allowed in a shared space or publicly accessible area may be subject to a separate specified density measure or cap under the **Restricted Activity Directions (Victoria)** and, in those circumstances, the density quotient will not apply.

*Example 1: under the **Restricted Activity Directions (Victoria)** the publicly accessible area used to calculate the density measure for **food and drink facilities** excludes toilets, separate hallways, separate foyers or play areas.*

*Example 2: under the **Restricted Activity Directions (Victoria)** some facilities have a patron cap that is less than the number of people allowed under the density quotient.*

Signage requirements (signage requirement)

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

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

- (17) A person who owns, operates or controls a market stall, market or retail shopping centre must:
- (a) limit the number of members of the public permitted by the density quotient as it applies respectively to the market stall, market or the retail shopping centre; and
 - (b) use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

- (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 exemption 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 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) take all reasonably practicable steps to manage the risk posed by the suspected case, including but not limited to:
 - (i) cleaning areas of the Work Premises used by the suspected case (including their personal workspace and any areas in the Work Premises frequently used by the suspected case);
 - (ii) cleaning high-touch surfaces at the Work Premises likely to have been frequented by the suspected case; and
Examples: lift buttons, door handles, washroom facilities, kitchen facilities, water coolers. For further information, see the guidance at www.dhhs.vic.gov.au/cleaning-and-disinfecting-reduce-covid-19-transmission-tips-non-healthcare-settings_as_amended_or_replaced_from_time_to_time_by_the_Victorian_Government.
 - (d) ensure appropriate records are maintained in accordance with clause 6(7) in order to support contact tracing if the suspected case becomes a confirmed case, particularly from the period commencing 48 hours prior to the onset of symptoms in the suspected case; and
Note: this will include, for example, rosters and worker details, and details of all visitors to the Work Premises, to ascertain which persons were present at the Work Premises and who they may have come into contact with.

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

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

- (1) In these directions, in respect of a worker who has tested positive to SARS-CoV-2, **Relevant Period** means the period commencing 48 hours prior to:
 - (a) the onset of symptoms of SARS-CoV-2 in the worker, if symptomatic; or
 - (b) the worker having been tested for SARS-CoV-2, if asymptomatic,and up to the **diagnosed person** receiving clearance from the Department.
- (2) A worker who has received a positive test result for SARS-CoV-2 must, as soon as practicable, notify the employer of any Work Premises which the worker has attended in the Relevant Period.
- (3) As soon as practicable after becoming aware of a confirmed case who has attended the Work Premises in the Relevant Period, the employer must:
 - (a) notify the Department and WorkSafe in accordance with the **Occupational Health and Safety (COVID-19 Incident Notification) Regulations 2020** and the health and safety representative at the Work Premises; and
 - (b) to the extent not already completed, direct the **diagnosed worker** not to attend the Work Premises and advise them to self-isolate in accordance with clause 7(2)(a); and
 - (c) undertake a risk assessment to determine whether the Work Premises (or the relevant part of the Work Premises in which the diagnosed worker worked in the Relevant Period) must be closed to allow cleaning and contact tracing to occur or whether the risk can be managed whilst the Work Premises (or part of it) continues to operate; and
 - (d) undertake a comprehensive clean of the Work Premises (or the relevant part of the Work Premises in which the diagnosed worker worked in the Relevant Period, and any high touch areas likely to have been touched by the diagnosed worker) in accordance with guidelines published by the Department; and
Note: online guidance from the Department can be obtained from the following link: www.dhhs.vic.gov.au/cleaning-and-disinfecting-reduce-covid-19-transmission-tips-non-healthcare-settings, as amended or replaced from time to time by the Victorian Government.
 - (e) consult with the diagnosed worker and examine the employer's own records to determine any **close contacts** of the diagnosed worker at the Work Premises within the Relevant Period and, where any close contacts are identified and the employer has the relevant contact details of the close contact:
Note: for record-keeping obligations to assist with identification of close contacts and contract tracing, see clause 6(7).
 - (i) if the close contact is a worker, direct them to leave the Work Premises and advise them to **self-quarantine**; and
 - (ii) if the close contact is not a worker, issue them a written communication to recommend that they self-quarantine in accordance with guidance from the Department; and
 - (f) notify all workers when a worker has tested positive to SARS-CoV-2; and
 - (g) inform all workers (including health and safety representatives) to be vigilant about the onset of symptoms of SARS-CoV-2 and advise all workers to be tested for SARS-CoV-2 and self-quarantine if they become symptomatic; and
 - (h) put in place appropriate control and/or risk management measures to reduce the risk of spreading SARS-CoV-2 at the Work Premises; and

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

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

- (i) contact the Department (or other entity nominated by the Department on its website) and:
 - (i) notify it of the actions taken in accordance with subclause (3)(a) to (h); and
 - (ii) provide it with a copy of the risk assessment conducted in accordance with subclause (3)(c); and
 - (iii) provide the Department (or other entity nominated by the Department) with contact details of any close contacts (whether or not workers) identified pursuant to subclause (3)(e); and
 - (iv) comply with any further directions given by the Department or WorkSafe in relation to closure of the Work Premises (or part of the Work Premises) and/or cleaning; and
- (j) where the Work Premises (or part of the Work Premises) is closed, not re-open that Work Premises (or that part of the Work Premises which was closed) until all of the following have occurred:
 - (i) the employer has complied with all of its obligations under subclause (3)(a) to (i); and
 - (ii) the Department has completed all relevant contact tracing; and
 - (iii) the Department has given clearance for the Work Premises to re-open.

*Note: employers must comply with their obligations under occupational health and safety laws, including notifying WorkSafe in accordance with the **Occupational Health and Safety (COVID-19 Incident Notification) Regulations 2020**.*

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 Other definitions

For the purposes of these directions:

- (1) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (2) **Care Facilities Directions** means the **Care Facilities Directions (No. 21)** as amended or replaced from time to time;
- (3) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (4) **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 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;
- (5) **cleaned** has the meaning in clause 6(20);
- (6) **cleaning requirement** has the meaning in clause 6(19) to (21) (both inclusive);

- (7) **close contact** means any person who has had contact greater than 15 minutes face-to-face, cumulative, or has shared a closed space for more than two hours, with a **confirmed case** during the **Relevant Period**;
- (8) **commercial passenger vehicle service** has the meaning given in section 4 of the **Commercial Passenger Vehicle Industry Act 2017**;
- (9) **common areas** of a **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (10) **confirmed case** means a diagnosis of **SARS-CoV-2** in a **worker** at the **Work Premises**;
- (11) **Department** means the Department of Health;
- (12) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (13) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 16)** as amended or replaced from time to time;
- (14) **diagnosed worker** means a **worker** who is a **diagnosed person**;
- (15) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (16) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Victoria)**;
- (17) **employee** includes a person who is self-employed;
- (18) **employer** means a person who owns, operates or controls **Work Premises** (or a Work Premises) and includes a person who is self-employed;
- (19) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection;
- (20) **food and drink facility** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (21) **health and safety representative** has the same meaning as in the **OHS Act**;
- (22) **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;
- (23) **indoor space** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (24) **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;
- (25) **inspector** has the same meaning as in the **OHS Act**;
- (26) **market** means a public market, whether indoor or outdoor, including a food market;
- (27) **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;
- (28) **OHS Act** means the **Occupational Health and Safety Act 2004**;

- (29) **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.*
- (30) **outdoor space** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (31) **passenger services** has the same meaning as in the **Transport Integration Act 2010**;
- (32) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (33) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (34) **PPE** means personal protective equipment;
- (35) **premises** has the same meaning as in the **PHW Act**;
- (36) **reasonably practicable** is to have its ordinary and common sense meaning;
- (37) **records requirement** has the meaning in clause 6(7) to (10) (both inclusive);
- (38) **Relevant Period** has the meaning given in clause 8(1);
- (39) **Restricted Activity Directions (Victoria)** means the **Restricted Activity Directions (No. 7)** as amended or replaced from time to time;
- (40) **retail facility** includes any facility that is used wholly or predominantly for:
- (a) the sale or hire of goods by retail; or
 - (b) the retail provision of services;
- (41) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (42) **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;
- (43) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (44) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (45) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (46) **Service Victoria** has the same meaning as in the **Service Victoria Act 2018**;
- (47) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (48) **signage requirement** has the meaning in clauses 6(16), (17) and (18);
- (49) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No. 14)** as amended or replaced from time to time;
- (50) **suspected case** means a person who is displaying one or more **SARS-CoV-2 Symptoms**;

- (51) **vehicle** has the same meaning as in the **PHW Act**;
- (52) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 17)** as amended or replaced from time to time;
- (53) **Work Premises** means the **premises** of an **employer** in which work is undertaken, including any **vehicle** whilst being used for work purposes, but excluding an **employee'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.
- (54) **worker** includes **employees**, subcontractors (and their employees), volunteers and any other person engaged or permitted by an employer to perform work;
- (55) **WorkSafe** means WorkSafe Victoria.

11 Penalties

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

Compliance with direction or other requirement

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

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

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

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

Dated 12 February 2021

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

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