

Directions from Deputy Public Health Commander in accordance with emergency powers arising from declared state of emergency

Restricted Activity Directions (Non-Melbourne) (No 4)

Public Health and Wellbeing Act 2008 (Vic)

Section 200

I, Associate Professor Michelle Giles, Deputy 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 purpose of these directions is to restrict the operation of certain businesses and undertakings in Victoria in the **Relevant Area** to address the serious public health risk posed to Victoria by Novel Coronavirus 2019 (2019-nCoV).
- (2) For the purposes of these directions, the Relevant Area means the area of Victoria outside the **Restricted Area**. More specific directions apply to those businesses in the Restricted Area.
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions replace the **Restricted Activity Directions (Non-Melbourne) (No 3)** restricting activities in areas of Victoria, and provide clarification regarding circumstances in which:
 - (a) library services may be provided;
 - (b) outdoor communal exercise equipment and **playgrounds** may be used;
 - (c) outdoor religious gatherings may be conducted;
 - (d) outdoor swimming pools may operate; and
 - (e) outdoor exercise activities may be conducted.

2 Citation

These directions may be referred to as the **Restricted Activity Directions (Non-Melbourne) (No 4)**.

3 Revocation

The **Restricted Activity Directions (Non-Melbourne) (No 3)** are revoked at 11:59:00pm on 13 September 2020.

4 Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00pm on 13 September 2020 and ending at 11:59:00pm on 11 October 2020.

5 Pubs, bars, clubs, nightclubs and hotels

- (1) A person who owns, controls or operates a **licensed premises** in the Relevant Area 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**, a **producer's licence** or a **club licence**.
- (3) Despite subclause (1), a person who owns, controls or operates a licensed premises in the Relevant Area may operate that premises for the purposes of:
 - (a) operating a **bottleshop**; or
 - (b) providing food or drink to be consumed off the premises; 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 the Relevant Area 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:
 - (a) a facility used predominantly for indoor physical recreation or sport;
Examples: gymnasium, health club, fitness centre, yoga studio, barre and spin facility, indoor basketball court, indoor climbing facility, squash court, table tennis centre.
 - (b) a facility used predominantly for outdoor sport or physical recreation;
Examples: golf club, tennis club, basketball centre, go kart track, rifle range, equestrian centre, mini golf, paint ball, lawn bowling, outdoor swimming or water skiing.
 - (c) a **personal training facility**;
 - (d) a **play centre**;
 - (e) a skatepark;
 - (f) a trampolining centre,but does not include outdoor communal exercise equipment.

Note: outdoor communal exercise equipment can be used.

Permitted operations — outdoor activities

- (3) Despite subclause (1), a person who owns, controls or operates a facility under subclause (2)(b) (outdoor sport or physical recreation facility) or 2(c) (personal training facility) in the Relevant Area may operate that facility if:
- (a) its services are provided in an **outdoor space**; and
 - (b) the number of **members of the public** to whom its services are provided is:
 - (i) not more than 2 in any group on the basis that the personal trainer conducting personal training services and infants under 1 year of age, are not counted in this limit; or
 - (ii) more than 2 in a group, if all persons have the same ordinary place of residence; and
 - (iii) not more than 10 in total at the outdoor facility at any one time, except where a distance of at least 100 metres between groups can be maintained at all times; and
- Example: at a golf course, there may be more than 5 groups of 2 people, so long as a distance of at least 100 metres between all groups can be maintained at all times.*
- (c) the space available is suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
 - (d) the person complies with the **records requirement**; and
 - (e) no equipment is made available by the facility for hire, or for communal or shared use.

Note: community sport cannot take place in Victoria regardless of whether it is in or outside the Relevant Area.

- (4) Despite subclause (3), a person who owns, controls or operates a facility under subclause (2)(b) (outdoor sport or physical recreation facility) may operate that facility for the purposes of outdoor sport or physical recreation, but must not permit use of the indoor facilities, other than toilet facilities.

Examples: a golf or tennis club may operate to permit outside golf or tennis, although club rooms, indoor sitting areas, change facilities and showers are to remain closed.

Permitted operations — professional sport

- (5) Despite subclauses (1) and (3), a person who owns, controls or operates a physical recreational facility in the Relevant Area may operate that facility if it is operated for the exclusive use of training for professional and high-performance sports persons only at any one time and for training purposes by that team.
- (6) A person who operates a facility under subclause (5) 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.

6A Community facilities

- (1) A person who owns, controls or operates a **community facility** in the Relevant Area may operate that facility during the restricted activity period only for the purpose of:
 - (a) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise); or
Examples: a food bank, a service for homeless persons.
 - (b) hosting an essential support group; or
Examples: for alcohol and drugs, family violence and parenting.
 - (c) hosting a wedding or funeral in accordance with subclause (4); or
 - (d) providing an exclusive venue for a single **school** or outside school hours care services at any one time for educational purposes; or
Note: this subclause is intended only to allow the students that are permitted to attend school to use these facilities.
 - (e) providing a library service (including a toy library) to the extent necessary to facilitate home delivery and non-contact collection and return of books or toys; or
 - (f) in relation to a playground, allowing access for its ordinary use by members of the public; or
 - (g) in relation to outdoor communal exercise equipment, allowing access for the ordinary use by members of the public exercising outdoors.
- (2) A **community facility** means any of the following, whether operated on a for-profit or not-for-profit basis:
 - (a) a community centre or community hall;
 - (b) a public library (including a toy library);
 - (c) a youth centre;
 - (d) a playground.

Restrictions — essential support groups

- (3) A person who operates a facility under subclause (1)(b) must:
 - (a) 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
 - (b) comply with:
 - (i) the **signage requirement** for each indoor space; and
 - (ii) the **cleaning requirement**; and

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

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

Restrictions — weddings and funerals

- (4) 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 at Home Directions (Non-Melbourne) (No 5)**; and
 - (b) must comply with:
 - (i) the signage requirement for each indoor space and **enclosed outdoor space**; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement.

Permitted operations — broadcast

- (5) Despite subclause (1), a person who owns, controls or operates a community facility in the Relevant Area 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.
- (6) If a performance is held at a facility for the purposes of subclause (5), the only persons permitted to attend the facility are those necessary for the performance and the broadcasting of that performance to occur.

7 Entertainment facilities

- (1) A person who owns, controls or operates an **entertainment facility** in the Relevant Area 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;
 - (d) a gallery or a museum;
 - (e) an arena, stadium or convention centre;
 - (f) an arcade;
 - (g) an amusement park;
 - (h) 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;

- (i) a retail betting venue;
- (j) a gaming machine area;
- (k) a brothel, sex on premises venue or sexually explicit entertainment venue;
- (l) a bingo centre;
- (m) an escape room.

Permitted operations — broadcast

- (3) Despite subclause (1), a person who owns, controls or operates an entertainment facility in the Relevant Area 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.

Permitted operations — professional sport

- (5) Despite subclause (1), a person who owns, controls or operates an arena or stadium in the Relevant Area may operate that facility for the purpose of:
 - (a) providing an exclusive training venue for training for professional and high-performance sports persons only at any one time; or
- (6) A person who operates a facility under subclause (5) must:
 - (a) only permit to attend the facility a person who is necessary for the management of the facility, professional sporting event, training or the broadcasting of such an event to occur; and

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

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

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

- (b) not permit a **food and drink facility** to operate at the arena or stadium, other than in accordance with clause 10 and to the extent necessary to provide food and drink to persons permitted to attend the arena or stadium under subclause 6(a); and
- (c) use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

8 Places of worship

- (1) A person who owns, controls or operates a **place of worship** in the Relevant Area must not operate that place of worship during the restricted activity period.

Permitted operations

- (2) Despite subclause (1), a person who owns, controls or operates a place of worship in the Relevant Area may operate that place of worship during the restricted activity period for the purpose of:

- (a) hosting a wedding or funeral, if that wedding or funeral complies with the requirements of the **Stay at Home Directions (Non-Melbourne) (No 5)**; or

Note: the Stay at Home Directions (Non-Melbourne) (No 5) limit the number of people who may attend a wedding at non-residential premises located in the Relevant Area to 5 people (inclusive of the marrying couple, 2 witnesses and the celebrant) and a funeral at non-residential premises located in the Relevant Area to 10 people plus those required to conduct the funeral.

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

Examples: a food bank or service for homeless persons.

- (c) hosting an essential support group; or

Examples: for alcohol and drugs, family violence, and parenting.

- (d) conducting a ceremony at the place of worship, if that ceremony is to be broadcast (live or otherwise) via electronic means; or

- (e) conducting outdoor religious gatherings.

Examples: mass, Eucharist, blessings.

- (3) A person who operates a place of worship under subclause (2)(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; and
- (b) 20.

- (4) If a ceremony is held at a place of worship for the purposes of subclause (2)(d), the only persons permitted to attend the place of worship are those necessary for the ceremony and the broadcasting of that ceremony to occur, up to a maximum of 5 people.

- (5) If a religious gathering is to be held outdoors under subclause (2)(e) during the restricted activity period, then:

- (a) up to a maximum of 5 members of the public are permitted to attend each religious gathering; and
- (b) in addition to the maximum of 5 members of the public, 1 **religious practitioner** employed or otherwise engaged by a **religious institution** must attend in order to lead the religious gathering.

- (6) For the purposes of subclause (5), any religious gathering must be held in an open space within the immediate grounds, or within 1km, of the place of worship.
- (7) A person who owns, operates or controls a place of worship under subclause (2) during the restricted activity period must comply with:
 - (a) the signage requirement for each:
 - (i) indoor space; and
 - (ii) enclosed outdoor space; and
 - (b) the cleaning requirement; and
 - (c) the records requirement, except in relation to essential support groups if confidentiality is typically required.

9 Restricted retail facilities

- (1) A person who owns, controls or operates an **open retail facility**, including a **restricted retail facility**, in the Relevant Area may only operate that facility during the restricted activity period 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;
 - (d) a **market stall**, whether indoor or outdoor.

Beauty and personal care facility

- (3) A person who owns, controls or operates a beauty and personal care facility in the Relevant Area must not operate that beauty and personal care facility.

Permitted operations — hairdressers

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

Permitted operations — auction houses

- (5) A person who owns, controls or operates an auction house in the Relevant Area may operate that auction house for the purpose of conducting an auction to be attended remotely by members of the public.

Permitted operations — market stalls

- (6) A person who owns, controls or operates a market stall (whether indoor or outdoor) in the Relevant Area may only operate that stall if its predominant business is the provision of food and drink for consumption off the premises of the market.

Note: a market is only permitted to consist of market stalls that provide food and drink for consumption off the premises of the market permitted to operate in accordance with subclause (7).

Restrictions — requirements for market stalls, markets and retail shopping centres

- (7) A person who owns, operates or controls a market stall, market or **retail shopping centre** in the Relevant Area during the restricted activity period must:
- (a) limit the number of members of the public permitted by the density quotient as it applies respectively to the market stall, market or the retail shopping centre; and
 - (b) comply with the cleaning requirement respectively for the market stall, market or the **common areas** of the retail shopping centre; and
 - (c) use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Restrictions — requirements for other open retail facilities

- (8) A person who owns, operates or controls an open retail facility that is not a market stall, market or retail shopping centre in the Relevant Area during the restricted activity period must comply with:
- (a) the density quotient for each indoor space; and
 - (b) the signage requirement for each indoor space; and
 - (c) the cleaning requirement.

10 Food and drink facilities

- (1) A person who owns, controls or operates a food and drink facility in the Relevant Area must not operate that facility during the restricted activity period.
- (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.

Permitted operations

- (3) Despite subclause (1), a person who owns, controls or operates a food and drink facility in the Relevant Area may operate that facility:
- (a) for the purposes of providing food or drink to be consumed off the premises; or

Note: this paragraph permits both delivery and collection of takeaway food and drink.

- (b) if the food and drink facility is located inside a **food court**, for the purpose of providing food or drink to be consumed outside a food court; or
 - (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 Visitor Directions (No 11)** pursuant to clause 7 of those directions; or
 - (ii) on the premises of a **residential aged care facility**; or
 - (iii) on the premises of a **childcare facility** or school; or
 - (iv) on the premises of a prison, correctional facility, youth justice centre or other place of custody; or
 - (v) on land that is owned or held under lease by the Commonwealth and used, or intended for use, for the purposes of defence; or
 - (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.
- (4) A person who owns, operates or controls a food or drink facility that is permitted to operate under subclause (3)(c)(vi) must use reasonable endeavours to ensure that a person does not remain in the dedicated area that is provided for the purposes of food and drink for longer than one hour at a time.

11 Accommodation facilities

- (1) A person who owns, controls or operates an **accommodation facility** in the Relevant Area must not operate that facility during the restricted activity period.
- (2) For the purposes of this clause, an **accommodation facility** includes, but is not limited to, any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a camping ground;
 - (b) a caravan park;
 - (c) a hotel;
 - (d) a hostel;
 - (e) a Bed and Breakfast;
 - (f) a private holiday rental facility, including AirBnBs;

- (g) a motel;
- (h) a serviced apartment.

Permitted operations

- (3) Despite subclause (1), a person who owns, controls or operates an accommodation facility in the Relevant Area may operate that facility for the purposes of providing accommodation:
 - (a) to a person whose place of residence is the accommodation facility; or
 - (b) to a person who is ordinarily a resident of Victoria but has no permanent place of residence in Victoria; or
 - (c) to a person who has a permanent place of residence in Victoria, but that place is temporarily unavailable; or
 - (d) to a person, on a temporary basis, for work purposes; or
 - (e) to a person who was a temporary guest of the accommodation facility on the date that these directions were given; or
 - (f) to a person who requires emergency accommodation, including in relation to family violence and other vulnerable groups; or
 - (g) to a person who requires accommodation for work purposes, where their work is for the purposes of responding to the state of emergency in existence under the PHW Act; or
 - (h) to a person who is subject to a **Direction and Detention Notice** or the **Diagnosed Persons and Close Contacts Directions (No 11)**; or
 - (i) as an exclusive venue for a single school at any one time for educational purposes.

12 Swimming pools

- (1) A person who owns, controls or operates premises in the Relevant Area at which there is a swimming pool may 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 in the Relevant Area if 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 the Relevant Area may permit a person to use a swimming pool and facilities if the pool is only available for the exclusive use of training for professional and high-performance sports persons only 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 — outdoor swimming pools

- (5) A person who owns, controls or operates an outdoor swimming pool at a non-residential premises in the Relevant Area may permit members of the public to use the swimming pool if that person ensures that:
- (a) while access is permitted, no use is permitted of communal showers and change rooms, except for toilet facilities; and
 - (b) no access is permitted to saunas within the facility; and
 - (c) the outdoor swimming pool is only used for the purposes of exercise; and
 - (d) the number of members of the public that are permitted at any one time in the relevant area are the lesser of:
 - (i) 20 in any swimming pool; and
 - (ii) in respect of the water and non-water parts of the pool facility, the number permitted by the density quotient.

Note 1: persons in and around the swimming pool are still required to take reasonable steps to maintain a distance of 1.5 metres from all other persons.

Note 2: outdoor hot springs cannot be used.

Records, signage and cleaning requirements

- (6) A person who operates a facility under subclause (5) must comply with the:
- (a) signage requirement; and
 - (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 the Relevant Area 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 the Relevant Area must not operate that facility 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;
 - (e) an animal farm that is not being operated for the purpose of producing food.
- (3) Despite subclause (1), a person who owns, controls or operates an animal facility in the Relevant Area may continue to operate the facility for the purposes of:
- (a) treating or caring for animals; or
 - (b) performing an animal rescue function; or
 - (c) maintaining the facility.

14 Real estate auctions and inspections

An **estate agent** must not organise:

- (1) any auction to take place for the sale of **real estate** in the Relevant Area during the restricted activity period, unless that auction is to be conducted remotely; or
- (2) an inspection by members of the public of real estate in the Relevant Area during the restricted activity period for the purposes of a prospective sale or rental of the property, other than by private appointment, such private appointment to comply with the restrictions on public gatherings in the **Stay at Home Directions (Non-Melbourne) (No 5)**.

15 Education and childcare facilities

Educational facilities

- (1) A person who owns, controls or operates a school or educational facility in the Relevant Area may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A person who owns, controls or operates a school or educational facility in the Relevant Area may operate that facility for the purposes of providing services to the following persons:
 - (a) for school educational services (including at a school or non-school senior secondary provider) and outside school hours care services:
 - (i) a person who is required to undertake essential Victorian Certificate of Education (VCE) or Victorian Certificate of Applied Learning (VCAL) assessments at a school or another educational facility or institution and it is not reasonably practicable for those assessments to be undertaken from the premises where the person ordinarily resides; or
 - (ii) a person whose parents or guardians ordinarily reside in:
 - (A) the Relevant Area and are unable to work from the premises where they ordinarily reside; or

- (B) the Relevant Area and are unable to obtain **higher education services** from the premises where the person ordinarily resides; or
- (C) the Restricted Area and are a **permitted worker**; or
- (D) the Restricted Area and are obtaining the higher education services permitted to be delivered on site as set out in the 'Education and Training' section of the 'Stage 4 Restrictions – Permitted Work Premises' available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government, where it is not reasonably practicable for the person to obtain the higher education services from the premises where the person ordinarily resides;

Note: If a child or young person is residing with one or more parents or guardians (including stepparents) on the relevant day, all parents or guardians must not be able to work or study from home.

- (iii) a **vulnerable child or young person**; or
 - (iv) a person enrolled in a specialist school in the Relevant Area; or
- (b) for higher education services if they are a person in:
- (i) the Relevant Area and it is not reasonably practicable to obtain the higher education services from the premises where they ordinarily reside; or
 - (ii) the Restricted Area and the higher education services are permitted to be delivered on site as set out in the 'Education and Training' section of the 'Stage 4 Restrictions – Permitted Work Premises' available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government, and it is not reasonably practicable to obtain higher education services from the premises where the person ordinarily resides.

Childcare facilities

- (3) A person who owns, controls or operates a childcare facility in the Relevant Area may only operate that facility during the restricted activity period in accordance with these directions.
- (4) A person who owns, controls or operates a childcare facility in the Relevant Area may operate that facility for the purposes of providing services to a person whose parents or guardians ordinarily reside in:
 - (a) the Relevant Area; or
 - (b) the Restricted Area, and the person is a **vulnerable child or young person in a childcare or early childhood service**; or
 - (c) the Restricted Area, so that the parent or guardian can:

- (i) work if the parent or guardian is:
 - (A) a permitted worker; or
 - (B) providing a Permitted Service; or
 - (C) a person who has received an Access to Onsite Childcare/Kindergarten Permit, or is permitted to access onsite childcare or kindergarten services without an Access to Onsite Childcare/Kindergarten Permit, under the **Permitted Worker Permit Scheme Directions (No 5)**; or
 - (ii) study if the parent or guardian is a **permitted higher education student**,
- provided there is no appropriate alternative care available.

16 Alpine resorts

A person who owns, controls or operates a facility in an **alpine resort** must not operate that facility for the purposes of allowing members of the public to visit that facility during the restricted activity period.

Note: clause 16 applies to facilities such as accommodation facilities, food and drink facilities and retail facilities in alpine resorts.

16A Relationship with other directions

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

17 Other definitions

For the purposes of these directions:

- (1) **accommodation facility** has the meaning in clause 11(2);
- (2) **alpine resort** means any of the following as defined in the **Alpine Resorts (Management) Act 1997**:
 - (a) Falls Creek Alpine Resort;
 - (b) Lake Mountain Alpine Resort;
 - (c) Mount Baw Baw Alpine Resort;
 - (d) Mount Buller Alpine Resort;
 - (e) Mount Hotham Alpine Resort;
 - (f) Mount Stirling Alpine Resort;
- (3) **animal facility** has the meaning in clause 13(2);
- (4) **Area Directions (No 8)** means the directions issued by the Deputy Public Health Commander, setting out Restricted Areas;
- (5) **beauty and personal care facility** means the following:

- (a) a beauty therapy salon, tanning salon, waxing salon or nail salon;
 - (b) a wellness spa;
 - (c) a massage parlour;
 - (d) a tattoo or piercing parlour;
- (6) **bingo centre** means a facility that:
- (a) is operated by a bingo centre operator or community or charitable organisation under Chapter 8 of the **Gambling Regulation Act 2003**, that offers bingo or any similar game; or
 - (b) conducts bingo which is open to members of the public;
- (7) **bottleshop** means an area:
- (a) that is physically attached to a licensed premises, as defined in clause 5(2); and
 - (b) where packaged alcohol is sold to be consumed off the premises;
- (8) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (9) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (10) **childcare facility** means a facility providing a **childcare or early childhood service**;
- (11) **childcare or early childhood service** means onsite early childhood education and care services or children's service provided under the:
- (a) **Education and Care Services National Law** and the **Education and Care Services National Regulations** including long day care services, kindergarten/preschool and family day care services but not including outside school hours care services; and
 - (b) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;
- (12) **cleaning requirement** has the same meaning as in the **Workplace Directions (No 4)**;
- (13) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (14) **common areas** of a retail shopping centre has the same meaning as in the **Retail Leases Act 2003**;
- (15) **community facility** has the meaning in clause 6A(2);
- (16) **density quotient** limits the number of 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, market or retail shopping centre, 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 'four square metre 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.

- (17) **Direction and Detention Notice** has the same meaning as in the **Stay at Home Directions (Restricted Areas) (No 15)**;
- (18) **Directions currently in force** has the same meaning as in the **Area Directions (No 8)**;
- (19) **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;
- (20) **entertainment facility** has the meaning in clause 7(2);
- (21) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (22) **fatigue-regulated heavy vehicle** has the same meaning as in the **Heavy Vehicle National Law (Victoria)**;
- (23) **food and drink facility** has the meaning in clause 10(2);
- (24) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (25) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (26) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (27) **hairdressing** has the same meaning as in the PHW Act;
- (28) **higher education services** means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, and other post-compulsory education or training;
- (29) **hospital** has the same meaning as in the **Hospital Visitor Directions (No 11)**;

- (30) **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;
- (31) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (32) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (33) **licensed premises** has the meaning in clause 5(2);
- (34) **market** means a public market, whether indoor or outdoor, including a food market;
- (35) **member of the public** is a person but does not include:
 - (a) a person who is an employee of an operator of the facility or venue; or
 - (b) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;
- (36) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (37) **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;
- (38) **outdoor space** means a space that is not an **indoor space**;
- (39) **permitted higher education student** means a student accessing **higher education services** which are permitted to be delivered onsite as set out in the 'Education and Training' section of the 'Stage 4 Restrictions – Permitted Work Premises' available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (40) **Permitted Services** means the services of the **Permitted Work Premises** as set out in the 'Stage 4 Restrictions – Permitted Work Premises' available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (41) **Permitted Work Premises** means the **Work Premises** described as 'PERMITTED WORK PREMISES' set out in the 'Stage 4 Restrictions – Permitted Work Premises' available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (42) **permitted worker** means someone who received a **Permitted Worker Permit**, or is permitted to work without a Permitted Worker Permit, under the **Permitted Worker Permit Scheme Directions (No 5)**;
- (43) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No 5)**;
- (44) **personal training facility** means a business the predominant activity of which is to provide personal training services;

- (45) **physical recreational facility** has the meaning in clause 6(2);
- (46) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (47) **play centre** means a premises, whether indoor or outdoor, that has play equipment to be used predominantly by children under the age of 12 years, but does not mean a **playground**;
- (48) **playground** means publicly accessible outdoor play equipment in a public park;
- (49) **premises** has the same meaning as in the **PHW Act**;
- (50) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (51) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (52) **records requirement** has the same meaning as in the **Workplace Directions (No 4)**;
- (53) **Relevant Area** means the area of Victoria outside the **Restricted Area**;
- (54) **religious institution** means an entity registered with the Australian Charities and Not-for-Profits Commission, as a charity subtype 'advancing religion' under the **Charities Act 2013** of the Commonwealth;
- (55) **religious practitioner** has the same meaning as subsection 995-1(1) of the **Income Tax Assessment Act 1997** of the Commonwealth;
- (56) **residential aged care facility** has the same meaning as in the **Care Facilities Directions (No 11)**;
- (57) **restricted activity period** has the meaning in clause 4;
- (58) **Restricted Area** has the same meaning as in the **Area Directions (No 8)**;
- (59) **restricted retail facility** has the meaning in clause 9(2);
- (60) **retail betting venue** means a premises, or part of a premises, operated by the **wagering and betting licensee**, the **keno licensee** or an agent of the wagering and betting licensee or keno licensee;
- (61) **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;
- (62) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (63) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (64) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (65) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;

- (66) **sexually explicit entertainment venue** means a venue at which **sexually explicit entertainment** is provided;
- (67) **signage requirement** has the same meaning as in the **Workplace Directions (No 4)**;
- (68) **vehicle** has the same meaning as in the PHW Act;
- (69) **vulnerable child or young person** means a child or young person who:
 - (a) resides in the care of the State or in out-of-home care; or
 - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or
 - (c) identified by a **school** as vulnerable, (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service); or
 - (d) has a disability;
- (70) **vulnerable child or young person in a childcare or early childhood service** 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 childcare or early childhood service as vulnerable, (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service);
- (71) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (72) **Work Premises** means the premises of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- (73) **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.

A handwritten signature in black ink that reads "Michelle Giles". The signature is written in a cursive style with a large initial "M" and a long, sweeping underline.

Associate Professor Michelle Giles

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

13 September 2020