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Public Health and Wellbeing Act 2008 Section 200

DIRECTIONS FROM PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY

Stay at Home Directions (Restricted Areas) (No. 10)

I, Dr Finn Romanes, Public Health Commander, consider it 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**):

PART 1 – PRELIMINARY

1 Preamble

- (1) The purpose of these directions is to address the serious public health risk posed to Victoria by Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions require everyone who ordinarily resides in the **Restricted Area** to limit their interactions with others by:
 - (a) restricting the circumstances in which they may leave the **premises** where they ordinarily reside and the **Restricted Area**; and
 - (b) placing restrictions on gatherings, including prohibiting private gatherings (no visitors to another person's home other than in very limited circumstances).
- (3) These directions must be read together with the **Restricted Activity Directions (Restricted Areas) (No. 6)**, **Restricted Activity Directions (Non-Melbourne)**, the **Stay At Home Directions (Non-Melbourne)**, the **Area Directions (No. 6)**, the **Diagnosed Persons and Close Contacts Directions (No. 8)**, the **Hospital Visitor Directions (No. 9)**, the **Care Facilities Directions (No. 9)**, the **Workplace Directions** and the **Permitted Worker Permit Scheme Directions**.
- (4) These directions replace the **Stay at Home Directions (Restricted Areas) (No. 9)** and provide clarification regarding childminding and childcare for permitted workers.

2 Citation

These directions may be referred to as the **Stay at Home Directions (Restricted Areas) (No. 10)**.

3 Revocation

The **Stay at Home Directions (Restricted Areas) (No. 9)** are revoked at 11:59:00 am on 8 August 2020.

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 8 August 2020 and ending at 11:59:00 pm on 16 August 2020.

PART 2 – STAY AT HOME

5 Direction – stay at home other than in specified circumstances

Requirement to stay at home

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

SPECIAL

- (e) clause 10 (*other specified reasons*).

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

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

Travel restrictions

- (1A) 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: Travelling to an area outside the Restricted Area for exercise is prohibited under these directions.

- (1AA) A person must not travel in a **vehicle** with another person with whom they do not ordinarily reside unless it is not otherwise reasonably practicable for either person to leave their premises for a purpose permitted under these directions.

Example, a person who does not hold a driver's licence may travel in a vehicle with another person with whom they do not ordinarily reside for the purposes of attending a medical appointment or doing their grocery shopping if it is not reasonably practicable for them to get there another way.

- (1AB) A person who leaves their premises under either subclause (1)(a) (necessary goods or services) or (d) (exercise) must not:

- (a) travel further than 5 km from their premises; or
- (b) do so more than once per day.

Note: a person may leave their premises once per day under subclause (1)(a) and separately once per day under subclause (1)(d), but should seek to minimise separate trips as much as possible.

- (1AC) Where a person leaves their premises under subclause (1)(a) (necessary goods or services):

- (a) subclause (1AB)(b) does not apply if the person leaves the premises to obtain goods or services provided by a:
 - (i) financial institution under subclause 6(1)(c)(i); or
 - (ii) government body or government agency under subclause 6(1)(c)(ii); and
- (b) subclause (1AB) does not apply if:
 - (i) the person leaves the premises to obtain goods and services for health or medical purposes under subclause 6(1)(b); or
 - (ii) as a consequence of those requirements, it is not reasonably practicable for the person to obtain necessary goods and services.

Note 1: if the closest necessary goods or services are more than 5 km 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 (1AB).

Note 2: where this subclause (1AC) applies, the person must not travel any further than is reasonably necessary to obtain necessary goods or services.

- (1AD) Only one person from a given residence per day may leave the premises under subclause (1)(a) (necessary goods or services), except where:

- (a) the person leaves the premises to obtain goods and services:
 - (i) for health or medical purposes under subclause 6(1)(b); or
 - (i) provided by a:
 - (A) financial institution under subclause 6(1)(c)(i); or
 - (B) government body or government agency under subclause 6(1)(c)(ii); or
- (b) the person is a parent or guardian of a child, and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian 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 relative or other person's health (including mental health or pregnancy).

(1AE) Where a person leaves the premises under subclause (1)(d) (exercise), the person must not:

- (a) leave their premises for a period longer than 1 hour; or
- (b) use a vehicle, except where it is not reasonably practicable for the person to undertake exercise without using a vehicle.

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

(1AF) A person must not leave their premises between 8:00:00 pm and 5:00:00 am during the stay at home period, except if:

- (a) they are leaving their premises (or their intimate partner's premises) 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.

- (b) it is necessary:
 - (i) to obtain necessary goods and services:
 - (A) for health or medical purposes under subclause 6(1)(b); or
 - (B) where the person is working between, or travelling to or from their premises from work), between 8:00:00 pm and 5:00:00 am; or
 - (ii) for the reasons set out in:
 - (A) clause 7(1)(b)(ii) (care and support of a child); or
 - (B) clause 7(1)(b)(iii) (take a child elsewhere for child-minding); or
 - (C) clause 7(1)(d) (care and support for a relative or other person); or
 - (D) clause 7(1)(i) (escape harm or the risk of harm); or
 - (E) clause 7(1)(l) (to provide child minding assistance); or
 - (F) clause 7(1)(m) (pet toilet break); or
 - (G) clause 10(1)(a) (emergency purposes, which includes, without limitation, seeking emergency medical assistance); or
 - (H) clause 10(1)(b) (as required or authorised by law); or
 - (I) clause 10(1)(c) (for purposes relating to the administration of justice, including attending a police station); or
 - (J) clause 10(1)(f) (driving a person as permitted under these directions); or
 - (K) clause 10(1)(g) (the premises in which the person ordinarily resides is no longer available); or
 - (L) clause 10(1)(j) (leaving Victoria); or
 - (M) clause 10(1)(k) (leaving Australia); or
 - (N) clause 10(1)(l) (for the purposes of national security).

Note: the curfew provisions in subclause (1AF) reflect the curfew provisions under the State of Disaster.

Requirement to stay in the Restricted Area

- (1B) Subject to subclauses (1C) and (1D), a person who ordinarily resides in 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*);
 - (b) clause 7 (*care or other compassionate reasons*);
 - (c) clause 8 (*work or education*);
 - (d) clause 10 (*other specified reasons*).

Note: a person who leaves the Restricted Area for necessary goods or services remains subject to subclauses (1AB) to (1AD), including not travelling further than 5 km from their premises, not doing so more than once per day and only one person from a given residence per day doing so, subject to the exceptions in those subclauses.

- (1C) If a person who ordinarily resides in the Restricted Area leaves the Restricted Area in accordance with subclause (1B) or (1D), these directions and the **Restricted Activity Directions (Restricted Areas) (No. 6)** apply to that person when outside of the Restricted Area as if they were in the Restricted Area.

Principal place of residence

- (1D) If a person has more than one ordinary place of residence, their place of residence as at 11:59:00 pm on 1 August 2020 must remain their principal place of residence for the duration of the stay at home period. If the person's chosen 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 8 (*work or education*); or
 - (d) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
 - (e) for emergency maintenance of the other residence; or
 - (f) for emergency purposes; or
 - (g) as required or authorised by law.

Ordinary place of residence

- (2) Subject to subclause (3) and (3A), subclause (1) and (1D) do not apply to a person at any time during the stay at home period when the person:
- (a) does not have an ordinary place of residence; or
 - (b) has an ordinary place of residence or principal place of residence (as applicable), but that place is temporarily unavailable or is unavailable because of a risk of harm (including harm relating to family violence or violence of another person at the premises).
- (3) If a suitable premises is made available for a person identified in subclause (2) to reside at for the stay at home period (or part thereof):
- (a) that premises is taken to be the person's ordinary place of residence for the period (or part thereof); and
 - (b) subclause (1) applies accordingly.

- (3A) If subclause (2) applies, if a person has more than one ordinary place of residence and can choose another such residence to be their principal place of residence for the duration of the stay at home period (or part thereof), that residence is taken to be the person's principal place of residence and subclause (1D) applies accordingly.
- (4) If a person's ordinary place of residence is outside Victoria, the premises where that person is temporarily residing in Victoria during the stay at home period (or part thereof) is taken to be the person's ordinary place of residence for the period (or part thereof).
- (5) If, during the stay at home period, a person moves from the premises at which they ordinarily reside to a new premises, the new premises is taken to be the premises at which the person ordinarily resides from midnight on the day that the person moves.

Example: subclause (5) applies if a person sells their ordinary place of residence, buys a new ordinary place of residence and wishes to move between them. Otherwise, movement between multiple ordinary places of residence is regulated by subclause (1D).

Face covering requirement

- (6) A person may only leave the premises under subclause (1), (1B) and (1D) if they:
- (a) wear a face covering at all times; and
 - (b) if subclause (7) (other than subclause (7)(a), (c), (d) or (e)) applies, carry a face covering at all other times.

Note: a face covering includes a face mask or face shield designed or made to be worn over the nose and mouth to provide the wearer protection against infection. Please refer to the Department of Health and Human Services' guidelines for further information.

- (7) Subclause (6)(a) does not apply if:
- (a) the person is an infant or a child under the age of 12 years; or
 - (b) the person is a student while onsite at a primary school; or
 - (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
 - (f) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
 - (g) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
 - (h) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or
 - (i) the person is working by themselves in an enclosed **indoor space** (unless and until another person enters that indoor space); or
 - (j) the person is working by themselves in an **outdoor space**, provided no other person is also in the outdoor space (except a person who ordinarily resides at the same premises with them); or

Examples: teaching, lecturing, broadcasting.

Example: a person working by themselves in an office.

Example: a farmer working by themselves in a field or with their family who lives with them.

- (k) the person is one of two persons being married while in the process of being married; or
- (l) the person is a professional sportsperson when training or competing; or
- (m) the person is engaged in any strenuous physical exercise; or
Examples: jogging, running.
- (n) the person is travelling in a vehicle by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (o) the person is riding a bicycle or motorcycle; or
- (p) the person is consuming food, drink or medicine; or
- (q) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (r) 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
- (s) 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.
- (t) for emergency purposes; or
- (u) required or authorised by law; or
- (v) doing so is not safe in all the circumstances.

PART 3 – REASONS TO LEAVE PREMISES

6 Leaving premises to obtain necessary goods or services

- (1) A person who ordinarily resides in the Restricted Area may leave the premises 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; 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 hardware store;
 - (vi) a petrol station;
 - (vii) a pet store or veterinary clinic;
 - (viii) a **retail facility** that is not prohibited from operating by the **Restricted Activity Directions (Restricted Areas) (No. 6)**, regardless of whether that retail facility is within the Restricted Area or not.
Note: a person who ordinarily resides in the Restricted Area may only visit retail facilities to obtain necessary goods or services outside the Restricted Area in accordance with subclause 5(1B) and (1C) and if such retail facilities are permitted to operate in the Restricted Area.
*Example: as beauty salons are not open under the **Restricted Activity Directions (Restricted Areas) (No. 6)**, a person may not leave their premises to attend a beauty salon in any location.*

7 Leaving premises for care or other compassionate reasons

- (1) A person who ordinarily resides in the Restricted Area may leave the premises:
- (a) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
 - (b) if the person is a parent or guardian of a child (with or without that child):
 - (i) to visit the child if the child is in detention, or in the care of another person; or
 - (ii) to meet any obligations in relation to care and support for that child; or
 - (A) to take the child to another person's premises for the purpose of that other person providing child-minding assistance (whether on a paid or voluntary basis), so that the parent or guardian can work if the parent or guardian is a **permitted worker**, provided it is an existing in-home child-minding assistance arrangement (as no new arrangements are permitted); or

Note: only one of the parents or guardians of the child is required to be a permitted worker.

 - (iii) to take the child to a childcare or early childhood service, so that the parent or guardian can work if the parent or guardian is a permitted worker, provided there is no appropriate alternative care available; or
 - Note: only one of the parents or guardians of the child is required to be a permitted worker.*

 - (iv) to take the child to a school, so that the parent or guardian can work if the parent or guardian is a permitted worker provided they are not working from home; or
- (c) to obtain or provide childcare, early childhood education or schooling to a **vulnerable child or young person**; or
- (d) to provide care and support to a relative or other person:
 - (i) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or

Note: care and support does not include the provision of childminding to permitted workers or any other person.

- (ii) because of matters relating to the relative or other person's health (including mental health or pregnancy); or
- (e) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions (No. 9)**; or
- (f) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions (No. 9)**; or
- (g) to attend a funeral or wedding, if that funeral or wedding complies with the requirements in clause 11; or
- (h) to donate blood; 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
- (k) to attend a cemetery or other memorial for a deceased person to pay respects to a deceased person, provided that this does not involve travelling further than 5 km from the premises where the person ordinarily resides; or

Note 1: the reference to a memorial is to a physical place (for example, a place of interment such

as a grave, crypt or cremation niche), not an event. Subclause 7(1)(k) does not permit a person to attend an event in a person's home.

Note 2: for the avoidance of doubt, the 5 km travel limitation does not apply to funerals.

- (l) to provide child-minding assistance (whether on a paid or voluntary basis), so that the parent or guardian of a child can work if the parent or guardian is a permitted worker; or

Note 1: A person may continue to provide existing in-home child-minding assistance (whether on a paid or voluntary basis) to a permitted worker in the Restricted Area, but no new arrangements are permitted and only one person may enter the premises for this purpose.

Note 2: only one of the parents or guardians of the child is required to be a permitted worker.

- (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.

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

8 Leaving premises to attend work or education

- (1) Subject to subclause (2) and (3), a person who ordinarily resides in the Restricted Area may leave the premises to:

- (a) attend work:

- (i) in the Restricted Area if the person is a permitted worker; or
(ii) outside the Restricted Area; or

Note: a person who ordinarily resides in the Restricted Area, regardless of where they work, must hold a **Permitted Worker Permit** in accordance with, and comply with, the **Permitted Worker Permit Scheme Direction (No. 2)**.

- (b) obtain educational services (which includes going to primary or secondary school).

- (2) A person may leave the premises under subclause (1)(a) only if it is not reasonably practicable for the person to work from the premises.

- (3) A person may leave the premises under subclause (1)(b) only if:

- (a) for **school** educational services (including at a school or non-school senior secondary provider), one or more of the following applies:

- (i) the parents or guardians of the child or young person ordinarily reside in:

- (A) the Restricted Area and the parents or guardians are permitted workers and are not working from home; or

- (B) outside the Restricted Area and are unable to work from the premises; or

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

- (iii) the person is enrolled in a specialist school outside the Restricted Area.

9 Leaving premises for exercise

- (1) A person who ordinarily resides in the Restricted Area may leave the premises to exercise, but must:

- (a) only exercise at a facility that is not prohibited by the **Restricted Activity Directions (Restricted Areas) (No. 6)**; and

Note: community sport cannot take place in the Restricted Area, nor can a person who ordinarily resides in the Restricted Area participate in any community sport in any location.

Example: as swimming pools are not open under the **Restricted Activity Directions (Restricted Areas) (No. 6)**, a person may not leave their premises to swim in a pool in any location.

- (b) comply with the restrictions on gatherings in clause 11; and

- (c) take reasonable steps to maintain a distance of 1.5 metres from all other persons.

Note 1: the effect of clause 11 is that a person can only exercise with one other person (regardless of whether they ordinarily reside with them or not) unless the exceptions of subclause 11(3)(a) (care and support) or 11(3)(b) (child) apply.

Note 2: in accordance with subclause 11(3)(b), if a person is a parent or guardian of a child, and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can exercise with one other person with whom they do not ordinarily reside, then the child may accompany the person when exercising with that other person.

- (2) Subclause (1)(c) does not prevent a person from walking with another person or persons for the purposes of exercise.

10 Leaving premises for other reasons

- (1) A person who ordinarily resides in the Restricted Area may leave the premises in the following circumstances:

- (a) for emergency purposes; or
- (b) as required or authorised by law; or
- (c) 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
- (d) to attend a **place of worship**, if that place of worship is operating in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 6)**; or
- (e) to attend a **community facility**, if that facility is operating in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 6)**; or
- (f) for the purpose or 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

Example: driving a household member who does not have a driver's licence to or from work, to obtain educational services, or to the ordinary place of residence of a person with whom they are in an intimate personal relationship.

- (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 purposes relating to, or associated with, **dealing in residential property**, including attending a private inspection of a residential property organised in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 6)** and the **Restricted Activity Directions (Non-Melbourne)**; or

Note: if at the start of the stay at home period a person has a signed contract for a residential property which is scheduled to settled during the stay at home period, dealing with that residential property may continue. Similarly if a person is a residential tenant who lease is expiring during the stay at home period, dealing with residential property may continue.

- (i) for the purposes of moving to a new premises at which the person will ordinarily reside; or
- (j) if the person ordinarily resides outside Victoria, for the purposes of leaving Victoria; or
- (k) if the person is permitted to leave Australia, for the purposes of leaving Australia; or
- (l) for the purposes of **national security**.

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) in the Restricted Area, except for one or more of the purposes specified in (and provided they comply with) clauses 6 (necessary goods or services), 7 (care or other compassionate reasons), 8 (work or education) or 10 (other specified reasons).
- (2) During the stay at home period, a person who ordinarily resides in the Restricted Area must not permit another person to enter the premises at which they ordinarily reside (whether or not entering any building on the premises), unless:
 - (a) the other person also ordinarily resides at the premises; or
 - (b) the person is residing at the premises in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 8)**; or
 - (c) it is necessary for the other person to enter the premises for one or more of the purposes specified in:
 - (i) clause 7 (care or other compassionate reasons); or
Note: those entering the premises for a care or other compassionate purpose should be no more than the minimum necessary to do so.
 - (ii) clause 8 (work or education), provided that the premises is where the work will take place and such work is urgent and essential; or
Examples: a tradesperson for the purpose of carrying out urgent and essential repairs; a disability support worker; a vet; a person for end-of-life faith reasons.
 - (d) it is necessary for the other person to enter for the purposes of attending a private inspection of the premises, organised in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 6)**; or
 - (e) it is necessary for the other person to enter for the purpose of moving to the premises as the place where they will ordinarily reside; or
 - (f) it is necessary for the other person to enter for medical or emergency purposes; or
 - (g) the entry is for purposes relating to the administration of justice; or
 - (h) the entry is otherwise required or authorised by law; or
 - (i) the entry is for the purposes of national security.
- (2A) During the stay at home period, a person who ordinarily resides in the Restricted Area must not enter a premises (at which they do not ordinarily reside) outside the Restricted Area except for one or more of the purposes specified in clauses 7 (care or other compassionate reasons), 8 (work or education) or 10 (other specified reasons).

Public gatherings

- (3) During the stay at home period, a person in the Restricted Area must not arrange to meet, or organise or intentionally attend a gathering of, more than one other person for a common purpose at a public place, except:

Note: subclause 11(3) does not prevent a person attending a public place (for example, a shopping centre) for a purpose (for example, shopping), where other people are also likely to be attending that public place for a similar purpose. It prevents people from attending a public place intending to gather with other people for a common purpose (for example, meeting family or friends at the shopping centre).

 - (a) where it is necessary for the person to provide, or the person requires, care and support due to:
 - (i) age, infirmity, disability, illness or a chronic health condition; or
 - (ii) matters relating to the relative or other person's health (including mental health or pregnancy); or

- (b) if the person is a parent or guardian of a child, and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can leave the premises without the child, then the child may accompany the person when gathering with one other person; or
- (c) for the purpose of attending a wedding in a Restricted Area that complies with the requirements in subclause (4); or
Note: a person who ordinarily resides in the Restricted Area must not attend a wedding outside the Restricted Area, except as a celebrant who may leave the Restricted Area under subclause 5(1B)(c).
- (d) for the purpose of attending a funeral that complies with the requirements in subclause (5); or
- (e) it is necessary to arrange a meeting or organise a gathering for one or more of the purposes specified in clauses 7 (care or other compassionate reasons), 8 (work or education) or 10 (other specified reasons); or
- (f) where it is for one or more of the purposes specified in clause 6 (necessary goods or services) and the exceptions in subclause 5(1AD) apply.

Weddings and funerals

- (4) The requirements for a wedding held in the Restricted Area are that:
 - (a) one or both of the two persons being married:
 - (i) are at the end of life; or
 - (ii) will 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 **Marriage Act 1961** of the Commonwealth; and
 - (c) in any case (other than at a person's ordinary place of residence), the total number of **members of the public** present at the same time in the space must not exceed the **density quotient**; and
 - (d) if held at a person's ordinary place of residence, it must comply with the gathering restriction in subclause 11(1).

Note 1: a wedding held at a person's ordinary place of residence is limited to those persons who ordinarily live at that residence and the celebrant who can enter the premises under subclause 11(2)(c) (work).

*Note 2: record keeping requirements apply to weddings as set out in the **Restricted Activity Directions (Restricted Areas) (No. 6)**.*

*Note 3: the requirements for a wedding held in an area other than in the Restricted Area are set out in the **Stay At Home Directions (Non-Melbourne)**.*

- (5) The requirements for a funeral held in the Restricted Area are that:
 - (a) it involves no more than 10 members of the public regardless of whether it is held in an outdoor space or indoor space; and
 - (b) in any case (other than at a person's ordinary place of residence), the total number of members of the public present at the same time in the space must not exceed the density quotient; and
 - (c) if held at a person's ordinary place of residence, it must comply with the gathering restriction in subclause 11(1).

Note 1: a funeral held at a person's ordinary place of residence is limited to those persons who ordinarily live at that residence and the persons reasonably necessary for the conduct of the funeral who can enter the premises under subclause 11(2)(c) (work).

*Note 2: record keeping requirements apply to funerals as set out in the **Restricted Activity Directions (Restricted Areas) (No. 6)**.*

*Note 3: the requirements for a funeral held in an area other than in the Restricted Area are set out in the **Stay At Home Directions (Non-Melbourne)**.*

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 (No. 8)**, 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 (No. 9)**, these directions are inoperative to the extent of the inconsistency.
- (4) A reference in any other **Directions currently in force** or any **Direction and Detention Notice** to the **Stay at Home Directions (Restricted Areas) (No. 6)**, the **Stay at Home Directions (Restricted Areas) (No. 7)** or the **Stay at Home Directions (Restricted Areas) (No. 8)** is taken to be a reference to these directions.

13 Definitions

For the purposes of these directions:

- (1) **Area Directions (No. 6)** means the directions issued by the Public Health Commander, setting out Restricted Areas, as amended from time to time;
- (2) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (3) **care facility** has the same meaning as in the **Care Facilities Directions (No. 9)**;
- (4) **community facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas) (No. 6)**;
- (5) **dealing** with residential property of a person includes:
 - (a) creating, acquiring, disposing of or assigning an interest in the property; and
 - (b) receiving or making a gift of the property; and
 - (c) using the property to obtain or extend credit; and
 - (d) using credit secured against the property;
- (6) **density quotient** limits the **members of the public** that are permitted in a space at any one time to the number calculated by dividing the total publicly accessible space (measured in square metres) by 4 and:
 - (a) for an **indoor space** applies to each single undivided area; and
 - (b) for an **enclosed outdoor space** applies to the total area;

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

Note: the density quotient, also referred to as the '4 metre square rule', is to be calculated by measuring the area which the members of the public can access, such as the table area in a restaurant, but not the food preparation area or in a store room.
- (7) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (8) **Directions currently in force** means the **Restricted Activity Directions (Restricted Area) (No. 6)**, the **Restricted Activity Directions (Non-Melbourne)**, the **Stay at Home Directions (Non-Melbourne)**, the **Area Directions (No. 6)**, the **Diagnosed Persons and Close Contacts Directions (No. 8)**, the **Hospital Visitor Directions (No. 9)**, the **Care Facilities Directions (No. 9)** the **Workplace Directions the Permitted Worker Permit Scheme Directions (No. 2)**, and the **Workplace (Additional Industry Obligations) Directions (No. 2)**;

- (9) **enclosed outdoor space** means an **outdoor space** (or part of an outdoor space) that is substantially enclosed by either a roof or walls, regardless of whether the roof or walls or any part of them are open or closed;
- (10) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 10)**;
- (11) **indoor space** means an area, room or premises that is or are substantially enclosed by a roof and walls, regardless of whether the roof or walls or any part of them are open or closed;
- (12) **members of the public** means a person but does not include:
- (a) a person who is an employee of an operator of the facility or venue; or
 - (b) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;
- (13) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (14) **outdoor space** means a space that is not an indoor space;
- (15) **permitted worker** means someone who received a **Permitted Worker Permit**;
- (16) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No. 2)**;
- (17) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (18) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (19) **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;
- (20) **prison** has the same meaning as in the **Corrections Act 1986**;
- (21) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (22) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (23) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (24) **Restricted Area** has the same meaning as in the **Area Directions (No. 6)**;
- (25) **retail facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas) (No. 6)**;
- (26) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (27) **stay at home period** has the meaning in clause 4;
- (28) **vehicle** has the same meaning as in the PHW Act;
- (29) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (30) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (31) **vulnerable child or young person** means a child or young person who:
- (a) resides in the care of the State or in out-of-home care; or
 - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or

- (c) identified by a school as vulnerable, including where the vulnerability is the result of severe family stress (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).

14 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

Dated 8 August 2020

DR FINN ROMANES
Public Health Commander,
as authorised to exercise emergency powers by the Chief Health Officer
under section 199(2)(a) of the PHW Act

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Workplace (Additional Industry Obligations) Directions (No. 2)**

I, Dr Finn Romanes, Public Health Commander, consider it 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 (**2019-nCoV**) at a **Work Premises** is considered to pose an immediate risk of transmission to persons who attend, or may attend, the Work Premises.
- (2) The purpose of these directions is to limit the number of Victorians attending certain Work Premises to assist in reducing the frequency and scale of outbreaks of 2019-nCoV in Victorian workplaces and to establish additional specific obligations on employers and workers in specific industries in relation to managing the risk associated with 2019-nCoV.
- (3) These directions must be read together with the **Workplace Directions (No. 2)**, the **Stay at Home Directions (Restricted Areas) (No. 10)**, the **Stay at Home Directions (Non-Melbourne)**, the **Restricted Activity Directions (Restricted Areas) (No. 6)**, the **Restricted Activity Directions (Non-Melbourne)**, the **Diagnosed Persons and Close Contacts Directions (No. 8)** and the **Permitted Worker Permit Scheme Directions (No. 2)**, as amended or replaced from time to time.
- (4) These directions are intended to supplement any obligation an employer may have under the OHS Act and the **Workplace Directions (No. 2)** and the **Permitted Worker Permit Scheme Directions (No. 2)** and are not intended to derogate from any such obligations.
- (5) These directions replace the **Workplace (Additional Industry Obligations) Directions** and remove certain industries from the requirement to comply with these directions.

2 Citation

- (1) These directions may be referred to as the **Workplace (Additional Industry Obligations) Directions (No. 2)**.
- (2) The **Workplace (Additional Industry Obligations) Directions** are revoked at 11:59:00 pm on 8 August 2020.

3 Relationship with other directions

- (1) 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.
- (2) If there is any inconsistency between these directions and a direction or other requirement contained in the **Workplace Directions (No. 2)**, the **Workplace Directions (No. 2)** are inoperative to the extent of the inconsistency.
- (3) A reference in any other Directions currently in force or any Direction and Detention Notice to the **Workplace (Additional Industry Obligations) Directions** is taken to be a reference to these directions.

4 Commencement

These directions commence:

- (1) in relation to subclauses 7(9), 7(9)(c), 7(11), 7(12), 7(13), 7(14) and 7(14), at 11:59:00 pm on 9 August 2020; and
 - (2) otherwise, at 11.59.00 pm on 8 August 2020,
- and end at 11:59:00 pm on 16 August 2020.

5 Application of directions to certain employers and roles

- (1) These directions apply to **Additional Obligation Industries**, namely:

- (a) **poultry processing;**
- (b) **abattoirs and meat processing facility;**
- (c) **seafood processing;**
- (d) **supermarkets;**
- (e) **medical supply, pharmaceutical supply and personal protective equipment supply facilities;**
- (f) warehousing and distribution centres;
- (g) **construction;** and
- (h) **retail facilities.**

Note: each of these industries is described in the document titled 'Stage 4 Restrictions – Permitted Work Premises' on the webpage www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 (as amended from time to time by the Victorian Government) in the following categories in square brackets:

- *Poultry processing facilities [Meat and meat product manufacturing]*
- *Abattoirs and further meat processing [Meat and meat product manufacturing]*
- *Seafood processing [Seafood processing]*
- *Supermarket businesses [Supermarkets and grocery shops, including all food and liquor shops; Transport and warehousing]*
- *Medical supply, pharmaceutical and personal protective equipment facilities [Manufacturing of pharmaceutical and blood products; Manufacturing of medical equipment, consumables and personal protective equipment (PPE), including the manufacturing and supply of cloth masks and required raw materials]*
- *Warehousing and distribution centres [Transport, postal and warehousing]*
- *Construction [Construction].*

- (2) These directions apply to Additional Obligation Industries Work Premises that are located:
 - (a) in relation to poultry processing facilities, abattoirs and further meat processing and seafood processing, anywhere in Victoria; and
 - (b) in relation to all other Additional Obligation Industries not referred to in subclause 5(2)(a), in the Restricted Area.
- (3) The limits on the number of workers imposed in these directions apply in relation to roles carried out by a **worker** at the Work Premises including, but not limited to:
 - (a) owner;
 - (b) manager;
 - (c) persons carrying out roles necessary to the functioning of the Work Premises;
 - (d) security personnel; and
 - (e) any other person engaged or permitted by an employer to perform work at the Work Premises,

but does not apply insofar as it relates to workers:

- (f) where it is reasonably practicable for those workers to work from home;
*Note: clause 5 of the **Workplace Directions (No. 2)** require that an employer must not permit a worker to perform work at the Work Premises where it is reasonably practicable for the worker to work remotely.*
- (g) undertaking emergency repairs and emergency maintenance;
- (h) whose role primarily relates to:
- (i) carrying out the **cleaning requirements** in relation to the Work Premises; or
 - (ii) assurance activities related to the employer meeting its obligations under the **Workplace Directions (No. 2)** or these directions;
- (i) in relation to Work Premises that are construction sites, suppliers or workers transporting supplies to the construction site, where those workers are only on the construction site for such period of time as is reasonably necessary to deliver the supplies to the site.
- (4) Workers that provide architecture, surveying, building inspection and engineering services must work from home where reasonably practicable. Where these workers are required to attend Work Premises for inspection and safety purposes, they are counted as workers for the purposes of subclause 5(3).
- (5) Workers under subclause 5(4) who need to move between sites must not visit more than three Work Premises per week, except where those visits are required to meet a minimum statutory obligation or requirement.
- (6) 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) July 2020; or
 - (b) any three consecutive months in the last 12 months.
- (7) A **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) July 2020; or
 - (b) any three consecutive months in the last 12 months.

Example 1

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

- (a) 6.00 am to 2.00 pm: 120 employees
- (b) 12.00 pm to 8.00 pm: 150 employees

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 working in total – this is the daily total workforce capacity on this day.

The same calculation is undertaken for each day of either July 2020 or any continuous three-month period in the last twelve 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 staff:

- (a) 4.00 am to 10.00 am: 120 staff
- (b) 10.30 am to 4.30 pm: 100 staff
- (c) 5.00 pm to 11.00 pm: 80 staff

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 High Risk COVIDSafe Plan

High Risk COVIDSafe Plan

- (1) Each Additional Obligation Industry Work Premises (except for retail facilities) must have a **High Risk COVIDSafe Plan**.
- (2) A **High Risk COVIDSafe Plan** is comprised of:
 - (a) a COVIDSafe Plan completed in accordance with the requirements in the **Workplace Directions (No. 2)** (regardless of whether an Additional Obligation Industry is required to have a COVIDSafe Plan under the **Workplace Directions (No. 2)**); and
 - (b) an Additional Obligation Industry attachment to the COVIDSafe Plan for the relevant industry in the form specified on the Business Victoria website;
 - (c) any relevant guidance issued by the Victorian Government and the requirements of the Workplace (Additional Industry Obligations) Directions.

Note: guidance (including templates) can be found at the following website: <https://www.business.vic.gov.au/disputes-disasters-and-succession-planning/covid-safe-business/creating-a-covid-safe-workplace>
- (3) The employer and the employer's workers must comply with the High Risk COVIDSafe Plan.
- (4) An employer must:
 - (a) comply with any direction given by an Authorised Officer or WorkSafe **inspector** to modify a High Risk COVIDSafe Plan, including:
 - (i) following an **outbreak** of confirmed cases of 2019-nCoV at a Work Premises; or
 - (ii) if the Authorised Officer considers that the High Risk COVIDSafe Plan is not fit for purpose; and
 - (b) implement any modifications required in accordance with subclause 6(4)(a).

Record-keeping obligations

- (5) An employer must keep records to demonstrate compliance with these directions, including (without limitation):
 - (a) the High Risk COVIDSafe Plan;
 - (b) Work Premises rosters;
 - (c) time & attendance records;
 - (d) payroll data; and
 - (e) records of all workers and all visitors who attend the Work Premises in accordance with the **records requirement**.

Compliance

- (6) 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.

7 Additional Industry Obligations

Additional health screening for abattoirs and meat processing, seafood processing and poultry processing facilities and additional cleaning obligations for all Additional Obligation Industries

- (1) In relation to the Work Premises that is an abattoir, seafood processing facility, meat processing facility or poultry processing facility an employer must:

- (a) ensure that all workers at the Work Premises wear the appropriate level **personal protective equipment**:
- (i) to carry out the functions of the worker's role; and
 - (ii) to mitigate the introduction of 2019-nCoV at the Work Premises including, but not limited to:
 - (A) at a minimum, wearing a surgical face mask; and
 - (B) a face shield; and
 - (C) suitable protective clothing which should be used and changed at the end of each shift and washed appropriately, unless it is not reasonably practicable to wear it in the Work Premises or the nature of a worker's work means that wearing the protective clothing creates a risk to their health and safety;
- (b) subject to subclause (15)(c)(ii), ensure that workers to not work across multiple Work Premises in accordance with the requirements in subclauses 6(17) to (20) of **Workplace Directions (No. 2)**.
- (c) All Additional Obligation Industries must increase the regularity of comprehensive cleaning by ensuring of all areas where staff are working are **cleaned** at least daily, except for retail facilities and construction (noting these industries are still subject to obligations under the **Workplace Directions (No. 2)**), 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 2019-nCoV; and
 - (iii) **self-isolate** until a negative test result is received;
- (d) advise workers to be tested for 2019-nCoV if symptomatic and to self-isolate whilst awaiting the result of that test;
- (e) follow any directions from the Department in relation to observing workers for symptoms and testing of workers.
- (2) A worker who attends a Work Premises that is an abattoir, meat processing facility, seafood processing facility or poultry processing facility 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 Work Premises if it is not reasonably practicable for them to get there another way.

Poultry processing facilities

- (3) An employer may only operate a Work Premises that is a poultry processing facility if it reduces the daily peak workforce capacity and daily total workforce capacity for that Work Premises by 20 percent or to 25 workers, whichever is higher.
- (4) The Chief Veterinary Officer may grant an exemption in writing to the requirements of subclause 7(3).

Example: The Chief Veterinary Officer may grant an exemption in circumstances where an outbreak requires the closure of a poultry processing facility, requiring other poultry processing facility will be able to 'scale-up' capacity.

Abattoirs and meat processing facilities

- (5) An employer may only operate a Work Premises that is an abattoir or meat processing facility if it reduces the daily peak workforce capacity and daily total workforce capacity by 33 per cent or to 25 workers, whichever is higher.

- (6) The Chief Veterinary Officer may grant an exemption in writing to the requirements of subclause 7(5).

Example: The Chief Veterinary Officer may grant an exemption in circumstances where an outbreak requires the closure of an abattoir or meat processing facility, requiring other poultry processing facility will be able to 'scale-up' capacity.

Seafood processing facilities

- (7) An employer may only operate a Work Premises that is a seafood processing facility if it reduces the daily peak workforce capacity and daily total workforce capacity by 33 percent or to 40 workers, whichever is higher.
- (8) The Chief Veterinary Officer may grant an exemption in writing to the requirements of subclause 7(7).

Example: The Chief Veterinary Officer may grant an exemption in circumstances where an outbreak requires the closure of a seafood processing facility, requiring other poultry processing facility will be able to 'scale-up' capacity.

Supermarket and perishable food warehouses and distribution facilities

- (9) In relation to supermarket and perishable food warehouses and distribution facilities:
- (a) **supermarket Work Premises** means the total of all supermarket retail and distribution facilities;
 - (b) **perishable food Work Premises** means the total of all perishable food goods supply chain;
 - (c) **supermarket or perishable food daily peak workforce capacity** means the daily peak workforce capacity of a supermarket Work Premises or perishable food Work Premises (as the case may be) predominantly dedicated to distribution activities; and
 - (d) **supermarket or perishable food daily total workforce capacity** means the daily total workforce capacity of a supermarket Work Premises or perishable food Work Premises (as the case may be) predominantly dedicated to distribution activities.
- (10) An employer may only operate its supermarket Work Premises if it reduces its supermarket daily peak workforce capacity and supermarket daily total workforce capacity by 33 percent across the supermarket Work Premises.

Example: if a supermarket distribution facility daily peak workforce capacity is 300 workers and daily total workforce capacity is 600 workers, then the employer must reduce its daily peak workforce capacity by 100 workers and daily total workforce capacity by 200 workers. However, these reductions can be made across any part of the supermarket Work Premises, not just at the distribution facility.

Warehousing and distribution centres

- (11) Subject to subclause 7(12), an employer may only operate a Work Premises that is a warehousing and distribution centre if it reduces its daily peak workforce capacity and daily total workforce capacity by at least 33 percent.

Note: subclause 7(11) does not apply to supermarket warehousing and distribution centres, which are dealt with under subclauses 7(9) and (10).

Medical supply, pharmaceuticals supply and personal protective equipment facilities

- (12) An employer may only operate a Work Premises that is a manufacturing, warehousing or distribution centre in relation to medical supply, pharmaceutical supply, and personal protective equipment supply if it reduces its daily peak workforce capacity and daily total workforce capacity by at least 33 percent.
- (13) Subclauses 7(12) and 7(14) do not apply to a **pharmaceutical warehouse**.
- (14) A **medical supply, pharmaceutical supply or personal protective equipment supply** Work Premises means the total of all medical supply, pharmaceutical supply or protective personal equipment supply facilities operated by the employer. An

employer may achieve the reduction specified in subclause 7(12) by reducing staff in any of its medical supply, pharmaceutical supply or personal protective equipment supply work premises.

Example: if a medical supply distribution facility has a daily peak workforce capacity is 300 workers and daily total workforce capacity is 600 workers, then the employer must reduce its daily peak workforce capacity by 100 workers and daily total workforce capacity by 200 workers. However, these reductions can be made across any part of the medical supply Work Premises, not just at the distribution facility.

Construction sites

(15) In relation to construction sites:

- (a) A **construction site** is a Work Premises at which civil works, building or construction activities take place;
- (b) **critical and essential infrastructure** means:
 - (i) construction or maintenance (including civil works and building 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 is urgently required for the purposes of sustaining human health, safety and wellbeing, on a case by case basis;
 - (ii) activities deemed by government from time to time as “State Critical Infrastructure Projects”; or
 - (iii) construction for the purposes of national security or defence.
- (c) The requirements of the **Workplace Directions (No. 2)** apply to Work Premises that is a construction site, including:
 - (i) subject to subclause 7(19), the **density quotient**; and
 - (ii) the face coverings and cleaning requirements in the **Workplace Directions (No. 2)**;
 - (iii) the requirement that an employer must not require or permit a worker to perform work at more than three Work Premises each week,
- (d) An employer in relation to a Work Premises that is a construction site must comply with the applicable staffing 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 provided for by the Stage 4 Restrictions “Permitted Work Premises” published on the DHHS website (refer <https://www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19>)).
- (e) An employer must 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, who can move between multiple small-scale construction sites; or
 - (ii) **specialist contractors** can move between up to 3 construction sites per week; or
 - (iii) specialists who provide safety services.

Small-scale construction sites

(16) A **small-scale construction site** is a construction site other than a **large-scale construction site** or an **early stage residential land development site**.

- (17) An employer must not operate a Work Premises that is small-scale construction site with more than 5 workers (excluding the site supervisor) at any one time.

Early stage residential land development sites

- (18) An **early stage residential land development site** comprises all civil works undertaken on open air, large greenfield sites that are associated with and preparatory to construction of multiple individual residential dwellings 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).
- (19) An employer may only operate a Work Premises that is an early stage residential land development site if there are 10 workers per hectare or fewer on the Work Premises at any one time.
- (20) Once subdivision occurs, the construction of that dwelling on that part of the early stage residential land development site is regarded as a small-scale construction site for the purposes of these directions.
- (21) In relation to an early stage residential land development site that is a large scale residential development (for example, a retirement village) with a single entity responsible for construction, once construction of dwellings are commenced it will be considered a large-scale construction site.

Large-scale construction sites

- (22) A construction site is a **large-scale construction site** if 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
 - the site size is more than 1,500 m² floor size; or
 - construction of a premises that is predominantly for office use, or that is the internal fit-out of a retail premises; or
 - construction of a premises that is predominantly for industrial or large format retail use.
- (23) 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 31 July 2020.
- (24) The project lifecycle commences from the date of on-site mobilisation and ends at handover
- (25) An employer must not operate a large-scale construction site in excess of the higher of 25 percent of the large-scale construction baseline daily workforce, or 5 workers.

Retail facilities

- (26) An employer may only operate a Work Premises that is a **retail facility**:
- for the purposes of fulfilling online orders; and
 - if it reduces its daily peak workforce capacity and daily total workforce capacity by 33 percent.
- (27) If there is any inconsistency between subclause 7(26) and the **Restricted Activity Directions (Restricted Areas) (No. 6) or the Restricted Activity Directions (Non-Melbourne)**, subclause 7(26) is inoperative to the extent of the inconsistency.

8 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 subclause 5(1);
- (3) **Authorised Officer** has the same meaning as in the PHW Act;
- (4) **Chief Veterinary Officer** means the chief veterinary officer of the Department of Jobs, Precincts and Regions;
- (5) **cleaned** has the same meaning as in the **Workplace Directions (No. 2)**;
- (6) **cleaning requirement** has the same meaning as in the **Workplace Direction**;
- (7) **confirmed case** means a diagnoses of 2019-nCoV in a worker at the Work Premises;
- (8) **daily total workforce capacity** has the meaning in subclause 5(7);
- (9) **daily peak workforce capacity** has the meaning in subclause 5(6);
- (10) **Department** means the Department of Health and Human Services of Victoria;
- (11) **Direction and Detention Notice** has the same meaning as in the **Stay at Home Directions (Restricted Areas) (No. 10)** as amended or replaced from time to time;
- (12) **early stage residential land development site** has the meaning in subclause 7(18);
- (13) **employee** includes a person who is self-employed;
- (14) **employer** means a person who owns, operates or controls a Work Premises and includes a person who is self-employed or a sole-trader;
- (15) **High Risk COVIDSafe Plan** has the meaning in subclause 6(1);
- (16) **Inspector** has the same meaning as in the OHS Act;
- (17) **large-scale construction site** has the meaning in subclause 7(22);
- (18) **meat processing facility** has the meaning under the PrimeSafe licence category “further meat processing facilities”
- (19) **medical supply, pharmaceutical supply, and personal protective equipment supply** means businesses that manufacture pharmaceutical and blood products; medical equipment, consumables and personal protective equipment (PPE), including the manufacturing and supply of cloth masks and required raw materials
- (20) **OHS Act** means the *Occupational Health and Safety Act 2004* (Vic.);
- (21) **outbreak** means:
 - (a) a single confirmed case of COVID-19 in a resident, staff member or frequent attendee of residential and aged care facilities;
 - (b) two or more epidemiologically linked cases outside of a household with symptom onset within 14 days;

Note: Transmission within one household does not constitute an outbreak but will become part of an outbreak response if linked to a high priority setting. Also, in some circumstances, the department may identify other settings that are sensitive and where a single confirmed case will trigger an outbreak response. Relevant parties will be informed if this occurs. Determining whether a person is a frequent or infrequent visitor may be based on frequency of visits, time spent in the setting, and number of contacts within the setting.
- (22) **perishable food Work Premises** means the total of all perishable food warehouses and distribution facilities;
- (23) **Permitted Work Premises** means Work Premises described as ‘PERMITTED WORK PREMISES’ in the ‘Stage 4 Restrictions – Permitted Work Premises’ on the webpage www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (24) **personal protective equipment** has the same meaning as in the *Occupational Health and Safety Regulations 2017*;
- (25) **pharmaceutical warehouse** means a warehouse that is licensed under the *Poisons and Therapeutic Goods Act 1966* for the supply of medicines listed under Schedules 2, 3, 4, and 8 and warehouses that distribute medical devices and consumables that are registered on the Australian Register of Therapeutic Goods;

- (26) **PHW Act** means the *Public Health and Wellbeing Act 2008* (Vic.);
- (27) **poultry processing** means has the meaning under the PrimeSafe licence category “poultry meat processing facilities”;
- (28) **premises** has the same meaning as in the PHW Act;
- (29) **reasonably practicable** is to have its ordinary and common sense meaning;
- (30) **records requirement** has the same meaning as in the **Workplace Directions (No. 2)**;
- (31) **retail facility** includes any facility that is used wholly or predominantly for:
- (a) the sale or hire of goods by retail; or
 - (b) the retail provision of services,
- but does not include a **retail shopping centre**;
- (32) **retail shopping centre** has the same meaning as in the *Retail Leases Act 2003*;
- (33) **seafood processing** means has the meaning under the PrimeSafe licence category “seafood processing facilities”;
- (34) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 8)** as amended or replaced from time to time;
- (35) **small-scale construction site** has the meaning in subclause 7(16);
- (36) **specialist contractor** means:
- (a) Asphalters;
 - (b) Carpenters;
 - (c) Plasterer;
 - (d) Carpet layer;
 - (e) Sprinkler fitters;
 - (f) Solar installers;
 - (g) Security system installer;
 - (h) Mobile Cranes – Operators and dogman;
 - (i) Concrete trucks;
 - (j) Concrete pump operators;
 - (k) Electricians;
 - (l) Plumbers;
 - (m) Tile layers;
 - (n) Concreters;
 - (o) Gold Class riggers;
 - (p) Steel fixers;
 - (q) Post Tensioners;
 - (r) Truck Drivers;
 - (s) Alimak Riggers;
 - (t) Welders;
 - (u) Precast installers;
 - (v) Corkers;
 - (w) Floor layers;
 - (x) Scaffolders;
 - (y) Internal Glaziers;

- (37) **supermarket** means has the same meaning as “supermarket business” in the PHW Act, and includes supermarket distribution;
- (38) **supermarket or perishable food daily peak workforce capacity** has the meaning in subclause 7(9)(c);
- (39) **supermarket or perishable food daily total workforce capacity** has the meaning in subclause 7(9)(d);
- (40) **vehicle** has the same meaning as in the PHW Act;
- (41) **Work Premises** means the premises of an employer in which work is undertaken, including any vehicle whilst being used for work purposes; and
- (42) **worker** includes employees, labour hire, subcontractors (and their employees), volunteers and any other person engaged or permitted by an employer to perform work.

9 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.

Note: currently, 60 penalty units equals \$9,912.20 and 300 penalty units equals \$49,466.00.

- (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.

Note: currently, 120 penalty units equals \$19,826.40 and 600 penalty units equals \$99,132.00.

- (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) \$1,600 in the case of a natural person; or
 - (b) \$9,900 in the case of a body corporate.
- (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 8 August 2020

DR FINN ROMANES
Public Health Commander,
as authorised to exercise emergency powers by the Chief Health Officer
under section 199(2)(a) of the PHW Act

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