

# Directions from Chief Health Officer in accordance with emergency powers arising from declared state of emergency

## Restricted Activity Directions (Non-Melbourne) (No 8)

*Public Health and Wellbeing Act 2008 (Vic)*

Section 200

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

### 1 Preamble

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings 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 7)** restricting activities in areas of Victoria, and provide for circumstances in which:
  - (a) a library (including a toy library) is permitted to operate; and
  - (b) outdoor religious gatherings or ceremonies are permitted to be conducted with 20 members of the public; and
  - (c) a food and drink facility in the Relevant Area other than in the **municipal district** of the City of Greater Shepparton may provide service to up to 40 patrons for indoor dining; and
  - (d) a food and drink facility in the Relevant Area may provide service to up to 70 patrons for outdoor dining; and
  - (e) an indoor swimming pool facility is permitted to be operated for use by members of the public aged under 18 years; and
  - (f) a **hydrotherapy pool** or swimming pool facility is permitted to operate for the purpose of hydrotherapy services.

## 2 Citation

These directions may be referred to as the **Restricted Activity Directions (Non-Melbourne) (No 8)**.

## 3 Revocation

The **Restricted Activity Directions (Non-Melbourne) (No 7)** are revoked at 11:59:00pm on 18 October 2020.

## 4 Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00pm on 18 October 2020 and ending at 11:59:00pm on 8 November 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 in accordance with clause 10; or
  - (c) providing accommodation in accordance with clause 11.

### *Permitted operations — retail betting venues*

- (4) Despite subclause (1), a person who owns, controls or operates a **retail betting venue** may operate the venue if the retail betting venue is wholly contained within a licensed premises if:
  - (a) the number of **members of the public** permitted in the venue is limited to the number permitted by the **density quotient**; and
  - (b) members of the public at the premises are served on a seated service basis, and otherwise in accordance with the requirements of clauses 9 (**restricted retail facilities**), 10 (**food and drink facilities**) and this clause; and
  - (c) the person complies with:
    - (i) the **signage requirement** within the licensed premises; and
    - (ii) the **records requirement** within the licensed premises; and
    - (iii) the **cleaning requirement**.

- (5) Despite subclause (1), a person who owns, controls or operates a retail betting venue may operate the venue if the retail betting venue is not wholly contained within a licensed premises if:
- (a) the number of members of the public permitted in the venue is limited to the number permitted by the density quotient; and
  - (b) members of the public at the premises remain seated except when placing a bet, using toilets or entering and leaving the venue, and otherwise in accordance with the requirements of clause 9 (**restricted retail facilities**); and
  - (c) the person complies with:
    - (i) the signage requirement; and
    - (ii) the cleaning requirement,for areas within and outside the licensed premises.

## 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 sport or physical recreation
    - 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, water skiing.*
  - (c) a **personal training facility**;
  - (d) a **play centre**;
  - (e) a skatepark;
  - (f) a trampolining centre,
- but does not include:
- (g) a skatepark or a trampolining centre if any of these facilities are in an **outdoor space**; or
  - (h) outdoor communal exercise equipment; or
  - (i) a swimming pool.

*Note: a skatepark or trampolining centre in an outdoor space and 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 recreational 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 10 in a group (with any infant under one year of age not counting in this limit); or
    - (ii) more than 10 in a group, if all persons have the same ordinary place of residence,and, unless permitted under clause 6B, 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 multiple groups of 10 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) if any shared equipment is to be used, it must be **cleaned** between users.
- (4) Despite subclause (3), a person who owns, controls or operates a facility under subclause (2)(b) (outdoor sport or physical recreational 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 change rooms and toilet facilities.

*Examples: a golf or tennis club may operate to permit outside golf or tennis, although club rooms and indoor sitting areas 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 for training for professional and high-performance sports persons, including for training purposes by one such team at any one time.
- (6) A person who operates a facility under subclause (5) must use all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

*Permitted operations — broadcast of fitness or dance classes*

- (7) Despite subclause (1), a person who owns, controls or operates a physical recreational facility in the Relevant Area may operate that facility for the purpose of allowing a fitness or dance class to occur at the premises, if that class is to be broadcast (live or otherwise) via electronic means.
- (8) If a fitness or dance class is held at a facility for the purposes of subclause (7), the only persons permitted to attend the facility are those necessary for the fitness or dance class and the broadcasting of that class, up to a maximum of 5 people.
- (9) A person who owns, operates or controls a physical recreational facility under subclause (7) during the restricted activity period may permit the use of shared equipment provided it is cleaned between each user and must:
  - (a) limit the number of people in the facility at any time to the number permitted by the density quotient; and
  - (b) comply with:
    - (i) the signage requirement for each **indoor space** and outdoor space; and
    - (ii) the cleaning requirement; and
    - (iii) the records requirement; and
  - (c) comply with the **face covering** requirement as referred to in the **Workplace Directions (No 7)**, with only one person at a time permitted to undertake strenuous exercise and remove their face covering under the exemption while exercising.

*Permitted operations — schools or workplace purposes*

- (10) Despite subclause (1), a person who owns, controls or operates a physical recreational facility may operate that facility:
  - (a) for the purpose of providing an exclusive venue for a single **school** at any one time for use for educational purposes; or
  - (b) if it is not open to the public.

*Note: paragraph (b) is intended to permit facilities to operate that are not open to the public, such as schools, workplaces or onsite rehabilitation facilities. Member only facilities are considered open to the public.*

## **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 use for educational purposes; or

*Note: paragraph (d) 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) in accordance with subclause (7); or
  - (f) conducting activities in an outdoor space, subject to the public gathering limits in the **Stay Safe Directions (Non-Melbourne) (No 5)**, plus the person required to conduct the activity; or
  - (g) in relation to a **playground**, allowing access for its ordinary use by members of the public; or
  - (h) in relation to outdoor communal exercise equipment, allowing access for the ordinary use by persons 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 Safe Directions (Non-Melbourne) (No 5)**; and
- (b) must comply with:
  - (i) the signage requirement for each indoor space and 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 community 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.

*Restrictions – public library and toy library*

- (7) A person who operates a facility under subclause (1)(e) 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) 10; and
  - (b) limit the total number of members of the public in the facility at any one time to the lesser of:
    - (i) 20; and
    - (ii) the aggregate number permitted by the density quotient for each indoor space in the facility; and
  - (c) comply with:
    - (i) the signage requirement for each indoor space; and
    - (ii) the cleaning requirement; and
    - (iii) the records requirement.

## **6B Community sport**

*Persons aged 19 years or over*

- (1) A person aged 19 years or over may only participate in a community sport if:
  - (a) it is conducted outdoors; and
  - (b) it is conducted in the Relevant Area; and
  - (c) it is non-contact; and

- (d) it does not involve a participant who ordinarily resides in the Restricted Area; and
- (e) no more than the minimum number of members of the public required to conduct the sport participate in the activity; and
- (f) no more than 10 members of the public participate for individual events.

*Example: running and cycling are individual events.*

*Persons aged 18 years or under*

- (2) A member of the public aged 18 years or under may participate in a community sport if:
  - (a) all members of the public participating in a group are aged 18 years or under; and
  - (b) it is conducted outdoors; and
  - (c) it is conducted in the Relevant Area; and
  - (d) it does not involve a participant who ordinarily resides in the Restricted Area; and
  - (e) no more than the minimum number of members of the public required to conduct the sport participate in the activity; and
  - (f) no more than 10 members of the public participate for individual events.

*Example: running and cycling are individual events.*

- (3) A member of the public aged 18 years or under may only participate in a community sport that involves at least one participant aged 19 years or over if:
  - (a) it is conducted outdoors; and
  - (b) it is conducted in the Relevant Area; and
  - (c) it is non-contact; and
  - (d) it does not involve a participant who ordinarily resides in the Restricted Area; and
  - (e) no more than the minimum number of members of the public required to conduct the sport participate in the activity; and
  - (f) no more than 10 members of the public participate for individual events.

*Example: running and cycling are individual events.*

*Note: a reference in this subclause to members of the public participating is not intended to apply to a referee or trainer or those required for supervision of young children or to support people with a disability, for example cricket may be played with 2 teams of 11 players and the necessary coaching personnel and umpires.*



## 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.
- (5) If a performance is held at a facility for the purposes of subclause (3), a person who owns, controls or operates that facility must comply with:
  - (a) the signage requirement for each indoor space; and
  - (b) the cleaning requirement; and
  - (c) the records requirement.

### *Permitted operations — non-seated outdoor space*

- (5A) Despite subclause (1), a person who owns, controls or operates a facility listed in subclause (2)(a) (theatre), (2)(b) (cinema) except for a drive-in

cinema, (2)(c) (music hall, concert hall or auditorium), 2(d) (gallery or a museum) or 2(e) (arena, stadium or convention centre) may operate a **non-seated outdoor space** in the facility, except for entertainment or sporting events, if:

- (a) the number of members of the public permitted in the facility at any time is the number permitted by the density quotient; and
- (b) no access is permitted to an indoor space in the facility, except for toilet facilities or to permit access to an outdoor space or for the purposes of operations under subclause (3) or (5); and
- (c) a **COVIDSafe Plan** is in place for the facility; and
- (d) the maximum capacity for the facility is 500 or more, a COVIDSafe Plan for the facility is published on the organisation's Internet website prior to the first opening of the facility; and
- (e) any **food and drink facility** operates in accordance with clause 10; and
- (f) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

*Permitted operations — seated outdoor space*

(5B) Despite subclause (1), a person who owns, controls or operates a facility listed in subclause (2)(a) (theatre), (2)(b) (cinema) except for a drive-in cinema, (2)(c) (music hall, concert hall or auditorium), 2(d) (gallery or a museum) or 2(e) (arena, stadium or convention centre) may operate a **seated outdoor space** in the facility, except for entertainment or sporting events, if:

- (a) the number of members of the public permitted in the facility at any time is the lesser of:
  - (i) 50; or
  - (ii) 25% of the maximum fixed seating capacity; and
- (b) no access is permitted to any indoor space in the facility, except for toilet facilities or to permit access to an outdoor space or for the purposes of operations under subclause (3) or (5); and
- (c) a member of the public is required to be seated:
  - (i) at least 1.5 metres away from all members of the public who are not from the same group; and
  - (ii) so that the maximum number of members of the public in a group is compliant with the restrictions on public gatherings in the **Stay Safe Directions (Non-Melbourne) (No 5)**; and
- (d) a COVIDSafe Plan is in place for the facility; and
- (e) any food and drink facility operates in accordance with clause 10; and

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

*Example: an outdoor grandstand is a seated outdoor space.*

*Permitted operations — indoor space*

- (5C) If a person who owns, controls or operates a facility listed in subclause (2)(a) (theatre), (2)(b) (cinema) except for a drive-in cinema, (2)(c) (music hall, concert hall or auditorium), 2(d) (gallery or a museum) or 2(e) (arena, stadium or convention centre) opens or provides access to an indoor space in accordance with this clause, that person must:
  - (a) limit the number of members of the public in the facility at any time to the number permitted by the density quotient; and
  - (b) use all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility; and
  - (c) comply with:
    - (i) the signage requirement for each indoor space; and
    - (ii) the cleaning requirement; and
    - (iii) the records requirement.

*Permitted operations — professional sport*

- (6) 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; or
    - Note: physical recreational facilities located at an arena or stadium must comply with the requirements in clause 6(5) and (6).*
  - (b) providing a venue for a professional sporting event.
- (7) A person who operates a facility under subclause (6) 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
    - 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 7(a); and

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

*Permitted operations — arena or stadium*

- (8) Despite subclause (1), a person who owns, controls or operates an arena or stadium may operate that facility for the purpose of providing an exclusive venue for a single school at any one time for use for educational purposes.

*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) the cinema is in an outdoor space accessed by vehicles; and
  - (b) persons are not permitted to be seated outside of their vehicles; and
  - (c) no access is permitted to an indoor space in the facility, except for toilet facilities or to permit access to an outdoor space or for the purposes of operations under subclause (3) or (5); and
  - (d) a COVIDSafe Plan is in place for the facility; and
  - (e) the maximum capacity for the facility is 500 or more, a COVIDSafe Plan for the facility is published on the organisation's Internet website prior to the first opening of the facility; and
  - (f) any food and drink facility operates in accordance with clause 10; and
  - (g) the person complies with the cleaning requirement; and
  - (h) the person uses all 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 Safe Directions (Non-Melbourne) (No 5)**; or

*Note: the **Stay Safe 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 10 people (inclusive of the marrying couple and 2 witnesses, but excluding the celebrant) and a funeral at non-residential premises located in the Relevant Area to 20 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 or ceremonies; or  
*Examples: mass, Eucharist, blessings.*
  - (f) permitting private worship.
- (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, up to a maximum of 5 people.
- (5) If a religious gathering or ceremony is to be held outdoors under subclause (2)(e) then:
- (a) up to a maximum of 20 members of the public are permitted to attend each religious gathering or ceremony; and
  - (b) in addition to the maximum of 20 members of the public, one **religious practitioner** employed or otherwise engaged by a **religious institution** must attend in order to lead the religious gathering or ceremony; and
  - (c) no food, drink, crockery, utensils, vessels or other equipment are permitted to be shared by participants; and
  - (d) the gathering or ceremony must be held in an open space proximate to the place of worship.
- (6) If private worship is permitted at a place of worship for the purposes of subclause (2)(f), the only persons permitted to attend the place of worship at a time are:
- (a) a religious practitioner employed or otherwise engaged by a religious institution; and
  - (b) a group consisting of:
    - (i) persons who have the same ordinary place of residence; and
    - (ii) subject to subparagraph (iii), up to 2 other persons; and
    - (iii) if a person permitted to attend the place of worship under subparagraph (ii) is a carer, parent or guardian of a child or dependant, and they cannot access alternative care

arrangements (whether on a paid or voluntary basis) or leave their child or dependent unattended so that they can attend the place of worship in accordance with subparagraph (ii) without the child or dependant, then the child or dependant may accompany that person when attending the place of worship in accordance with subparagraph (ii).

- (7) A person who owns, operates or controls a place of worship under subclause (2) must comply with:
- (a) the signage requirement for each:
    - (i) indoor space; and
    - (ii) outdoor space; and
  - (b) the cleaning requirement; and
  - (c) the records requirement, except in relation to private worship and 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**; and
  - (b) a **hairdressing facility**.

### *Permitted operations — beauty and personal care facilities and hairdressers*

- (3) A person who owns, controls or operates a beauty and personal care facility or a hairdressing facility in the Relevant Area may operate that facility, provided that the person:
- (a) only provides services where the client can wear a face covering for the duration of the service or procedure; and
    - Note: services such as facials, face waxing and beard trimming around the mouth, nose or cheeks are not permitted as the client would be unable to wear a face covering for the duration of the service or procedure.*
  - (b) complies with:
    - (i) the density quotient for each indoor space; and
    - (ii) the signage requirement for each indoor space; and
    - (iii) the cleaning requirement; and
    - (iv) the records requirement; and
    - (v) the **restricted area requirement**.

*Permitted operations — open retail facilities*

- (4) A person who owns, operates or controls an open retail facility, except in accordance with subclause (3), **market**, market stall 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 records requirement, except where not practicable to do so; and
  - (d) 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 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;
  - (f) a winery.

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

*Permitted operations — seated service*

- (3) For the purposes of this clause:
- (a) **outdoor** means:
    - (i) a space with no **roof**; or
    - (ii) an open-air space designated for the consumption of food and/or beverage, which may have a roof so long as at least 2 sides of the space do not have **walls**;
- Examples: outdoor spaces may include a balcony, a veranda, a courtyard, a rooftop, a marquee, a street or footpath, or any similar outdoor space.*
- (b) **roof** means any structure or device (whether temporary, fixed or movable) that prevents or significantly impedes upward airflow, including a ceiling or awning;
  - (c) **wall** means any structure (whether fixed or movable) that prevents or significantly impedes lateral airflow, notwithstanding if it has a window or door.

(4) A person who owns, operates or controls a food and drink facility that is not located inside a **food court** may operate that facility for seated service if that person:

- (a) permits service of food or drinks only to members of the public who are seated; and
- (b) ensures not more than 10 members of the public are permitted in the facility per group booking (with any infant under one year of age not counting in this limit); and
- (c) for indoor spaces at the facility, limits (with any infant under one year of age not counting in this limit) the number of members of the public permitted in each indoor space at the facility to the lesser of:

- (i) the number permitted by the density quotient; and
- (ii) 10,

provided that the total number of members of the public in all indoor spaces at the facility does not exceed (with any infant under one year of age not counting in these limits):

- (iii) subject to subparagraph (iv), if the facility is in the Relevant Area, 40 persons; or
- (iv) if the facility is in the municipal district of the City of Greater Shepparton, 20 persons; and

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

(d) for outdoor spaces at the facility, limits (with any infant under one year of age not counting in this limit) the number of members of the public permitted in all outdoor spaces at the facility to the lesser of:

- (i) the number permitted by the density quotient; and
- (ii) 70; and

*Note 1: the person must also comply with the conditions of any liquor licence or planning permit.*

*Note 2: if temporary new licences or permits are sought and obtained for a pop-up food and drink facility, a cap of 70 members of the public will apply, subject to the density quotient.*

*Note 3: the density quotient in the **Workplace Directions (No 7)** provides for restrictions on an outdoor space in a food and drink facility by requiring the use of half the accessible space when calculating the density quotient. This permits more members of the public at any one time when compared to the density quotient for other shared spaces or publicly accessible areas, where a quarter of the accessible space is to be used when calculating the density quotient.*

(e) maintains a distance between tables at all times so that dining members of the public are at least 1.5 metres from other dining groups and dining members of the public when seated (including dining groups at other facilities); and



*Note: the person should also ensure that dining members of the public are at least 1.5 metres from members of the public being provided with food or drink to be consumed off the premises.*

- (f) complies with:
  - (i) the signage requirement for each indoor space and outdoor space accessible to members of the public; and
  - (ii) the cleaning requirement; and
  - (iii) the records requirement; and
  - (iv) the restricted area requirement.

*Permitted operations of food and drink facilities — other*

- (5) 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: paragraph (a) 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 13)** in accordance with 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 a **Work Premises**, if the facility provides food or drink only to persons who work on the Work Premises; or

- (d) for the purposes of providing food or drink to homeless persons.

- (6) A person who owns, operates or controls a food or drink facility that is permitted to operate under subclause (5)(c)(vi) must use all 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 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** 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 — 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 each group booking is limited to:
    - (i) only persons who ordinarily reside together; or
    - (ii) only persons who are in an intimate personal relationship; or
    - (iii) a group consisting of:
      - (A) persons who ordinarily reside together, or are in an intimate personal relationship; and
      - (B) up to 2 other persons; and
      - (C) if a person described in sub-subparagraph (B) is a carer, parent or guardian of a child or dependant, and they cannot access any alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependent unattended so that they can use the accommodation facility without the child or dependant, then the child or dependant may accompany that person when using the accommodation facility.
  - (b) ensures that persons from separate bookings do not share bedrooms at the facility; and
  - (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:

- (i) the cleaning requirement for areas of the accommodation facility that are not for the exclusive use of a particular group, including reception areas; and
- (ii) the records requirement; and
- (iii) the restricted area requirement.

*Note: if the booking is made through a third party company, the restricted area requirement continues to apply to the person who owns, controls or operates the facility.*

*Permitted operations — alpine resort tourism*

- (4) In addition to the requirements set out in subclause (3), a person who owns, controls or operates an accommodation facility with shared kitchen or bathroom facilities located at an **alpine resort**, may operate that facility for the purposes of tourism if the person ensures that:
  - (a) if a bedroom of the facility has an area of less than 12 square metres, only the following are permitted to be booked to stay in that bedroom:
    - (i) persons who ordinarily reside in the same premises or are in an intimate personal relationship with each other; or
    - (ii) one person; and
  - (b) if a bedroom of the facility has an area of 12 square metres or more, only the following are permitted to be booked to stay in that bedroom:
    - (i) persons who ordinarily reside in the same premises or are in an intimate personal relationship with each other; or
    - (ii) up to 2 persons of the same booked group who do not ordinarily reside in the same premises, and one additional person of the same booked group per additional 4 square metres beyond 12 square metres; and
  - (c) they use all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility; and
  - (d) not more than 20 members of the public are permitted to stay in the facility at any time.

*Permitted operations — alpine resort employees*

- (5) A person who owns, controls or operates an accommodation facility may operate that facility for the purposes of providing accommodation to persons who are employees of businesses located within an alpine resort if the person ensures that:
  - (a) if a bedroom of the facility has an area of less than 12 square metres, only the following are permitted to be booked to stay in that bedroom:
    - (i) persons who ordinarily reside in the same premises or are in an intimate personal relationship with each other; or
    - (ii) one person; and

- (b) if a bedroom of the facility has an area of 12 square metres or more, only the following are permitted to be booked to stay in that bedroom:
  - (i) persons who ordinarily reside in the same premises or are in an intimate personal relationship with each other; or
  - (ii) up to 2 persons, and one additional person per additional 4 square metres beyond 12 square metres.

*Permitted operations — other purposes*

- (6) 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 12)**; or
  - (i) as an exclusive facility for a single school at any one time for educational purposes.

*Note 1: where an accommodation facility opens as an exclusive facility for a single school, the group booking restrictions in subclause (3) do not apply.*

*Note 2: where an accommodation facility opens as an exclusive facility for a single school, that school must be in the Relevant Area.*

## **12 Swimming pools, hydrotherapy pools and chlorinated spas**

- (1) A person who owns, controls or operates premises in the Relevant Area at which there is a swimming pool, hydrotherapy pool or chlorinated spa may only operate the swimming pool, hydrotherapy pool or chlorinated spa in accordance with these directions.

*Permitted operations — private swimming pools and chlorinated spas*

- (2) A person is permitted to use a swimming pool or chlorinated spa in the Relevant Area if the swimming pool or chlorinated spa is not available for use by the public.

*Note: swimming pools that are located at a premises such as an apartment complex or university accommodation and member only facilities are considered open to the public.*

*Permitted operations — swimming pool at a non-residential premises for professional sport*

- (3) A person who owns, controls or operates a swimming pool or chlorinated spa at a non-residential premises in the Relevant Area may permit a person to use a swimming pool and facilities if the pool or spa is only available for the exclusive use for training for professional and high-performance sports persons.
- (4) A person who operates a facility under subclause (3) must use all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

*Permitted operations — outdoor swimming pool at non-residential premises*

- (5) A person who owns, controls or operates an outdoor swimming pool (which may include a chlorinated spa) at a non-residential premises in the Relevant Area may permit members of the public to use the swimming pool or chlorinated spa if that person ensures that:
  - (a) no access is permitted to indoor facilities, except for change rooms and toilet facilities; and
  - (b) no access is permitted to saunas within the facility; and
  - (c) except where the pool is operated in accordance with subclause (6), the number of members of the public that is permitted at any one time in any water or non-water part of the pool facility is the lesser of:
    - (i) 50 in any swimming pool or chlorinated spa; and
    - (ii) in respect of the water and non-water parts of the pool facility, the number permitted by the density quotient; and

*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.*

- (d) all reasonable endeavours are used to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility
- (6) A person who owns, controls or operates an outdoor swimming pool (which may include a chlorinated spa) in accordance with subclause (5) is not required to comply with the limits in subclause (5)(c) if the pool is only available for the exclusive use of:
  - (a) members of the public participating in community sport undertaken in compliance with the directions on community sport under clause 6B; or

*Note: participation in a community sport includes training for an organised competition.*

- (b) a single school at any one time for educational purposes.
- (7) A person who operates a facility under subclause (6) must not permit the admission of spectators to the facility.

*Note: persons required to facilitate the activity at the swimming pool, including teachers, instructors, trainers, coaches and umpires, as well as carers, parents and guardians attending to support participation of a child or a person with disability, are permitted to attend the facility. General spectators are not permitted.*

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

*Permitted operations — swimming pool at non-residential premises for educational or workplace purposes*

- (9) 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:
  - (a) for the purpose of providing an exclusive venue for a single school at any one time for use for educational purposes; or
  - (b) not open to the public.

*Note: paragraph (b) is intended to permit facilities to operate that are not open to the public, such as schools, workplaces or onsite rehabilitation facilities. Member only facilities are considered open to the public.*

*Permitted operations — indoor swimming pool at non-residential premises for recreational use*

- (10) A person who owns, controls or operates an indoor swimming pool (which may include a chlorinated spa) at a non-residential premises in the Relevant Area may operate that facility for the recreational use (including swimming lessons) of members of the public aged 18 years and under if the person:
  - (a) ensures that no access is permitted to saunas within the facility; and
  - (b) ensures that to the extent the swimming pool is used:
    - (i) by a child or infant who is unable to swim independently or is otherwise required to be supervised by a carer, parent or guardian, only one carer, parent or guardian is permitted to enter the facility and the swimming pool with that child or infant; or
    - (ii) by a child who is able to swim independently, only one carer, parent or guardian is permitted to enter the facility to supervise the child; and

*Note: If the person entering the facility under paragraph (b) is a carer, parent or guardian of any other child or dependant, and they cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave the child or dependent unattended so that they can enter the facility in accordance with paragraph (b) without such child or dependant, then the child or dependant may*

*accompany that person when entering the facility in accordance with paragraph (b).*

- (c) ensures that the number of:
  - (i) members of the public that is permitted at any one time in any swimming pool or chlorinated spa at the facility is the lesser of:
    - (A) 20; and
    - (B) in respect of the space of the swimming pool or chlorinated spa, the number permitted by the density quotient; and
  - (ii) members of the public other than those members of the public permitted to enter the facility under paragraph (b) as a supervising carer, parent or guardian that is permitted at any one time in any non-water part of the facility is the lesser of:
    - (A) 20; and
    - (B) in respect of the non-water parts of the facility, the number permitted by the density quotient; and

*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: the relevant density quotient applicable is one person per every 4 square metres.*

- (d) uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility; and
- (e) complies with:
  - (i) the signage requirement for each indoor space and each outdoor space; and
  - (ii) the cleaning requirement; and
  - (iii) the records requirement.

*Permitted operations — swimming pool or hydrotherapy pool at non-residential premises for hydrotherapy services*

- (11) A person who owns, controls or operates a swimming pool or a hydrotherapy pool at a non-residential premises in the Relevant Area may operate that facility for the purpose of hydrotherapy services to members of the public at the facility if the person ensures that:
  - (a) no access is permitted to saunas within the facility; and
    - Note: access is permitted to change rooms and toilet facilities.*
  - (b) any member of the public accessing hydrotherapy services is accompanied by:
    - (i) a health worker; and
    - (ii) a carer, parent or guardian (if required); and

- (c) no group hydrotherapy services are permitted; and
- (d) the number of persons permitted at any one time in any water or non-water part of the facility is the lesser of:
  - (i) 10 in any pool; and
  - (ii) in respect of the water and non-water parts of the facility, the number that is the number calculated by dividing the total accessible space (measured in square metres) by 8; and

*Note: the limits on persons under paragraph (d) apply to all persons, including members of the public accessing hydrotherapy services and any person, such as a health worker, accompanying them.*
- (e) uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility; and
- (f) the person complies with:
  - (i) the signage requirement for each indoor space and each outdoor space; and
  - (ii) the cleaning requirement; and
  - (iii) the records requirement.

### 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.

#### *Permitted operations — non-seated outdoor space*

- (4) Despite subclause (1), a person who owns, controls or operates an animal facility may operate a non-seated outdoor space in the facility, except for entertainment or sporting events, if:



- (a) the number of members of the public permitted in the facility at any time is the number permitted by the density quotient; and
- (b) no access is permitted to any indoor space in the facility, except for toilet facilities and to permit access to an outdoor space; and
- (c) a COVIDSafe Plan is in place for the facility; and
- (d) the maximum capacity for the facility is 500 or more, a COVIDSafe Plan for the facility is published on the organisation's Internet website prior to the first opening of the facility; and
- (e) any food and drink facility operates in accordance with clause 10; and
- (f) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

*Permitted operations — seated outdoor space*

- (5) Despite subclause (1), a person who owns, controls or operates an animal facility may operate a seated outdoor space in the facility, except for entertainment or sporting events, if:
  - (a) the number of members of the public permitted in the facility at any time is the lesser of:
    - (i) 50; or
    - (ii) 25% of the maximum fixed seating capacity; and
  - (b) no access is permitted to any indoor space in the facility, except for toilet facilities, or to permit access to an outdoor space, or for the purposes of operating under subclauses (7) and (9); and
  - (c) a member of the public is required to be seated:
    - (i) for the majority of time at the facility; and
    - (ii) at least 1.5 metres away from all members of the public who are not from the same group; and
    - (iii) so that the maximum number of members of the public in a group is compliant with the restrictions on public gatherings in the **Stay Safe Directions (Non-Melbourne) (No 5)**; and
  - (d) a COVIDSafe Plan is in place for the facility; and
  - (e) any food and drink facility operates in accordance with clause 10; and
  - (f) the person complies with the cleaning requirement; and
  - (g) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

*Permitted operations — indoor space*

- (6) If a person who owns, controls or operates an animal facility opens or provides access to an indoor space in accordance with this clause, that person must:

- (a) limit the number of members of the public in the facility at any time to the number permitted by the density quotient; and
- (b) use all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility; and
- (c) comply with:
  - (i) the signage requirement for each indoor space; and
  - (ii) the cleaning requirement; and
  - (iii) the records requirement.

*Permitted operations — broadcast*

- (7) Despite subclause (1), a person who owns, controls or operates an animal 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.
- (8) If a performance is held at an animal facility for the purposes of subclause (7), the only persons permitted to attend the facility are those necessary for the performance and the broadcasting of that performance to occur.
- (9) If a performance is held at an animal facility for the purposes of subclause (7), a person who owns, controls or operates that facility must comply with:
  - (a) the signage requirement for each indoor space; and
  - (b) the cleaning requirement; and
  - (c) the records requirement.

#### **14 Real estate auctions and inspections**

- (1) During the restricted activity period, in the Relevant Area, an **estate agent** may organise:
  - (a) an auction to take place for the sale of **real estate**, only if that auction is to be conducted in an outdoor space and attended in person by no more than 10 members of the public (excluding the owners or residents of the property and the minimum number of persons required to conduct the auction), whether or not other members of the public also attend remotely; or
  - (b) an inspection by members of the public of real estate for the purposes of a prospective sale or rental of the property, if arranged by private appointment and such private appointment complies with the restrictions on public gatherings in the **Stay Safe Directions (Non-Melbourne) (No 5)**.
- (2) An estate agent that arranges an auction or inspection in accordance with subclause (1) 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 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 school or 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 school or facility for the purposes of providing:
  - (a) school educational services (including at a school or non-school senior secondary provider) and outside school hours care services:
    - (i) to a person enrolled in a special school; or
    - (ii) to a person who ordinarily resides in the Restricted Area who is enrolled at a **boarding school** located in the Relevant Area, if:
      - (A) the person is in a year level that is permitted to return to a school located in the Relevant Area; and
      - (B) the school requires the person or a parent or guardian of the person to provide a statement before the person returns to school attesting that:
        1. in the period of 14 days prior to departure from the Restricted Area to return to the school, the person has not displayed one or more **2019-nCoV Symptoms** or been a close contact as defined in the **Diagnosed Persons and Close Contacts Directions (No 12)**; and
        2. within 3 days before departure from the Restricted Area to return to the school, the person has received a test result stating that they have not been diagnosed with 2019-nCoV; and
        3. for the period of time from when the person took the test referred to in subclause (2)(a)(ii)(B)(2) until the person returned to the school, the person has self-quarantined as if the requirements of self-isolation and self-quarantine under the **Diagnosed Persons and Close Contacts Directions (No 12)** applied to the person; and
  - (C) the school maintains daily observation of the person for a period of 14 days after the person returns to school and

*Example: once year 12 students in the Relevant Area are permitted to return to school, a year 12 student who ordinarily lives in the Restricted Area who is enrolled to attend school at a boarding school based in the Relevant Area is permitted to attend that school, subject to the student or the parent or guardian of the student attesting to certain matters.*

- maintains written records recording daily whether the person displays one or more 2019-nCov Symptoms; and
- (iii) to a person who is enrolled to attend any primary or secondary school in the Relevant Area (excluding a person who ordinarily resides in the Restricted Area who is enrolled at a boarding school located in the Relevant Area); and
- (b) **higher education services** onsite if they are provided:
- (i) to a person who ordinarily resides in the Relevant Area where it is not reasonably practicable for the person to obtain the higher education services from the premises where the person ordinarily resides; or
  - (ii) to a person who ordinarily resides in the Restricted Area and is a permitted higher education student, and it is not reasonably practicable for the person 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 operate that facility for the purposes of providing services to any parent or guardian.

## 16 Tours and transport

*Licensed tourism operator*

- (1) During the restricted activity period in the Relevant Area, a licensed tourism operator may organise and operate licensed tourism services within the Relevant Area for members of the public residing in the Relevant Area, if:
  - (a) the licensed tourism services are provided wholly in an outdoor space; and

*Examples: outdoor tours include hiking and walking tours, horseback riding tours and bicycle tours.*

*Note 1: licensed tourism services that require the use of enclosed vehicles (such as a **motor vehicle, bus/coach, horse-drawn wagon, boat, plane or helicopter**) are not permitted to operate during the restricted activity period, unless the enclosed vehicle is operated by a member of the public and is only shared by people who have the same ordinary place of residence, are in an intimate personal relationship or are otherwise permitted to socially gather together in accordance with clause 7(2)(h) of the **Stay Safe Directions (Non-Melbourne) (No 5)**.*

*Note 2: licensed tourism services that use open-air vehicles are permitted to operate. A vehicle, inclusive of vehicles that have a roof, is considered to be an open-air vehicle if at least 2 sides of the vehicle are open to airflow at all times.*

- (b) the number of members of the public attending a tour does not exceed 10 in any group (with any infant under one year of age not counting in

this limit), unless all members of the group reside at the same premises; and

- (c) licensed tourism services are not operated by more than the minimum number of persons required; and

*Note: the minimum number of persons required to operate a tour is in addition to the limit of 10 members of the public.*

- (d) not more than one tour group attend the same outdoor space at any one time, except where a distance of at least 100 metres between groups can be maintained at all times; and
  - (e) the outdoor 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
  - (f) the licensed tourism services only originate, occur and conclude within the Relevant Area and do not enter the Restricted Area; and
  - (g) the licensed tourism operator complies with the records requirement and the restricted area requirement; and
  - (h) if any communal equipment is to be used, it must be cleaned between tours and not shared between members of the public in a tour group.
- (2) Members of the public attending a tour must comply with the face covering requirement in the **Stay Safe Directions (Non-Melbourne) (No 5)**.
  - (3) Despite subclause (1), a licensed tourism operator must not permit use of any indoor space, except toilet facilities or to permit access to an outdoor space.

*Note 1: persons using toilets or an indoor space are still required to take reasonable steps to maintain a distance of 1.5 metres from all other persons and wear a face covering.*

*Note 2: to the extent that it is possible, it is advisable for reception activities (such as taking attendances and providing pre-tour information) be conducted in an outdoor space.*

## **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.

## **16B Restricted area requirement**

- (1) A person who is required to comply with the restricted area requirement must use all reasonable endeavours to:
  - (a) determine, prior to each member of the public making a booking (where bookings are taken) for, or accessing, entering or using, their services or facility, whether that member of the public's ordinary place of residence is in the Restricted Area; and
  - (b) not permit a member of the public to make a booking (where bookings are taken) for, or access, enter or use, their services or facility, if the

member of the public's ordinary place of residence is in the Restricted Area, except:

- (i) for emergency purposes; or
- (ii) as required or authorised by law.

*Note: a person who owns, operates or controls:*

- (a) a food and drink facility is not required to comply with the restricted area requirement when (and only to the extent) they operate that facility under clause 10(5); and
- (b) an accommodation facility is not required to comply with the restricted area requirement when (and only to the extent) they operate that facility under clause 11(6).

(2) A person will be taken to have satisfied the requirement under subclause (1)(a) where they have:

- (a) asked the given member of the public for the address of their ordinary place of residence; and

*Note 1: under the **Stay Safe Directions (Non-Melbourne) (No 5)**, if a person has an ordinary place of residence in each of the Relevant Area and the Restricted Area, they must choose one of these residences to be their principal place of residence for the duration of the stay safe period under those direction.*

*Note 2: under the **Stay at Home Directions (Restricted Areas) (No 19)**, a person who ordinarily resides in the Restricted Area may only leave the Restricted Area for limited reasons. In addition, if a person has more than one ordinary place of residence, their place of residence as at 11:59:00pm on 1 August 2020 must remain their principal place of residence for the duration of the stay at home period under those direction.*

- (b) required the given member of the public to either:

- (i) produce photo identification that evidences that their ordinary place of residence is not in the Restricted Area; or

*Note: a booking for an accommodation facility is permitted for a person whose ordinary place of residence is outside the Restricted Area, whether the person ordinarily resides in the Relevant Area or in another State or a Territory.*

- (ii) make a declaration that their ordinary place of residence is not in the Restricted Area, unless it is not reasonably practicable in all the circumstances for the member of the public to make such a declaration.

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

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

- (3) The restricted area requirement must be satisfied for each member of the public:
  - (a) aged 18 years or older, by that person or someone responsible for their care and support; or
  - (b) who is an unaccompanied person aged 15 years or older but under 18 years, by that person or someone responsible for their care and support; or
  - (c) who is an accompanied person aged under 18 years by their carer, parent or guardian.
- (4) If a member of the public produces photo identification in accordance with subclause (2)(b)(i) which appears to be valid, a person required to comply with the restricted area requirement is entitled to rely on such photo identification as proof of that member of the public's ordinary place of residence.
- (5) In collecting the information required under subclause (2), a person required to comply with the restricted area requirement must:
  - (a) use reasonable endeavours to protect the personal information from use or disclosure; and
  - (b) destroy the information as soon as reasonably practicable, unless another statutory requirement permits or requires the personal information to be retained.

*Note 1: under this clause, 'reasonable endeavours' does not require a business or undertaking to employ additional staff to meet this requirement.*

*Example: for online bookings and unstaffed facilities (or times when facilities are unstaffed), reasonable endeavours does not require extra staff to be employed for these purposes; instead the restricted area requirement might be met by other means such as enquiries at the time of booking, online or email provision of the required information and signs at the unstaffed facilities.*

*Note 2: members of the public whose ordinary place of residence is in a Restricted Area are still permitted to travel outside of the Restricted Area for reasons set out in the **Stay at Home Directions (Restricted Areas) (No 19)**.*

*Example: a person can travel to an area outside of a Restricted Area for work (such as delivering food to a food and drink facility) or education, or for care or compassionate reasons (such as visiting their child).*

## 17 Other definitions

For the purposes of these directions:

- (1) **2019-nCoV Symptoms** has the same meaning as in the **Workplace Directions (No 7)**;
- (2) **accommodation facility** has the meaning in clause 11(2);
- (3) **alpine resort** means any of the following as defined in the **Alpine Resorts (Management) Act 1997**:
  - (a) Falls Creek Alpine Resort;

- (b) Lake Mountain Alpine Resort;
  - (c) Mount Baw Baw Alpine Resort;
  - (d) Mount Buller Alpine Resort;
  - (e) Mount Hotham Alpine Resort;
  - (f) Mount Stirling Alpine Resort;
- (4) **animal facility** has the meaning in clause 13(2);
- (5) **Area Directions (No 9)** means the directions issued by the Chief Health Officer, setting out the **Restricted Area**;
- (6) **beauty and personal care facility** means the following:
- (a) a beauty therapy salon, waxing salon or nail salon;
  - (b) a wellness spa;
  - (c) a massage parlour;
  - (d) a tattoo, body art or piercing studio;
- (7) **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**;
- (8) **boarding school** means a **school** which accepts enrolments of students who board at premises of the school and does not include a premises at which accommodation services are provided to students on a short-term basis for a period of less than 12 consecutive weeks;
- (9) **bottleshop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the premises;
- (10) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (11) **bus** has the same meaning as in the **Bus Safety Act 2009**;
- (12) **bus service** has the same meaning as in the **Bus Safety Act 2009**;
- (13) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (14) **childcare facility** means a facility providing a **childcare or early childhood service**;
- (15) **childcare or early childhood service** means an onsite early childhood education and care service 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 or 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;



- (16) **cleaned** has the same meaning as in the **Workplace Directions (No 7)**;
- (17) **cleaning requirement** has the same meaning as in the **Workplace Directions (No 7)**;
- (18) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (19) **community facility** has the meaning in clause 6A(2);
- (20) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions (No 7)**;
- (21) **density quotient** has the same meaning as in the **Workplace Directions (No 7)**;
- (22) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (23) **Directions currently in force** has the same meaning as in the **Area Directions (No 9)**;
- (24) **entertainment facility** has the meaning in clause 7(2);
- (25) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (26) **face covering** has the same meaning as in the **Workplace Directions (No 7)**;
- (27) **fatigue-regulated heavy vehicle** has the same meaning as in the **Heavy Vehicle National Law (Victoria)**;
- (28) **food and drink facility** has the meaning in clause 10(2);
- (29) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (30) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (31) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (32) **hairdressing** has the same meaning as in the PHW Act;
- (33) **hairdressing facility** means a business that is registered as a business of **hairdressing** under the PHW Act;
- (34) **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;
- (35) **hospital** has the same meaning as in the **Hospital Visitor Directions (No 13)**;
- (36) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (37) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are permanent structures rising either from

floor to ceiling or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are open or closed;

- (38) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (39) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (40) **licensed premises** has the meaning in clause 5(2);
- (41) **licensed tourism operator** means a person granted a tour operator licence under:
- (a) section 21B of the **Crown Land (Reserves) Act 1978**; or
  - (b) section 57F of the **Forests Act 1958**; or
  - (c) section 140I of the **Land Act 1958**; or
  - (d) section 27D of the **National Parks Act 1975**; or
  - (e) section 21B of the **Wildlife Act 1975**;
- (42) **licensed tourism services** means an activity, guided tour or recreation programme conducted or coordinated by an employee or officer of a **licensed tourism operator** that is undertaken for profit for tourism purposes including, but not limited to, ballooning, a walking or bushwalking tour, a bicycle tour, abseiling, rock climbing, canoeing, kayaking, white water rafting, diving, snorkelling, horse trail riding, marine based tours and surfing;
- (43) **market** means a public market, whether indoor or outdoor, including a food market;
- (44) **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;
- (45) **municipal district** has the same meaning as in the **Local Government Act 1989**;
- (46) **motor vehicle** means a motor vehicle within the meaning of the **Road Safety Act 1986** and includes a trailer attached to the vehicle but does not include a **bus** used to provide a **bus service**;
- (47) **non-contact**, in relation to an activity, a community sport or a physical recreation activity, means an activity, a community sport or a physical recreation activity that is reasonably capable of being undertaken with participants maintaining a distance of 1.5 metres from each other;
- (48) **non-seated outdoor space** means an **outdoor space**, where a **member of the public** moves through the facility and is not expected to remain seated and is unlikely to congregate;
- Note: this can include settings such as outdoor animal facilities, but does not include events, including entertainment or sporting events.*
- (49) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;

- (50) **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;
- (51) **outdoor space** means a space that is not an **indoor space**;
- (52) **permitted higher education student** means a student accessing **higher education services**:
- (a) which are permitted to be delivered onsite as set out in the 'Permitted Work Premises' for the purposes of the **Restricted Activity Directions (Restricted Areas) (No 13)** available at: [www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19](http://www.dhhs.vic.gov.au/business-industry-restrictions-by-industry-covid-19) as amended from time to time by the Victorian Government; or
  - (b) in the **Restricted Area** where they are a final year student who requires access to in-person teaching, assessment or work placements in order to graduate by the end of January 2021; or
  - (c) in the **Restricted Area** where they are a final year apprenticeship student whose training contract ends by 31 December 2020 and needs to access onsite practical training and assessment;
- (53) **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 7)**;
- (54) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No 7)**;
- (55) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (56) **physical recreational facility** has the meaning in clause 6(2);
- (57) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (58) **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;
- (59) **playground** means publicly accessible outdoor play equipment in a public park;
- (60) **premises** has the same meaning as in the PHW Act;
- (61) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (62) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (63) **records requirement** has the same meaning as in the **Workplace Directions (No 7)**;
- (64) **Relevant Area** has the meaning in clause 1(2);
- (65) **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;

- (66) **religious practitioner** has the same meaning as subsection 995-1(1) of the **Income Tax Assessment Act 1997** of the Commonwealth;
- (67) **residential aged care facility** has the same meaning as in the **Care Facilities Directions (No 13)**;
- (68) **restricted activity period** has the meaning in clause 4;
- (69) **Restricted Area** has the same meaning as in the **Area Directions (No 9)**;
- (70) **restricted area requirement** has the meaning in clause 16B;
- (71) **restricted retail facility** has the meaning in clause 9(2);
- (72) **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;
- (73) **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;
- (74) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (75) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (76) **seated outdoor space** means an **outdoor space** with fixed seating;
- (77) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (78) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (79) **sexually explicit entertainment venue** means a venue at which **sexually explicit entertainment** is provided;
- (80) **signage requirement** has the same meaning as in the **Workplace Directions (No 7)**;
- (81) **vehicle** has the same meaning as in the PHW Act;
- (82) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (83) **Work Premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- (84) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

## 18 Penalties

Section 203 of the PHW Act provides:

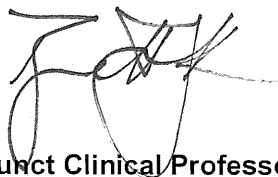
### Compliance with direction or other requirement

- (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.



**Adjunct Clinical Professor Brett Sutton**

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

18 October 2020