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Public Health and Wellbeing Act 2008 Section 200

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

Stay at Home Directions (Restricted Areas) (No. 22)

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

PART 1 – PRELIMINARY

1 Preamble

- (1) The purpose of these directions is to address the serious public health risk posed in the Restricted Area by the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Stay at Home Directions (Restricted Areas) (No. 21)**.
- (4) These directions require everyone in the Restricted Area to limit their interaction with others by:
 - (a) restricting the circumstances in which they may leave the **premises** where they ordinarily reside; and
 - (b) restricting public and private gatherings, including prohibiting visitors to another person's home other than in limited circumstances; and
 - (c) requiring **face coverings** to be worn indoors and outdoors.

2 Citation

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

3 Revocation

The **Stay at Home Directions (Restricted Areas) (No. 21)** are revoked at 11:59:00 pm on 17 September 2021.

4 Stay at home period

For the purposes of these directions, the stay at home period is the period beginning at 11:59:00 pm on 17 September 2021 and ending at 11:59:00 pm on 23 September 2021.

PART 2 – STAY AT HOME

5 Direction – staying at home other than in specified circumstances

Requirement to stay at home

- (1) During the stay at home period:
 - (a) an **ordinary resident of the Restricted Area**; or
 - (b) a **temporary resident of the Restricted Area**,
must not leave the premises where they are residing in the Restricted Area, other than for one or more of the reasons specified in:
 - (c) clause 6 (*necessary goods or services*);
 - (d) clause 7 (*care or other compassionate reasons*);
 - (e) clause 7A (*care or compassionate reasons: child minding*);

SPECIAL

- (f) clause 8 (**work or education**);
- (g) clause 9 (**exercise or social interaction**);
- (h) clause 10 (**other specified reasons**);
- (i) clause 10A (**SARS-CoV-2 vaccination**).

Note 1: a person may have more than one ordinary place of residence but is only permitted to move between those places in accordance with subclause (10).

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

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

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

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

Travel restrictions

- (3) A person may only leave their premises under subclause (1) where it does not involve unreasonable travel or travelling to a place for an unreasonable period of time.

*Note: people who are in an intimate personal relationship or who are a **nominee person** and a **nominated person** may stay overnight at each other's premises provided they otherwise comply with these directions.*
- (4) An ordinary resident of the Restricted Area must not travel in a **vehicle** with another person with whom they do not ordinarily reside unless it is not otherwise reasonably practicable for either person to leave their premises for a purpose permitted under these directions.

Example: a person who does not hold a driver's licence may travel in a vehicle with another person with whom they do not ordinarily reside for the purposes of attending a medical appointment (including a vaccination) or doing their grocery shopping if it is not reasonably practicable for them to travel there another way.
- (5) A person who is not an ordinary resident of the Restricted Area, including a **temporary resident of the Restricted Area** or a **short-term entrant to the Restricted Area**, must not travel in a vehicle with an ordinary resident of the Restricted Area unless it is not otherwise reasonably practicable for either person to leave their premises for a purpose permitted under these directions.
- (6) An ordinary resident of the Restricted Area or a temporary resident of the Restricted Area who leaves their premises under either clause 6 (**necessary goods or services**) or clause 9 (**exercise or social interaction**) must not:

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

 - (a) travel further than 10km from:
 - (i) their premises; or

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

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

Note 1: if the closest necessary goods or services are more than 10km from a person's ordinary place of residence, then it would not be reasonably practicable for that person to obtain goods and services within the travel limits imposed by subclause (6).

Note 2: where subparagraph (b) applies, the person must not travel any further than is reasonably necessary to obtain necessary goods or services.
- (8) Only one person from a given residence per day may leave the premises under clause 6 (*necessary goods or services*), except where:
 - (a) the person leaves the premises to obtain goods or services:
 - (i) for health or medical purposes (including vaccinations) under clause 6(1)(b); or
 - (ii) provided by a:
 - (A) financial institution under clause 6(1)(c)(i); or
 - (B) government body or government agency under clause 6(1)(c)(ii); or
 - (b) the person is a parent or guardian of a child and they cannot access any child-minding assistance (whether on a paid or voluntary basis) so that they can leave the premises without the child; or
 - (c) it is necessary for the person to provide, or the person requires, care and support due to:
 - (i) age, infirmity, disability, illness or a chronic health condition; or
 - (ii) matters relating to the person's health (including mental health or pregnancy).

- (9) Where an ordinary resident of the Restricted Area or a temporary resident of the Restricted Area leaves their premises under clause 9 (*exercise or social interaction*), the person must only use a vehicle where:
- (a) the person is using it by themselves; or
 - (b) the person is using it with another person with whom they ordinarily reside in accordance with these directions; or
 - (c) the person is using it with another person with whom they are in an intimate personal relationship,

and it is not otherwise reasonably practicable for the person to undertake exercise or socially interact without using a vehicle.

Note: if a person needs to access an area within 10km of their premises for exercise or social interaction, but can only do so due to mobility (such as a parent with a young child or a person with disability) or safety reasons (such as needing to exercise or socially interact in an area with greater passive surveillance) by using a vehicle with another person with whom they do not live, then it would not be reasonably practicable for that person to undertake exercise or socially interact without sharing a vehicle to do so.

Travel restrictions – curfew

- (10) During the stay at home period:
- (a) an ordinary resident of the Restricted Area (excluding the **Restricted Area – Regional Victoria**) or a temporary resident of the Restricted Area (excluding the Restricted Area – Regional Victoria) may only leave their premises under subclause (1); and
 - (b) a short-term entrant to the Restricted Area (excluding the Restricted Area – Regional Victoria) may only enter the Restricted Area, between 9:00:00 pm and 5:00:00 am during the stay at home period if:
 - (c) they are leaving their premises (or the premises of their intimate partner, nominee person or nominated person (as applicable)) for work in accordance with clause 8 (including travelling to and from work); or
- Note: the curfew applies to a person when they are staying with a person with whom they are in an intimate personal relationship, or their nominee person or nominated person (as applicable).*
- (d) it is necessary:
 - (i) to obtain necessary goods and services:
 - (A) for health or medical purposes under clause 6(1)(b); or
 - (B) where the person is working, or travelling to or from their premises for work, between 9:00:00 pm and 5:00:00 am; or
 - (e) it is for the reasons set out in:
 - (i) clause 7(1)(b)(ii) (care and support of a child);
 - (ii) clause 7(1)(c) (care and support for another person);
 - (iii) clause 7(1)(i) (escape harm or the risk of harm);
 - (iv) clause 7(1)(l) (provide child minding assistance);
 - (v) clause 7(1)(m) (pet toilet break);
 - (vi) clause 7A (take a child elsewhere for child minding);
 - (vii) clause 10(1)(b) (emergency purposes, which includes, without limitation, seeking emergency medical assistance);
 - (viii) clause 10(1)(c) (as required or authorised by law);
 - (ix) clause 10(1)(d) (for purposes relating to the administration of justice, including attending a police station);
 - (x) clause 10(1)(f) (driving a person as permitted under these directions);

- (xi) clause 10(1)(g) (the premises in which the person ordinarily resides is no longer available);
- (xii) clause 10(1)(i) (leaving the Restricted Area);
- (xiii) clause 10(1)(j) (leaving Australia);
- (xiv) clause 10(1)(k) (for the purposes of national security).

Requirement to stay in the Restricted Area

- (11) Subject to subclause (13), an ordinary resident of the Restricted Area during the stay at home period must not leave the Restricted Area other than for one or more of the reasons specified in:
- (a) clause 6 (*necessary goods or services*):
 - (i) provided that the facility at which the person is obtaining necessary goods or services is the closest facility to their principal place of residence from which those necessary goods or services can be obtained; and
 - (ii) despite clause 6(1)(b), does not include the person leaving the Restricted Area for the purposes of receiving a SARS-CoV-2 vaccination, unless the location where they are receiving the SARS-CoV-2 vaccination is in an adjacent local government area to where they reside;
 - (b) clause 7 (*care or other compassionate reasons*);
 - (c) clause 7A (*care or compassionate reasons: child minding*);
 - (d) clause 8 (*work or education*);
 - (e) clause 10 (*other specified reasons*).
- (12) If an ordinary resident of the Restricted Area leaves the Restricted Area in accordance with subclause (11) or (13):
- (a) these directions apply to that person when outside of the Restricted Area as if they were in the Restricted Area; and
 - (b) the person may only access facilities in **Regional Victoria**:
 - (i) that are permitted to operate under the **Restricted Activity Directions (Restricted Areas)**; and
 - (ii) the person is accessing those facilities:
 - (A) for the purpose for which they are permitted to travel to Regional Victoria in accordance with subclause (11) or (13); or
 - (B) in the case of a **retail facility** (other than a **restricted retail facility**), for the purpose of obtaining essential goods or services; or
 - (C) in the case of a **food and drink facility**, to obtain takeaway food or drink; or
 - (D) in the case of an **accommodation facility**, if required to facilitate the purpose for which the person is permitted to travel to Regional Victoria.
- Example: a person permitted to travel to Regional Victoria for work may enter a restaurant to purchase take away food, but may not dine in the restaurant.*
- (c) despite subclause (b), the person must not enter an **alpine resort**, unless the person is an emergency services worker responding to an emergency.

Principal place of residence

- (13) If a person has more than one ordinary place of residence, and if they were residing at one at the time the area in which that residence is located last became a Restricted Area, then that premises must remain their principal place of residence for the duration of the stay at home period. A person must not leave their principal place of residence to go to any other ordinary place of residence, regardless of whether that place of residence is within the Restricted Area or Regional Victoria, except:
- (a) for the purposes of (and provided they comply with) clause 8 (***work or education***); or
 - (b) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
 - (c) for emergency maintenance of the other residence excluding emergency preparation activities, unless such work is urgent and essential; or
 - (d) for emergency purposes excluding emergency preparation activities, unless such work is urgent and essential; or
 - (e) as required or authorised by law.

Ordinary place of residence

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

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

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

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

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

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

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

Face covering requirements

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

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

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

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

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

Face covering requirements in airports and on aircraft

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

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

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

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

Restriction on entry to the Restricted Area

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

- (c) to undertake work under a **specified worker permit**; or
 - (d) for the purpose for which they have been granted an exemption under the **Victorian Border Crossing Permit Directions** or a **revoked Border Crossing Permit Scheme Direction**; or
 - (e) if the person is an **excepted person**.
- (2) A short-term entrant to the Restricted Area during the stay at home period must:
- (a) comply with the face covering requirements in subclauses 5(19), (20), (21) and (22); and
 - (b) comply with the restrictions on gatherings in clause 11 (**gatherings**); and
 - (c) comply with the Directions currently in force, including (without limitation) by:
 - (i) not engaging in an activity that is prohibited under the **Restricted Activity Directions (Restricted Areas)**; and
 - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Restricted Areas)** in accordance with any requirements set out in those directions.

Travel restrictions

- (3) A short-term entrant to the Restricted Area may only enter the Restricted Area under subclause (1) where it does not involve unreasonable travel or travelling to a place for an unreasonable period of time.
- (4) A short-term entrant to the Restricted Area, must not travel in a **vehicle** with another person with whom they do not ordinarily reside unless it is not otherwise reasonably practicable for either person to enter the Restricted Area for a purpose permitted under these directions.
- (5) A short-term entrant to the Restricted Area, who enters the Restricted Area under clause 6 (**necessary goods or services**) or exercises or engages in social interaction after they have entered the Restricted Area under subclause (1) must not:
- (a) travel further than 10km from:
 - (i) their ordinary place of residence outside of the Restricted Area for obtaining necessary goods or services; or
 - (ii) their intimate partner's ordinary place of residence or work premises (as applicable) for exercise or social interaction, if the place of residence or work premises is in the Restricted Area; or
 - (b) do so more than once per day for each of the following purposes:
 - (i) to obtain necessary goods or services under clause 6 (**necessary goods or services**); or
 - (ii) to exercise after they have entered the Restricted Area; or
 - (iii) to socially interact after they have entered the Restricted Area; or

Note: a person can only go shopping once, exercise once and socially interact once on the same day.
 - (c) do so for a period longer than 4 hours in total for exercise and social interaction.
- (6) A short-term entrant to the Restricted Area who enters the Restricted Area under clause 6 (**necessary goods or services**):
- (a) is not required to comply with subclause (5)(b) if the person obtains goods or services provided by:
 - (i) a financial institution under clause 6(1)(c)(i); or
 - (ii) a government body or government agency under clause 6(1)(c)(ii); and

- (b) is not required to comply with subclause (5) if:
 - (i) the person enters the Restricted Area to obtain goods or services for health or medical purposes (including vaccinations) under clause 6(1)(b); or
 - (ii) as a consequence of the requirements in that subclause, it is not reasonably practicable for the person to obtain necessary goods or services.
- (7) A short-term entrant to the Restricted Area who enters the Restricted Area under clause 6 (***necessary goods or services***) must be the only person that has entered the Restricted Area from their ordinary place of residence on that day, except where:
 - (a) the person enters the Restricted Area to obtain goods or services:
 - (i) for health or medical purposes (including vaccinations) under clause 6(1)(b); or
 - (ii) provided by a:
 - (A) financial institution under clause 6(1)(c)(i); or
 - (B) government body or government agency under clause 6(1)(c)(ii); or
 - (b) the person is a parent or guardian of a child and they cannot access any child-minding assistance (whether on a paid or voluntary basis) so that they can enter the Restricted Area without the child; or
 - (c) it is necessary for the person to provide, or the person requires, care and support due to:
 - (i) age, infirmity, disability, illness or a chronic health condition; or
 - (ii) matters relating to the person's health (including mental health or pregnancy).

PART 3 – REASONS TO LEAVE PREMISES OR TO ENTER THE RESTRICTED AREA

6 Leaving premises or entering Restricted Area to obtain necessary goods or services

- (1) The reasons relating to necessary goods or services are to obtain:
 - (a) take away food or drink; or
Note: a person who ordinarily resides in the Restricted Area may not leave their premises to have a dine-in meal at any location.
 - (b) goods and services for health or medical purposes (including vaccinations); or
 - (c) other necessary goods or services, including (but not limited to) goods or services provided by:
 - (i) a financial institution;
 - (ii) a government body or government agency;
 - (iii) a post office;
 - (iv) a **pharmacy**;
 - (v) a petrol station;
 - (vi) a pet store or veterinary clinic;
 - (vii) a retail facility that is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Restricted Areas)**.

7 Leaving premises or entering the Restricted Area for care or other compassionate reasons

- (1) The reasons relating to care or compassion are:
- (a) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
 - (b) if the person is a parent or guardian of a child (with or without that child):
 - (i) to visit the child if the child is in detention, or in the care of another person; or
 - (ii) to meet any obligations in relation to care and support for that child; or
 - (iii) to take the child to:
 - (A) a **childcare or early childhood service** in accordance with clause 8(3) and (4); or
 - (B) a school or outside school hours care service in which they are enrolled in accordance with clause 8(6) and (7); or
 - (c) to provide care and support to a person who has, or to receive care or support because the person has:
 - (i) particular needs because of age, infirmity, disability, illness, a chronic health condition, homelessness or family violence; or
 - (ii) particular needs because of matters relating to the other person's health (including mental health or pregnancy); or
 - (d) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions**; or
 - (e) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions**; or
 - (f) to attend a funeral, wedding or **end of life** activity, if that funeral, wedding or end of life activity complies with the requirements in clause 11; or

Note: a person who ordinarily resides in the Restricted Area is permitted to attend a wedding, funeral or end of life activity in Regional Victoria, provided that activity complies with the requirements in clause 11. An authorised celebrant may leave the Restricted Area under clause 8 (work or education).
 - (g) to attend a **memorial** site to pay respects to a deceased person provided that this is only with any other person (or people) who ordinarily resides at the same premises as that person or one other person; or
 - (h) to donate biological material at a blood bank or other similar donation facility; or
 - (i) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises; or
 - (j) to visit a person with whom they are in an intimate personal relationship; or

Note: people in an intimate personal relationship may stay overnight at each other's ordinary places of residence, and are not required to wear a face covering while visiting each other at those premises, provided they otherwise comply with these directions.
 - (k) if they are a nominee person or a nominated person for the purpose of nominated social interaction in accordance with clause 11(3)(b)(iii); or
 - (l) to provide child-minding assistance (whether on a paid or voluntary basis) in accordance with clause 7A (**care or compassionate reasons: child minding**); or
 - (m) if the person has a pet at their premises and it is necessary to take the pet outdoors to urinate or defecate, if it is not reasonably practicable for the pet to do so at the person's premises; or

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

- (n) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal; or
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.
- (o) if the person is a parent, guardian or carer of a child, children or dependants under 12 years of age, to take the child, children or dependants to a **playground** in accordance with clause 9(1)(d).

7A Leaving premises or entering the Restricted Area for care or compassionate reasons: child minding

- (1) The reasons relating to care or compassion in relation to child minding are to:
 - (a) take a child, children or young person to another person's premises; or
 - (b) allow a person to enter the parent or guardian's premises,
where a child, children or young person is not able to be cared for at the premises by a suitable adult, for the purpose of that other person providing child-minding assistance (whether on a paid or voluntary basis);
 - (c) because the child is a **vulnerable child or young person** and requires at home childcare; or
 - (d) so that:
 - (i) the parent or guardian can undertake work as an authorised worker, or for an authorised provider, where the child, children or young person is younger than primary school age; or
 - (ii) where:
 - (A) there are two parents or guardians and at least one of them is; or
 - (B) there is a single parent or guardian and that parent or guardian is, an authorised worker, or works for an authorised provider;
 - (C) the parent(s) or guardian(s) can undertake work as an authorised worker, or for an authorised provider, where the child, children or young person is primary school aged; or
 - (iii) where there is a single parent or guardian and that parent or guardian is unable to make alternative supervision arrangements for that child, children or young person who is younger than primary school age, the parent or guardian can undertake work; or
 - (iv) the parent or guardian, in circumstances where the parent or guardian cannot take the child with them, can:
 - (A) obtain goods and services for health or medical purposes (including vaccinations) in accordance with clauses 6(1)(b) or 10A; or
 - (B) obtain other necessary goods or services, in accordance with clauses 6(1)(c)(ii), or 10(1)(d); or
 - (C) can attend an essential public support service permitted under the **Restricted Activity Directions (Restricted Areas)**; or
 - (D) undertake care and compassionate activities in accordance with clauses 7(1)(a), 7(1)(b)(i), 7(1)(b)(ii), 7(1)(c), 7(1)(d) – (f), 7(1)(h), 7(1)(i), 7(1)(n); or
 - (E) meet any obligations in relation to care and support of another child, in order to ensure the health, safety and wellbeing of that child; or

- (F) undertake activities in accordance with clauses 10(1)(a) – (c) or (k); or
 - (G) exercise or social interaction in accordance with clause 9 (*exercise or social interaction*), where the parent or guardian is single; or
- (e) where the parent or guardian is an authorised worker who undertakes shift work, to:
- (i) facilitate the care of a child outside of school or childcare hours; or
 - (ii) rest in between shifts.

8 Leaving premises or entering the Restricted Area to attend work or education

- (1) The reasons relating to work or education are:
- (a) to attend work (whether paid or voluntary, including for charitable or religious purposes) provided in subclause (2); or
 - (b) to obtain a childcare or early childhood service provided in subclauses (3) and (4); or
 - (c) to obtain educational services or higher education services provided in subclauses (6) and (7).
- (2) A person may leave the premises under subclause (1)(a) only if attending work in:
- (a) the Restricted Area if:
 - (i) it is not reasonably practicable for the person to work from the premises where they ordinarily reside; and
 - (ii) the person is an authorised worker, works for an authorised provider, or is required to attend a closed work premises, each as defined in, and provided they are permitted to do so, under the **Restricted Activity Directions (Restricted Areas)**; or
 - (b) Regional Victoria if:
 - (i) it is not reasonably practicable for the person to work from the premises where they ordinarily reside; and
 - (ii) the person would be an authorised worker or would work for an authorised provider, and would be permitted to do so under the **Restricted Activity Directions (Restricted Areas)**, if the person did in fact work in the Restricted Area; or
 - (c) another State or Territory and the person complies with the requirements under that State's or Territory's laws.
- (3) A person may leave the premises under subclause (1)(b) only if obtaining childcare or early childhood services in the Restricted Area:
- (a) if it is not reasonably practicable for the person to obtain a childcare or early childhood service from the premises where they ordinarily reside; and
 - (b) for childcare or early childhood services, if the child, children or young person:
 - (i) has:
 - (A) two parents or guardians and at least one of them is; or
 - (B) a single parent or guardian and that parent or guardian is, an authorised worker or works for an authorised provider and holds an Authorised Worker Permit; and
 - (C) is not working from the premises and is unable to make alternative supervision arrangements for that child, children or young person leaving the premises to attend childcare or early childhood services; or

- (D) is working from the premises and is unable to make alternative supervision arrangements for that child, children or young person leaving the premises to attend childcare or early childhood services; or

Note 1: an authorised worker (or person who works for an Authorised Provider) working from home can access childcare if they have an Authorised Worker Permit

Note 2: an Authorised Worker that is required to work shift work (e.g. overnight shift at a hospital) is permitted to send their child(ren) to childcare or an early childhood service outside their working hours so they can rest.

- (ii) has a single parent or guardian and that parent or guardian is working and unable to make alternative supervision arrangements for that child, children or young person leaving the premises to attend childcare or early childhood services; or
- (iii) is a vulnerable child or young person.
- (4) A person may leave the premises under subclause (1)(b) only if obtaining childcare or early childhood services in Regional Victoria:
- (a) if the requirements in subclauses (3)(a) and (b) are met; and
- (b) if the person was enrolled to obtain the childcare or early childhood service in Regional Victoria at the time the area in which the person resides last became a Restricted Area.
- (5) A person who is an exception to holding a current Authorised Worker Permit pursuant to clauses 5(6) and 5(7) of the **Workplace Directions** is not required to present an Authorised Worker Permit to a childcare or early childhood service provider, provided they:
- (a) have photographic personal identification issued by the organisation or body which employs or engages them in the capacity and which identifies the person's place of work in that capacity; and
- (b) must, on request, produce the photographic personal identification which identifies the person's place of work to the childcare or early childhood service provider.
- (6) A person may leave the premises under subclause (1)(c) only if obtaining educational services or higher education services in the Restricted Area:
- (a) if it is not reasonably practicable for the child, children or young person to obtain educational services from the premises where they ordinarily reside; and
- (b) for school educational services (including at a school or non-school senior secondary provider and outside school hours care services), if the child, children or young person:
- (i) has:
- (A) two parents or guardians and both of them are; or
- (B) a single parent or guardian and that parent or guardian is, an authorised worker or work for an authorised provider and:
- (C) are not working from the premises and are unable to make alternative supervision arrangements for that child, children or young person leaving the premises to attend school education services; or

Note: an Authorised Worker that cannot work from home that is required to work shift work (e.g. overnight shift at a hospital) is permitted to send their child(ren) to school education services outside their working hours so they can rest.

- (ii) is a vulnerable child or young person; or

- (iii) is a secondary school student attending an assessment that is approved to proceed on site as specified in the **Authorised Provider and Authorised Worker List**; and
 - (c) for higher education services, if it is in relation to final year assessments for Tertiary Education Quality and Standards Agency regulated courses where the students do not have alternative options to complete the study by the end of the year.
- (7) A person may leave the premises under subclause (1)(c) only if obtaining:
- (a) school educational services (including at a school or non-school senior secondary provider and outside school hours care services) in Regional Victoria:
 - (i) if the requirements in subclauses (6)(a) and (b) are met; and
 - (ii) the person was enrolled to obtain the education service in Regional Victoria at the time the area in which the person resides last became a Restricted Area; or
 - (b) higher education services in Regional Victoria:
 - (i) if the requirements in subclauses (6)(a) and (c) are met; and
 - (ii) the person was enrolled to obtain the higher education service in Regional Victoria at the time the area in which the person resides last became a Restricted Area.

9 Exercising or social interaction and leaving premises for exercise or social interaction

- (1) The reason relating to exercise or social interaction is to exercise or socially interact with any person, provided that the person:
- (a) only exercises or socially interacts at a facility that is not prohibited by, and provided they comply with any requirements of, the **Restricted Activity Directions (Restricted Areas)**; and
 - (b) complies with the gathering restrictions in clause 11; and
 - (c) takes reasonable steps to maintain a distance of 1.5 metres from all other persons; and
 - (d) where exercising at a playground permitted to operate under the **Restricted Activity Directions (Restricted Areas)**, is:
 - (i) under 12 years of age; or
 - (ii) a parent, guardian or carer accompanying the person in (i), provided that:
 - (A) only one parent, guardian or carer accompanies the person in (i) at any one time, unless the needs of a child, children or dependants are such that an additional carer is required for appropriate supervision; and
 - (B) the parent, guardian or carer does not remove their face covering for the purposes of consuming food or drink, whilst accompanying the person in (i) at the playground.

Note: the exception from the requirement to wear a face covering pursuant to clause 5(20)(r) does not apply to a parent, guardian or carer accompanying a child under subclause (ii).

- (2) Subclause (1)(c) does not prevent a person from walking with other persons for the purposes of exercise or social interaction where this is permitted in accordance with the gathering restrictions in clause 11(4)(c)(iii).

10 Leaving premises or entering the Restricted Area for other reasons

- (1) The reasons relating to other matters are:
- (a) for emergency preparation activities (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 (Restricted Areas)**; or
 - (f) for the purpose of driving a person with whom they ordinarily reside where it is not otherwise reasonably practicable for that person to leave their premises for a purpose permitted under, and provided they comply with, these directions; or
Examples: driving a household member who is an authorised worker or works for an authorised provider, and who does not have a driver's licence, to or from work.
 - (g) if the premises in which the person ordinarily resides is no longer available for the person to reside in or is no longer suitable for the person to reside in; or
 - (h) for the purposes of moving to a new premises at which the person will ordinarily reside; or
 - (i) if the person ordinarily resides outside the Restricted Area, for the purposes of leaving the Restricted Area; or
 - (j) if the person is permitted to leave Australia, for the purposes of leaving Australia; or
 - (k) for the purposes of **national security**; or
 - (l) to attend an inspection of real estate for the purposes of a prospective sale of the property, or for end of lease activities; or
 - (m) if the person is temporarily residing at a premises that is not their ordinary place of residence, to return to their ordinary place of residence.

10A Leaving premises for vaccination within the Restricted Area

The reason relating to vaccinations is to receive a SARS-CoV-2 vaccination, provided that the distance travelled and the time taken should be no more than is reasonably necessary and is within the Restricted Area.

PART 4 – GATHERINGS**11 Restrictions on gatherings***Private gatherings*

- (1) During the stay at home period, a person must not enter a premises (at which they do not ordinarily reside or temporarily reside) in the Restricted Area.
*Note: subclause (1) does not apply to a care facility. Any regulation of access and visits to care facilities is contained in the **Care Facilities Directions**.*
- (2) During the stay at home period, an ordinary resident of the Restricted Area or a temporary resident of the Restricted Area must not permit another person to enter the premises at which they ordinarily reside or temporarily reside (whether or not entering any building on the premises).

- (3) Subclauses (1) and (2) do not prevent any person entering the premises:
- (a) if the person also ordinarily resides at the premises; or
 - (b) if it is necessary for the person to enter the premises for one or more of the purposes specified in:
 - (i) clause 6(1) (**necessary goods or services**); or
 - (ii) clause 7(1) (**care or other compassionate reasons**), subparagraphs (a), (b)(i)-(ii), (c), (f), (g), (i), (j), (l) or (n) or clause 7A (**care or compassionate reasons: child minding**); or

Note: those entering the premises for a care or other compassionate purpose should be no more than the minimum number of people necessary to do so.
 - (iii) clause 7(1)(k) (**nominated social interaction**) provided that:
 - (A) the nominee person is permitting their nominated person (and any child or dependant permitted to accompany them) to enter the premises; or
 - (B) the nominated person is permitting their nominee person (and any child or dependant permitted to accompany them) to enter the premises, but only while the nominated person is otherwise by themselves at their premises,

and:

 - (C) the nominee person has only one nominated person; and
 - (D) the nominated person has only one nominee person,

from the time the area in which the person resides last became a Restricted Area; or
 - (iv) clause 8 (**work or education**), to attend or undertake work or to provide or receive educational services; or

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

Note: this includes a person who provides professional respite care for carers of people with complex needs, where that professional is permitted to work in accordance with the Directions currently in force.
 - (v) clause 10(1) (**other specified reasons**), subparagraphs (a), (b), (c), (d), (g), (h), (j) or (k); or
 - (c) if a person who enters a premises in accordance with subclause (b) is a parent, guardian or carer of a child or dependant and they cannot access any alternative care arrangement (whether on a paid or voluntary basis) or leave their child or dependant unattended so that they can enter the premises in accordance with subclause (b) without the child or dependant, then the child or dependant may accompany that person when entering the premises in accordance with subparagraph (b); or
 - (d) if permitted under, and provided they comply with the requirements of, the Directions currently in force.

Public gatherings

- (4) During the stay at home period:
- (a) an ordinary resident of the Restricted Area must not arrange to meet, or organise or intentionally attend a gathering, with any other person (with any infant under one year of age not counting towards this limit) for a common purpose at a public place in the State of Victoria; and

- (b) a person in the State of Victoria must not arrange to meet, or organise or intentionally attend a gathering, with any other person (with any infant under one year of age not counting towards this limit) for a common purpose at a public place in the Restricted Area,

except:

Note 1: subclause (4) does not prevent a person attending a public place (for example, a shopping centre) for a purpose (for example, shopping), where other people are also likely to be attending that public place for a similar purpose. It prevents people from attending a public place intending to gather with other people for a common purpose (for example, meeting family or friends at the shopping centre).

Note 2: a person may leave the premises at which they ordinarily reside using transport (public or private) regardless of how many people are on the tram, train, or bus or in the vehicle.

- (c) if it is necessary to arrange a meeting or organise or attend a gathering for one or more of the purposes specified in:
- (i) clause 7 (***care or other compassionate reasons***); or
 - (ii) clause 8 (***work or education***); or
 - (iii) clause 9 (***exercise or social interaction***), provided it is only with:
 - (A) one other person and the dependants of either person; or
Note: a household of more than two people (excluding dependants) may not leave the residence and all exercise or socially interact together under this clause. The maximum people permitted to exercise or socially interact together is two, plus dependants, regardless of whether they ordinarily live together or not.
 - (B) for the purpose of outdoor personal training, one other person and a personal trainer; or
 - (C) no more than four other persons and the dependants of any of the five persons provided that:
 - 1. all persons aged 18 years or over have received a **full COVID-19 vaccination** or have an **exception** with evidence from a **medical practitioner** certifying that an exception applies to them; and
 - 2. all persons (including any dependants) are from no more than two households, with any intimate partner of a person considered part of that person's household; or
 - (iv) clause 10 (***other specified reasons***), provided that if it is for approved emergency preparation activities and it is only with any other person (or other people) who ordinarily reside at the same premises or any immediate family member; or
- (d) where it is for one or more of the purposes specified in clause 6 (***necessary good or services***) and the exceptions in clause 5(7) apply; or
- (e) if the person attending the gathering in accordance with subclause (4) is a parent, guardian or carer of a child or dependant and they cannot access any alternative care arrangement (whether on a paid or voluntary basis) or leave their child or dependant unattended so that they can attend the gathering in accordance with subclause (4) without the child or dependant, then the child or dependant may accompany the parent or guardian when attending the gathering in accordance with subclause (4); or
- (f) for the purpose of a wedding in the State of Victoria that complies with the requirements in subclause (5); or

Note: a person who ordinarily resides in the Restricted Area is permitted to attend a wedding in Regional Victoria, provided that wedding complies with the requirements in subclause (5). An authorised celebrant may leave the Restricted Area under clause 8 (work or education).

- (g) for the purpose of a funeral in the State of Victoria that complies with the requirements in subclause (6); or

Note: a person who ordinarily resides in the Restricted Area is permitted to attend a funeral in Regional Victoria, provided that funeral complies with the requirements in subclause (6). A person reasonably necessary for the conduct of the funeral may leave the Restricted Area under clause 8 (work or education).

- (h) for the purpose of an end of life activity in the State of Victoria that complies with the requirements in subclause (7).

Note: a person who ordinarily resides in the Restricted Area is permitted to attend an end of life activity in Regional Victoria, provided that the activity complies with the requirements in subclause (7).

Weddings and funerals

- (5) The requirements for a wedding held in the Restricted Area during the stay at home period are that:

- (a) one or both of the two persons being married:
- (i) are experiencing end of life; or
 - (ii) would be deported from Australia unless the marriage takes place; and
- (b) it involves only 5 persons:
- (i) the two persons being married; and
 - (ii) the **authorised celebrant**; and
 - (iii) two persons witnessing the marriage for the purposes of section 44 of the **Marriages Act 1961** of the Commonwealth; and
- (c) it complies with any applicable requirements of the **Restricted Activity Directions (Restricted Areas)**; and
- (d) in any case (other than at a person's ordinary place of residence), the total number of **members of the public** present at the same time in the space must not exceed the **density quotient**.

Note: any other person who ordinarily resides at the premises is not subject to the gathering restrictions in subparagraph (b), but any nominee person or nominated person is subject to these restrictions for a wedding held at a private residence.

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

- (6) The requirements for a funeral held in the Restricted Area during the stay at home period are that:

- (a) it involves no more than:
- (i) 10 members of the public (with any infant under one year of age not counting towards this limit); and
 - (ii) no more than the minimum number of persons reasonably necessary for the conduct of the funeral; and
- (b) in any case (other than at a person's ordinary place of residence), the total number of members of the public present at the same time in the space must not exceed the density quotient; and
- (c) it complies with any applicable requirements of the **Restricted Activity Directions (Restricted Areas)**.

Note: any other person who ordinarily resides at the premises, and the persons reasonably necessary for the conduct of the funeral who can enter the premises under subclause (3)(b)(iv) (work), are not subject to the gathering restrictions in subparagraph (a), but any nominee person or nominated person is subject to these restrictions on a funeral held at a private residence.

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

- (7) The requirements for end of life activity in the Restricted Area during the stay at home period are that:
- (a) it involves no more than:
 - (i) the person experiencing end of life; and
 - (ii) any other person (or people) who ordinarily reside at the premises of the person experiencing end of life; and
 - (iii) any other person with whom a person in subparagraph (i) or (ii) is in an intimate personal relationship; and
 - (iv) two other people,with infants under one year of age not counting towards these limits; and
 - (b) if the end of life activity is conducted:
 - (i) at a person's principal place of residence in accordance with subparagraph (a), permission is not required from the Chief Health Officer or the Deputy Chief Health Officer and this activity will not breach the gathering restrictions; or
 - (ii) in an indoor space (other than at a person's principal place of residence) or an outdoor space, permission is required from the Chief Health Officer or the Deputy Chief Health Officer in accordance with subparagraphs (c) and (d); and
 - (c) a person experiencing end of life, or someone on their behalf may apply to the Chief Health Officer or the Deputy Chief Health Officer for permission to conduct an end of life activity; and
 - (d) the Chief Health Officer or the Deputy Chief Health Officer may, in writing, grant permission for an end of life activity in public, subject to any time limit set for that activity, and any end of life activity conducted in accordance with the permission will not breach the gathering restrictions; and
 - (e) in any case (other than at a person's principal place of residence), the total number of members of the public present at the same time in the space must not exceed the density quotient.

PART 5 – OTHER PROVISIONS

12 Relationship with other Directions

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

13 Definitions

For the purposes of these directions:

- (1) **aircraft** means an aircraft that is mainly used for the purpose of, or is engaged, or is intended or likely to be engaged, in a flight wholly within Australia;
- (2) **airport** means an aerodrome at which facilities are available for the arrival or departure of **aircraft** into or from the State of Victoria;
- (3) **Area Directions** means the **Area Directions (No. 16)** as amended or replaced from time to time;
- (4) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (5) **authorised officer** has the same meaning as in the **PHW Act**;
- (6) **authorised provider** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (7) **Authorised Provider and Authorised Worker List** is the document available at www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-list as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer;
- (8) **authorised worker** has the same meaning as in the **Workplace Directions**;
- (9) **Authorised Worker Permit** has the same meaning as in the **Workplace Directions**;
- (10) **Care Facilities Directions** means **Care Facilities Directions (No. 45)** as amended or replaced from time to time;
- (11) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (12) **childcare or early childhood service** means onsite early childhood education and care services or children's services provided under the:
 - (a) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs; or
 - (b) **Education and Care Services National Law Act 2010** and the **Education and Care Services National Regulations 2011** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services;
- (13) **closed work premises** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (14) **community facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (15) **COVID-19 Mandatory Vaccination Directions** means the COVID-19 Mandatory Vaccination Directions as amended or replaced from time to time;
- (16) **density quotient** has the same meaning as in the **Workplace Directions**;
- (17) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (18) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 26)** as amended or replaced from time to time;
- (19) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (20) **Directions currently in force** means the **Area Directions**, the **Restricted Activity Directions (Restricted Areas)**, **Restricted Activity Directions (Regional Victoria)**, the **Stay at Home Directions (Restricted Areas)**, the **Stay Safe Directions (Regional**

Victoria), the **Diagnosed Persons and Close Contacts Directions**, the **Hospital Visitor Directions**, the **Care Facilities Directions**, the **Workplace Directions**, the **Victorian Border Crossing Permit Directions**, the **COVID-19 Mandatory Vaccination Directions**, and the **Workplace (Additional Industry Obligations) Directions**, each as amended or replaced from time to time;

- (21) **end of life** means:
- (a) a situation where a person's death is expected within days (including periods of 28 days or less), or where the person, with or without existing conditions, is at risk of dying from a sudden acute event; and
 - (b) does not mean a situation where a person has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the person is expected to die within 12 months (except where the situation also falls within paragraph (a));
- (22) **exception** has the meaning as in the **COVID-19 Mandatory Vaccination Directions** for the purpose of clause 11(4)(c);
- (23) **excepted person** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (24) **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);
- (25) **full COVID-19 vaccination** has the meaning as in the **COVID-19 Mandatory Vaccination Directions**;
- (26) **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;
- (27) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (28) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 36)** as amended or replaced from time to time;
- (29) **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;
- (30) **medical practitioner** has the meaning as in the **COVID-19 Mandatory Vaccination Directions**;
- (31) **member of the public** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (32) **memorial** means a place of interment of bodily remains or cremated human remains (including a columbarium), as each of these terms are defined in the **Cemeteries and Crematoria Act 2003**;
- (33) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (34) **nominated person** means a person nominated by a **nominee person** for social interaction permitted in accordance with these directions;
- (35) **nominee person** means a person who:
- (a) is not in an intimate personal relationship with any person and lives by themselves; or
 - (b) is the sole parent or guardian of a child who is under 18 years of age or who has a disability and in either case lives with them,
- and who has nominated one person only to be their **nominated person** for social interaction permitted in accordance with these directions;

- (36) **ordinary resident of the Restricted Area** has the meaning in clause 5(14);
- (37) **outdoor space** means a space that is not an **indoor space**;
- (38) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (39) **play centre** means a **premises**, whether indoor or outdoor, that has play equipment to be used predominantly by children under the age of 12 years, but does not mean a **playground**;
- (40) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**, but does not mean a **play centre**;
- (41) **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;
- (42) **prison** has the same meaning as in the **Corrections Act 1986**;
- (43) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (44) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (45) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (46) **restricted retail facility** has the same meaning as in the **Restricted Activity Directions (Regional Victoria)**;
- (47) **Restricted Activity Directions (Regional Victoria)** means the **Restricted Activity Directions (Regional Victoria) (No. 9)** as amended from time to time;
- (48) **Restricted Activity Directions (Restricted Areas)** means the **Restricted Activity Directions (Restricted Areas) (No. 16)** as amended or replaced from time to time;
- (49) **Restricted Area** has the same meaning as in the **Area Directions**;
- (50) **Restricted Area – Regional Victoria** has the same meaning as in the **Area Directions**;
- (51) **retail facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (52) **revoked Border Crossing Permit Scheme Directions** has the meaning in the **Victorian Border Crossing Permit Directions**;
- (53) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (54) **short-term entrant to the Restricted Area** has the meaning in clause 5(18);
- (55) **specified worker (multiple entry) permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (56) **specified worker permit** means the **specified worker (single entry) permit**, or the **specified worker (multiple entry) permit**;
- (57) **specified worker (single entry) permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (58) **Stay at Home Directions (Restricted Areas)** means the **Stay at Home (Restricted Areas) Directions (No. 22)** as amended or replaced from time to time;
- (59) **stay at home period** has the meaning in clause 4;
- (60) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 9)** as amended or replaced from time to time;
- (61) **temporary resident of the Restricted Area** has the meaning in clause 5(17);
- (62) **transit permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;

- (63) **vehicle** has the same meaning as in the **PHW Act**;
- (64) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 31)** as amended or replaced from time to time;
- (65) **vulnerable child or young person** means a child or young person who:
- (a) resides in the care of the State or in out-of-home care; or
 - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or
 - (c) is identified by a **school** or **childcare** or **early childhood service** as vulnerable, (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service); or
 - (d) is identified by a parent or guardian as vulnerable because the child or young person has a disability and cannot learn from home due to the circumstances of that disability;
- (66) **work premises** has the same meaning as in the **Workplace Directions**;
- (67) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 42)** as amended or replaced from time to time;
- (68) **Workplace Directions** means the **Workplace Directions (No. 49)** as amended or replaced from time to time;
- (69) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (70) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

14 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

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

Dated 17 September 2021

ASSOCIATE PROFESSOR N. DEBORAH FRIEDMAN
Acting Chief Health Officer,
as authorised to exercise emergency powers
under section 199(2)(a) of the PHW Act

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Restricted Activity Directions (Restricted Areas) (No. 16)**

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

1 Preamble

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings in the **Restricted Area** to address the serious public health risk posed to Victoria by severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Restricted Activity Directions (Restricted Areas) (No. 15)**.

2 Citation

These directions may be referred to as the **Restricted Activity Directions (Restricted Areas) (No. 16)**.

3 Revocation

The **Restricted Activity Directions (Restricted Areas) (No. 15)** are revoked at 11:59:00 pm on 17 September 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 17 September 2021 and ending at 11:59:00 pm on 23 September 2021.

5 Authorised Work Premises

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

*Note: restrictions on Authorised Work Premises include the relevant restrictions applying under the **Workplace Directions**, which include requirements for work premises in relation to **face coverings**, the density quotient, signage and cleaning requirements and **COVIDSafe Plans**, and the **Workplace (Additional Industry Obligations) Directions**.*
- (3) Despite subclause (2), a person who owns, controls or operates an Authorised Work Premises in the Restricted Area may also operate that premises:
 - (a) for the purpose of **essential maintenance**; or
 - (b) by permitting employees to work from the place where they ordinarily reside; or
 - (c) as required or authorised by law; or
 - (d) in an emergency; or
 - (e) for the reason outlined in the clause 6(2)(b); 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 Restricted Area must not permit persons to attend that premises during the restricted activity period.
- (2) Despite subclause (1), a person who owns, controls or operates a closed work premises in the Restricted Area may permit persons to attend that premises or operate the premises:
- (a) for the purpose of essential maintenance; or
 - (b) to ensure that the premises is closed safely for the duration of the restricted activity period; or
 - (c) as required or authorised by law; or
 - (d) in an emergency; or
 - (e) for the purposes of an exception in clause 7; or
 - (f) as otherwise permitted by the Directions currently in force.

7 Exceptions

Permitted operations – physical recreational facilities

- (1) A person who owns, controls or operates a **physical recreational facility** in the Restricted Area may operate that facility during the restricted activity period only for the purposes of:
- (a) the exclusive use of training for **professional or high-performance sports persons** provided that only persons who are necessary for the conduct of the training are permitted to attend the facility; or
 - (b) operating that facility if it is necessary for an Authorised Worker to perform work that is authorised at that site with only the minimum number of persons necessary in attendance onsite and where the purpose of their attendance is for professional sport; or
 - (c) conducting a professional sporting event that has been approved to proceed with no spectators by the Chief Health Officer through the **Public Event Framework**; or
 - (d) for the provision of hydrotherapy services specified in clause 7(3); or
 - (e) essential maintenance of the facility for its use for one of the purposes in subclauses in (a), (b) or (c) above; or
 - (f) broadcasting an online class from the physical recreational facility, provided that the total number of persons at the facility for the purpose of broadcasting the online class is no more than five.

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

- (2) A physical recreational facility means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a facility used predominantly for indoor sport or physical recreation;
Examples: gymnasium, health club, fitness centre, yoga studio, pilates studio, barre studio, dance studio, spin facility, indoor basketball court, indoor climbing facility, squash court, table tennis centre.
 - (b) a facility used predominantly for outdoor sport or physical recreation;
Examples: golf club, tennis club, outdoor basketball courts, go kart track, rifle range, equestrian centre, mini golf, paint ball, lawn bowling, water skiing.

- (c) a **personal training facility**;
- (d) a **cardio or strength training facility**;
Examples: a cardio or strength facility featuring cardio equipment (such as exercise bikes, elliptical trainers, steppers and rowing machines), free weights, kettlebells and weight and/or strength training equipment and machines. A cardio or strength training facility may be a stand-alone facility or part of another facility (such as a gymnasium, health club, fitness centre or personal training facility).
- (e) an indoor skatepark;
- (f) a trampolining centre;
- (g) a swimming pool, **hydrotherapy pool**, spa, sauna, steam room or **spring**;
 but does not include:
 - (h) a skatepark in an **outdoor space**;
 - (i) outdoor communal exercise equipment;
 - (j) a **creative arts facility**.

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

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

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

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

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

Permitted operations – community facilities

- (4) A person who owns, controls or operates a **community facility** in the Restricted Area may operate that facility during the restricted activity period only for the purposes of:
 - (a) conducting a wedding or funeral that is compliant with the requirements of the **Stay at Home Directions (Restricted Areas)**; or
 - (b) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise), with only the minimum number of persons required to conduct and/or facilitate the essential public support service and with a maximum of 10 persons attending the community facility to receive the essential public support service at any one time; or

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

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

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

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

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

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

- (5) Despite subclause (4), a person who owns, controls or operates a community facility in the Restricted Area may operate that facility during the restricted activity period if:
- (a) it is necessary for an Authorised Worker to perform work that is authorised at that site, with only the minimum number of persons necessary in attendance onsite; or
- (b) the community facility is a **playground**, that facility may operate for its ordinary use by members of the public under 12 years of age, in accordance with the requirements of the **Stay at Home Directions (Restricted Areas)**; or
- Note: playgrounds are open to children under 12 years of age to support young children's mental health and sensory and physical development. Parents supervising children must still comply with the public gathering limit and face covering requirements specified in the **Stay at Home Directions (Restricted Areas)**.*
- (c) the community facility is a skatepark in an outdoor space or outdoor communal exercise equipment and operates for its ordinary use by members of the public and in accordance with the requirements of the **Stay at Home Directions (Restricted Areas)**.

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

- (6) A **community facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a community centre or community hall;
- (b) a public library (including a toy library, but not the **State Library**);
- (c) a youth centre;
- (d) a playground;
- (e) a skatepark in an outdoor space;
- (f) outdoor communal exercise equipment;
- but does not include:
- (g) a creative arts facility;
- (h) a physical recreational facility;
- (i) a swimming pool facility, hydrotherapy pool, spa, sauna, steam room or spring.

Permitted operations – educational facilities

- (7) A person who owns, controls or operates an educational facility in the Restricted Area may operate that facility during the restricted activity period only for the purposes of:
- (a) providing primary **school** or secondary school educational services (including at a school or non-school senior secondary provider and outside school hours care services) where education is being provided to:
- (i) a **vulnerable child or young person**; or
- (ii) a child, children or young person who has:
- (A) a single parent or carer and that person is an Authorised Worker and is working outside of the home and is unable to make alternative supervision arrangements for that child, children or young person; or

- (B) two parents or carers and both of those people are Authorised Workers and both are working outside of the home and are unable to make alternative supervision arrangements for that child, children or young person; or
 - (iii) secondary school students attending an assessment that has been approved to proceed onsite as specified in the **Authorised Provider and Authorised Worker List**; or
 - (b) providing childcare or early childhood education services where the education service is being provided to:
 - (i) a vulnerable child or young person in a **childcare or early childhood education service**; or
 - (ii) a child, children or young person who has:
 - (A) a single parent or carer, and that person is:
 1. working outside of the home and is unable to make alternative supervision arrangements for that child, children or young person; or
 2. working at home and is unable to make alternative supervision arrangements for that child, children or young person; or
 - (B) two parents or carers and one parent or carer is an Authorised Worker or work for an authorised provider and holds an Authorised Worker Permit and is:
 1. working outside of the home and are unable to make alternative supervision arrangements for that child, children or young person; or
 2. working at home and are unable to make alternative supervision arrangements for that child, children or young person; or
 - (c) providing adult education or higher education services to students conducting final year assessments for a course accredited by the Tertiary Education Quality and Standards Agency where it is not reasonably practicable for the student to complete the assessments by any alternative means by 31 December 2021.
- (8) A person who is an exception to holding a current Authorised Worker Permit pursuant to clauses 5(6) and 5(7) of the **Workplace Directions** is not required to present an Authorised Worker Permit to a childcare or early childhood education service provider, provided they:
- (a) have photographic personal identification issued by the organisation or body which employs or engages them and which identifies the person's place of work in that capacity; and
 - (b) must, on request, produce the photographic personal identification which identifies the person's place of work to a childcare or early childhood education service provider.

Permitted operation – entertainment facilities

- (9) A person who owns, controls or operates an **entertainment facility** in the Restricted Area may operate that facility during the restricted activity period only for the purposes of conducting an event that has been approved to proceed with no spectators by the Chief Health Officer through the Public Event Framework, or for broadcasting a performance in accordance with the requirements in subclause (11).

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

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

- (11) A person who owns, controls or operates an **entertainment facility** in the Restricted Area may operate that facility for the purpose of broadcasting a performance from that entertainment facility, provided that the total number of persons attending the entertainment facility for the purpose of broadcasting the performance is no more than five.
- (12) An entertainment facility means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a theatre;
 - (b) a cinema;
 - (c) a music hall, concert hall or auditorium;
 - (d) a gallery or a museum;
 - (e) the State Library;
 - (f) an arena or stadium;
 - (g) an **animal facility**;
 - (h) a convention centre.

Permitted operation – places of worship

- (13) A person who owns, controls or operates a **place of worship** in the Restricted Area may operate that place of worship during the restricted activity period only for the purpose of:
- (a) broadcasting (live or otherwise) via electronic means a religious ceremony, with only the minimum number of persons required to conduct the ceremony and facilitate the broadcasting, up to a maximum of five people in attendance; or
 - (b) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise), with only the minimum number of persons required to conduct and/or facilitate the essential public support service and with a maximum of 10 persons attending the place of worship to receive the essential public support services at any one time; or
- Examples: a food bank or a service for homeless persons.*
- Note 1: the persons required to conduct and/or facilitate the service are not included in the maximum of 10 persons.*
- Note 2: an essential public support service does not include people gathering for worship or prayer.*
- (c) conducting a wedding or funeral that is compliant with the requirements of the **Stay at Home Directions (Restricted Areas)**.

Permitted operation – retail facility

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

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

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

- (15) A person who owns, controls or operates a **licensed premises** in the Restricted Area may operate that premises during the restricted activity period only for the purposes of:
- (a) operating as a **bottle shop** for the purposes of contactless collection or delivery of pre-ordered goods; or
 - (b) providing food or drink, for takeaway purposes only; or
 - (c) providing accommodation in accordance with subclause (20).

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

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

Permitted operation – food and drink facilities

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

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

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

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

Permitted operation – accommodation facilities

- (21) A person who owns, controls or operates an **accommodation facility** in the Restricted Area may operate that facility during the restricted activity period only for the purposes of providing accommodation:
- (a) to a person whose place of residence is the accommodation facility; or
 - (b) to a person who is ordinarily a resident of Victoria but has no permanent place of residence in Victoria; or
 - (c) to a person who has a permanent place of residence in Victoria, but that place is temporarily unavailable; or
 - (d) to a person who has no permanent place of residence in Victoria because their permanent place of residence is interstate or overseas; or

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

Permitted operation – real estate inspections

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

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

8 Public Events

- (1) For the purpose of this clause:
- (a) **eligible public event** means an organised public gathering for a common purpose on a for profit or not-for-profit basis which is:
 - (i) an event (or a series of events):
 - (A) conducted on a one-off or periodic basis; and
 - (B) open to members of the public; and
 - (C) which may be subject to specific licences, approvals or permits; and
- Note: the person must continue to apply for and comply with all required licences, approvals and permits.*
- (D) publicly announced or advertised; and

- (E) which may be in a facility, venue or space where such an event (or a series of events) forms part of the routine operations, use, activities or services of the facility, venue or space; or
- (ii) an event (or series of events) deemed by the Victorian Government to be a State-critical public event (or a series of events),
Examples: an exhibition, sport event, festival, fair, parade, performance or trade show.
 but does not mean:
- (iii) an ad hoc public gathering in a public place;
- (iv) an ad hoc or routine public gathering in a facility, venue or space which forms part of the ad hoc or routine operations, use, activities or services of the facility, venue or space;
Note: most public gatherings in a facility, venue or space (including any indoor space or outdoor space) are expected to remain subject to the requirements in these directions, including clause 7(16) – (18) (food and drink facilities).
- (v) a private gathering;
- (vi) a wedding, funeral or end of life activity;
- (vii) a routine religious gathering or ceremony,
 to which these directions and the **Stay at Home Directions (Restricted Areas)** otherwise continue to apply; and
- (b) **exempt public event** means an eligible public event which, subject to the process described in the Public Event Framework, the Chief Health Officer or Deputy Chief Health Officer has exempted from a requirement in the Directions currently in force in accordance with subclause (3) or the equivalent subclause in any **revoked Restricted Activity Direction**.
- (2) A person who arranges to meet or organises or intentionally attends a public gathering for a common purpose in a public place is not required to comply with the requirements of the Directions currently in force in respect of such a public gathering:
- (a) if the public gathering is an exempt public event; and
- (b) to the extent of an **exemption** granted in respect of that exempt public event (including any conditions on an exemption), unless the relevant exemption for the exempt public event is suspended in accordance with subclause (6) during the restricted activity period.
- (3) The Chief Health Officer or Deputy Chief Health Officer may exempt an eligible public event (or class of eligible public events) from any requirement of the Directions currently in force if satisfied that the exemption is appropriate, having regard to:
- (a) the need to protect public health; and
- (b) the principles in sections 5 to 10 of the PHW Act, as appropriate.
- (4) An exemption:
- (a) must be given in writing; and
- (b) must be published at www.coronavirus.vic.gov.au/public-events as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer; and
- (c) must specify each requirement in the Directions currently in force to which, subject to subclause (d), an exemption is granted; and
- (d) may impose conditions on an exemption.
- (5) An exemption does not prevent:
- (a) the Chief Health Officer or Deputy Chief Health Officer exercising any power the Chief Health Officer or Deputy Chief Health Officer is authorised to exercise under the PHW Act; or

- (b) an authorised officer from exercising any power the authorised officer is authorised to exercise under the PHW Act, including ensuring compliance with:
 - (i) an exemption granted (including any conditions on an exemption); or
 - (ii) the requirements of all other Directions currently in force.

Transitional provisions

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

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

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

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

9 **Emergency use and operations**

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

10 **Relationship with other directions**

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

11 **Other definitions**

For the purposes of these directions:

- (1) **accommodation facility** has the meaning in clause 7(21);
- (2) **animal facility** means the following:
 - (a) a **zoological park**;
 - (b) a wildlife centre;
 - (c) a petting zoo;
 - (d) an aquarium;
 - (e) an animal farm that is not being operated for the purpose of producing food;
- (3) **Area Directions** means the **Area Directions (No. 16)** as amended or replaced from time to time;
- (4) **Authorised Provider** means a provider of goods or services as set out in the **Authorised Provider and Authorised Worker List**;
- (5) **Authorised Provider and Authorised Worker List** means the ‘Authorised Provider and Authorised Worker List’ as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer, available at www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-list
- (6) **Authorised Work Premises** has the meaning in clause 5(1);
- (7) **Authorised Worker** has the same meaning as in the **Workplace Directions**;
- (8) **Authorised Worker Permit** has the same meaning as in the **Workplace Directions**;
- (9) **bottle shop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the **premises**;
- (10) **cardio or strength training facility** means a facility used predominantly for cardio, weight or strength training, including any cardio or strength training facility located wholly or partly within any other facility (including a **physical recreational facility**);

- (11) **childcare or early childhood education service** means onsite early childhood education and care services or children’s services provided under the:
- (a) **Children’s Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs; or
 - (b) **Education and Care Services National Law Act 2010** and the **Education and Care Services National Regulations 2011** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services;
- (12) **closed work premises** means a **work premises** that is not an **Authorised Work Premises**;
- (13) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (14) **community facility** has the meaning in clause 7(6);
- (15) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (16) **creative arts facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) an art studio;
 - (b) a ceramics studio;
 - (c) a music room or studio;
 - (d) a rehearsal room or studio;
- but does not include:
- (e) a **physical recreational facility**;
 - (f) a **community facility**;
 - (g) a **place of worship**;
- (17) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 26)** as amended or replaced from time to time;
- (18) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (19) **Directions currently in force** has the same meaning as in the **Stay at Home Directions (Restricted Areas)**;
- (20) **eligible public event** has the meaning in clause 8(1)(a);
- (21) **entertainment facility** has the meaning in clause 7(11);
- (22) **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;
- (23) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (24) **exempt public event** has the meaning in clause 8(1)(b);
- (25) **exemption** means an exemption granted by the Chief Health Officer or the Deputy Chief Health Officer for an **eligible public event** or class of eligible public events under clause 8(3) of these directions or the equivalent provision in any **revoked Restricted Activity Direction**;
- (26) **face covering** has the same meaning as in the **Workplace Directions**;
- (27) **food and drink facility** has the meaning in clause 7(19);
- (28) **food court** has the same meaning as in the **Liquor Control Reform Act 1998**;

- (29) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (30) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (31) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are temporary (in a **physical recreational facility** or **food and drink facility** only) or permanent structures rising either from floor to ceiling or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are open or closed;
- (32) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (33) **licensed premises** has the meaning in clause 7(15);
- (34) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;
- (35) **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;
- (36) **nightclub** means a facility:
- (a) to which a **late night licence** applies; and
 - (b) with a dancefloor; and
 - (c) which does not serve food prepared at the facility for consumption on the **premises**;
- (37) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (38) **outdoor space** means a space that is not an **indoor space**;
- (39) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (40) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (41) **physical recreational facility** has the meaning in clause 7(2);
- (42) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (43) **play centre** means a **premises**, whether indoor or outdoor, that has play equipment to be used predominantly by children under the age of 12 years, but does not mean a **playground**;
- (44) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**, but does not mean a **play centre**;
- (45) **premises** has the same meaning as in the **PHW Act**;
- (46) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (47) **professional or high-performance sports person** means an individual who meets one or more of the following criteria:
- (a) perform a sporting activity in an open-aged national or international competition (at the highest level as identified by the recognised national body); or
 - (b) employed to perform a sporting activity as their primary source of income (e.g. employed by a professional club or recognised national body); or
 - (c) a National Institute Network Scholarship holder or equivalent level national categorised athlete;

- (48) **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;
- (49) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (50) **restaurant and café licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (51) **restricted activity period** has the meaning in clause 4;
- (52) **Restricted Area** has the same meaning as in the **Area Directions**;
- (53) **retail facility** means a **premises**, or part of a premises, at which a business operates to provide for the sale or hire of goods by retail or the retail provision of services and includes a **market, retail shopping centre** and supermarkets;
- (54) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (55) **revoked Restricted Activity Directions** means any of the **Restricted Activity Directions (Victoria)**, the **Restricted Activity Directions (Regional Victoria)**, the **Restricted Activity Directions (Metropolitan Melbourne)**, the **Restricted Activity Directions (Non-Melbourne)**, or the **Restricted Activity Directions (Restricted Areas)**, that are no longer in force;
- (56) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (57) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (58) **State Library** means the State Library Victoria;
- (59) **Stay at Home Directions (Restricted Areas)** means the **Stay at Home Directions (Restricted Areas) (No. 22)** as amended or replaced from time to time;
- (60) **vehicle** has the same meaning as in the **PHW Act**;
- (61) **vulnerable child or young person** means a child or young person who:
- (a) resides in the care of the State or in out-of-home care; or
 - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or
 - (c) is identified by a **school, childcare or early childhood education service** as vulnerable (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service); or
 - (d) is identified by a parent or guardian as vulnerable because the child or young person has a disability and cannot learn from home due to the circumstances of that disability;
- (62) **work premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- (63) **worker** has the same meaning as in the **Workplace Directions**;
- (64) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 42)** as amended or replaced from time to time;
- (65) **Workplace Directions** means the **Workplace Directions (No. 49)** as amended or replaced from time to time;
- (66) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

12 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

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

Dated 17 September 2021

ASSOCIATE PROFESSOR N. DEBORAH FRIEDMAN
Acting Chief Health Officer,
as authorised to exercise emergency powers
under section 199(2)(a) of the PHW Act

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Stay Safe Directions (Regional Victoria) (No. 9)**

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

PART 1 – PRELIMINARY**1 Preamble**

- (1) The purpose of these directions is to address the serious public health risk posed to the State of Victoria by the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Stay Safe Directions (Regional Victoria) (No. 8)**.
- (4) These directions require everyone who ordinarily resides in Regional Victoria to:
 - (a) restrict the circumstances in which they may leave Regional Victoria; and
 - (b) limit interactions with others by restricting private and public gatherings; and
 - (c) carry and wear **face coverings** at all times except in limited circumstances.

2 Citation

These directions may be referred to as the **Stay Safe Directions (Regional Victoria) (No. 9)**.

3 Revocation

The **Stay Safe Directions (Regional Victoria) (No. 8)** are revoked at 11:59:00 pm on 17 September 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 17 September 2021 and ending at 11:59:00 pm on 23 September 2021.

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

- (1) A person who ordinarily resides in Regional Victoria must, during the stay safe period:
 - (a) comply with the face covering requirements in subclauses (8), (9), (10), (11) and (12); and
 - (b) not travel to an **alpine resort** other than in accordance with subclauses (13) and (14); and
 - (c) if attending work or obtaining education services, do so in accordance with clause 6 (**attending work or education**); and
 - (d) comply with the restrictions on gatherings in clause 7 (**restrictions on gatherings**); and
 - (e) comply with the Directions currently in force, including (without limitation) by:
 - (i) not engaging in an activity that is prohibited under the Restricted Activity Directions (Regional Victoria); and
 - (ii) only engaging in an activity permitted under the Restricted Activity Directions (Regional 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's guidelines as amended from time to time by the Victorian Government, available at: www.coronavirus.vic.gov.au/hygiene-physical-distancing

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

Travel to the Restricted Area

- (2) Subject to subclauses (2A), (2B), (3) and (4), a person who ordinarily resides in Regional Victoria during the stay safe period must not travel to the Restricted Area other than for one or more of the reasons specified in:
- (a) clause 6 (**necessary goods or services**):
 - (i) provided that the place at which the person is obtaining the necessary goods or services is the closest place to the person's principal place of residence from which those goods or services can be obtained; and
 - (ii) despite clause 6(1)(b), does not include the person travelling to the Restricted Area for the purposes of receiving a SARS-CoV-2 vaccination, unless the location where they are receiving the SARS-CoV-2 vaccination is in an adjacent local government area to where they reside; or
 - (b) clause 7 (**care or other compassionate reasons**); or
 - (c) clause 7A (**care or other compassionate reasons: child minding**); or
 - (d) clause 8 (**work or education**); or
 - (e) clause 10 (**other specified reasons**),
- of, and provided they comply with the requirements set out in, the **Stay at Home Directions (Restricted Areas)**.
- (2A) Subject to subclauses (3) and (4), a person who ordinarily resides in Regional Victoria during the stay safe period may travel through the Restricted Area in order to travel to another part of Regional Victoria if necessary, but may only stop in the Restricted Area for one or more of the reasons specified in subclause (3).
- (2B) Subject to subclause (3), a person who ordinarily resides in Regional Victoria during the stay safe period may travel:
- (a) through the Restricted Area if required for the purpose of direct and short term transit in order to leave Regional Victoria or to return to their ordinary place of residence in Regional Victoria (by air, sea, road or rail); or
 - (b) to the Restricted Area for the purpose of picking up or dropping off a passenger from a **place of transit**.
- (3) If a person who ordinarily resides in Regional Victoria enters the Restricted Area in accordance with subclauses (2), (2A), (2B) or (4):
- (a) the **Stay at Home Directions (Restricted Areas)** apply to that person when they are in the Restricted Area as if that person ordinarily resided in the Restricted Area; and
 - (b) the person may only access facilities in the Restricted Area:
 - (i) for the purpose for which they are permitted to travel to the Restricted Area in accordance with subclauses (2), (2B) or (4); or
 - (ii) that are:
 - (A) a **retail facility** (other than a **restricted retail facility**), for the purpose of obtaining essential goods or services; or
 - (B) an **accommodation facility**, for the purpose of accommodation required for the purpose for which the person is permitted to travel to the Restricted Area in accordance with subclause (2), (2B) or (4).

Principal place of residence

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

Ordinary place of residence

- (5) If a person:
- (a) no longer has an ordinary place of residence in Regional Victoria; or
 - (b) has an ordinary place of residence or principal place of residence (as applicable) in Regional Victoria that has become temporarily unavailable or is unavailable because of a risk of harm (including harm relating to family violence or violence of another person at the premises),
- then that person may move to alternative suitable premises that are available to that person.
- (6) If a person moves to a new place of residence under subclause (5) or otherwise, the new premises is taken to be the premises at which the person ordinarily resides from midnight on the day that the person moves.
- Example 1: a person sells their ordinary place of residence, has purchased a new ordinary place of residence and moves between them for the purposes of relocating.*
- Example 2: a person's house is damaged due to an extreme weather event and the person relocates temporarily while repairs are undertaken.*
- (7) If a person's ordinary place of residence is outside Regional Victoria and the person is temporarily residing in Regional Victoria, the premises where that person is temporarily residing in Regional Victoria during the stay safe period (or part thereof) is taken to be the person's ordinary place of residence for the period (or part thereof).
- Note: temporarily residing in Regional Victoria includes when a person enters Regional Victoria to travel to a location where they intend to temporarily reside in Regional Victoria.*

Face covering requirements

- (8) A person in Regional Victoria must:
- (a) carry a face covering at all times, except where:
 - (i) subclause (9)(a), (c), (d), (e), (f) or (bb) applies; or
 - (ii) that person is a student to whom subclause (9)(b) applies; and
 - (b) wear a face covering:
 - (i) while in an **indoor space**; and
 - (ii) while in an **outdoor space**; and

- (iii) while visiting a **hospital**; and
- (iv) while visiting a **care facility**; and
- (v) while on **public transport** or in a **commercial passenger vehicle** or in a **vehicle** being operated by a **licensed tourism operator**; and
- (vi) if the person is a diagnosed person or close contact and is leaving the premises in accordance with the **Diagnosed Persons and Close Contacts Direction**; and
- (vii) if the person has been tested for SARS-CoV-2 and is awaiting the results of that test, except where that test was taken as part of a surveillance or other asymptomatic testing program; and

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

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

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

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

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

- (a) the person is an infant or a child under the age of 12 years; or
- (b) the person is a student while on site at a primary **school** or outside school hours care for a primary school; or
- (c) the person is a **prisoner** in a **prison** (either in their cell or common areas), subject to any policies of that prison; or
- (d) the person is detained in a **remand centre**, **youth residential centre** or **youth justice centre** (either in their room or common areas), subject to any policies of that centre; or
- (e) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or

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

- (f) it is not practicable for the person to comply with subclauses (10)(b) or (c) because the person is escaping harm or the risk of harm, including harm relating to family violence or violence of another person; or
- (g) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (h) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
- (i) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or

Examples: teaching, lecturing, broadcasting.

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

Example: a person working by themselves in an office.

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

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

- (l) the person is visiting a person with whom they are in an intimate personal relationship in accordance with clause 7(2)(i); or

- (m) the person is one of two persons being married, during their wedding ceremony, or while being photographed at the wedding; or
 - (n) the person is a professional sportsperson when training or competing; or
 - (o) the person is engaged in any strenuous physical exercise; or
Examples: jogging, running, swimming, cycling.
 - (p) the person is riding a bicycle or a motorcycle; or
 - (q) the person is travelling in a vehicle by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
 - (r) the person is consuming:
 - (i) medicine; or
 - (ii) food or drink in any space except an indoor space within a retail facility or restricted retail facility; or
 - (iii) food or drink in an indoor space within a retail facility or restricted retail facility only if the person is:
 - (A) a worker at the retail facility or restricted retail facility; or
 - (B) on the premises of a food and drink facility within the retail facility or restricted retail facility; or
- Example 1: a person buying takeaway food from a shopping centre food court cannot consume that food within the shopping centre unless they are a worker at the shopping centre.*
- Example 2: a person buying coffee at a café within a shopping centre can consume the coffee at that café but not elsewhere in the shopping centre, unless they are a worker at the shopping centre.*
- (s) the person is smoking or vaping (including e-cigarettes) while stationary; or
 - (t) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
 - (u) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Regional Victoria)**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
 - (v) the person is providing a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Regional Victoria)**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
 - (w) the person is an accused person in a criminal case in any court located in Regional Victoria and the person is in the dock either alone or with a co-accused, provided that any co-accused also present in the dock is at least 1.5 metres away from the person; or
 - (x) the person is asked to remove the face covering to ascertain identity; or
Example: a person may be asked by police, security, bank or post office staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.
 - (y) for emergency purposes; or
 - (z) when required or authorised by law; or
 - (aa) when doing so is not safe in all the circumstances; or
 - (bb) the person is at a premises that is their ordinary place of residence or their temporary place of residence; or
 - (cc) the person is attending a permitted social gathering in accordance with clause 7(2)(j).

Face covering requirements in airports and on aircraft

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

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

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

Travel to an alpine resort

(13) Subject to subclause (14), a person who ordinarily resides in Regional Victoria during the stay safe period and who is aged 12 years or older and who is not an alpine worker, must not enter an alpine resort unless the person:

- (a) has undertaken a SARS-CoV-2 test no more than 72 hours before entering an alpine resort; and
- (b) received a negative result for that SARS-CoV-2 test; and
- (c) carries and presents upon request to:
 - (i) an authorised officer or Victoria Police member; or
 - (ii) any employee or representative of an **alpine resort management board** for the purposes of meeting the requirements of the **Restricted Activity Directions (Regional Victoria)**;

the following:

- (iii) if the person is 18 years or older, photographic identification and evidence of the current address where the person ordinarily resides; and
- (iv) if the person is 12 years or older, evidence of the negative SARS-CoV-2 test result obtained in accordance with subclauses (a) and (b).

Note 1: evidence of a negative test result includes an email or text message notification of the test result.

Note 2: where evidence of a negative test result does not show the testing date, the date the test was undertaken should be presumed to be 12 hours before the results were received.

Note 3: evidence of a negative test for any child or dependant 12 years or older can be provided by a parent or guardian.

(14) A person who ordinarily resides in Regional Victoria is not required to comply with subclause (13) if:

- (a) they are required to travel to an alpine resort:
 - (i) for emergency purposes; or
 - (ii) to escape harm or the risk of harm, including harm relating to family violence of another person at the premises;

and it is not practicable for the person to undertake a SARS-CoV-2 test in accordance with subclause (13) prior to entering the alpine resort; or

- (b) they have a disability, illness, or chronic health condition, if it is not practicable for the person to undertake a SARS-CoV-2 test in accordance with subclause (13) due to the person's disability, illness or chronic health condition; or
- (c) the person's ordinary place of residence is in an alpine resort; or
- (d) they are traveling to or through an alpine resort to attend a school or transport a child to a school.

PART 3 – WORK AND EDUCATION

6 Attending work or education

(1) A person who ordinarily resides in Regional Victoria may only attend work (whether paid or voluntary, including for charitable or religious purposes) at a **work premises** in:

- (a) Regional Victoria if:
 - (i) it is not reasonably practicable for the person to work from the premises where they ordinarily reside or another suitable premises; or
 - (ii) in relation to office-based work premises, if the person who has employed or engaged the person to work has advised that it is permissible for them to do so in accordance with the Directions currently in force.

- (b) the Restricted Area if:
 - (i) it is not reasonably practicable for the person to work from the premises where they ordinarily reside or another suitable premises; and
 - (ii) they are an **authorised worker** or work for an **authorised provider**.
- (2) A person who ordinarily resides in Regional Victoria may only attend onsite **educational services** in:
 - (a) Regional Victoria if:
 - (i) the person is enrolled in a primary school in Foundation (Prep), Year 1 or Year 2; or
 - (ii) the person is enrolled in a secondary school in Year 12, undertaking Victorian Certificate of Education Units 3 or 4 or in their final year of the Victorian Certificate of Applied Learning, Vocational Education and Training or International Baccalaureate; or
 - (iii) the person has:
 - (A) two parents, guardians or carers and both of them would be; or
 - (B) a single parent, guardian or carer and that parent, guardian or carer would be,
an authorised worker or would work for an authorised provider if the work premises of the parent, guardian or carer was in the Restricted Area and are required to attend the work premises; or
 - (iv) the person is a **vulnerable child or young person**; or
 - (b) the Restricted Area to the extent those educational services are permitted under the **Restricted Activity Directions (Restricted Areas)** and the **Stay at Home Directions (Restricted Areas)**, and in accordance with any requirements set out in those directions.
- (3) A person who ordinarily resides in Regional Victoria can only obtain **childcare or early childhood service** in the Restricted Area if they are permitted under the **Stay at Home Directions (Restricted Areas)**.
- (4) A person who ordinarily resides in Regional Victoria may only attend **higher education services** (whether in Regional Victoria or in the Restricted Area) if:
 - (a) it is in relation to final year assessments for Tertiary Education Quality and Standards Agency regulated courses; and
 - (b) where the person does not have alternative options to complete the study by the end of 2021.

PART 4 – GATHERINGS

7 Restrictions on gatherings

Private gatherings

- (1) Subject to subclause (2), during the stay safe period, a person who ordinarily resides in Regional Victoria must not:
 - (a) permit another person to enter any premises at which they are residing in Regional Victoria (whether or not entering any building on the premises); or
 - (b) intentionally enter any premises at which another person is residing in Regional Victoria (whether or not entering any building on the premises).
- (2) Subclause (1) does not prevent any person from permitting entry to another person or from entering a premises:
 - (a) if the person entering the premises also ordinarily resides at the premises; or
 - (b) if permitted under, and provided they comply with the requirements of, the Directions currently in force; or

- (c) to provide or receive necessary goods or services; or
- (d) to attend or undertake work that is solely outdoors where physical distancing can be maintained at all times or work that is urgent or essential, and in accordance with clause 6 (**attending work or education**); or
Examples: a tradesperson for the purpose of carrying out urgent or 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. A person providing services that are not urgent or essential, including tutors, mobile hairdressers and tradespersons undertaking renovations that are not urgent or essential, are not permitted.
- (e) to provide child-minding (where the child, children or young person is primary school age or younger), **childcare or early childhood service**, schooling or education services (whether paid or on a voluntary basis) only if the person also ordinarily resides in Regional Victoria; or
- (f) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
- (g) if the person entering the premises is a parent or guardian of a child and they are entering the premises:
 - (i) to visit that child; or
 - (ii) to meet any obligations in relation to care or support for that child; or
 - (iii) to take the child to another person's premises for the purpose of that other person providing child-minding assistance; or
- (h) to provide care and support to a relative or other person who ordinarily resides at the premises and:
 - (i) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or
 - (ii) because of matters relating to the relative or other person's health (including mental health or pregnancy); or
- (i) to visit someone who ordinarily resides at those premises and with whom they are in an intimate personal relationship; or
Note: people in an intimate personal relationship may stay overnight at each other's ordinary places of residence, and are not required to wear a face covering while visiting each other at those premises, provided they otherwise comply with these directions.
- (j) for a social gathering of a **nominated person** and **nominee person**, provided that:
 - (i) the nominee person is permitting their nominated person (and any child or dependant permitted to accompany them) to enter the premises; or
 - (ii) the nominated person is permitting their nominee person (and any child or dependant permitted to accompany them) to enter the premises, but only while the nominated person is otherwise by themselves at their premises,
 and:
 - (iii) the nominee person has only one nominated person; and
 - (iv) the nominated person has only one nominee person,
 since 11:59:00 pm on 22 August 2021 and for the duration of these directions; or
- (k) to attend a wedding or funeral or **end of life** activity:
 - (i) in Regional Victoria if that wedding, funeral or end of life activity complies with the requirements in subclauses (7) to (11); or

- (ii) in the Restricted Area if that wedding, funeral or end of life activity complies with the requirements of the **Stay at Home Directions (Restricted Areas)**; or
- (l) to attend a memorial site to pay respects to a deceased person provided that this is only with any other person (or people) who ordinarily resides at the same premises as that person or one other person; or
- (m) if the premises in which the person ordinarily resides is no longer available to, or is no longer suitable for, the person; or
- (n) to attend an inspection of real estate for the purposes of a prospective sale or rental of the property or to attend an auction provided that the inspection and auction is carried out in accordance with the **Restricted Activity Directions (Regional Victoria)**; or
- (o) for the purpose of moving to the premises as the place where they will ordinarily reside; or
- (p) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
- (q) for medical or emergency purposes (other than emergency maintenance); or
- (r) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal; or
- (s) for purposes relating to the administration of justice; or
- (t) as required or authorised by law; or
- (u) for the purposes of **national security**.

*Note: subclauses (1) and (2) do not apply to a care facility. Any regulation of access and visits to care facilities is contained in the **Care Facilities Directions**.*

- (3) If a person who enters a premises in accordance with subclause (2) is a parent, guardian or carer of a child or dependant and they cannot access any alternative care arrangement (whether on a paid or voluntary basis) or leave their child or dependant unattended so that they can enter the premises in accordance with subclause (2) without the child or dependant, then the child or dependant may accompany that person when entering the premises in accordance with subclause (2).
- (4) During the stay safe period, a person who ordinarily resides in Regional Victoria must not permit a person who ordinarily resides in the Restricted Area to enter the premises at which they ordinarily reside (whether or not entering any building on the premises) unless that other person is entering the premises for one or more of the purposes specified in:
 - (a) clause 7 (**care or other compassionate reasons**);
 - (b) clause 8 (**work or education**);
 - (c) clause 10 (**other specified reasons**),
 of, and provided they comply with the requirements set out in, the **Stay at Home Directions (Restricted Areas)**.

Public gatherings

- (5) During the stay safe period, a person in Regional Victoria must not arrange to meet, or organise or intentionally attend a gathering of, more than 9 other persons who ordinarily reside in Regional Victoria (with any infant under one year of age not counting towards this limit), or arrange to meet, or organise or intentionally attend a gathering of, any persons who ordinarily reside in the Restricted Area, for a common purpose at a public place, except:

Note 1: under subclause (4), the limit on the number of people who may meet in a public place at any one time is 10, and all persons in attendance must ordinarily reside in Regional Victoria.

Note 2: two or more groups of 10 cannot meet for a common purpose at a public place. In addition, a group in a public place must take reasonable steps to maintain a safe distance from any other groups in that public place.

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

- (a) where each other person ordinarily resides at the same premises; or
- (b) for the purpose of a religious gathering (including ceremonies) provided they comply with any requirements of the **Restricted Activity Directions (Regional Victoria)**; or
- (c) for the purpose of a wedding in Regional Victoria that complies with the requirements in subclause (7) or a wedding in the Restricted Area that complies with the requirements of the **Stay at Home Directions (Restricted Areas)**; or

*Note: a person who ordinarily resides in the Restricted Area is permitted to attend a wedding in Regional Victoria, provided that wedding complies with the requirements in the **Stay at Home Directions (Restricted Areas)**, which require that one of the two persons being married is experiencing end of life or would be deported from Australia unless the marriage takes place. Such a wedding must not involve more than 5 persons, consisting of the two people being married, the authorised celebrant and two persons witnessing the marriage.*

- (d) for the purpose of a funeral in Regional Victoria that complies with the requirements in subclause (9) or a funeral in the Restricted Area that complies with the requirements of the **Stay at Home Directions (Restricted Areas)**; or

*Note: a person who ordinarily resides in the Restricted Area is permitted to attend a funeral in Regional Victoria, provided that the funeral complies with the requirements in the **Stay at Home Directions (Restricted Areas)**. Such a funeral must not involve more than 10 members of the public.*

- (e) for the purpose of an end of life activity in the Restricted Area or in Regional Victoria that is attended by any person that ordinarily resides in the Restricted Area, provided that it complies with the requirements of the **Stay at Home Directions (Restricted Areas)**; or
- (f) it is necessary to arrange a meeting, or organise or attend a gathering, for one or more of the following purposes:
 - (i) engaging in an activity permitted under, and provided they comply with any requirements of, the **Restricted Activity Directions (Regional Victoria)**; or
 - (ii) to attend or undertake work in accordance with clause 6 (**attending work or education**); or
 - (iii) medical or emergency purposes; or
 - (iv) purposes as required or authorised by law; or
 - (v) purposes relating to the administration of justice.

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

Weddings, funerals and end of life activity

- (6) The requirements for a wedding that is held at a person's ordinary place of residence in Regional Victoria are that:
 - (a) one or both of the two persons being married are experiencing end of life; and
 - (b) it involves no more than:
 - (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

- (iv) any person who ordinarily resides at the premises; and
 - (v) any other person with whom a person in subparagraph (iv) is in an intimate personal relationship.
- (7) The requirements for a wedding in Regional Victoria that is held in a place other than a person's ordinary place of residence are that:
- (a) if all people in attendance have a principal place of residence in Regional Victoria it involves no more than:
 - (i) the two persons being married; and
 - (ii) the authorised celebrant; and
 - (iii) the wedding photographer; and
 - (iv) 8 other persons (with any infant under one year of age not counting towards this limit), including two persons witnessing the marriage for the purposes of section 44 of the **Marriage Act 1961** of the Commonwealth; and
 - (v) it complies with the requirements of the **Restricted Activity Directions (Regional Victoria)**; or

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

- (b) if any person in attendance has a principal place of residence in the Restricted Area, then the **Stay at Home Directions (Restricted Areas)** apply to the persons who arrange, organise or attend the wedding as if those persons ordinarily reside in the Restricted Area.

*Note: a person who ordinarily resides in the Restricted Area is permitted to attend a wedding in Regional Victoria, provided that wedding complies with the requirements in the **Stay at Home Directions (Restricted Areas)**, which require that one of the two persons being married is experiencing end of life or would be deported from Australia unless the marriage takes place. Such a wedding must not involve more than 5 persons, consisting of the two people being married, the authorised celebrant and two persons witnessing the marriage.*

- (8) The requirements for a funeral held at a person's ordinary place of residence in Regional Victoria are that:
- (a) if all people in attendance have a principal place of residence in Regional Victoria, it involves only **5 members of the public** with the following persons not counting towards this limit:
 - (i) any infant under one year of age; and
 - (ii) the minimum number of persons reasonably necessary for the conduct of the funeral; and
 - (iii) any person who ordinarily resides at the premises; and
 - (iv) any other person with whom a person in subparagraph (i) is in an intimate personal relationship.

Note: the persons reasonably necessary for the conduct of the funeral can enter the premises under subclause (2)(d) (work), but any nominee person or nominated person is subject to these restrictions on a funeral held at a private residence.

- (b) if any person in attendance has a principal place of residence in Restricted Area, then the **Stay at Home Directions (Restricted Areas)** apply to that funeral as if the premises was in the Restricted Area.

*Note: a person who ordinarily resides in the Restricted Area is permitted to attend a funeral in Regional Victoria, provided that the funeral complies with the requirements in the **Stay at Home Directions (Restricted Areas)**. Such a funeral must not involve more than 10 members of the public.*

- (9) The requirements for a funeral held in Regional Victoria that is held other than at a person's ordinary place of residence are that:
- (a) if all people in attendance have a principal place of residence in Regional Victoria, it involves no more than:
 - (i) 20 members of the public (with any infant under one year of age not counting towards this limit); and
 - (ii) no more than the minimum number of persons reasonably necessary for the conduct of the funeral; and
 - (iii) it complies with the requirements of the **Restricted Activity Directions (Regional Victoria)**; or

*Note: record-keeping requirements apply to funerals as set out in the **Workplace Directions**.*
 - (b) if any person in attendance has a principal place of residence in the Restricted Area, then the **Stay at Home Directions (Restricted Areas)** apply to the persons who arrange, organise or attend the funeral as if those persons ordinarily reside in the Restricted Area.
- (10) The requirements for end of life activity that is held at a person's ordinary place of residence in Regional Victoria are that it involves no more than:
- (a) the person experiencing end of life; and
 - (b) any other person (or people) who ordinarily reside at the premises of the person experiencing end of life; and
 - (c) any other person with whom a person in subparagraph (a) or (b) is in an intimate personal relationship; and
 - (d) two other people,
with infants under one year of age not counting towards these limits.

PART 5 – OTHER PROVISIONS

8 Relationship with other Directions

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

9 Definitions

For the purposes of these directions:

- (1) **aircraft** means an aircraft that is mainly used for the purpose of, or is engaged, or is intended or likely to be engaged, in a flight wholly within Australia;

- (2) **airport** means an aerodrome at which facilities are available for the arrival or departure of **aircraft** into or from the State of Victoria;
- (3) **alpine resort** means any of the following as defined in the Alpine Resorts (Management) Act 1997:
 - (a) Falls Creek Alpine Resort;
 - (b) Lake Mountain Alpine Resort;
 - (c) Mount Baw Baw Alpine Resort;
 - (d) Mount Buller Alpine Resort;
 - (e) Mount Hotham Alpine Resort;
 - (f) Mount Stirling Alpine Resort;
 - (g) the Dinner Plain Village as defined under the Dinner Plain Planning Provisions in the Alpine Planning Scheme;
- (4) **alpine resort management board** has the same meaning as in the Alpine Resorts (Management) Act 1997;
- (5) **alpine worker** means an employee or contractor of an **alpine resort management board**, Alpine Shire Council, Mansfield Shire Council, Baw Baw Shire Council, Murrindindi Shire Council, Yarra Ranges Shire Council or any business located within an **alpine resort** who is required to enter an **alpine resort** for work purposes;
- (6) **Area Directions** means the **Area Directions (No. 16)** as amended or replaced from time to time;
- (7) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (8) **authorised officer** has the same meaning as in the **PHW Act**;
- (9) **authorised provider** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (10) **authorised worker** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (11) **bus company** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (12) **Care Facilities Directions** means **Care Facilities Directions (No. 45)** as amended or replaced from time to time;
- (13) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (14) **childcare or early childhood service** means onsite early childhood education and care services or children's services provided under the:
 - (a) **Education and Care Services National Law** and the **Education and Care Services National Regulations** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services; and
 - (b) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;
- (15) **commercial passenger vehicle** has the same meaning as in the **Workplace Directions**;
- (16) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 26)** as amended or replaced from time to time;
- (17) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;

- (18) **Directions currently in force** means the **Restricted Activity Directions (Restricted Areas)**, the **Restricted Activity Directions (Regional Victoria)**, the **Area Directions**, the **Stay at Home Directions (Restricted Areas)**, 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;
- (19) **educational services** means school educational services (including at a school or non-school senior secondary provider and outside school hours care services), but does not include **childcare or early childhood services** or **higher education services**;
- (20) **end of life** means:
- (a) a situation where a person's death is expected within days (including periods of 28 days or less), or where the person, with or without existing conditions, is at risk of dying from a sudden acute event; and
 - (b) does not mean a situation where a person has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the person is expected to die within 12 months (except where the situation also falls within paragraph (a));
- (21) **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);
- (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) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (24) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 36)** as amended or replaced from time to time;
- (25) **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;
- (26) **licensed tourism operator** has the same meaning as in the **Restricted Activity Directions (Regional Victoria)**;
- (27) **members of the public** has the same meaning as in the **Restricted Activity Directions (Regional Victoria)**;
- memorial** means a place of interment of bodily remains or cremated human remains (including a columbarium), as each of these terms are defined in the **Cemeteries and Crematoria Act 2003**;
- (28) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (29) **nominated person** means a person nominated by a nominee person for social interaction permitted in accordance with these directions;
- (30) **nominee person** means a person who:
- (a) is not in an intimate personal relationship with any person and lives by themselves; or
 - (b) is the sole parent or guardian of a child who is under 18 years of age or who has a disability and in either case lives with them,
- and who has nominated one person only to be their **nominated person** for social interaction permitted in accordance with these directions;

- (31) **outdoor space** means a space that is not an **indoor space**;
- (32) **passenger transport company** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (33) **photographer** means a person who takes photographs as a business and has an Australian Business Number for this purpose;
- (34) **place of transit** means an **airport, port**, train station or bus terminal;
- (35) **port** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions**;
- (36) **premises** means:
 - (a) a building, or part of a building; and
 - (b) any land on which the building is located, other than land that is available for communal use;
- (37) **prison** has the same meaning as in the **Corrections Act 1986**;
- (38) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (39) **public transport** means a vehicle operated by a **passenger transport company** or by a **bus company** in the provision of **public transport service**;
- (40) **public transport service** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (41) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (42) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (43) **Restricted Activity Directions (Regional Victoria)** means the **Restricted Activity Directions (Regional Victoria) (No. 9)** as amended or replaced from time to time;
- (44) **Restricted Area** has the same meaning as in the **Area Directions**;
- (45) **retail facility** has the same meaning as in the **Restricted Activity Directions (Regional Victoria)**;
- (46) **restricted retail facility** has the same meaning as in the **Restricted Activity Directions (Regional Victoria)**;
- (47) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (48) **Stay at Home Directions (Restricted Areas)** means the **Stay at Home Directions (Restricted Areas) (No. 22)** as amended or replaced from time to time;
- (49) **stay safe period** has the meaning in clause 4;
- (50) **vehicle** has the same meaning as in the **PHW Act**;
- (51) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 31)** as amended or replaced from time to time;
- (52) **vulnerable child or young person** means a child or young person who:
 - (a) resides in the care of the State or in out-of-home care; or
 - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or
 - (c) is identified by a **school, childcare or early childhood education service** as vulnerable (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service); or
 - (d) is identified by a parent or guardian as vulnerable because the child or young person has a disability and cannot learn from home due to the circumstances of that disability;

- (53) **work premises** has the same meaning as in the **Workplace Directions**;
- (54) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 42)** as amended or replaced from time to time;
- (55) **Workplace Directions** means the **Workplace Directions (No. 49)** as amended or replaced from time to time;
- (56) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (57) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

10 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

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

Dated 17 September 2021

ASSOCIATE PROFESSOR N. DEBORAH FRIEDMAN
Acting Chief Health Officer,
as authorised to exercise emergency powers
under section 199(2)(a) of the PHW Act

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Restricted Activity Directions (Regional Victoria) (No. 9)**

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

1 Preamble

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings in **Regional Victoria** to address the serious public health risk posed to Victoria by severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Restricted Activity Directions (Regional Victoria) (No. 8)**.

2 Citation

These directions may be referred to as the **Restricted Activity Directions (Regional Victoria) (No. 9)**.

3 Restricted activity period

For the purposes of these directions, the restricted activity period is the period beginning at 11:59:00 pm on 17 September 2021 and ending at 11:59:00 pm on 23 September 2021.

4 Residence checking requirement

- (1) A person who owns, controls or operates in Regional Victoria:
 - (a) an **accommodation facility** to the extent it relates to tourism, or a business that manages bookings for that accommodation facility;
 - (b) a **food and drink facility** to the extent it relates to providing seated services;
 - (c) a **restricted retail facility**;
 - (d) an **entertainment and function facility**;
 - (e) a drive-in cinema; or
 - (f) a **physical recreational facility** that is a staffed facility, or a person who is:
 - (g) an **alpine operator**; or
 - (h) a **licensed tourism operator**; or
 - (i) an **estate agent** to the extent their activities relate to any activities other than a final inspection of a property,must use all reasonable endeavours to determine, as soon as practicable after each member of the public makes a booking (where bookings are taken) for, or accessing, entering or using, their services or facility, whether that member of the public's ordinary place of residence is in the Restricted Area, except for the following reasons:
 - (j) the person states that they are permitted to travel or stay in Regional Victoria for reasons set out in the **Stay at Home Directions (Restricted Areas)**;
 - (k) emergency purposes; or
 - (l) as required or authorised by law.
- (2) The residence checking requirement in subclause (1) must be satisfied for each member of the public:
 - (a) aged 18 years or older, by that person or someone responsible for their care and support; or

- (b) who is an unaccompanied person aged 15 years or older but under 18 years, by that person; or
- (c) who is an accompanied person aged under 18 years, by their carer, parent or guardian.

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

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

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

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

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

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

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

5 Physical recreational facilities

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

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

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

Examples: gymnasium, health club, fitness centre, yoga studio, pilates studio, barre studio, dance studio, spin facility, indoor basketball court, indoor climbing facility, squash court, table tennis centre.
 - (b) a facility used predominantly for outdoor sport or physical recreation;

Examples: golf club, tennis club, basketball centre, go kart track, rifle range, equestrian centre, mini golf, paint ball, lawn bowling, water skiing.

- (c) a **personal training facility**;
 - (d) a **cardio or strength training facility**;
Examples: a cardio or strength facility featuring cardio equipment (such as exercise bikes, elliptical trainers, steppers and rowing machines), free weights, kettlebells and weight and / or strength training equipment and machines. A cardio or strength training facility may be a stand-alone facility or part of another facility (such as a gymnasium, health club, fitness centre or personal training facility).
 - (e) a **play centre**;
 - (f) an indoor skatepark;
 - (g) a trampolining centre;
 - (h) a swimming pool, **hydrotherapy pool**, spa, sauna, steam room or **spring facility**,
- but does not include:
- (i) a skatepark in an **outdoor space**;
 - (j) outdoor communal exercise equipment; or
 - (k) a **creative arts facility**.

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

Physical recreation and community sport

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

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

Note 2: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 18.

- (e) any spa, sauna, steam room or change room at a swimming pool facility is closed at all times to members of the public; and
- (f) the activity or community sport does not involve a participant who ordinarily resides in the Restricted Area; and
- (g) the number of members of the public in a group at any one time is limited to 10 (with infants under one year of age not counting towards this limit); and

Note: any persons employed by the physical recreation facility or not participating in an activity at the physical recreation facility, such as teachers, instructors, trainers or coaches, as well as carers, parents and guardians attending to support participation of a child or a person with disability are not included for the purpose of calculating the group limit on the number of members of the public referred to in subclause (3(f)).

- (h) at all times only the minimum number of people required to conduct the community sport activity are present for that purpose; and

Note: only those persons required to facilitate the activity at the physical recreational facility are permitted to attend, which may include teachers, instructors, trainers, coaches, and umpires, as well as carer, parents and guardians attending to support participation of a child or person with disability.

- (i) no spectators are permitted to attend any activity or community sport; and
 (j) any shared equipment is cleaned between users; and
 (k) in the case of staffed physical recreational facilities, a **COVID Check-in Marshal** is present at all entrances to the facility open to members of the public whenever the facility is operational; and
 (l) any **food and drink facility** within the physical recreational facility operates in accordance with the requirements of clause 13 (**food and drink facilities**); and
 (m) any **retail facility** within the physical recreational facility operates in accordance with the requirements of clause 11 (**retail facilities**); and
 (n) any dancefloor in the physical recreational facility is closed.

Note: any person employed by the physical recreational facility is not included for the purpose of calculating the limits on the number of members of the public referred to in this subclause.

Exception – training for community sport

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

Exception – professional or high performance sport

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

Exception – large outdoor spaces

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

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

Exception – school or educational swimming purposes

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

- (b) providing the facility for swimming or water safety lessons and is not required to comply with subclause (3)(a) (density quotient) or subclause (3)(g) (group limit).

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

6 Community facilities

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

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

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

- (a) a community centre or community hall;
 - (b) a public library (including a toy library, but not the **State Library**);
 - (c) a youth centre;
 - (d) a **playground**;
 - (e) a skatepark in an outdoor space; or
 - (f) outdoor communal exercise equipment,
- but does not include:
- (g) a creative arts facility;
 - (h) a physical recreational facility; or
 - (i) a swimming pool facility, hydrotherapy pool, spa, sauna, steam room or spring facility.

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

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

Note 1: the persons conducting an activity are not included for the purpose of calculating the limit on the number of members of the public referred to in subclause (3)(b).

Note 2: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 18.

- (c) the number of members of the public at the whole of the facility at any one time is limited to no more than 20 (with infants under one year old not counting towards this limit); and
- (d) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
- (e) any dancefloor in the community facility is closed.

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

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

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

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

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

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

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

Playgrounds, outdoor skatepark or outdoor communal exercise equipment

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

7 Creative arts facility

- (1) A person who owns, controls or operates a **creative arts facility** in Regional Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A person who owns, controls or operates a creative arts facility in Regional Victoria may only operate the facility if:
 - (a) the number of members of the public permitted in each indoor space or each outdoor space at any one time is limited (with infants under one year of age not counting towards these limits) to the density quotient; and

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

 - (b) the number of members of the public (whether seated or non-seated) at the whole of the facility at any one time is limited to no more than 20 (with infants under one year old not counting towards this limit); and
 - (c) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
 - (d) any equipment used in an activity is cleaned between users; and
 - (e) any dancefloor in the creative arts facility is closed.

Exception – exclusive use by a single school

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

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

7A Educational facilities

- (1) A person who owns, controls or operates an educational facility in Regional Victoria may operate that facility during the restricted activity period only for the purposes of:
 - (a) providing **childcare or early childhood education services**; or
 - (b) providing primary school or secondary school educational services (including at a school or non-school senior secondary provider and outside school hours care services) where education is being provided to:
 - (i) a person who ordinarily resides in Regional Victoria enrolled in a primary school in Foundation (Prep), Year 1 or Year 2; or
 - (ii) a person who ordinarily resides in Regional Victoria enrolled in a secondary school in Year 12, undertaking Victorian Certificate of Education Units 3 or 4 or in their final year of the Victorian Certificate of Applied Learning, Vocational Education and Training or International Baccalaureate; or

- (iii) a child, children or young person who has:
 - (A) two parents or guardians and both of them are; or
 - (B) a single parent or guardian and that parent or guardian is, an **Authorised Worker** or work for an **Authorised Provider**, or would be an Authorised Worker or would work for an Authorised Provider if the parent or guardian resided in the Restricted Area, and are required to attend the work premises and is unable to make alternative supervision arrangements for that child, children or young person; or
- (iv) the person is a **vulnerable child or young person**; or
- (c) providing higher education services if:
 - (i) it is in relation to final year assessments for Tertiary Education Quality and Standards Agency regulated courses; and
 - (ii) where the person does not have alternative options to complete the study by the end of 2021; or
- (d) permitting any person to work (whether on a paid or voluntary basis) at the educational facility in accordance with the provisions of the **Stay Safe Directions (Regional Victoria)**.

8 Entertainment and function facilities

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

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

- (2) An **entertainment or function facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a theatre;
 - (b) a cinema, including a drive-in cinema;
 - (c) a music hall, concert hall or auditorium;
 - (d) a gallery or a museum;
 - (e) the State Library;
 - (f) an arena or stadium;
 - (g) an arcade;
 - (h) an amusement park;
 - (i) a **retail betting venue**;
 - (j) a **gaming machine area**;
 - (k) a **brothel, sex on premises venue** or **sexually explicit entertainment venue**;
 - (l) a bingo centre;
 - (m) an escape room;
 - (n) an **animal facility**;
 - (o) a karaoke facility;
 - (p) a nightclub;
 - (q) a convention centre;
 - (r) a **function facility**; and
 - (s) a **casino**, except to the extent of:
 - (i) providing food and drink in accordance with clause 13; or
 - (ii) providing accommodation in accordance with clause 14.

General entertainment or function facilities

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

Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits in subclause (c) above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 18.
 - (d) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
 - (e) any food and drink facility within the entertainment facility operates in accordance with the requirements of clause 13 (**food and drink facilities**); and
 - (f) any retail facility within the entertainment facility operates in accordance with the requirements of clause 11 (**retail facilities**); and
 - (g) any dancefloor in the entertainment facility is closed.

Exception – exclusive use by a single school

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

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

Retail betting venue

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

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

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

Arcades, escape rooms and bingo centres

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

Drive-in cinemas

- (7) A person who owns, controls or operates a drive-in cinema in Regional Victoria may operate the facility if:
- (a) the cinema is in an outdoor space accessed by **vehicles**; and
 - (b) the members of the public in each vehicle consist only of:
 - (i) members of the one household, any intimate partners of the members of that household and any child or dependant of any of those members or intimate partners; or
 - (ii) a **nominee person** and a **nominated person** and any child or dependant of the nominated person and nominee person; and
 - (c) members of the public are not permitted to be seated outside of their vehicles;
*Note: members of the public are permitted to leave a vehicle to access toilet facilities or a **food and drink facility**.*
 - (d) a COVID Check-in Marshal is present at all entrances to the drive-in cinema open to members of the public whenever that facility is operational; and
 - (e) the number of members of the public permitted in any non-seated space or communal space is limited (with infants under one year of age not counted towards this limit) to the density quotient; and
 - (f) any **food and drink facility** within the drive-in cinema operates in accordance with the requirements of clause 13 (**food and drink facilities**).

Gaming machine area

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

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

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

Sex on premises, brothels and sexually explicit entertainment venues

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

Karaoke facilities and nightclubs

- (10) A person who owns, controls or operates a karaoke facility or a nightclub in Regional Victoria may only operate the facility during the restricted activity period if the purpose is to operate a food and drink facility within the karaoke facility or nightclub in accordance with the requirements of clause 13 (**food and drink facilities**).

9 Places of worship

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

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

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

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

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

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

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

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

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

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

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

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

- (4) Despite subclause (2), a person may operate a place of worship without complying with the requirement in subclause (2)(a) (density quotient) if:
- (a) the total area of all indoor spaces and outdoor spaces accessible to members of the public is less than 100 square metres; and
 - (b) the number of members of the public permitted at the facility at any one time is limited to 20 (with infants under one year of age not counting towards this limit).

10 Funeral providers and crematoriums

- (1) A person who owns, controls or operates a funeral home or crematorium in Regional Victoria may only do so during the restricted activity period if:
- (a) any funeral conducted is compliant with the requirements of the **Stay Safe Directions (Regional Victoria)**; and
 - (b) the number of members of the public in any indoor space and outdoor space is limited (with infants under one year of age not counting towards this limit) to the density quotient; and
 - (c) the total number of members of the public at the whole of the facility at any time is limited (with infants under one year of age not counted towards this limit) to the lesser of:
 - (i) the density quotient; and
 - (ii) 20; and
- Note: the persons conducting a funeral or other service are not included for the purpose of calculating the limit on the number of members of the public referred to in subclause (2)(b) or (2)(c).*
- (d) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
 - (e) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by any members of the public.

11 Retail facilities

- (1) A person who owns, controls or operates a retail facility, including a restricted retail facility or an auction house, in Regional Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A **restricted retail facility** means the following:
- (a) a beauty and personal care facility; or
 - (b) a **hairdressing facility**.
- (3) A person who owns, controls or operates a retail facility, including a restricted retail facility and auction house, in Regional Victoria may only operate that facility if:
- (a) the number of members of the public in any indoor space and outdoor space is limited (with infants under one year of age not counting towards this limit) to the density quotient; and
 - (b) in respect of the operation of restricted retail facilities only:
 - (i) the total number of members of the public permitted at the facility at any one time is limited to 10; and
 - (ii) a client wears a **face covering** for the duration of the service or procedure, other than when the client is exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Regional Victoria)**; and
- Example: a person under the age of 12 years and a person who has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable, are not required to wear a face covering.*
- (c) any dancefloor in the retail facility is closed.

Exception – small retail facilities

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

12 Licensed premises

- (1) A person who owns, controls or operates a **licensed premises** in Regional Victoria may only operate that premises during the restricted activity period in accordance with these directions.
- (2) A **licensed premises** means a business characterised as a pub, bar, club, nightclub or hotel that supplies alcohol under a **general licence**, an **on-premises licence**, a **late night licence**, a **producer’s licence**, a **club licence** or a **packaged liquor licence**.
- (3) A person who owns, controls or operates a licensed premises in Regional Victoria may operate those premises only for the purposes of:
 - (a) operating a **bottle shop**; or
 - (b) providing food or drink in accordance with clause 13; or
 - (c) providing accommodation in accordance with clause 14; or
 - (d) operating a retail betting venue in accordance with clause 8(5); or
 - (e) operating a gaming machine area in accordance with clause 8(8); or
 - (f) operating a sexually explicit entertainment venue in accordance with clause 8(9); or
 - (g) operating a karaoke facility or nightclub in accordance with clause 8(10), provided that the total number of members of the public at the whole of the premises, not including any area used for accommodation, at any time is limited (with infants under one year of age not counted towards this limit), to the lesser of:
 - (h) the density quotient; and
 - (i) 30.

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

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

13 Food and drink facilities

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

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*
- (2) A **food and drink facility** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a cafe;
 - (b) a restaurant;

- (c) a fast-food store;
- (d) a cafeteria;
- (e) a canteen;
- (f) a winery;
- (g) a **food court**.

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

- (3) A person who owns, controls or operates a food and drink facility in Regional Victoria may operate that facility to permit members of the public to consume food or drinks only if:
- (a) the number of members of the public in any outdoor space is limited (with infants under one year of age not counting towards these limits) to 20; and
 - (b) the number of members of the public in any indoor space is limited (with infants under one year of age not counting towards these limits) to 10; and
 - (c) unless the food and drink facility is a food court, the total number of members of the public at the whole of the facility at any time is limited (with infants under one year of age not counted towards this limit), to the lesser of:
 - (i) the density quotient; and
 - (ii) 30; and

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

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

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

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

Exception – exclusive use of a school

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

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

14 Accommodation facilities

- (1) A person who owns, controls or operates an accommodation facility in Regional Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) An **accommodation facility** includes, but is not limited to, any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a camping ground;
 - (b) a caravan park;
 - (c) a hotel;
 - (d) a hostel;
 - (e) a bed and breakfast;
 - (f) a private holiday rental facility, including Airbnbs;
 - (g) a motel; or
 - (h) a serviced apartment.
- (3) A person who owns, controls or operates an accommodation facility in Regional Victoria may operate that facility for the purposes of providing accommodation only if:
 - (a) the number of members of the public in any communal indoor or outdoor space is limited to the density quotient; and
 - (b) each booking consists only of:
 - (i) members of the one household, any intimate partners of the members in that household and any child or dependant of any of those members or intimate partners, all of whom must ordinarily reside in Regional Victoria; or
 - (ii) members of the public who ordinarily reside in the Restricted Area but require accommodation on a temporary basis due to their travel within Regional Victoria for a permitted reason as set out in the **Stay at Home Directions (Restricted Areas)** and any child or dependant of that person; or
 - (iii) a nominated person, a nominee person and any child or dependant of the nominated person and nominee person; and
 - (c) members of the public under different bookings do not share any bedrooms; and
 - (d) all surfaces in the facility that are used exclusively by a particular group, including a hotel room or cabin, are cleaned between each booking; and
 - (e) any food and drink facility within the accommodation facility operates in accordance with the requirements of clause 13 (**food and drink facilities**); and
 - (f) any function facility within the accommodation facility operates in accordance with the requirements of clause 8 (**entertainment and function facilities**); and
 - (g) any dancefloor in the accommodation facility is closed.

Accommodation facilities – other

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

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

15 Real estate auctions and inspections

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

16 Tours and transport

Licensed tourism operator

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

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

17 Dancefloors

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

18 Public Events

(1) For the purpose of this clause:

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

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

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

(B) open to members of the public; and

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

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

(D) publicly announced or advertised; and

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

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

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

but does not mean:

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

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

Note: most public gatherings in a facility, venue or space (including any indoor space or outdoor space) are expected to remain subject to the requirements in these directions, including clause 13 (food and drink facilities).

(v) a private gathering;

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

(vii) a routine religious gathering or ceremony,

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

(b) **exempt public event** means an eligible public event which, subject to the process described in the **Public Event Framework**, the Chief Health Officer or Deputy Chief Health Officer has exempted from a requirement in the Directions currently in force in accordance with subclause (3) or the equivalent subclause in any **revoked Restricted Activity Directions**.

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

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

(b) to the extent of an exemption granted in respect of that exempt public event (including any conditions on an exemption).

(3) The Chief Health Officer or Deputy Chief Health Officer may exempt one or more persons who are subject to a requirement under these directions to conduct one or more eligible public events (or class of eligible public events) from any requirement of the Directions currently in force if satisfied that the exemption is appropriate, having regard to:

(a) the need to protect public health; and

(b) the principles in sections 5 to 10 of the **PHW Act**, as appropriate.

- (4) An exemption:
 - (a) must be given in writing; and
 - (b) must be published at www.coronavirus.vic.gov.au/public-events as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer; and
 - (c) must specify each requirement in the Directions currently in force to which, subject to subclause (d), an exemption is granted; and
 - (d) may impose conditions on an exemption.
- (5) An exemption does not prevent:
 - (a) the Chief Health Officer or Deputy Chief Health Officer exercising any power the Chief Health Officer or Deputy Chief Health Officer is authorised to exercise under the **PHW Act**; or
 - (b) an authorised officer from exercising any power the authorised officer is authorised to exercise under the **PHW Act**, including ensuring compliance with:
 - (i) the extent of an exemption (including any conditions on an exemption); or
 - (ii) the requirements of all other Directions currently in force.

Transitional provisions

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

Note: events are not permitted to occur during the restricted activity period, but events approved for after the restricted activity period are not revoked by these directions.
- (7) Any application for an exemption made under any revoked Restricted Activity Directions continues to have effect.

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

19 **Emergency use and operations**

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

20 **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.

21 **Other definitions**

For the purposes of these directions:

- (1) **accommodation facility** has the meaning in clause 15(2);
- (2) **alpine operator** means any person who owns, controls or operates an **alpine resort** in Regional Victoria;
- (3) **alpine resort** means:
 - (a) any of the following as defined in the **Alpine Resorts (Management) Act 1997**:
 - (i) Falls Creek Alpine Resort;
 - (ii) Lake Mountain Alpine Resort;
 - (iii) Mount Baw Baw Alpine Resort;

- (iv) Mount Buller Alpine Resort;
 - (v) Mount Hotham Alpine Resort
 - (vi) Mount Stirling Alpine Resort; and
- (b) the Dinner Plain Village as defined under the Dinner Plain Planning Provisions in the Alpine Planning Scheme;
- (4) **animal facility** means the following:
- (a) a **zoological park**;
 - (b) a wildlife centre;
 - (c) a petting zoo;
 - (d) an aquarium;
 - (e) an animal farm that is not being operated for the purpose of producing food;
- (5) **Area Directions** means the **Area Directions (No. 16)** as amended from time to time;
- (6) **Authorised Provider** means a provider of goods or services as set out in the **Authorised Provider and Authorised Worker List**;
- (7) **Authorised Worker** has the same meaning as in the Workplace Directions;
- (8) **bottle shop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the **premises**;
- (9) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (10) **cardio or strength training facility** means a facility used predominantly for cardio, weight or strength training, including any cardio or strength training facility located wholly or partly within any other facility (including a **physical recreational facility**);
- (11) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (12) **childcare or early childhood education service** means onsite early childhood education and care services or children's services provided under the:
- (a) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs; or
 - (b) **Education and Care Services National Law Act 2010** and the **Education and Care Services National Regulations 2011** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services;
- (13) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (14) **communal or shared space** means toilets, separate hallways, separate foyers or playgrounds at the facility;
- (15) **community facility** has the meaning in clause 6(2);
- (16) **COVID Check-in Marshal** means an employee, or employees, of a facility who monitors compliance with the **records requirement** at all entrances to the facility open to **members of the public** by checking whether patrons have provided their details prior to entry;
- (17) **COVID Marshal** means an employee or employees of the operator of a facility that have been designated as a COVID Marshal:
- (a) whose role is to monitor compliance with these directions; and
 - (b) who has successfully completed training provided by the operator that is in accordance with guidance from the **Department**; and
 - (c) who is present at the facility whenever it is operational;
- (18) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;

- (19) **creative arts facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) an art studio;
 - (b) a ceramics studio;
 - (c) a music room or studio; or
 - (d) a rehearsal room or studio,
- but does not include:
- (e) a **physical recreational facility**;
 - (f) a **community facility**; or
 - (g) a **place of worship**.
- (20) **density quotient** means the number of **members of the public in an indoor space** and/or **outdoor space** is limited (with infants under one year of age not counting towards this limit) to the number calculated by dividing the total area of the relevant space accessible to members of the public (measured in square metres) by 4;
- (21) **Department** means the Department of Health;
- (22) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (23) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Regional Victoria)**;
- (24) **discrete outdoor space** means an **outdoor space** (whether a seated space, non-seated space or a combination of seated and non-seated) where crowding or congregation of people may occur and where either:
- (a) people are attending to participate in a shared purpose or activity; or
Example: an area for participating in a competition.
 - (b) people are attending as the audience of the same performance, activity or entertainment.
Example: an area where an audience views a performance on an outdoor stage or watches an outdoor cinema screen.
- (25) **eligible public event** has the meaning in clause 18(1)(a);
- (26) **entertainment or function facility** has the meaning in clause 8(2);
- (27) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (28) **exemption** means an exemption granted by the Chief Health Officer or the Deputy Chief Health Officer for an **eligible public event** or class of eligible public events under clause 18(3) of these directions or the equivalent provision in any **revoked Restricted Activity Direction**;
- (29) **face covering** has the same meaning as in the **Workplace Directions**;
- (30) **food and drink facility** has the meaning in clause 13(2);
- (31) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (32) **function facility** means a building, room or space that is used for the purpose of holding events, functions, conferences or receptions and, for the avoidance of doubt, includes spaces within an **entertainment or function facility** or **accommodation facility** but not within **licensed premises**;
- (33) **gaming machine** has the same meaning as in the **Gambling Regulation Act 2003**;
- (34) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (35) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (36) **hairdressing** has the same meaning as in the **PHW Act**;

- (37) **hairdressing facility** means a business that is registered as a business of **hairdressing** under the **PHW Act**;
- (38) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (39) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are temporary (in a **physical recreational facility** or **food and drink facility** only) or permanent structures rising either from floor to ceiling or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are open or closed;
- (40) **karaoke facility** means a facility used predominately for karaoke by **members of the public**;
Example: a facility with private rooms for use by members of the public for karaoke is a karaoke facility. A bar with one open karaoke stage is not a karaoke facility.
- (41) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (42) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (43) **licensed premises** has the meaning in clause 12(2);
- (44) **licensed tourism operator** means a person:
- (a) granted a tour operator licence under:
 - (i) section 21B of the **Crown Land (Reserves) Act 1978**; or
 - (ii) section 57F of the **Forests Act 1958**; or
 - (iii) section 140I of the **Land Act 1958**; or
 - (iv) section 27D of the **National Parks Act 1975**; or
 - (v) section 21B of the **Wildlife Act 1975**; or
 - (b) providing a tour of an entertainment facility;
- (45) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;
- (46) **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;
- (47) **nightclub** means a facility:
- (a) to which a **late night licence** applies; and
 - (b) with a dancefloor; and
 - (c) which does not serve food prepared at the facility for consumption on the **premises**;
- (48) **nominated person** has the same meaning as in the **Stay Safe Directions (Regional Victoria)**;
- (49) **nominee person** has the same meaning as in the **Stay Safe Directions (Regional Victoria)**;
- (50) **non-seated indoor space** means an **indoor space** that is not a **seated indoor space**;
- (51) **non-seated outdoor space** means an **outdoor space** that is not a **seated outdoor space**;
Note: this can include settings such as outdoor animal facilities.
- (52) **non-seated space** means a **non-seated indoor space** or a **non-seated outdoor space**;
- (53) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;

- (54) **outdoor space** means a space that is not an **indoor space**;
- (55) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (56) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (57) **physical recreational facility** has the meaning in clause 5(2);
- (58) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (59) **play centre** means a **premises**, whether indoor or outdoor, that has play equipment to be used predominantly by children under the age of 12 years, but does not mean a **playground**;
- (60) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**;
- (61) **premises** has the same meaning as in the **PHW Act**;
- (62) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (63) **professional or high-performance sports person** means an individual who meets one or more of the following criteria:
- (a) perform a sporting activity in an open-aged national or international competition (at the highest level as identified by the recognised national body); or
 - (b) employed to perform a sporting activity as their primary source of income (e.g. employed by a professional club or recognised national body); or
 - (c) a National Institute Network Scholarship holder or equivalent level national categorised athlete;
- (64) **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;
- (65) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (66) **records requirement** has the same meaning as in the **Workplace Directions**;
- (67) **Regional Victoria** has the same meaning as in the **Area Directions** as amended or replaced from time to time;
- (68) **restricted activity period** has the meaning in clause 4;
- (69) **Restricted Area** has the same meaning as in the **Area Directions**;
- (70) **retail betting venue** means a **premises**, or part of a premises, operated by the **wagering and betting licensee**, the **keno licensee** or an agent of the wagering and betting licensee or keno licensee;
- (71) **retail facility** means a **premises**, or part of a premises, that are used wholly or predominantly for the sale or hire of goods by retail, or the retail provision of services and includes a **market**, **retail shopping centre** and supermarkets;
- (72) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (73) **revoked Restricted Activity Directions** means any of the **Restricted Activity Directions (Victoria)**, the **Restricted Activity Directions (Regional Victoria)** or the **Restricted Activity Directions (Metropolitan Melbourne)** that came into effect on or after 27 May 2021;

- (74) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (75) **seated indoor space** means an **indoor space** with fixed seating;
- (76) **seated outdoor space** means an **outdoor space** with fixed seating;
- (77) **seated space** means a **seated indoor space** or a **seated outdoor space**;
- (78) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (79) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (80) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (81) **State Library** means the State Library Victoria;
- (82) **Stay at Home Directions (Restricted Areas)** means the **Stay at Home Directions (Restricted Areas) (No. 22)** as amended or replaced from time to time;
- (83) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 9)** as amended or replaced from time to time;
- (84) **tourism services** means an activity, guided tour or recreation programme conducted or coordinated by an employee or officer of a **licensed tourism operator** that is undertaken for profit for tourism purposes including, but not limited to, ballooning, a walking tour or bushwalking tour, a bicycle tour, abseiling, rock climbing, canoeing, kayaking, white water rafting, diving, snorkelling, horse trail riding, marine based tours and surfing, or a guided tour of a museum or gallery;
- (85) **vehicle** has the same meaning as in the **PHW Act**;
- (86) **visitor** means a person who is not registered to stay overnight at an **accommodation facility**;
- (87) **vulnerable child or young person** means a child or young person who:
- (a) resides in the care of the State or in out-of-home care; or
 - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or
 - (c) is identified by a **school, childcare or early childhood education service** as vulnerable (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service); or
 - (d) is identified by a parent or guardian as vulnerable because the child or young person has a disability and cannot learn from home due to the circumstances of that disability;
- (88) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (89) **worker** has the same meaning as in the **Workplace Directions**;
- (90) **Workplace Directions** means the **Workplace Directions (No. 49)** as amended or replaced from time to time;
- (91) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

22 Penalties

Section 203(1) of the PHW Act provides:

Compliance with direction or other requirement

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

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

Dated 17 September 2021

ASSOCIATE PROFESSOR N. DEBORAH FRIEDMAN
Acting Chief Health Officer,
as authorised to exercise emergency powers
under section 199(2)(a) of the PHW Act

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Workplace (Additional Industry Obligations) Directions (No. 42)**

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

1 Preamble

- (1) The presence of a person with a positive diagnosis of Novel Coronavirus 2019 (**SARS-CoV-2**) at a **Work Premises** is considered to pose an immediate risk of transmission to persons who attend, or may attend, the Work Premises.
- (2) The purpose of these directions is to establish additional specific obligations on **employers** and **workers** in specific industries in relation to managing the risk associated with SARS-CoV-2.
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions are intended to supplement any obligations an employer may have under the **OHS Act** and the **Workplace Directions** and are not intended to derogate from any such obligations.
- (5) These directions replace the **Workplace (Additional Industry Obligations) Directions (No. 41)**.

2 Citation

These directions may be referred to as the **Workplace (Additional Industry Obligations) Directions (No. 42)**.

3 Revocation

The **Workplace (Additional Industry Obligations) Directions (No. 41)** are revoked at 11:59:00 pm on 17 September 2021.

4 Commencement

These directions commence at 11:59:00 pm on 17 September 2021 and end at 11:59:00 pm on 23 September 2021.

5 Application of directions to certain employers and roles

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

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

Example 1:

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

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

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

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

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

Example 2

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

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

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

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

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

6 General Obligations

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

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

Compliance

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

Consultation

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

7 Additional Industry Obligations

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

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

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

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

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

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

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

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

*Note 1: an employer at a Work Premises that is an abattoir, meat processing facility, poultry processing facility or seafood processing facility is required to comply with subclause (3)(b)(i) unless an exception pursuant to clause 5(20)(e), (g) – (i), (r) – (t), or (x) – (aa) of the **Stay at Home Directions (Restricted Areas)** or clause 5(9)(e), (g) – (i), (r) – (t), or (x) – (aa) of the **Stay Safe Directions (Regional Victoria)** applies in respect of a worker, in which case the employer is exempted from requiring that worker to wear a **face covering**.*

Note 2: the exception from the requirement to wear a face covering pursuant to clause 5(20)(j) of the Stay at Home Directions (Restricted Areas) or clause 5(9)(j) of the Stay Safe Directions (Regional Victoria) does not apply to a worker at a Work Premises that is an abattoir, meat processing facility, poultry processing facility or seafood processing facility whilst working at the Work Premises in Victoria.

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

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

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

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

Note 2: an employer at a Work Premises that is a supermarket Work Premises or perishable food Work Premises is required to comply with the requirements of subclause (4) unless an exception pursuant to clause 5(20)(e), (g) – (i), (r) – (t), or (x) – (aa) of the Stay at Home Directions (Restricted Areas) applies in respect of a worker, in which case the employer is exempted from requiring that worker to wear a face covering.

Note 3: the exception from the requirement to wear a face covering pursuant to clause 5(20)(j) of the Stay at Home Directions (Restricted Areas) does not apply to a worker at a Work Premises that is a supermarket Work Premises or perishable food Work Premises whilst working at the Work Premises in Victoria.

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

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

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

*Note 2: an employer at a Work Premises that is a chilled distribution facility in relation to warehousing and distribution centres is required to comply with the requirements of subclause (5) unless an exception pursuant to clause 5(20)(e), (g) – (i), (r) – (t), or (x) – (aa) of the **Stay at Home Directions (Restricted Areas)** applies in respect of a worker, in which case the employer is exempted from requiring that worker to wear a face covering.*

*Note 3: the exception from the requirement to wear a face covering pursuant to clause 5(20)(j) of the **Stay at Home Directions (Restricted Areas)** does not apply to a worker at a Work Premises that is a chilled distribution facility in relation to warehousing and distribution centres whilst working at the Work Premises in Victoria.*

Horticulture Work Premises using seasonal workers for seasonal horticultural work

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

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

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

Care facilities

- (11) Subject to subclause (12), an employer in relation to a Work Premises that is a care facility in Victoria must not require or permit a **care facility worker** to perform work at more than one Work Premises of the employer.
- (12) Subclause (11) does not apply where it is not practicable to limit a care facility worker to only one Work Premises.
- (13) Where subclause (12) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of care facility workers working across multiple Work Premises.

Example: rosters.

- (14) An employer in relation to a Work Premises that is a care facility in Victoria must require care facility workers in relation to a care facility to wear a face covering while working in:
- (a) any indoor space at the care facility; or
 - (b) any outdoor space at the care facility,
- unless an exception pursuant to clause 5(20)(e), (g) – (i), (r) – (t), or (x) – (aa) of the **Stay at Home Directions (Restricted Areas)** or clause 5(9)(e), (g) – (i), (r) – (t), or (x) – (aa) of the **Stay Safe Directions (Regional Victoria)** applies in respect of a care facility worker in relation to a care facility, then the employer is exempted from requiring that care facility worker to wear a face covering.
- Example: where a care facility worker is communicating with a resident who is hard of hearing or deaf and visibility of the mouth is essential for communication, that care facility worker may remove their face covering whilst communicating with the resident.*
- Note: the exception from the requirement to wear a face covering pursuant to clause 5(20)(j) of the **Stay at Home Directions (Restricted Areas)** or clause 5(9)(j) of the **Stay Safe Directions (Regional Victoria)** does not apply to care facility workers whilst working in a care facility in Victoria.*
- (15) If a care facility worker is working at more than one Work Premises for two or more different employers:
- (a) the care facility worker must provide a written declaration to each employer to advise them that the worker is working at more than one Work Premises and must provide details of the other Work Premises to each employer; and
 - (b) each employer must maintain a record of all care facility workers who have disclosed to the employer under subclause (15)(a) that they are working across more than one Work Premises.
- (16) An employer in relation to a Work Premises that is a care facility in Victoria must require care facility workers in relation to the care facility to declare in writing at the start of each shift that the worker:
- (a) is free of **SARS-CoV-2 Symptoms**; and
- Note: for the purposes of these directions, SARS-CoV-2 Symptoms, including but not limited to acute respiratory infection (such as cough, shortness of breath, sore throat); loss of smell; and loss of taste do not include those symptoms where caused by an underlying health condition or medication.*
- (b) has, in the preceding 14 days, not been in contact with a **confirmed case** (except in the course of their duties while wearing appropriate personal protective equipment); and
 - (c) is not currently required to **self-isolate** or **self-quarantine** under the **Diagnosed Persons and Close Contacts Directions**.
- (17) Despite clause 6(1)(b) of the **Care Facilities Directions**, an employer in relation to a Work Premises that is a care facility in Victoria must not permit an employee or contractor to enter the care facility where:
- (a) the employee or contractor has, on or after 4 October 2020, worked at another care facility; and
 - (b) at the time the employee or contractor worked at that other care facility, a confirmed case was present at that other facility,
- unless:
- (c) at least 28 days have elapsed since the last time the employee or contractor worked at that other facility while a confirmed case was present; or
 - (d) at least 14 days have elapsed since the last time the employee or contractor worked at that other facility while a confirmed case was present; and
 - (e) the employee or contractor:
 - (i) has undertaken a test for SARS-CoV-2 on or after 13 days from the day that the employee or contractor last worked at that other facility while a confirmed case was present; and

- (ii) received confirmation that the results of the test undertaken pursuant to (i) were negative; and
- (f) the employee or contractor has provided evidence of the negative test result pursuant to subclause (e) to the employer prior to commencing work at that care facility.

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

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

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

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

Ports of entry

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

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

- (a) require port of entry workers to declare in writing at the start of each shift that the port of entry worker:
 - (i) is free of SARS-CoV-2 Symptoms; and
 - (ii) has, in the preceding 14 days, not been in contact with a confirmed case (except in the course of their duties while wearing appropriate personal protective equipment, where relevant); and
 - (iii) is not currently required to self-isolate or self-quarantine under the **Diagnosed Persons and Close Contacts Directions**; and

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

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

Hotel quarantine

- (24) Any worker in relation to a hotel quarantine Work Premises should provide the Department with the following details:
- (a) of the worker:
 - (i) the worker's name, contact number and address; and
 - (b) of any person with whom they ordinarily reside:
 - (i) the person's first name;
 - (ii) a contact phone number;
 - (iii) the person's workplace(s), including address;
 - (iv) if the person attends school, the name and address of the school.
- (25) In relation to a Work Premises that is a hotel quarantine Work Premises, an employer must:
- (a) require workers to declare in writing at the start of each shift that the worker:
 - (i) is free of SARS-CoV-2 Symptoms; and
 - (ii) has, in the preceding 14 days, not been in contact with a confirmed case (except in the course of their duties while wearing appropriate personal protective equipment, where relevant); and
 - (iii) is not currently required to self-isolate or self-quarantine under the **Diagnosed Persons and Close Contacts Directions**; and
 - (b) designate an employee or employees as a COVID Marshal:
 - (i) whose role is to monitor compliance with these directions, including (but not limited to) physical distancing requirements; and
 - (ii) who has successfully completed training provided by the employer that is in accordance with guidance from the Department; and
 - (iii) who is at the Work Premises whenever workers are on site; and
 - (c) arrange operations at the Work Premises so as to have workers working consistently with the same group of other workers where reasonably practicable, including (but not limited to):
 - (i) developing separate shifts in a way that minimises physical interactions between groups of workers attending different shifts;
 - (ii) separating workers into work areas;
 - (iii) dividing work areas up further into separate teams;
 - (iv) providing separate break areas for the separate teams;
 - (v) requiring teams to use separate entrances and exits from other teams;
 - (vi) where workers are from the same household, ensuring they work in the same shift and work area; and
 - (d) make available an adequate supply of personal protective equipment free of charge to workers; and
 - (e) ensure that all workers wear appropriate personal protective equipment in accordance with the requirements of the Department; and
 - (f) test the temperature of each worker each day before they enter the Work Premises and, if the worker's temperature is 37.5°C or more, direct the worker to:
 - (i) leave the Work Premises immediately; and
 - (ii) be tested for SARS-CoV-2; and
 - (iii) self-isolate until a negative test result is received; and

- (g) provide regular training to workers (including, but not limited to, an induction for all workers commencing at, or returning to, the Work Premises) that covers:
 - (i) good hygiene practices; and
 - (ii) advising workers not to attend the Work Premises when unwell; and
 - (iii) compliance with the requirements of subclause (25)(c).
- (26) Subject to subclause (27), an employer in relation to a hotel quarantine Work Premises must not require or permit a worker to perform work at more than one hotel quarantine Work Premises of the employer.
- (27) Subclause (26) does not apply where it is not practicable to limit a worker to only one hotel quarantine Work Premises.
- (28) Where subclause (27) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of workers working across multiple Work Premises.
Example: rosters.
- (29) If a worker is working at more than one Work Premises for two or more different employers:
 - (a) the worker must provide a written declaration to each employer to advise them that the worker is working at more than one Work Premises and must provide details of the other Work Premises to each employer; and
 - (b) each employer must maintain a record of all workers who have disclosed to the employer under subclause (29)(a) that they are working across more than one Work Premises.

Hospitals

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

- (iii) dividing work areas up further into separate teams;
 - (iv) providing separate break areas for the separate teams;
 - (v) requiring teams to use separate entrances and exits from other teams;
 - (vi) where high-risk hospital Work Premises workers are from the same household, ensuring they work in the same shift and work area.
- (32) Subject to subclause (33), an employer in relation to a high-risk hospital Work Premises must not require or permit a high-risk hospital Work Premises worker to perform work at more than one Work Premises of the employer.
- (33) Subclause (32) does not apply where it is not practicable to limit a high-risk hospital Work Premises worker to only one Work Premises.
- (34) Where subclause (33) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of high-risk hospital Work Premises workers working across multiple Work Premises.

Example: rosters.

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

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

Australian Air Transport Services (Passenger)

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

Construction sites

- (38) In relation to a Work Premises that is a construction site, including a **critical and essential infrastructure** site, an employer must:
- (a) comply with the requirements in the **Workplace Directions** including:
 - (i) subject to subclauses (40), (41) and (44), the density quotient; and
 - (ii) the face coverings and cleaning requirements; and
 - (b) comply with the applicable worker reductions for the construction site except in relation to:
 - (i) **critical and essential infrastructure**; or
 - (ii) critical repairs to any Work Premises where required for emergency and safety as set out in the Authorised Provider and Authorised Worker List; and
 - (c) limit movement of all workers (including supervisors and on-site specialists) between multiple Work Premises that are construction sites, except in relation to:
 - (i) supervisors on **small-scale construction sites**, who can move between multiple small-scale construction sites; or
 - (ii) **specialist contractors** who can move between up to three construction sites per week; or
 - (iii) specialists who provide safety services; or
 - (iv) those required to meet minimum statutory obligations or requirements (for example, auditors, building inspectors or surveyors); and
 - (d) not permit a worker to consume food or drink on a construction site including in a crib room, lunch room or tea room except for water or if required due to medical reasons; and
 - (e) designate an employee or employees as a **COVID Marshal**:
 - (i) whose role is to monitor compliance with these directions, including (but not limited to) physical distancing requirements; and
 - (ii) who has successfully completed training provided by the employer that is in accordance with guidance from the Department; and
 - (iii) who is at the Work Premises whenever workers are on site.
 - (f) arrange operations at Work Premises that are construction sites, so as to have construction workers working consistently with the same group of other construction workers where reasonably practicable, including (but not limited to):
 - (i) developing separate shifts in a way that minimises physical interactions between groups of construction workers attending different shifts; and
 - (ii) separates construction workers into work areas; and
 - (iii) dividing work areas up further into separate teams; and
 - (iv) providing separate break areas and separate break times for the separate teams; and
 - (v) requiring teams to use separate entrances and exits from other teams; and
 - (vi) where construction workers are from the same household, ensuring they work in the same shift and work area; and
 - (g) except in relation to **State Critical Infrastructure**, not permit a worker who:
 - (i) is an **ordinary resident of the Restricted Area** or a **temporary resident of the Restricted Area** to work at a construction site in Regional Victoria; and

- (ii) who ordinarily or temporarily resides in Regional Victoria to work at a construction site in the Restricted Area;
except in relation to:
 - (A) a worker who is required to attend the work premises to respond to an emergency or is required to perform urgent and essential work to protect the health and safety of workers or members of the public, or to protect assets and infrastructure, provided that the worker is only permitted to enter and remain upon the work premises for the period of time necessary to respond to those circumstances and the workers cannot be sourced from within the same area in a timely manner.
- (39) The Chief Health Officer may grant an exemption in writing to the requirements of subclause (38)(g)(i) and (ii).
- (40) An employer must not operate a Work Premises that is a small-scale construction site with more than five workers (excluding the site supervisor) at any one time.
- (41) An employer may only operate a Work Premises that is an **early stage land development site** if there are 10 workers (or fewer) per hectare on the Work Premises at any one time.
- (42) For an early stage land development site that is:
 - (a) a residential development, once subdivision occurs, the construction of a dwelling on that part of the early stage land development site will be considered a small-scale construction site; and
 - (b) a large-scale residential development (for example, a retirement village) with a single entity responsible for construction, once construction of dwellings has commenced it will be considered a **large-scale construction site**,for the purposes of these directions.
- (43) In relation to an early stage land development site that is an industrial or commercial development, once construction of a building, warehouse or physical structure has commenced it will be considered a large-scale construction site for the purposes of these directions.
- (44) An employer must not operate a large-scale construction site in excess of 25 percent of the large-scale construction baseline daily workforce or five workers, whichever is higher.

8 Relationship with other directions

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

9 Other definitions

For the purposes of these directions:

- (1) **abattoir** has the meaning under the PrimeSafe licence categories ‘abattoirs (domestic)’ and ‘abattoirs (exports)’;
- (2) **Additional Obligation Industries** has the meaning in clause 5(1);
- (3) **aircraft** means an aircraft that is mainly used for the purpose of, or is engaged, or is intended or likely to be engaged, in a flight wholly within Australia;
- (4) **airport** means a facility that receives scheduled international passenger air transport services and / or passenger charter air services from international markets;

- (5) **Area Directions** means the **Area Directions (No. 16)** as amended or replaced from time to time;
- (6) **Australian air transport operator** has the same meaning as in the **Civil Aviation Safety Amendment (Part 119) Regulations 2018** of the Commonwealth;
- (7) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (8) **Border Directions** means the **Victorian Border Crossing Permit Directions (No. 31)** as amended or replaced from time to time;
- (9) **Care Facilities Directions** means the **Care Facilities Directions (No. 45)** as amended or replaced from time to time;
- (10) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (11) **care facility worker** has the same meaning as ‘worker’ in clause 7(1) of the **Care Facilities Directions**;
- (12) **Chief Veterinary Officer** means the chief veterinary officer of the Department of Jobs, Precincts and Regions;
- (13) **childcare or early childhood education service** means onsite early childhood education and care services or children’s services provided under the:
- (a) **Children’s Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs; or
 - (b) **Education and Care Services National Law Act 2010** and the **Education and Care Services National Regulations 2011** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services;
- (14) **cleaned** has the same meaning as in the **Workplace Directions**;
- (15) **commercial cleaning services** means a business that provides cleaning and sanitisation services to commercial premises;
- (16) **commercial passenger vehicle services** has the meaning given in section 4 of the **Commercial Passenger Vehicle Industry Act 2017**;
- (17) **confirmed case** means a **worker** or person diagnosed with **SARS-CoV-2** and includes the period of time prior to the diagnosis during which the **confirmed case** is considered infectious;
- Note: the period during which a person is considered infectious is generally considered to be 48 hours prior to the onset of SARS-CoV-2 Symptoms, however, alternative infectious periods may be determined at the discretion of an officer or nominated representative of the Department (for instance, in high-risk settings or if the confirmed case is asymptomatic).*
- (18) **construction site** means a Work Premises at which civil works, building or construction activities take place;
- (19) **COVID Marshal** has the meaning in clauses 7(3)(b), 7(22)(b), 7(25)(b), 7(31)(a), 7(38)(e) (as the case may be);
- (20) **COVID streaming area** means any patient treatment area nominated by the relevant health service as an area dedicated to treating a confirmed case or confirmed cases, including negative pressure rooms for SARS-CoV-2 patients;
- (21) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (22) **critical and essential infrastructure** means:
- (a) construction or maintenance (including civil works, building or construction activities) of critical and essential infrastructure (whether privately or publicly funded) where the Victorian Government has deemed, and the Chief Health Officer has endorsed, that it is urgently required for the purposes of sustaining human health, safety and wellbeing, on a case by case basis; or

- (b) activities deemed by the Victorian Government from time to time as **State Critical Infrastructure**; or
- (c) construction for the purposes of national security or defence;
- (23) **density quotient** has the same meaning as in the **Workplace Directions**;
- (24) **Department** means the Department of Health;
- (25) **Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (26) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 26)** as amended or replaced from time to time;
- (27) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (28) **early stage land development sites** means all civil works undertaken on open air, large greenfield sites that are associated with and preparatory to construction of multiple individual residential dwellings or industrial or commercial development on that site (including site remediation and site preparation works, construction of utilities and construction of roads, bridges, stormwater/flood management works and trunk infrastructure);
- (29) **employee** includes a person who is self-employed;
- (30) **employer** means a person who owns, operates or controls a **Work Premises** and includes a person who is self-employed or a sole-trader;
- (31) **face covering** has the same meaning as in the **Workplace Directions**;
- (32) **Green Zone Country** has the same meaning as in the **Border Directions**;
Note: information regarding countries with current, valid (and not temporarily or permanently suspended) safe travel zone agreements with the Commonwealth of Australia is available at: www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert/coronavirus-covid-19-restrictions/coronavirus-covid-19-advice-for-international-travellers#travel-zones as amended or replaced from time to time by the Victorian Government.
- (33) **high-risk hospital Work Premises** means any **hospital** ward treating a **confirmed case** or cases of **SARS-CoV-2**;
- (34) **high-risk hospital Work Premises worker** means any **worker** involved in the direct care of patients, and those who interact with a **high-risk hospital Work Premises**;
- (35) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (36) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 36)** as amended or replaced from time to time;
- (37) **hotel quarantine** means a place (being a hotel or other facility or class of facility), designated by the Attorney-General and published in the Government Gazette, where people are detained in or directed to remain in, or are staying in, quarantine, isolation or emergency accommodation at, for the purpose of eliminating or reducing the serious risk to public health posed by the COVID-19 pandemic;
- (38) **inspector** has the same meaning as in the **OHS Act**;
- (39) **large-scale construction site** means, a construction site if:
 - (a) it is for construction of a building where a planning permit has been issued in relation to the site for a building that is greater than three storeys tall (excluding basement level(s)); or
 - (b) the site size is more than 1,500 m² floor size (inclusive of all floors); or
 - (c) it is for construction of a premises that is predominantly for office use, or that is the internal fit-out of a retail **premises**; or

- (d) it is for construction of a premises that is predominantly for industrial or large format retail use; or
- (e) it is deemed to be so under subclause 7(42)(b) or (43);

Note 1: the baseline daily workforce for a large-scale construction site is calculated based on the daily average number of workers on the large-scale construction site across the project lifecycle as derived from the large-scale construction site's resourcing plan as of 15 August 2021. For projects where no resourcing plan was available prior to 15 August 2021, the resource plan as at the date of project commencement should be used to determine the baseline daily workforce.

Note 2: The project lifecycle commences from the date of on-site mobilisation and ends at handover.

- (40) **meat processing facility** has the meaning under the PrimeSafe licence category 'further meat processing facilities';
- (41) **Metropolitan Melbourne** means the area within the municipal districts under the local government of the municipal councils set out in Schedule 2 of the **Planning and Environment Act 1987**;
- (42) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (43) **outbreak** means:
 - (a) a single **confirmed case** of **SARS-CoV-2** in a resident, staff member or frequent attendee of a residential aged **care facility**; or
 - (b) two or more epidemiologically linked cases outside of a household with symptom onset within 14 days;

*Note: transmission within one household does not constitute an outbreak but will become part of an outbreak response if linked to a high priority setting. In some circumstances, the **Department** may identify other settings that are sensitive and where a single confirmed case will trigger an outbreak response. Relevant parties will be informed if this occurs. Determining whether a person is a frequent or infrequent visitor may be based on frequency of visits, time spent in the setting, and number of contacts within the setting.*
- (44) **ordinary resident of the Restricted Area** has the same meaning as in the **Stay at Home Directions (Restricted Areas)**;
- (45) **perishable food Work Premises** means a **Work Premises** that is predominantly a perishable food facility that is a chilled distribution facility;
- (46) **personal protective equipment** has the same meaning as in the **Occupational Health and Safety Regulations 2017**;
- (47) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (48) **port** means the port of Melbourne, the port of Geelong, the port of Portland, the port of Hastings and any other port declared under section 6 of the **Port Management Act 1995** in relation to which port lands or port waters or both port lands and port waters have been declared under section 5 of the **Port Management Act 1995**;
- (49) **port of entry** means a **port** or **airport**;
- (50) **port of entry worker** has the meaning in clause 7(20);
- (51) **poultry processing facility** has the meaning under the PrimeSafe licence category 'poultry meat processing facilities';
- (52) **premises** has the same meaning as in the **PHW Act**;
- (53) **reasonably practicable** is to have its ordinary and common sense meaning;
- (54) **Restricted Area – Regional Victoria** has the same meaning as in the Area Directions;
- (55) **SARS-CoV-2 Symptoms** has the same meaning as in the **Workplace Directions**;
- (56) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (57) **seafood processing facility** has the meaning under the PrimeSafe licence category 'seafood processing facilities';

- (58) **seasonal horticultural work** means work that is seasonal in nature in the horticulture (ie production of fruit and vegetables) sector of the agriculture industry, including the picking, packing and harvesting of seasonal produce, but does not include:
- (a) the production of nuts, wine grapes and olives; or
 - (b) storage and distribution activities that occur post production;
- (59) **seasonal Work Premises** means a farm or workplace where **seasonal horticultural work** is undertaken;
- (60) **seasonal worker** means a **worker** temporarily employed or engaged to perform **seasonal horticultural work** at **seasonal Work Premises**;
- (61) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (62) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (63) **small-scale construction site** means a construction site other than a large-scale construction site or an early stage land development site.
- (64) **specialist contractor** means:
- (a) asphalters;
 - (b) carpenters;
 - (c) plasterers;
 - (d) carpet layers;
 - (e) sprinkler fitters;
 - (f) solar installers;
 - (g) security system installers;
 - (h) mobile cranes – operators and dogmen;
 - (i) electricians;
 - (j) plumbers, including roof plumbers;
 - (k) tile layers, including roof tilers;
 - (l) concreters;
 - (m) gold class riggers;
 - (n) steel fixers;
 - (o) post tensioners;
 - (p) vertical access riggers;
 - (q) welders;
 - (r) precast installers;
 - (s) caulkers;
 - (t) floor layers;
 - (u) window and glass installers/glaziers;
 - (v) engineers;
 - (w) floor installers;
 - (x) insulation installers;
 - (y) brick layers;
 - (z) joiners;
 - (aa) painters;
 - (bb) appliance installers;
 - (cc) water proofers;
 - (dd) cladding installers;
 - (ee) termite specialists;

- (ff) mechanics who install and repair plant;
 - (gg) landscape architects;
 - (hh) renderers;
 - (ii) cabinet installers;
 - (jj) shower screen/mirror installers;
 - (kk) earthworks and drainage specialists;
 - (ll) flora and fauna specialists;
 - (mm) garage door installers;
 - (nn) gas contractors;
 - (oo) geotechnical specialists;
 - (pp) heritage and cultural heritage specialists;
 - (qq) retaining wall specialists;
 - (rr) sewer contractors;
 - (ss) telecommunications installers;
 - (tt) traffic engineers;
- (65) **State Critical Infrastructure** means projects listed in the ‘State Critical Infrastructure List’ for Regional Victoria and Metropolitan Melbourne 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.coronavirus.vic.gov.au/coronavirus-sector-guidance-construction#state-critical-infrastructure-list>
- (66) **Stay at Home Directions (Restricted Areas)** means the **Stay at Home Directions (Restricted Areas) (No. 22)** as amended or replaced from time to time;
- (67) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 9)** as amended or replaced from time to time;
- (68) **supermarket** has the same meaning as ‘supermarket business’ in the **Food Act 1984**, and includes supermarket distribution and warehousing (including in relation to liquor products) but excludes retail facilities;
- (69) **supermarket Work Premises** means the total of all **supermarket** distribution facilities;
- (70) **Surveillance Testing Industry List and Requirements** means the **Department** document that lists the industries (as amended from time to time on the advice of the Chief Health Officer) that are required to carry out surveillance testing on their **workers**, and also sets out the surveillance testing requirements for those listed industries;
- Note: the Surveillance Testing Industry List and Requirements are available at <http://www.dhhs.vic.gov.au/surveillance-testing-industry-list-covid-19> as amended from time to time by the Victorian Government.*
- (71) **temporary resident of the Restricted Area** has the same meaning as in the **Stay at Home Directions (Restricted Areas)**;
- (72) **vehicle** has the same meaning as in the **PHW Act**;
- Note: under the PHW Act, vehicle includes any means of transport, whether used on land, sea or in the air.*
- (73) **Workplace Directions** means the **Workplace Directions (No. 49)** as amended or replaced from time to time;
- (74) **Work Premises** means the **premises** of an **employer** in which work is undertaken, including any **vehicle** whilst being used for work purposes, and including a **seasonal Work Premises**;
- Note: a Work Premises does not include an **employee**’s ordinary place of residence.*
- (75) **worker** includes **employees**, labour hire, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work.

10 Penalties

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

False or misleading information

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

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

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

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

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

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

Compliance with direction or other requirement

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

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

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

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

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

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

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

Dated 17 September 2021

ASSOCIATE PROFESSOR N. DEBORAH FRIEDMAN
Acting Chief Health Officer,
as authorised to exercise emergency powers
under section 199(2)(a) of the PHW Act

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Care Facilities Directions (No. 45)**

I, Associate Professor N. Deborah Friedman, Acting Chief Health Officer, consider it reasonably necessary to eliminate or reduce the risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to 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 make provision for restricted 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, balancing the need to limit the spread of SARS-CoV-2 against the broader responsibilities of care facilities to the physical, emotional and psychological wellbeing of their clients.
- (2) These directions replace the **Care Facilities Directions (No. 44)**.

2 Citation

- (1) These directions may be referred to as the **Care Facilities Directions (No. 45)**.
- (2) A reference in any other direction to the **Care Facilities Directions (No. 44)** is taken to be a reference to these directions.

3 Revocation

The **Care Facilities Directions (No. 44)** are revoked at 11:59:00 pm on 17 September 2021.

4 Commencement

The **Care Facilities Directions (No. 45)** commence at 11:59:00 pm on 17 September 2021 and end at 11:59:00 pm on 23 September 2021.

5 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**.

6 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 17 September 2021 and 11:59:00 pm on 23 September 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 7; or
 - (c) the person is a visitor of a resident of the facility; or
 - (d) the person is visiting as a prospective resident of the facility.

Excluded persons

- (2) Despite subclause (1), a person who is a worker in relation to the care facility or a visitor of a resident of the care facility or a prospective resident of the care facility, must not enter, or remain on, the premises of the facility between (and including) 11:59:00 pm on 17 September 2021 and 11:59:00 pm on 23 September 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 Zone Country**; 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
- Note: for the purposes of these directions, SARS-CoV-2 Symptoms, including but not limited to acute respiratory infection (such as cough, shortness of breath, sore throat), loss of smell, and loss of taste do not include those symptoms where caused by an underlying health condition or medication.*
- (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; or
- Note: subclause (2)(f) does not include a person who is required to be tested for SARS-CoV-2 in accordance with the requirements of the **Surveillance Testing Industry List and Requirements**.*
- (g) in the case of a visitor – 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, sibling, or has a kinship relation to a resident; or
 - (iii) the person is the child or dependant of a visitor and the visitor cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependant unattended so that they can attend the care facility without the child or dependant.

Certain excluded persons may be permitted to visit a care facility

- (3) Despite subclause (2), a person referred to in subclauses (2)(c) and (2)(g) 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.
- (5) An officer of a care facility referred to in subclause (3)(b)(i), 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 care facility, for at least 28 days from the day the authorisation is given.

Restrictions on visitors of residents (end of life support including life-threatening conditions)

- (6) Where a visitor under subclause (1)(c) is visiting for the purposes of providing end of life support to a resident, the **operator of a care facility** in Victoria must not permit more than two visitors of a resident to enter or remain on the premises at any one time in relation to that resident.
- (7) Where a visitor under subclause (1)(c) is visiting for the purposes of providing end of life support to a resident, and is a carer, parent or guardian of a child or dependant, and they cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependant unattended so that they can attend the care facility without the child or dependant, then the child or dependant may accompany that person when attending the facility, and the cap in subclause (6) will not include that child or dependant.

Note: the definition of end of life support includes where a patient is at risk of dying from a sudden acute event (life-threatening condition).

Restrictions on visitors of residents (other)

- (8) Subject to subclause (9), a person 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 care and support for the resident's physical or emotional wellbeing (including mental health support and support for people living with dementia); or

Note: this may include a person who is visiting to prevent harm to a person's mental or emotional health due to social isolation.
 - (b) 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
 - (c) in the case of a resident who has a mental illness or is living with dementia – 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
 - (d) 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; or
 - (e) the person's presence at the facility is for the purpose of learning to support the resident's care upon the resident's discharge.
- (9) Where a visitor under subclause (1)(c) is visiting for purposes specified in subclause (8), the operator of a care facility in Victoria must not permit:
 - (a) more than two visitors of a resident to enter or remain on the premises at any one time in relation to that resident; and
 - (b) more than two visitors of a resident to enter or remain on the premises per day in relation to that resident.
- (10) Where a visitor under subclause (1)(c) is visiting for the purposes specified in subclause (8), and is a carer, parent or guardian of a child or dependant, and they cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependant unattended so that they can attend the care facility without the child or dependant, then the caps in subclauses (9)(a) and (b) will not include the child or dependant accompanying the person visiting the facility.

Restrictions on visitors as prospective residents

(10A) In respect of a visitor under subclause (1)(d) who is visiting the facility as a prospective resident of the facility, the operator of the care facility must not permit:

- (a) any prospective resident who is an ordinary resident of the **Restricted Area** to enter or remain on the premises, unless the prospective resident is:
 - (i) an inpatient in acute hospitals awaiting discharge to care facilities (or, if the inpatient is unable to attend, a nominated person of the inpatient); or
 - (ii) a resident of a care facility that is due to close and who requires support to find alternative accommodation prior to the closure of the care facility; and
- (b) more than one other person to accompany the prospective resident to enter or remain on the premises, and such other person:
 - (i) if the prospective resident is an ordinary resident of **Regional Victoria**, must be an ordinary resident of Regional Victoria (or if no person who is an ordinary resident of Regional Victoria is available to accompany the prospective resident, may be an ordinary resident of the Restricted Area); or
 - (ii) if the prospective resident is an ordinary resident of the Restricted Area, must be an ordinary resident of the Restricted Area (or if no person who is an ordinary resident of the Restricted Area is available to accompany the prospective resident, may be an ordinary resident of Regional Victoria); and
- (c) more than one visit at the facility for this purpose at any one time.

Note: the care facility may allow multiple visits from prospective residents of the facility over the course of a day, however only one prospective resident and a maximum of one person accompanying the prospective resident may occur at any one time.

Transitional provision – excluded persons exemption

- (11) An authorisation granted to an excluded person to enter or remain at a care facility under any **Revoked Care Facilities Directions** continues to have effect, until the validity period expires under the authorisation.
- (12) A request for exemption to authorise an excluded person to enter or remain at a care facility made under any Revoked Care Facilities Directions continues to have effect.

7 Definition of worker

- (1) A person is a worker in relation to a care facility if:
 - (a) the person is the operator of a care facility or an **employee or contractor** in relation to the care facility; or
 - (b) the person is a student under the supervision of an employee or contractor in relation to the care facility; or
 - (c) 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
 - (d) 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; or
 - (ii) behavioural support services; or

- (iii) functional and well-being support services; or
- (iv) other support services; or
- (e) 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
- (f) 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
- (g) 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.

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 6; and
 - (b) the care facility facilitates telephone, video or other means of electronic communication with the parents, guardians, partners, carers, support persons and family members 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

Note: for the purposes of these directions, SARS-CoV-2 Symptoms, including but not limited to acute respiratory infection (such as cough, shortness of breath, sore throat), loss of smell, and loss of taste do not include those symptoms where caused by an underlying health condition or medication.
 - (b) has, in the preceding 14 days, 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 of a resident of 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 a 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 subclause (b);

- (2) **Area Directions** means the **Area Directions (No. 16)** as amended or replaced from time to time;

- (3) **care facility** has the meaning in clause 5;

- (4) **confirmed case** means a person who has been diagnosed with **SARS-CoV-2** and includes the period of time prior to the diagnosis during which the confirmed case is considered infectious;

*Note: the period during which a person is considered infectious is generally considered to be 48 hours prior to the onset of **SARS-CoV-2 Symptoms**, however, alternative infectious periods may be determined at the discretion of an officer or nominated representative of the **Department** (for instance, in high-risk settings or if the confirmed case is asymptomatic).*

- (5) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 26)** as amended or replaced from time to time;

- (6) **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'.

- (7) **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**;

- (8) **employee or contractor** in relation to a **care facility**, means a person employed or engaged as a contractor by the operator of a care facility, and includes a person who **provides labour hire services** to the operator of a care facility;

- (9) **end of life**, in relation to a **resident**:

- (a) means a situation where the resident's death is expected within days (including periods of 28 days or less), or where the resident, with or without existing conditions, is at risk of dying from a sudden acute event; and

- (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 subclause (a));

- (10) **flexible care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;

- (11) **Green Zone Country** has the same meaning as in the **Victorian Border Crossing Permit Directions**;

- (12) **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;

- (13) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 36)** as amended or replaced from time to time;
- (14) **nominated person** in relation to a **resident** has the same meaning as in the **Mental Health Act 2014**;
- (15) **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**;
- (16) **proprietor** of a **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (17) **provides labour hire services** has the same meaning as in the **Labour Hire Licensing Act 2018**;
- (18) **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 Zone Country** in the 14 days prior to arrival in Victoria;
- (19) **Regional Victoria** has the same meaning as in the **Area Directions** as amended or replaced from time to time;
- (20) **registered NDIS provider** has the same meaning as in the **National Disability Insurance Scheme Act 2013** of the Commonwealth;
- (21) **resident** of a **care facility** includes a patient of the care facility;
- (22) **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;
- (23) **residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (24) **Restricted Area** has the same meaning as in the **Area Directions**;
- (25) **Revoked Care Facilities Directions** means any of the previous Care Facilities Directions, as amended or replaced from time to time, which are no longer in force;
- (26) **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;
- (27) **secure welfare service** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (28) **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (29) **Surveillance Testing Industry List and Requirements** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions**;
- (30) 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**;
- (31) **Thomas Embling Hospital** means the hospital of that name operated by the **Victorian Institute of Forensic Mental Health**;
- (32) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 31)** as amended or replaced from time to time;
- (33) **Victorian Institute of Forensic Mental Health** has the same meaning as in the **Mental Health Act 2014**;
- (34) **worker** has the meaning in clause 7(1);
- (35) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 42)** as amended or replaced from time to time;
- (36) **Workplace Directions** means the **Workplace Directions (No. 49)** 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.

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

Dated 17 September 2021

ASSOCIATE PROFESSOR N. DEBORAH FRIEDMAN
Acting Chief Health Officer,
as authorised to exercise emergency powers
under section 199(2)(a) of the PHW Act

Public Health and Wellbeing Act 2008

Section 200

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

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

1 Preamble

- (1) The purpose of these directions is to make provision for the introduction of mandatory vaccination for specific workplace industries in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) within the population in these settings.
- (2) These directions must be read together with the **Directions currently in force**.

2 Citation

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

3 Commencement

These directions commence at 11:59:00 pm on 17 September 2021 and end at 11:59:00 pm on 23 September 2021.

4 Application of these directions

- (1) These directions apply to all of the following **work premises** within the State of Victoria:
 - (a) **residential aged care facilities**; and
 - (b) **construction sites**.
- (2) All **operators** must comply with these directions.

5 Mandatory vaccination requirement – Operator obligations*Residential aged care facilities*

- (1) An operator of a residential aged care facility must request, collect and store information about each of the following matters, and sight evidence of the matters in subclauses (a), (b), (c), (d) and (f), from workers who perform, or are intended to perform work at a residential aged care facility operated by the operator:
 - (a) whether the worker has received a **full COVID-19 vaccination**; or
 - (b) whether the worker has received a **partial COVID-19 vaccination** and made or will make a booking to receive a full COVID-19 vaccination by 15 November 2021; or
 - (c) whether the worker has received a partial COVID-19 vaccination and will not make a booking to receive a full COVID-19 vaccination by 15 November 2021; or
 - (d) whether the worker has not received any doses of a **COVID-19 vaccine** and has made a booking to receive a dose of a COVID-19 vaccine by 1 October 2021; or
 - (e) whether the worker has not received any doses of a COVID-19 vaccine and has not made a booking to receive a dose of a COVID-19 vaccine by 1 October 2021; or
 - (f) whether the worker cannot receive a COVID-19 vaccine for the reason permitted under subclause (2).

- (2) The permitted reason why a worker cannot receive a COVID-19 vaccine is if:
 - (a) an **exception** applies to them; and
 - (b) they have provided the operator of the work premises at which they perform work with evidence from a **medical practitioner** certifying that an exception applies to them.

Construction sites

- (3) An operator of a construction site must inform workers who perform, or are intended to perform work, at a construction site operated by the operator, that the operator will be requesting the workers to provide information and evidence to the operator by 24 September 2021 that:
 - (a) they have received a full COVID-19 vaccination; or
 - (b) they have received a partial COVID-19 vaccination; or
 - (c) they have not received any doses of a COVID-19 vaccine and have made a booking to receive a dose of a COVID-19 vaccine by 2 October 2021; or
 - (d) they have not received any doses of a COVID-19 vaccine and have not made a booking to receive a dose of a COVID-19 vaccine by 2 October 2021; or
 - (e) they cannot receive a COVID-19 vaccine for the reason permitted in subclause (2).

Note: the obligation placed on an operator to inform workers of these requirements extends to new workers who should be notified of these requirements as part of the operator's hiring and on-boarding process.

- (4) An operator of a construction site must request, collect and store information about each of the following matters, and sight evidence of the matters in subclauses (a), (b), (c) and (e), from workers who perform, or are intended to perform work, at a construction site operated by the operator:
 - (a) whether the worker has received a full COVID-19 vaccination; or
 - (b) whether the worker has received a partial COVID-19 vaccination; or
 - (c) whether the worker has not received any doses of a COVID-19 vaccine and has made a booking to receive a dose of a COVID-19 vaccine by 2 October 2021; or
 - (d) whether the worker has not received any doses of a COVID-19 vaccine and has not made a booking to receive a dose of a COVID-19 vaccine by 2 October 2021; or
 - (e) whether the worker cannot receive a COVID-19 vaccine for the reason permitted under subclause (2).

6 Mandatory vaccination requirement – Operation of a work premises

Residential Aged Care Facilities

- (1) An operator of a residential aged care facility must require a worker referred to in clause 5(1)(d) to comply with the following requirements:
 - (a) wear **PPE** that includes at a minimum, a surgical mask and face shield, at all times while at the work premises; and
 - (b) only work at a single work premises.

Note: this is a temporary measure to allow unvaccinated workers who have made a booking to receive a first dose of a COVID-19 vaccine to attend a residential aged care facility during the transition period of 17 September 2021 to 30 September 2021. From 1 October 2021, it is intended that all workers at residential aged care facilities will be required to have received at least a partial COVID-19 vaccination, and from that date will not be permitted to enter a work premises if they have not received at least a partial COVID-19 vaccination, subject to limited exceptions. It is intended that this requirement will change to a full COVID-19 vaccination from 15 November 2021.

- (2) An operator of a residential aged care facility must take all reasonable steps to ensure that the following workers do not enter, or remain on premises that is a residential aged care facility, for the purposes of performing work as a worker:
 - (a) a worker referred to in subclause (1) who does not comply with a requirement in that subclause; and

- (b) a worker referred to in clause 5(1)(e); and
- (c) a worker who has not provided information or evidence of the matters in clause 5(1)(a), (b), (c), (d), (e) or (f).

Note: this is a temporary measure that is intended to apply until 30 September 2021. From 1 October 2021, it is intended that workers who have not received at least a partial COVID-19 vaccination and who do not provide COVID-19 vaccination information and evidence to the operator will not be permitted to enter a work premises, subject to limited exceptions.

Construction sites

- (3) On and from 24 September 2021, the operator of a construction site must take all reasonable steps to ensure that the following workers do not enter or remain on premises that is a construction site, for the purposes of performing work as a worker:
 - (a) a worker referred to in clause 5(4)(d); and
 - (b) a worker who has not provided information or evidence of the matters in clauses 5(4)(a), (b), (c), (d) or (e).

Note: this is a temporary measure to allow unvaccinated workers who have made a booking to receive a first dose of a COVID-19 vaccine to attend a construction site during the transition period of 24 September 2021 to 1 October 2021. From 2 October 2021, it is intended that all workers at construction sites will be required to have received at least a partial COVID-19 vaccination, and from that date will not be permitted to enter a work premises if they have not received at least a partial COVID-19 vaccination, subject to limited exceptions.

7 **Mandatory vaccination requirement – Operator records**

- (1) An operator must keep the necessary records to demonstrate compliance with these directions, including, but not limited to, records of sighting evidence referred to in clauses 5(1) or 5(4), as relevant to that operator.
- (2) On request from an **Authorised Officer**, an operator must provide access to records demonstrating compliance with these directions.

8 **Exceptional circumstances**

- (1) An operator of:
 - (a) a residential aged care facility is not required to comply with any of the requirements in these directions (except the requirement in subclause (3)) in relation to workers in the exceptional circumstances in subclause (2)(a), (b) or (c); and
 - (b) a construction site is not required to comply with any of the requirement in these directions in relation to workers in the exceptional circumstances in subclause (2)(c) and (d).
- (2) The following are exceptional circumstances for the purpose of these directions:
 - (a) a worker that is required to perform work or duties at the work premises that are necessary to provide for urgent specialist clinical or medical care at the work premises due to an **emergency situation** or a **critical unforeseen circumstance**; or
 - (b) a worker that is deployed to fill a vacancy to provide urgent care, to maintain quality of care and/or continue essential operations at the work premises due to an emergency situation or a critical unforeseen circumstance; or
 - (c) a worker who is required to attend the premises to respond to an emergency at the work premises; or
 - (d) a worker who is required to perform urgent and essential work at the work premises to protect the health and safety of workers or members of the public, or to protect assets and infrastructure.

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

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

- (3) An operator of a residential aged care facility must require a worker referred to in subclause (2)(b) to wear PPE that includes, at a minimum, a surgical mask and face shield, at all times that they are present at the work premises.
- (4) An operator must ensure that a worker permitted to attend work premises due to an exceptional circumstance in subclauses (1) and (2) is only permitted to enter and remain upon the work premises for the period of time necessary to respond to the exceptional circumstance.

9 Other definitions

For the purposes of these directions:

- (1) **approved provider** has the same meaning as in the **Aged Care Quality and Safety Commission Act 2018** of the Commonwealth;
- (2) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (3) **construction site** means a **work premises** at which civil works, building or construction activities take place and nearby work premises in which work relating to the operation of the construction site is undertaken;
Example: a site office for a construction site that is located in an office building close to the construction site.
- (4) **construction site worker** means a person (including a volunteer) performing work at a **construction site**, whether or not employed or engaged as a contractor by the **operator** of the **construction site** or a third party;
- (5) **COVID-19 vaccine** means a vaccine to protect a person against SARS-CoV-2 that:
 - (a) has been registered or provisionally registered by the Therapeutic Goods Administration; or
 - (b) has been approved by a comparable overseas regulator, as determined by the Therapeutic Goods Administration under regulation 16DA(3) of the **Therapeutic Goods Regulation 1990** of the Commonwealth;
- (6) **critical unforeseen circumstance** means a circumstance that the operator of a work premises could not reasonably have foreseen nor planned for which results in a critical need for staff;
- (7) **Department** means the Department of Health;
- (8) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (9) **emergency situation** means a situation where it is reasonably apparent to the **operator** of a **work premises** that medical treatment is necessary, as a matter of urgency to:
 - (a) save a person's life; or
 - (b) prevent serious damage to a person's health; or
 - (c) prevent a person from suffering or continuing to suffer significant pain or distress;
- (10) **full COVID-19 vaccination** means the provision of the prescribed number of doses of a **COVID-19 vaccine** as recommended by the Australian Technical Advisory Group on Immunisation (ATAGI) for full COVID-19 vaccination;
- (11) **medical contraindication** means a contraindication to the administration of a **COVID-19 vaccine** as determined by the Australian Technical Advisory Group on Immunisation's (ATAGI) clinical guidance on the administration of **COVID-19 vaccines** in Australia;
- (12) **medical practitioner** means:
 - (a) a general practice registrar on an approved 3GA training placement; or
 - (b) a public health physician; or
 - (c) a general physician; or

- (d) an infectious disease physician; or
 - (e) a clinical immunologist; or
 - (f) a gynaecologist; or
 - (g) an obstetrician; or
 - (h) a general practitioner who is vocationally registered; or
 - (i) a general practitioner who is a fellow of the Royal Australian College of General Practitioners (RACGP); or
 - (j) a general practitioner who is a fellow of the Australian College of Rural and Remote Medicine (ACRRM);
- (13) **exception** means a person that has a **medical contraindication**;
- (14) **operator** means:
- (a) in relation to a **residential aged care facility**, an **approved provider** with responsibility for that **residential aged care facility**;
 - (b) in relation to a **construction site**, the **principal contractor** for that **construction site**;
- (15) **overseas medical practitioner** means a person who is registered as a medical practitioner in a jurisdiction other than Australia;
- (16) **partial COVID-19 vaccination** means the provision of a dose that is less than the number of doses of a **COVID-19 vaccine** as recommended by the Australian Technical Advisory Group on Immunisation (ATAGI) for **full COVID-19 vaccination**;
- (17) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (18) **PPE** means personal protective equipment;
- (19) **premises** has the same meaning as in the **PHW Act**;
- (20) **principal contractor** has the same meaning as in the **Occupational Health and Safety Regulations 2017**;
- (21) **residential aged care facility** means the **premises** at which accommodation and personal care or nursing care or both are provided to a person in respect of whom a **residential care subsidy** or a **flexible care subsidy** is payable under the **Aged Care Act 1997** of the Commonwealth;
- (22) **residential aged care facility worker** means a person (including a volunteer) that is:
- (a) employed or engaged as a contractor, by an **operator** that operates a **residential aged care facility** to perform work at the residential aged care facility including:
 - (i) direct care workforce including nurses, personal care workers, allied health professionals, and allied health assistants;
 - (ii) administration staff including reception and management staff;
 - (iii) ancillary staff including food preparation, cleaning, laundry, gardening and general maintenance staff;
 - (iv) dental practitioners;
 - (v) phlebotomists (pathology nurses);
 - (vi) lifestyle and social staff, such as those delivering music or art therapy;
 - (vii) transport drivers who are responsible for collecting and transporting residents to and from the residential aged care facility for outings;
 - (viii) volunteers engaged by the residential aged care facility to undertake duties at the facility;
 - (ix) students on placement;
 - (x) **medical practitioners** and allied health professions who attend the residential aged care facility to provide care to residents of the facility; and

- (b) a medical practitioner, dental practitioner or allied health professional who is employed or engaged by a resident of a residential aged care facility to provide care to the resident;
- (23) **residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (24) **vehicle** has the same meaning as in the **PHW Act**;
- (25) **worker** means:
 - (a) in relation to a **residential aged care facility**, a **residential aged care facility worker**;
 - (b) in relation to a **construction site**, a **construction site worker**;
- (26) **Workplace Directions** means the **Workplace Directions (No. 49)** as amended or replaced from time to time;
- (27) **work premises** means the **premises** in which work is undertaken, including any **vehicle** whilst being used for work purposes but excluding a worker's ordinary place of residence, and that is:
 - (a) a **residential aged care facility**; or
 - (b) a **construction site**.

10 Penalties

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

Penalty: In the case of a natural person, 60 penalty units;
In the case of a body corporate, 300 penalty units.
 - (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading.

Penalty: In the case of a natural person, 60 penalty units;
In the case of a body corporate, 300 penalty units.
 - (3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the charge for the accused to prove that at the time at which the offence is alleged to have been committed, the accused believed on reasonable grounds that the information, statement or document was true or was not misleading.
- (2) Section 203 of the PHW Act provides:
 - Compliance with direction or other requirement**
 - (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.

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

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

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

Dated 17 September 2021

ASSOCIATE PROFESSOR N. DEBORAH FRIEDMAN
Acting Chief Health Officer,
as authorised to exercise emergency powers
under section 199(2)(a) of the PHW Act

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