

Directions from Deputy Chief Health Officer (Communicable Disease) in accordance with emergency powers arising from declared state of emergency

Restricted Activity Directions (No 9)

Public Health and Wellbeing Act 2008 (Vic)

Section 200

I, Dr Annaliese van Diemen, Deputy Chief Health Officer (Communicable Disease), consider it reasonably necessary to protect public health to give the following directions pursuant to section 200(1)(d) of the **Public Health and Wellbeing Act 2008 (Vic) (PHW Act)**:

1 Preamble

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings in order to limit the spread of Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions replace the **Restricted Activity Directions (No 8)**, and now permit:
 - (a) up to 20 people to gather for certain activities;
 - (b) limited dine in services for food and drink facilities;
 - (c) accommodation facilities to operate for tourism where there is no use of shared cooking or bathroom facilities;
 - (d) limited operation of swimming pools;
 - (e) limited operation of community facilities;
 - (f) limited operation of beauty and personal care facilities;
 - (g) limited community sport and recreation;
 - (h) limited operation of entertainment facilities; and
 - (i) limited operation of animal facilities.
- (3) These directions must be read together with the **Stay Safe Directions** given on 31 May 2020.

2 Revocation

The **Restricted Activity Directions (No 8)** are revoked at 11:59:00pm on 31 May 2020.

3 Citation

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

3A Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00pm on 31 May 2020 and ending at 11:59:00pm on 21 June 2020.

4 Definition of density quotient

The **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 space permitted to operate under these directions; and
- (b) for an **outdoor space**, applies to the total space permitted to operate under these directions.

Example:

A: if an indoor 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 indoor space at the same time.

B: if an indoor space is 15 metres long and 10 metres wide, its total area is 150 square metres. Its density quotient is 37.5, however if there is also a 20 person cap on the space, no more than 20 members of the public would be permitted to be in the indoor space 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 the food preparation area or in a store room.

5 Pubs, bars, clubs, nightclubs and hotels

- (1) A person who owns, controls or operates a **licensed premises** in Victoria must not operate that **premises** during the restricted activity period.
- (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** or a **club licence**.
- (3) Despite subclause (1), a person who owns, controls or operates a licensed premises may operate that premises for the purposes of:
 - (a) operating a **bottleshop**;
 - (b) providing food and drink in accordance with clause 10; or
 - (c) providing accommodation in accordance with clause 11.

6 Physical recreational facilities

- (1) A person who owns, controls or operates a **physical recreational facility** in Victoria must not operate that facility during the restricted activity period.

(2) A **physical recreational facility** means any of the following, whether operated on a for profit or not-for-profit basis, if open to the public:

(a) a facility used predominantly for indoor physical recreation;

Examples: a gymnasium, health clubs, fitness centres, yoga studio, barre and spin facility, sauna, bathhouse, wellness centre and health studio.

(b) a facility that is used for outdoor sport and recreation;

Examples: golf club or tennis club.

(c) a **personal training facility**; or

(d) a **play centre**.

Permitted operations — outdoor activities

(3) Despite subclause (1), a person who owns, controls or operates a facility listed in subclauses (2)(a) (facility used predominantly for indoor physical recreation) or (2)(c) (personal training facility) may operate that facility if its services are provided:

(a) in an outdoor space;

(b) the number of members of the public to whom its services are provided is:

(i) not more than 20 in any group; or

(ii) more than 20 in a group, if all persons have the same ordinary place of residence;

(c) the activity is reasonably capable of being done with people maintaining a distance of 1.5 metres from each other; and

(d) by a person complying with the **records requirement**.

Note: subclause (3) is not intended to limit professional sports teams training in accordance with subclauses 4 and 5 below.

Permitted operations — professional sport

(4) Despite subclauses (1) and (3), a person who owns, controls or operates a physical recreational facility may operate that facility if it is operated for the exclusive use of a single professional sporting team at any one time and for training purposes by that team.

(5) A person who operates a facility under subclause (4) must use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations — outdoor facilities

(6) Despite subclause (1), a person who owns, controls or operates a facility listed in subclause (2)(b) (facility used for outdoor sport and recreation) may operate that facility for the purposes of outdoor sport and recreation,

however must not permit use of the indoor facilities, other than toilet facilities unless otherwise permitted under these directions.

Examples: a golf club or tennis club may operate to permit outdoor golf or tennis, although club rooms, change facilities and showers are to remain closed. These facilities can also permit multiple groups of up to 20 members of the public to use the facility at any time.

Note 1: food and drink facilities and accommodation facilities that are part of a physical recreation facility may operate under clauses 10 and 11.

Note 2: this clause is not intended to restrict physical recreational facilities that are not open to the public, such as schools, workplaces or onsite rehabilitation facilities.

6A Community facilities

(1) A person who owns, controls or operates a **community facility** in Victoria may operate that facility during the restricted activity period for:

(a) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise);

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

(b) members of the public in accordance with subclause (2); or

(c) hosting a wedding or funeral in accordance with subclause (3).

Restrictions — limited members of the public

(2) A person who operates a facility under subclause (b) must:

(a) not permit a toy library to operate except to the extent necessary to facilitate collection and return of pre-booked toys or home delivery;

(b) limit the number of members of the public in each indoor space to the lesser of:

(i) the number permitted by the density quotient; and

(ii) 20; and

(c) comply with the:

(i) **signage requirement** for each indoor space;

(ii) **cleaning requirement**; and

(iii) records requirement, except in relation to support groups if confidentiality is typically required.

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

Restrictions — weddings and funerals

(3) A person who operates a facility under subclause (1)(c):

(a) must not host a wedding or funeral unless that wedding or funeral complies with the requirements of the **Stay Safe Directions**; and

- (b) must comply with the:
 - (i) signage requirement for each indoor space and **enclosed outdoor space**;
 - (ii) cleaning requirement; and
 - (iii) records requirement.
- (4) 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); or
 - (c) a youth centre.

6B Community sport and recreation

- (1) A person must not arrange or participate in a community sport or a community recreation activity in an indoor space.

Example: dance or gymnastics classes.

- (2) A person may arrange or participate in a community sport or community recreation activity in an outdoor space if:
 - (a) no more than 20 members of the public are participating in a group unless all persons have the same ordinary place of residence;
 - (b) the activity is reasonably capable of being done with participants maintaining a distance of 1.5 metres from other participants; and

Note: this subclause is not intended to apply to members of the same household, or a parent or carer supporting a person with disability to participate in community sport or recreation, whether or not they live in the same ordinary place of residence.

- (c) the activity does not involve organised competition.

Note: this requirement is not intended to apply to professional sports.

7 Entertainment facilities

- (1) A person who owns, controls or operates an **entertainment facility** in Victoria must not operate that facility during the restricted activity period.
- (2) 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;
 - (ca) a gallery or a museum;
 - (d) an arena, stadium or convention centre;
 - (e) an arcade;

- (f) an amusement park;
- (g) a **casino**, except to the extent of:
 - (i) providing food and drink in accordance with clause 10; or
 - (ii) providing accommodation in accordance with clause 11;
- (h) a premises, or part of a premises, the predominant purpose of which is to allow a person to participate in an **approved betting competition** or place a wager on a **wagering event**;
- (i) the area of an **approved venue** in which electronic gaming machines are installed; or
- (j) a **brothel, sex on premises venue**, strip club, **escort agency** or other adult entertainment venue.

Permitted operations — broadcast

- (3) Despite subclause (1), a person who owns, controls or operates an entertainment facility may operate that facility for the purpose of allowing a performance to occur at the premises, if that performance is to be broadcast (live or otherwise) via electronic means.
- (4) If a performance is held at a facility for the purposes of subclause (3), the only persons permitted to attend the facility are those necessary for the performance and the broadcasting of that performance to occur.

Note: spectators are not necessary and not permitted for broadcasts.

Permitted operations — professional sport

- (5) Despite subclause (1), a person who owns, controls or operates an arena or stadium may operate that facility for the purpose of:
 - (a) providing an exclusive training venue for a single professional sporting team at any one time; or

Note: physical recreational facilities located at an arena or stadium must comply with the requirements in clause 6(5).

- (b) providing a venue for a professional sporting event.
- (6) A person who operates a facility under subclause (5) must:
 - (a) only permit those persons to attend the facility who are necessary for the professional sporting event or training and the broadcasting of that event to occur; and

Note: spectators are not necessary and not permitted for professional sporting events.

- (b) use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations — gallery or a museum

- (7) Despite subclause (1), a person who owns, controls or operates a gallery or a museum may operate that venue if that person:

- (a) limits the number of members of the public:
 - (i) for each indoor space to the lesser of:
 - (A) the number permitted by the density quotient; and
 - (B) 20; and
 - (ii) for each enclosed outdoor space, to the number permitted by the density quotient;
- (b) complies with the:
 - (i) signage requirement for each indoor space and enclosed outdoor space accessible to members of the public;
 - (ii) cleaning requirement; and
 - (iii) records requirement; and
- (c) uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations — outdoor arcades and amusement parks

- (8) Despite subclause (1), a person who owns, controls or operates an arcade or amusement park may operate that venue if that person:
 - (a) ensures it is in an outdoor space only;
 - (b) ensures no access is permitted to an indoor space for the members of the public, except for toilet facilities;
 - (c) limits the number of members of the public in the venue to the lesser of:
 - (i) the number permitted in the outdoor space by the density quotient; and
 - (ii) 20;
 - (d) complies with the:
 - (i) signage requirement for an enclosed outdoor space;
 - (ii) cleaning requirement; and
 - (iii) records requirement; and
 - (e) uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations – drive-in cinemas

- (9) Despite subclause (1), a person who owns, controls or operates a drive-in cinema may operate that venue if:
 - (a) that cinema is in an outdoor space;
 - (b) persons are not permitted to be seated outside of their vehicles; and

- (c) the person complies with the cleaning requirement.

8 Places of worship

- (1) A person who owns, controls or operates a **place of worship** in Victoria may operate that place of worship during the restricted activity period for:
 - (a) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise);
Examples: a food bank, a service for homeless persons.
 - (b) hosting a limited group of members of the public;
Examples: support groups for alcohol and drugs, family violence and parenting.
 - (c) conducting a ceremony (including if the ceremony is to be broadcast, live or otherwise, via electronic means) or permitting private worship;
or
 - (d) hosting a wedding or funeral.

Restrictions — limited groups and ceremonies

- (2) A person who operates a place of worship under subclause (1)(b) or (1)(c) must limit the number of members of the public in each indoor space to the lesser of:
 - (a) the number permitted by the density quotient; or
 - (b) 20.

Restrictions — weddings and funerals

- (3) A person who operates a place of worship under subclause (1)(d) must not host a wedding or funeral unless that wedding or funeral complies with the requirements of the **Stay Safe Directions**.

Restrictions — signage and cleaning requirements

- (4) A person who owns, operates or controls a place of worship during the restricted activity period must comply with the:
 - (a) signage requirement for each:
 - (i) indoor space; and
 - (ii) enclosed outdoor space if hosting a wedding or funeral under subclause (1)(d);
 - (b) cleaning requirement; and
 - (c) records requirement (except in relation to private worship, and in relation to support groups if confidentiality is typically required).

9 Retail facilities

- (1) A person who owns, controls or operates an **open retail facility**, including a **restricted retail facility**, in Victoria may operate that facility only to the extent permitted or required by these directions.
- (2) A **restricted retail facility** means the following:
 - (a) a **beauty and personal care facility**;
 - (b) a **hairdressing facility**;
 - (c) an auction house; or
 - (d) a market.

Permitted operations — auction houses

- (3) A person who owns, controls or operates an auction house may operate that auction house for the purpose of conducting an auction:
 - (a) to be attended remotely by members of the public; or
 - (b) at the premises of the auction house, to be attended in person by no more than 20 members of the public (whether or not also attended remotely by other members of the public).
- (4) A person who owns, controls or operates an auction house during the restricted activity period must comply with the records requirement in respect of the members of the public that attend in person at the auction house.

Permitted operations — markets

- (5) A person who owns, controls or operates a market may operate that market if it is in an:
 - (a) outdoor space; or
 - (b) indoor space.

Permitted operations — hairdressers

- (6) A person who owns, controls or operates a hairdressing facility may operate that facility provided that the person complies with the records requirement.

Permitted operations — beauty and personal care facility

- (7) A person who owns, controls or operates a beauty and personal care facility may operate that beauty and personal care facility provided that the person:
 - (a) limits the number of members of the public in the venue to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 20; and
 - (b) complies with the records requirement.

Restrictions — density quotient, signage and cleaning requirements for open retail facilities

- (8) A person who owns, operates or controls an open retail facility during the restricted activity period must comply with the:
 - (a) density quotient for each indoor space;
 - (b) signage requirement for each indoor space; and
 - (c) cleaning requirement.

10 Food and drink facilities

- (1) A person who owns, controls or operates a **food and drink facility** in Victoria may operate that facility during the restricted activity period only to the extent permitted by these directions.
- (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; and
 - (f) a licensed premises under clause 5.

Permitted operations of food and drink facilities

- (3) A person who owns, operates or controls a food and drink facility that is not a **food court** may operate that facility for dine-in service if that person:
 - (a) uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility;
 - (b) ensures that no more than 6 people are permitted to sit at a table;
 - (c) maintains a distance between tables at all times so that members of the public are at least 1.5 metres from other members of the public on different tables when seated;
 - (d) permits service of food and drinks only to persons who are seated;
 - (e) does not permit alcohol to be served to a person if the person has not also ordered a **meal**;
 - (f) limits the number of members of the public:
 - (i) for a wedding or a funeral, to the limits imposed by the **Stay Safe Directions**; and
 - (ii) at all other times for each indoor space and each outdoor space to the lesser of:

- (A) the number permitted by the density quotient; and
- (B) 20; and
- (g) complies with the:
 - (i) signage requirement for each indoor space and outdoor space accessible to members of the public;
 - (ii) cleaning requirement; and
 - (iii) records requirement.

Permitted operations of food and drink facilities — other

- (4) A person who owns, controls or operates a food and drink facility may operate that facility:
 - (a) for the purposes of providing food or drink to be consumed off the premises;
 - (b) if the food and drink facility is located inside a food court, for the purpose of providing food or drink to be consumed off the premises;
 - (c) if the facility is located:
 - (i) on the premises of a **hospital**, if the facility is located within an area of the hospital that has been exempted from the operation of the **Hospital Visitors Directions (No 4)** pursuant to clause 7 of those directions;
 - (ii) on the premises of a **residential aged care facility**;
 - (iii) on the premises of a childcare centre, early childhood centre or school;
 - (iv) on the premises of a prison, correctional facility, youth justice centre or other place of custody;
 - (v) on land that is owned or held under lease by the Commonwealth and used, or intended for use, for the purposes of defence;
 - (vi) on premises that have a dedicated area for the purposes of providing food and drink to drivers of **fatigue-regulated heavy vehicles**; or
 - (vii) on the premises of a workplace, if the facility provides food or drink only to persons who work at the workplace; or
 - (d) for the purposes of providing food or drink to homeless persons.

11 Accommodation facilities

- (1) A person who owns, controls or operates an **accommodation facility** in Victoria may only operate that facility in accordance with these directions during the restricted activity period.
- (2) For the purposes of this clause, an **accommodation facility** means 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; or
- (e) a private holiday rental facility including Bed and Breakfasts and AirBnBs.

Permitted operations — tourism

- (3) A person who owns, controls or operates an accommodation facility may operate that facility for the purposes of tourism if the person:
- (a) ensures that if the accommodation facility includes cooking and bathroom facilities, the facility is only operated where exclusive access to cooking and bathroom facilities for each group of members of the public is available;
Note: for example, self-contained cabins are permitted if they have private bathrooms and cooking facilities. Camping without facilities is permitted.
 - (b) ensures not more than 20 members of the public are permitted in the facility per group booking;
 - (c) ensures surfaces accessible in the accommodation facility exclusively to a particular group, including a hotel room or cabin, are cleaned between groups; and
 - (d) complies with the:
 - (i) records requirement; and
 - (ii) cleaning requirement for areas of the accommodation facility that are not for the exclusive use of a particular group, including reception areas.

Permitted operations — purposes other than tourism

- (4) Despite subclause (3), a person who owns, controls or operates an accommodation facility may operate that facility for the purposes of providing accommodation to a person:
- (a) whose place of residence is the accommodation facility;
 - (b) who is ordinarily a resident of Victoria but has no permanent place of residence in Victoria;
 - (c) who requires emergency accommodation, including in relation to family violence and other vulnerable groups; or
 - (d) who requires accommodation for work purposes.

12 Swimming pools

- (1) A person who owns, controls or operates premises in Victoria at which there is a swimming pool must only operate the swimming pool in accordance with these directions.

Permitted operations — private swimming pools

- (2) A person is permitted to use a swimming pool if it is at the person's private residence and the swimming pool is not available for use by the public.

Permitted operations — professional sport

- (3) A person who owns, controls or operates a swimming pool at a non-residential premises in Victoria may permit a person to use a swimming pool if the pool is only available for the exclusive use of a single professional sporting team at any one time.
- (4) A person who operates a facility under subclause (3) must use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations — limited to 20 members of the public

- (5) A person who owns, controls or operates a swimming pool at a non-residential premises in Victoria may permit members of the public to use the swimming pool if that person ensures that:
 - (a) no more than the following number of members of the public are permitted at any one time:
 - (i) 20 in a swimming pool;
 - (ii) 3 in each lane in each swimming pool; and
 - (iii) in respect of the non-water parts of the pool facility, the number permitted by the density quotient;
 - (b) no access is permitted to communal showers and change rooms, except for toilet facilities; and
 - (c) no access is permitted to saunas and spas within the facility.

Records, signage and cleaning requirements

- (6) A person who operates a facility under subclause (5) must comply with the:
 - (a) signage requirement for each indoor space and outdoor space;
 - (b) cleaning requirement; and
 - (c) records requirement.

Permitted operations — non-residential swimming pools

- (7) A person who owns, controls or operates a swimming pool at a non-residential premises in Victoria may operate that facility if it is not open to the public.

Note: subclause (7) is intended to permit facilities to operate that are not open to the public, such as schools, workplaces or onsite rehabilitation facilities.

13 Animal facilities

- (1) A person who owns, controls or operates an **animal facility** in Victoria may operate that facility in accordance with these directions for the purposes of allowing members of the public to visit that facility during the restricted activity period.
- (2) An **animal facility** means the following:
 - (a) a **zoological park**;
 - (b) a wildlife centre;
 - (c) a petting zoo;
 - (d) an aquarium; or
 - (e) an animal farm that is not for the purpose of producing food.
- (3) A person who owns, controls or operates an animal facility may continue to operate the facility for the purposes of:
 - (a) treating or caring for animals;
 - (b) performing an animal rescue function; or
 - (c) maintaining the facility.

Permitted operations — limited groups

- (4) A person who owns, operates or controls an animal facility may operate that facility if that person:
 - (a) limits the number of members of the public:
 - (i) for each indoor space to the lesser of:
 - (A) the number permitted by the density quotient; and
 - (B) 20; and
 - (ii) for each outdoor space, to the number permitted by the density quotient;
 - (b) complies with the:
 - (i) signage requirement for each indoor space and outdoor space accessible to members of the public;
 - (ii) cleaning requirement; and
 - (iii) records requirement; and
 - (c) uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

14 Real estate auctions and inspections

An **estate agent** in Victoria may organise:

- (1) an auction to take place for the sale of a **residential property**, during the restricted activity period, only if that auction is to be attended in person by no more than 20 members of the public (excluding the owners or residents of the property and any person(s) reasonably required to facilitate the auction), whether or not other members of the public also attend remotely;
- (2) an inspection of a residential property during the restricted activity period for the purposes of a prospective sale or rental of the property, only if the estate agent does not permit more than 20 members of the public (excluding the owners or residents of the property and any person(s) reasonably required to facilitate the inspection) to enter the premises at any one time; and
- (3) an estate agent that arranges an auction or inspection in accordance with subclauses (1) or (2) during the restricted activity period must:
 - (a) comply with the records requirement; and
 - (b) not permit the number of members of the public in an indoor space to exceed the number permitted by the density quotient.

15 Signage, cleaning and records requirements

Signage requirement (signage requirement)

- (1) A person who owns, controls or operates:
 - (a) an open retail facility;
 - (b) a community facility operating in accordance with clause 6A;
 - (c) a place of worship;
 - (d) an **open entertainment facility**, except for a drive-in cinema;
 - (e) a food or drink facility operating under clause 10(3);
 - (f) a swimming pool operating under clause 12(5); or
 - (g) an animal facility in accordance with clause 13(4);

which involves members of the public entering, must during the restricted activity period display a sign at each public entry to each such space that includes a statement that the maximum number of members of the public that may be present in the space at a single time is the density quotient, rounded down to the nearest whole number.

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

Cleaning requirement (cleaning requirement)

- (2) A person who owns, controls or operates:

- (a) an open retail facility;
- (b) a community facility operating in accordance with clause 6A;
- (c) a place of worship;
- (d) an open entertainment facility;
- (e) a food and drink facility operating under clause 10(3);
- (f) an accommodation facility operating under clause 11(3);
- (g) a swimming pool operating under clause 12(5); or
- (h) an animal facility operating under clause 13(4);

must during the restricted activity period take all reasonable steps to ensure that:

- (i) frequently touched surfaces accessible to members of the public, including toilets and handrails, are **cleaned** at least twice on any given day;
 - (j) surfaces are cleaned when visibly soiled;
 - (k) if an event is to occur, a reasonable period of time has elapsed since the conclusion of any earlier event to allow for cleaning in between the events;
 - (l) surfaces accessible to a particular group, including the surface of a restaurant table, are cleaned between groups; and
 - (m) surfaces are cleaned immediately after a spill on the surface.
- (3) To **clean** for the purposes of this direction, a person must wipe the surface with a disinfectant:
- (a) the label of which states a claim by the manufacturer that the disinfectant has anti-viral properties; or
 - (b) made by a person according to instructions issued by the Department of Health and Human Services.

Records requirement (records requirement)

- (4) A person who owns, controls or operates:
- (a) a physical recreation facility in accordance with clause 6(3);
 - (b) a community facility operating in accordance with clause 6A;
 - (c) a place of worship;
 - (d) an open entertainment facility;
 - (e) a hairdressing facility;
 - (f) a beauty and personal care facility;
 - (g) an auction house;
 - (h) a food and drink facility operating under clause 10(3);
 - (i) a swimming pool operating under clause 12(5);

(j) an animal facility operating under clause 13(4); or
an estate agent who organises or conducts an auction or inspection under clause 14, must request that each person who attends the facility or venue for longer than 15 minutes in the circumstances listed in the relevant clause provide:

(k) their first name; and

(l) a contact phone number,

and, if provided by the person, must keep a record of those details for 28 days, together with the following details:

(m) the date and time at which the person attended the facility or venue; and

(n) if there are multiple indoor spaces, the indoor space(s) which the person visited.

Note: the records requirement applies to all persons that attend the facility or venue for longer than 15 minutes, which may include staff, customers, maintenance and delivery workers.

(5) A person that obtains contact details in accordance with this clause must:

(a) use reasonable endeavours to protect the personal information from use or disclosure other than as requested by an authorised officer under the PHW Act; and

(b) destroy the information as soon as **reasonably practicable** following 28 days after the visit, unless another statutory requirement permits or requires the personal information to be retained.

16 Employers to require employees work from home

An employer must not permit an employee to perform work at the employer's premises where it is reasonably practicable for the employee to work at the employee's place of residence or another suitable premises which is not the employer's premises.

*Note: clause 6(1) of the **Stay Safe Directions** permits a person to leave the premises where they ordinarily reside to attend work only if it is not reasonably practicable to work from their premises or another suitable premises which is not the employer's premises.*

17 Other definitions

For the purposes of these directions:

(1) **accommodation facility** has the meaning in clause 11(2);

(2) **animal facility** has the meaning in clause 13(2);

(3) **approved betting competition** has the same meaning as in the **Gambling Regulation Act 2003**;

(4) **approved venue** has the same meaning as in the **Gambling Regulation Act 2003**;

- (5) **beauty and personal care facility** means the following:
 - (a) a beauty therapy salon, tanning salon, waxing salon or nail salon;
 - (b) a spa;
 - (c) a massage parlour; or
 - (d) a tattoo or piercing parlour;
- (6) **bottleshop** means an area:
 - (a) that is physically attached to a licensed premises; and
 - (b) where packaged alcohol is sold to be consumed off the premises;
- (7) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (8) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (9) **clean** has the meaning in clause 15(3);
- (10) **cleaning requirement** has the meaning in clause 15(2);
- (11) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (12) **community facility** has the meaning in clause 6A(iii);
- (13) **density quotient** has the meaning in clause 4;
- (14) **enclosed outdoor space** has the same meaning as in the **Stay Safe Directions**;
- (15) **entertainment facility** has the meaning in clause 7(2);
- (16) **escort agency** has the same meaning as in the **Sex Work Act 1994**;
- (17) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (18) **fatigue-regulated heavy vehicle** has the same meaning as in the **Heavy Vehicle National Law (Victoria)**;
- (19) **food and drink facility** has the meaning in clause 10(2);
- (20) **food court** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (21) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (22) **hairdressing** has the same meaning as in the PHW Act;
- (23) **hospital** has the same meaning as in the **Hospital Visitor Directions (No 4)**;
- (24) **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;
- (25) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (26) **licensed premises** has the meaning in clause 5(2);

- (27) **meal** includes food but does not include a drink or a **snack**, unless those items are ordered with other food;
- (28) **member of the public** is a person but does not include a:
 - (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;
- (29) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (30) **open entertainment facility** means an entertainment facility that is permitted to operate under these directions;
- (31) **open retail facility** means a **retail facility** that is permitted to operate under these directions, and includes a restricted retail facility to the extent that it is permitted to operate;
- (32) **outdoor space** means a space that is not an indoor space;
- (33) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (34) **physical recreational facility** has the meaning in clause 6(2);
- (35) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (36) **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 play equipment in a public park;
- (37) **premises** has the same meaning as in the PHW Act;
- (38) **reasonably practicable** is to have its ordinary and common sense meaning;
- (39) **records requirement** has the meaning in clause 15(4);
- (40) **residential aged care facility** has the same meaning as in the **Care Facilities Directions (No 4)**;
- (41) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (42) **restricted activity period** has the meaning in clause 3A;
- (43) **restricted retail facility** has the meaning in clause 9(2);
- (44) **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;
- (45) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (46) **signage requirement** has the meaning in clause 15(1);
- (47) **snack** has the same meaning as in the **Tobacco Act 1987**;

- (48) **wagering event** has the same meaning as in the **Gambling Regulation Act 2003**;
- (49) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

18 Penalties

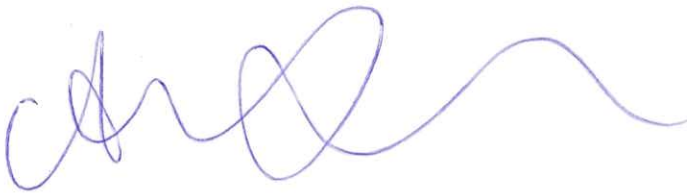
Section 203 of the PHW Act provides:

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.



Dr Annaliese van Diemen

Deputy Chief Health Officer (Communicable Disease), as authorised to exercise emergency powers by the Chief Health Officer under section 199(2)(a) of the PHW Act.

31 May 2020