

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

## Restricted Activity Directions (Victoria) (No 2)

*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)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic) (**PHW Act**):

### 1 Preamble

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings in the State of Victoria to address the serious public health risk posed to Victoria by severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Restricted Activity Directions (Victoria)** restricting activities across the State of Victoria and provide for:
  - (a) the further easing of restrictions on the operation of businesses and undertakings in Victoria; and
  - (b) the Chief Health Officer or Deputy Chief Health Officer to exempt eligible public events from the Directions currently in force.

### 2 Citation

These directions may be referred to as the **Restricted Activity Directions (Victoria) (No 2)**.

### 3 Revocation

The **Restricted Activity Directions (Victoria)** are revoked at 11:59:00pm on 22 November 2020.

### 4 Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00pm on 22 November 2020 and ending at 11:59:00pm on 6 December 2020.

## 5 Physical recreational facilities

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

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

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

*Examples: gymnasium, health club, fitness centre, yoga studio, pilates studio, barre studio, dance studio, spin facility, indoor basketball court, indoor climbing facility, squash court, table tennis centre.*

(b) a facility used predominantly for outdoor sport or physical recreation;

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

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

(d) a **cardio or strength training facility**;

*Examples: a cardio or strength facility featuring cardio equipment (such as exercise bikes, elliptical trainers, steppers and rowing machines), free weights, kettlebells and weight and/or strength training equipment and machines. A cardio or strength training facility may be a stand-alone facility or part of another facility (such as a gymnasium, health club, fitness centre or personal training facility).*

(e) a **play centre**;

(f) a skatepark;

(g) a trampolining centre,

but does not include:

(h) a skatepark or a trampolining centre in an **outdoor space**; or

(i) outdoor communal exercise equipment; or

(j) a swimming pool, **hydrotherapy pool**, chlorinated spa, sauna, steam room or **spring**; or

(k) a **creative arts facility**.

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

*Indoor sport or physical recreation facility, personal training facility or cardio or strength training facility — indoor physical recreation and indoor community sport*

(3) A person who owns, controls or operates a facility under subclause (2)(a) (indoor sport or physical recreational facility), (2)(c) (personal training facility) or (2)(d) (cardio or strength training facility) in the State of Victoria may operate that facility for the purpose of indoor physical recreation or indoor community sport (in accordance with clause 6) by **members of the public** if:

- (a) subject to paragraph (b), the number of members of the public permitted in the facility at any time is limited to the lesser of:
  - (i) the **density quotient**; and
  - (ii) 150; and

*Note: the reference to the number of members of the public in paragraph (a) includes spectators.*

- (b) despite paragraph (a), where the maximum number of people permitted to be accommodated within the facility under the **occupancy permit** for the facility is 600 or more members of the public, the number of members of the public permitted in the facility is limited to 25 per cent of that maximum number; and

*Example: under paragraph (b), more than 150 members of the public would be permitted inside a large multi-purpose sporting facility such as the Melbourne Sports and Aquatic Centre.*

- (c) the number of members of the public in each group, class or session at any time is limited to the lesser of:
  - (i) the number permitted by the density quotient; and
  - (ii) 20; or
  - (iii) in the case of indoor community team sport, the minimum number of members of the public required to play the sport; and
- (d) any shared equipment is used, it must be **cleaned** between users; and
- (e) where the maximum capacity for the facility is 500 or more, a **COVIDSafe Plan** for the facility is published on the facility's Internet site; and
- (f) where the facility is a cardio or strength training facility or includes a cardio or strength training facility, the facility has a **COVID Marshal** onsite during the operating hours of the cardio or strength training facility.

*Note 1: all persons at an indoor sport or physical recreational facility, cardio or strength training facility or personal training facility are required to wear a **face covering** other than when engaged in any strenuous physical exercise or where an exemption applies, in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria) (No 2)**. All persons should ensure that duration of the 'strenuous exercise' exemption is as limited as possible.*

*Note 2: the COVID Marshal may be a person conducting or leading a group, class or session in the cardio or strength training facility.*

*Indoor sport or physical recreation facility, outdoor sport or physical recreation facility, personal training facility or cardio or strength training facility — outdoor physical recreation and outdoor community sport*

- (4) A person who owns, controls or operates a facility under subclause (2)(a) (indoor sport or physical recreational facility), (2)(b) (outdoor sport or physical recreational facility), (2)(c) (personal training facility) or (2)(d) (cardio or strength training facility) in the State of Victoria may operate that

facility for the purposes of outdoor physical recreation and outdoor community sport (in accordance with clause 6) by members of the public if:

- (a) all outdoor physical recreation and outdoor community sport is conducted in an outdoor space (and not at a member of the public's ordinary place of residence); and
- (b) the number of members of the public permitted in the outdoor space at any time is limited to the lesser of:
  - (i) the number permitted by the density quotient; or
  - (ii) 500; and
- (c) the number of members of the public permitted in each group, class or session at any time is limited to the lesser of:
  - (i) the number permitted by the density quotient; and
  - (ii) 50; and
  - (iii) in the case of outdoor community team sport, the minimum number of members of the public required to play the sport; and
- (d) a reasonable distance can be maintained between each group, class or session at all times; and
  - Example: at a golf course, there may be multiple groups of 50 people, so long as a reasonable distance can be maintained at all times.*
- (e) any shared equipment is used, it must be cleaned between users.

*Play centre, indoor skatepark or indoor trampolining centre*

- (5) A person who owns, controls or operates a facility under subclause (2)(e) (play centre), (2)(f) (skatepark in an **indoor space**) or (2)(g) (trampolining centre in an indoor space) in the State of Victoria may operate that facility if:
  - (a) the number of members of the public permitted in the facility at any time is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 150; and
  - (b) the number of members of the public permitted in each indoor space at any time is limited to the number permitted by the density quotient.

## **6 Community sport**

A person may only participate in a community sport in the State of Victoria if:

- (1) no more than the minimum number of members of the public required to conduct the sport participate in the activity; and
- (2) no more than 20 members of the public participate for individual events conducted in an indoor space; and
- (3) no more than 50 members of the public participate for individual events conducted in an outdoor space.

*Example: running and cycling are individual events.*

*Note 1: a reference in this clause to members of the public participating is not intended to apply to a referee or trainer or a carer, parent or guardian of a person with a disability.*

*Note 2: if a carer, parent or guardian of a person with a disability is a carer, parent or guardian of any other child or dependant, and the person cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave the child or dependant unattended so that the person can participate or supervise without the child or dependant, then the child or dependant may accompany the person when participating or supervising.*

## 7 Community facilities

- (1) A person who owns, controls or operates a **community facility** in the State of Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A **community facility** means any of the following, whether operated on a for profit or not-for-profit basis:
  - (a) a community centre or community hall;
  - (b) a public library (including a toy library, but not the **State Library**);
  - (c) a youth centre;
  - (d) a **playground**;
  - (e) a skatepark or trampolining centre in an outdoor space;
  - (f) outdoor communal exercise equipment;but does not include:
  - (g) a creative arts facility;
  - (h) a physical recreational facility;
  - (i) a swimming pool, hydrotherapy pool, chlorinated spa, sauna, steam room or spring.
- (3) A person who owns, controls or operates a community facility in the State of Victoria may operate that facility for members of the public if:
  - (a) the maximum number of members of the public in a group in an outdoor space is compliant with the restrictions on public gatherings in the **Stay Safe Directions (Victoria) (No 2)**, plus the minimum number of persons required to conduct the activity;
  - (b) any wedding or funeral is compliant with the requirements of the **Stay Safe Directions (Victoria) (No 2)**; and
  - (c) the number of members of the public permitted in an outdoor community facility at any time is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 300; and
  - (d) the number of members of the public permitted in an indoor community facility at any time is limited to the lesser of:

- (i) the number permitted by the density quotient; and
    - (ii) 150; and
  - (e) the number of members of the public permitted in each indoor space and in each group, class or session at any time is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 20; and
  - (f) the number of members of the public permitted in each outdoor space and in each group, class or session at any time is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 50.
- (4) Despite subclause (3), a person who operates a community facility for the purpose of:
- (a) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise); or
  - (b) providing an exclusive venue for the exclusive use of a single school outside school hours care at any one time for educational purposes,
- is not required to comply with the limits in subclause (3)(c) to (f).

## 8 Entertainment facilities

- (1) A person who owns, controls or operates an **entertainment facility** in the State of Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (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) the State Library;
  - (f) an arena, stadium or convention centre;
  - (g) an arcade;
  - (h) an amusement park;
  - (i) a **casino**, except to the extent of:
    - (i) providing food and drink in accordance with clause 12; or
    - (ii) providing accommodation in accordance with clause 13;
  - (j) a **retail betting venue**;
  - (k) a **gaming machine area**;

- (l) a **brothel, sex on premises venue** or **sexually explicit entertainment venue**;
- (m) a **bingo centre**;
- (n) an escape room;
- (o) an **animal facility**;
- (p) a **karaoke facility**.

*Non-seated outdoor space*

- (3) A person who owns, controls or operates a facility 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), (2)(e) (State Library), (2)(f) (arena, stadium or convention centre), (2)(g) (arcade), (2)(m) (bingo centre) or (2)(o) (animal facility) in the State of Victoria may operate a **non-seated outdoor space** in the facility, except for professional or high performance sport training or competition or professional sport events, if:
- (a) the number of members of the public permitted in the facility at any time is limited to the number permitted by the density quotient; and
  - (b) the number of members of the public permitted in each group at any time is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 50; and
  - (c) any indoor space in the facility operates in accordance with subclauses (5) and (6); and
  - (d) where the maximum capacity for the facility is 500 or more, a **COVIDSafe Plan** for the facility is published on the facility's Internet site; and
  - (e) any **food and drink facility** operates in accordance with clause 12; 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.

*Seated outdoor space*

- (4) A person who owns, controls or operates a facility 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), (2)(e) (State Library), (2)(f) (arena, stadium or convention centre), (2)(g) (arcade), (2)(m) (bingo centre) or (2)(o) (animal facility) in the State of Victoria may operate a **seated outdoor space** in the facility except for professional or high performance sport training or competition or professional sport events if:
- (a) the number of members of the public permitted in the facility at any time is the lesser of:
    - (i) 50 per cent of the maximum fixed seating capacity; and

- (ii) 500; and
- (b) each member of the public is required to be seated at least 1.5 metres away from all members of the public who are not from the same group; and
- (c) any indoor space in the facility operates in accordance with subclauses (5) and (6); and
- (d) where the maximum capacity for the facility is 500 or more, a COVIDSafe Plan for the facility is published on the facility's Internet site; and
- (e) any food and drink facility operates in accordance with clause 12; 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.*

#### *Non-seated indoor space*

- (5) A person who owns, controls or operates a facility 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), (2)(e) (State Library), (2)(f) (arena, stadium or convention centre), (2)(g) (arcade), (2)(m) (bingo centre), (2)(n) (escape room) or (2)(o) (animal facility) in the State of Victoria may operate a non-seated indoor space in the facility if:
  - (a) subject to paragraph (b), the number of members of the public permitted in each indoor space at any time is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 150; and

*Example: the limit on the number of members of the public applies to each indoor space at a gallery or museum and each screening room at a cinema.*

- (b) despite paragraph (a), where the facility is a theatre, cinema (except for a drive-in cinema), music hall, concert hall or auditorium, gallery or a museum), State Library, arena, stadium or convention centre or animal facility and the maximum number of people permitted to be accommodated within the facility under the occupancy permit for the facility is 600 or more members of the public, the number of members of the public permitted in the facility is limited to 25 per cent of that maximum number; and
 

*Example: under paragraph (b), more than 150 members of the public would be permitted inside a large convention centre such as the Royal Exhibition Building.*
- (c) no more than 20 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



- (d) each member of the public is required to be located at least 1.5 metres away from all members of the public who are not from the same group; and
- (e) where the maximum capacity for the facility is 500 or more, a COVIDSafe Plan for the facility is published on the facility's Internet site; and
- (f) any food and drink facility operates in accordance with clause 12; 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.

*Seated indoor space*

(6) A person who owns, controls or operates a facility 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), (2)(e) (State Library), (2)(f) (arena, stadium or convention centre), (2)(g) (arcade), (2)(m) (bingo centre), (2)(n) (escape room) or (2)(o) (animal facility) in the State of Victoria may operate a seated indoor space in the facility if:

- (a) subject to paragraph (b), the number of members of the public permitted in each indoor space at any time is limited to the lesser of:
  - (i) the number permitted by the density quotient; and
  - (ii) 150; and

*Example: the limit on the number of members of the public applies to each seated indoor space at a gallery or museum and each screening room at a cinema.*

- (b) despite paragraph (a), where the facility is a theatre, cinema (except for a drive-in cinema), music hall, concert hall or auditorium, gallery or a museum), State Library, arena, stadium or convention centre or animal facility and the maximum fixed seating capacity for the facility is 600 or more members of the public, the number of members of the public permitted in the facility is limited to 25 per cent of the maximum fixed seating capacity; and
- (c) no more than 20 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
- (d) each member of the public is required to be located at least 1.5 metres away from all members of the public who are not from the same group; and
- (e) where the maximum capacity for the facility is 500 or more, a COVIDSafe Plan for the facility is published on the facility's Internet site; and
- (f) any food and drink facility operates in accordance with clause 12; 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.

*Drive-in cinema*

- (7) A person who owns, controls or operates a drive-in cinema in the State of Victoria may operate the facility if:
  - (a) the cinema is in an outdoor space accessed by **vehicles**; and
  - (b) members of the public are not permitted to be seated outside of their vehicles; and
  - (c) the total number of members of the public permitted in any indoor space or outdoor space is limited to the number permitted by the density quotient; and
    - Note: members of the public are permitted to leave a vehicle to access toilet facilities or a food and drink facility.*
  - (d) where the maximum capacity for the facility is 500 or more, a COVIDSafe Plan for the facility is published on the facility's Internet site; and
  - (e) any food and drink facility operates in accordance with clause 12; 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.

*Amusement park*

- (8) A person who owns, controls or operates a facility in subclause (2)(h) (amusement park) in the State of Victoria may operate the facility if:
  - (a) where the facility operates from a permanent location, the number of members of the public permitted in the facility at any time is limited to 25 per cent of the number permitted by the density quotient; and
  - (b) where the facility operates from a temporary location, the number of members of the public permitted in the facility at any time is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 300; and
  - (c) no more than 50 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
  - (d) the number of members of the public permitted in each indoor space at any time is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 150; and
  - (e) the number of members of the public permitted in each group in each indoor space at any time is limited to the lesser of:

- (i) the number permitted by the density quotient; and
  - (ii) 20; or
- (f) where the maximum capacity for the facility is 500 or more, a COVIDSafe Plan for the facility is published on the facility's Internet site; and
- (g) any food and drink facility operates in accordance with clause 12; and
- (h) each member of the public is required to be located at least 1.5 metres away from all members of the public who are not from the same group; and
- (i) all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility, are made.

### *Casino*

- (9) A person who owns, controls or operates a facility in subclause (2)(i) (casino) in the State of Victoria may operate the facility if:
- (a) the number of members of the public permitted in the facility is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 1000; and
  - (b) the number of members of the public permitted in each group is limited to 20; and
  - (c) in each indoor space operated for the purposes of providing gambling services:
    - (i) the number of members of the public permitted in the indoor space at any time is limited to the lesser of:
      - (A) the number permitted by the density quotient; and
      - (B) 150; and
    - (ii) members of the public are permitted to operate a **gaming machine**, electronic table games and table games only; and
 

*Examples: poker machines are gaming machines, electronic table games include automated, electronic or animated versions of gambling games such as blackjack or roulette and table games include gambling games such as blackjack or roulette.*
    - (iii) no 2 adjacent gaming machines are permitted to be available for use by members of the public at any time; and
 

*Note: where gaming machines are positioned next to each other, at least every second gaming machine must be disabled from game play.*
    - (iv) members of the public remain seated except when moving between gaming machines, electronic table games and table games, using toilets or entering and leaving the facility; and

- (d) 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
- (e) a COVIDSafe Plan for the facility is published on the facility's Internet site; and
- (f) the facility has a COVID Marshal onsite during the operating hours of the facility.

*Retail betting venue*

- (10) A person who owns, controls or operates a retail betting venue in the State of Victoria which is wholly contained within a **licensed premises** may operate the venue if:
  - (a) the number of members of the public permitted in the venue at any time 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 clause 12 (**food and drink facilities**) and this clause.
- (11) A person who owns, controls or operates a retail betting venue in the State of Victoria which is not wholly contained within a licensed premises may operate the venue if:
  - (a) the number of members of the public permitted in the venue at any time 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.

*Gaming machine area*

- (12) A person who owns, controls or operates a gaming machine area in the State of Victoria which is wholly contained within a licensed premises may operate the facility if:
  - (a) the total number of members of the public permitted in all gaming machine areas at any time is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 150; and

*Note: members of the public in a gaming machine area located within a food and drink facility are included within the limits on the numbers of members of the public in the food and drink facility under clause 12.*
  - (b) the number of members of the public permitted in each group is limited to 20; and
  - (c) in each indoor gaming machine area:
    - (i) members of the public are permitted to operate a gaming machine only; and

*Example: poker machines are gaming machines.*

- (ii) no 2 adjacent gaming machines are permitted to be available for use by members of the public at any time; and

*Note: where gaming machines are positioned next to each other, at least every second gaming machine must be disabled from play.*

- (d) 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
- (e) the facility has a COVID Marshal onsite during the operating hours of the gaming machine area.

*Brothel, sex on premises venue or sexually explicit entertainment venue*

(13) A person who owns, operates or controls a brothel or sex on premises venue may operate that facility if:

- (a) the total number of members of the public permitted in the facility at any one time is limited to the lesser of:
  - (i) the number permitted by the density quotient; and
  - (ii) 50; and

*Note 1: the person must also comply with the conditions of any licence held for the purposes of operating a brothel or sex on premises venue, liquor licence or planning permit.*

*Note 2: members of the public in any public or private area of a brothel or sex on premises venue are included in this limit.*

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

(14) A person who owns, operates or controls a sexually explicit entertainment venue may operate that facility if:

- (a) the number of members of the public permitted in the facility at any time is limited to the lesser of:
  - (i) the number permitted by the density quotient; or
  - (ii) 150; and
- (b) no more than 20 members of the public are permitted in the facility per group booking; and
- (c) each member of the public is required to be located at least 1.5 metres away from all members of the public who are not from the same group; and
- (d) members of the public at the facility are served on a seated service basis, and otherwise in accordance with the requirements of clause 12 (**food and drink facilities**) and this clause; and
- (e) all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility, are made.

*Animal facility — treatment, rescue operations*

- (15) Nothing in subclauses (3) to (6) prevents or otherwise affects the operation of a facility in subclause (2)(o) (animal facility) in the State of Victoria to the extent that the facility operates for the purpose of:
- (a) treating or caring for animals; or
  - (b) performing an animal rescue function; or
  - (c) maintaining the facility.

*Karaoke facility*

- (16) A person who owns, controls or operates a facility in subclause (2)(p) (karaoke facility) in the State of Victoria may operate the facility if:
- (a) the number of members of the public permitted in the facility at any time is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 150; and
  - (b) the number of members of the public permitted in each indoor space or outdoor space at any time is limited to the number permitted by the density quotient; and
  - (c) no more than 20 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
  - (d) any food and drink facility operates in accordance with clause 12; and
  - (e) each member of the public is required to be located at least 1.5 metres away from all members of the public who are not from the same group; and
  - (f) all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility, are made.

## **9 Places of worship**

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

*Outdoor religious gatherings or ceremonies*

- (2) A person who owns, controls or operates a place of worship in the State of Victoria may operate the place of worship if:
- (a) the number of members of the public permitted to attend the religious gathering or ceremony in the outdoor space at any time is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 300; and

- (b) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by participants; and
- (c) the religious gathering or ceremony is held in an outdoor space suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
- (d) the religious gathering or ceremony is held in an outdoor space proximate to the place of worship; and
- (e) no wedding or funeral is held indoors or outdoors at or proximate to the place of worship at the same time; and
- (f) no religious gathering or ceremony is held indoors at the place of worship at the same time.

*Indoor religious gatherings or ceremonies*

- (3) A person who owns, controls or operates a place of worship in the State of Victoria may operate the place of worship if:
  - (a) the number of members of the public permitted in the place of worship at any time is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 150; and
  - (b) the number of members of the public permitted in each indoor space is limited to the number permitted by the density quotient; and
  - (c) the space available in each indoor space is suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
  - (d) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by participants; and
  - (e) no wedding or funeral is held indoors or outdoors at or proximate to the place of worship at the same time; and
  - (f) no religious gathering or ceremony is to be held outdoors proximate to the place of worship at the same time.

**10 Restricted retail facilities**

- (1) A person who owns, controls or operates a **restricted retail facility** in the State of Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A **restricted retail facility** means the following:
  - (a) a **beauty and personal care facility**; and
  - (b) a **hairdressing facility**.
- (3) A person who owns, controls or operates a restricted retail facility in the State of Victoria may operate that facility if a client wears a face covering for the duration of the service or procedure, other than:

- (a) when services or procedures that are unable to be provided if the client is wearing a face covering are provided; or
- (b) where the client is exempt from the requirement to wear a face covering in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria) (No 2)**.

*Note: all clients are required to wear a face covering other than whilst receiving services such as facials, face waxing, beard trimming and piercings around the mouth, nose or cheeks or where an exemption applies, in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria) (No 2)**. All persons should ensure that duration of the 'personal services or procedures' exemption is as limited as possible.*

*Examples: a person under the age of 12 years or a person who has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable, is not required to wear a face covering.*

## **11 Pubs, bars, clubs, nightclubs and hotels**

- (1) A person who owns, controls or operates a licensed premises in the State of Victoria may only operate that premises during the restricted activity period in accordance with these directions.
- (2) A **licensed premises** means a business characterised as a pub, bar, club, nightclub or hotel that supplies alcohol under a **general licence**, an **on-premises licence**, a **late night licence**, a **producer's licence** or a **club licence**.
- (3) A person who owns, controls or operates a licensed premises in the State of Victoria may operate that premises for the purposes of:
  - (a) operating a **bottleshop**; or
  - (b) operating a retail betting venue in accordance with clause 8(10); or
  - (c) operating a gaming machine area in accordance with clause 8(12); or
  - (d) operating a karaoke facility in accordance with clause 8(16); or
  - (e) providing food or drink in accordance with clause 12; or
  - (f) providing accommodation in accordance with clause 13.

## **12 Food and drink facilities**

- (1) A person who owns, controls or operates a food and drink facility in the State of Victoria may only operate that facility during the restricted activity period in accordance with 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;
- (g) **food court.**

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

(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 beverages, 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.

#### *Food court*

(4) A person who owns, controls or operates a food court may operate that food court for the purpose of permitting members of the public to consume food or drinks if:

- (a) the number of members of the public permitted in an outdoor space at a food court is limited to the lesser of:
  - (i) the number permitted by the density quotient; and

*Note: the density quotient in the **Workplace Directions (No 10)** permits one person per 2 square metres of area of an outdoor space at a food court.*

- (ii) 500; and
- (b) the number of members of the public permitted in an indoor space at a food court is limited to the lesser of:

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

*Note: the density quotient in the **Workplace Directions (No 10)** permits one person per 8 square metres of area of an indoor space at a food court.*

- (ii) 50 per cent of the maximum fixed seating capacity of the indoor space; and
- (c) where there are multiple food courts in outdoor spaces at a single facility:

- (i) each food court in an outdoor space that is operated is at least 10 metres away from each other food court in an outdoor space; and
- (ii) the maximum number of food courts permitted to operate in an outdoor space is 10.

*Example: a shopping centre with one outdoor food court on the ground level and one on the top level.*

#### **Seated service**

- (5) A person who owns, operates or controls a food and drink facility that is not located inside a food court may operate that facility if:
  - (a) food or drinks service is only to seated members of the public; and
  - (b) the number of members of the public permitted in a food and drink facility (including in all indoor spaces and outdoor spaces) at any time is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 300; and
  - (c) where the total of all indoor spaces at the facility is 200 square metres or more of indoor space accessible to members of the public, the total number of members of the public permitted in all indoor spaces at the facility is limited (with any infant under one year of age not counting in this limit) to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 150; and

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

*Note 2: members of the public in a retail betting venue or gaming machine area in an indoor space of the food and drink facility are included in this limit.*

- (d) where the total of all indoor spaces at the facility is less than 200 square metres of indoor space accessible to members of the public and the facility complies with the **records requirement**:
  - (i) by requiring members of the public to access or use a QR Code, the total number of members of the public permitted in all indoor spaces at the facility is limited (with any infant under one year of age not counting in this limit) to the lesser of:
    - (A) the number calculated by dividing the total of square metres of indoor space accessible to members of the public by 2; and
    - (B) 50; or
  - (ii) otherwise, the total number of members of the public permitted in all indoor spaces at the facility is limited (with any infant under one year of age not counting in this limit) to the lesser of:

- (A) the number permitted by the density quotient; and
- (B) 50.

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

*Note 2: members of the public in a retail betting venue or gaming machine area in an indoor space of the food and drink facility are included in this limit.*

- (e) the total number of members of the public permitted in all outdoor spaces at the facility is limited (with any infant under one year of age not counting in this limit) to the lesser of:
  - (i) the number permitted by the density quotient; and
  - (ii) 300; 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 300 members of the public will apply, subject to the density quotient.*

*Note 3: the density quotient in the **Workplace Directions (No 10)** 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.*

*Note 4: members of the public at an outdoor space of a food and drink facility are permitted to shelter indoors when unable to attain protection in the outdoor space from severe weather, provided they wear a face covering (other than where they are exempt from the requirement to wear a face covering in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria) (No 2)**).*

- (f) a distance between tables is maintained 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).

*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.*

#### *Food and drink facilities — other*

- (6) A person who owns, controls or operates a food and drink facility in the State of Victoria may operate that facility if:
  - (a) it is for the purpose 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) 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 15)** 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
- (c) it is for the purpose of providing food or drink to homeless persons.
- (7) A person who owns, operates or controls a food or drink facility that is permitted to operate under subclause (6)(b)(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.

### 13 Accommodation facilities

- (1) A person who owns, controls or operates an **accommodation facility** in the State of Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (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 in the State of Victoria may operate that facility for the purposes of tourism if:
- (a) each group booking complies with the private gathering limits of the **Stay Safe Directions (Victoria) (No 2)**; and
  - (b) persons from separate bookings do not share bedrooms at the facility; and
  - (c) surfaces accessible in the accommodation facility exclusively to a particular group, including a hotel room or cabin, are cleaned between groups; and
  - (d) any arrangement by members of the public to visit a person or group staying at an accommodation facility complies with the private gathering limits of the **Stay Safe Directions (Victoria) (No 2)**; and
  - (e) the number of members of the public permitted in a communal or shared space (whether indoor or outdoor) is limited to the number permitted by the density quotient (with infants under one year of age not counting towards this limit).

*Accommodation facilities — other*

- (4) A person who owns, controls or operates an accommodation facility in the State of Victoria 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 13)**; or
  - (i) as an exclusive facility for a single school at any one time for educational purposes.

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

## 14 Swimming pools, hydrotherapy pools, chlorinated spas, saunas, steam rooms, and springs

- (1) A person who owns, controls or operates a swimming pool, hydrotherapy pool, chlorinated spa, sauna, steam room or spring in the State of Victoria may only operate the swimming pool, hydrotherapy pool, chlorinated spa, spring and facilities during the restricted activity period in accordance with these directions.

### *Private or personal use*

- (2) A person who owns, controls or operates a swimming pool, hydrotherapy pool, chlorinated spa, sauna, steam room or spring in the State of Victoria may operate the facility for private or personal use.

### *Educational, workplace or professional or high-performance sport purposes*

- (3) A person who owns, controls or operates a swimming pool, hydrotherapy pool, chlorinated spa, sauna, steam room or spring in the State of Victoria may operate the facility for:
- (a) the exclusive use of a single school at any one time for educational purposes; or
  - (b) work-related rehabilitation or physical fitness or training purposes; or  
*Note: paragraph (b) is intended to permit pools and related facilities to operate that are used for work-related rehabilitation or physical fitness or training purposes.*
  - (c) the exclusive use of professional or high-performance sport training or competition.
- (4) A person who operates a swimming pool, hydrotherapy pool, chlorinated spa, sauna, steam room, or spring under subclause (3)(c) 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.

### *Swimming pools, hydrotherapy pools, chlorinated spas, saunas, steam rooms and springs*

- (5) A person who owns, controls or operates a swimming pool, hydrotherapy pool, chlorinated spa, sauna, steam room or spring in the State of Victoria may operate the facility to permit members of the public to use the swimming pool, hydrotherapy pool, chlorinated spa, sauna, steam room or spring and facilities if:
- (a) except where the swimming pool, hydrotherapy pool, chlorinated spa, sauna, steam room or spring is operated in accordance with subclause (6), the number of members of the public permitted at any one time:
    - (i) in all outdoor spaces (including any water or non-water parts) of the facility is limited to the lesser of:
      - (A) the number permitted by the density quotient; and
      - (B) 300; and

- (ii) in all indoor spaces (including any water or non-water parts) of the facility is limited to the lesser of:
  - (A) the number permitted by the density quotient; and
  - (B) 150; and

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

- (b) 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.
- (6) A person who operates an outdoor swimming pool, hydrotherapy pool, chlorinated spa, sauna, steam room or spring under subclause (5) is not required to comply with the limits in subclause (5)(a) if the swimming pool, hydrotherapy pool, chlorinated spa, sauna, steam room, spring and facilities are only available for:
- (a) members of the public participating in community sport in accordance with clause 6; or
    - Note: participation in a community sport includes training for an organised competition.*
  - (b) the exclusive use of a single school at any one time for educational purposes; or
  - (c) the exclusive use of professional or high-performance sport training or competition.

## 15 Real estate inspections and auctions

- (1) An **estate agent** in the State of Victoria may only organise inspections and auctions for the sale or rental of **real estate** in the State of Victoria during the restricted activity period in accordance with these directions.
- (2) An estate agent may organise inspections and auctions for the sale or rental of real estate in the State of Victoria if:
  - (a) subject to subclause (3), any inspection by members of the public for the purpose of the prospective sale or rental of real estate is arranged by prior appointment and the number of members of the public permitted to attend the appointment is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 20; and
  - (b) subject to subclause (3), the number of members of the public in an indoor space at any time is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 20; and
  - (c) an auction is wholly conducted in an outdoor space; and

- (d) subject to subclause (3), the number of members of the public permitted to attend an auction in an outdoor space in person is limited to the lesser of:
  - (i) the number permitted by the density quotient; and
  - (ii) 50.
- (3) Each of the following persons do not count towards the limits in subclause (2)(a), (b) and (d):
  - (a) the owners or residents of the property; and
  - (b) the minimum number of persons required to conduct the inspection or auction; and
  - (c) any infant under one year of age.

## 16 Tourism services

- (1) A **tourism operator** in the State of Victoria may only organise and operate **tourism services** in the State of Victoria during the restricted activity period in accordance with these directions.

### *Enclosed vehicles*

- (2) A tourism operator who organises and operates tourism services in the State of Victoria may operate or permit members of the public to operate an enclosed vehicle for the purpose of providing tourism services to members of the public if the number of members of the public permitted in the vehicle at any time is limited to 20 (with any infant under one year of age not counting in this limit).

### *Open vehicles*

- (3) A tourism operator who organises and operates tourism services in the State of Victoria may operate or permit members of the public to operate an open-air vehicle for the purpose of providing tourism services to members of the public if:
  - (a) the vehicle either has no roof, or has a roof and at least 2 sides of the vehicle are open to airflow at all times; and
  - (b) the number of members of the public permitted in the vehicle at any time is limited to 50 (with any infant under one year of age not counting in this limit).

### *Tourism services — outdoor spaces*

- (4) A tourism operator who organises and operates tourism services in the State of Victoria may operate and provide licensed tourism services to members of the public in an outdoor space if:
  - (a) the number of members of the public permitted in each tour group is limited to 50 (with any infant under one year of age not counting in this limit); and
  - (b) the tourism services are not provided by more than the minimum number of persons required; and



*Note: the minimum number of persons required to provide the tourism services is in addition to the limits in paragraph (b).*

- (c) no more than one tour group attends the same outdoor space at any one time, except where a reasonable distance between tour groups can be maintained at all times; and
- (d) the outdoor space is suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
- (e) if any shared equipment is to be used, it must be cleaned between each use; and
- (f) if any communal equipment is to be used, it must be cleaned between tour groups and not shared between members of the public in a tour group.

*Tourism services — indoor spaces*

(5) A tourism operator who organises and operates tourism services in the State of Victoria may operate and provide tourism services to members of the public in an indoor space if:

- (a) subject to paragraph (c), the number of members of the public permitted in each tour group is limited to 20 (with any infant under one year of age not counting in this limit); and
- (b) the tourism services are not provided by more than the minimum number of persons required; and

*Note: the minimum number of persons required to provide the tourism services is in addition to the limits in paragraph (a).*

- (c) the tourism services are conducted in accordance with:
  - (i) these directions as they apply to the facility where the tourism services are being conducted; and

*Example: a tourism service conducted in a gallery will need to comply with the requirements in clause 8.*

- (ii) the **Stay Safe Directions (Victoria) (No 2)**; and
- (d) no more than one tour group attends the same indoor space at any one time, except where a reasonable distance between tour groups can be maintained at all times; and
- (e) the indoor space is suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
- (f) if any shared equipment is to be used, it must be cleaned between each use; and
- (g) if any communal equipment is to be used, it must be cleaned between tour groups and not shared between members of the public in a tour group.

*Note: all persons being provided with tourism services at an indoor space are required to wear a face covering unless an exemption applies, in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria) (No 2)**. All persons should ensure that the duration of any exemption is as limited as possible.*

## **17 Creative arts facilities**

- (1) A person who owns, controls or operates a creative arts facility in the State of Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A **creative arts facility** means any of the following, whether operated on a for profit or not-for-profit basis:
  - (a) an art studio;
  - (b) a ceramics studio;
  - (c) a music room or studio;
  - (d) a rehearsal room or studio;but does not include:
  - (e) a **physical recreation facility**;
  - (f) a community facility;
  - (g) a place of worship.

### *Indoor creative arts facility – total indoor spaces of less than 80 square metres*

- (3) A person who owns, controls or operates a creative arts facility in the State of Victoria where the total of all indoor spaces at the facility is less than 80 square metres of indoor space accessible to members of the public, may operate that facility for use by members of public if:
  - (a) activities are conducted in an indoor space; and
  - (b) the number of members of the public permitted in the facility at any time is limited to the lesser of:
    - (i) the number calculated by dividing the total publicly accessible area of the indoor space (measured in square metres) by 2; and
    - (ii) 20; and
  - (c) the number of members of the public permitted in each indoor space and in each group, class or session at any time is limited to the lesser of:
    - (i) the number calculated by dividing the total publicly accessible area of the indoor space (measured in square metres) by 2; and
    - (ii) 20; and
  - (d) 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

- (e) any shared equipment that is used is cleaned between each user; and
- (f) there is no physical contact, other than in an emergency, between a member of the public and any other person otherwise permitted to attend the facility.

*Note: all persons at an indoor creative arts facility are required to wear a face covering unless an exemption applies, in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria) (No 2)**. All persons should ensure that the duration of any exemption is as limited as possible.*

*Indoor creative arts facility – total indoor spaces of 80 square metres or more*

- (4) A person who owns, controls or operates a creative arts facility in the State of Victoria, where the total of all indoor spaces at the facility is 80 square metres or more of indoor space accessible to members of the public may operate that facility for use by members of public if:
  - (a) activities are conducted in an indoor space; and
  - (b) the number of members of the public permitted in the facility at any time is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 150; and
  - (c) the number of members of the public permitted in each indoor space and in each group, class or session at any time is limited to the lesser of:
    - (i) the number permitted by the density quotient; and
    - (ii) 20; and
  - (d) 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
  - (e) any shared equipment that is used is cleaned between each user; and
  - (f) there is no physical contact, other than in an emergency, between a member of the public and any other person otherwise permitted to attend the facility.

*Note: all persons at an indoor creative arts facility are required to wear a face covering unless an exemption applies, in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria) (No 2)**. All persons should ensure that the duration of any exemption is as limited as possible.*

*Outdoor creative arts facility*

- (5) A person who owns, controls or operates a creative arts facility in the State of Victoria may operate that facility for use by members of public if:
  - (a) activities are conducted in an outdoor space; and
  - (b) the number of members of the public permitted in the outdoor space at any time is limited to the lesser of:
    - (i) the number permitted by the density quotient; and

- (ii) 150; and
- (c) the number of members of the public permitted in each group, class or session at any time is limited to 50 (with any infant under one year of age not counting in this limit); or
- (d) the outdoor space is suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
- (e) the outdoor space is suitable to ensure a reasonable distance can be maintained between each group, class or session at all times; and
- (f) if any shared equipment is to be used, it must be cleaned between each use.

## 18 Public Events

(1) For the purpose of this clause:

- (a) **eligible public event** means an organised public gathering for a common purpose on a for profit or not-for-profit basis which is:
  - (i) an event:
    - (A) conducted on a one-off or periodic basis; and
    - (B) open to members of the public; and
    - (C) that may be subject to specific licences, approvals or permits; and

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

- (D) publicly announced or advertised; or
- (ii) an event deemed by the Victorian Government to be a State-critical public event,

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

but does not mean:

- (iii) an ad hoc public gathering in a public place;
- (iv) a private or public gathering of members of the public in a facility, venue, indoor space or outdoor space for routine operations, use, activities or services of the facility, venue or space;

*Note: most of the routine, ordinary, day-to day operations of a facility or venue (including any indoor space or outdoor space) are expected to remain subject to the requirements in these directions, including clause 12 (food and drink facilities).*

- (v) a private gathering;
- (vi) a wedding, funeral or end of life activity;
- (vii) a routine religious gathering or ceremony,

to which these directions and the **Stay Safe Directions (Victoria) (No 2)** otherwise continue to apply.

- (b) **exempt public event** means an eligible public event which, subject to the process described in the **Public Event Framework**, the Chief Health Officer or Deputy Chief Health Officer has exempted from a requirement in the Directions currently in force in accordance with subclause (3); and
  - (c) **Public Event Framework** means the Public Event Framework available at [www.coronavirus.vic.gov.au/public-events](http://www.coronavirus.vic.gov.au/public-events), as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer.
- (2) A person who arranges to meet, or organises or intentionally attends a public gathering for a common purpose in a public place is not required to comply with the requirements of the Directions currently in force in respect of such a public gathering:
- (a) if the public gathering is an **exempt public event**; and
  - (b) to the extent of an exemption granted under subclause (3) (including any conditions on an exemption).
- (3) The Chief Health Officer or Deputy Chief Health Officer may exempt an **eligible public event** (or class of eligible public events) from any requirement of the Directions currently in force if satisfied that the exemption is appropriate, having regard to:
- (a) the need to protect public health; and
  - (b) the principles in sections 5 to 10 of the PHW Act, as appropriate.
- (4) An exemption under subclause (3):
- (a) must be given in writing; and
  - (b) must be published at [www.coronavirus.vic.gov.au/public-events](http://www.coronavirus.vic.gov.au/public-events); and
  - (c) must specify each requirement in the Directions currently in force to which, subject to paragraph (d), an exemption is granted; and
  - (d) may impose conditions on an exemption.
- (5) An exemption under subclause (3) does not prevent:
- (a) the Chief Health Officer or Deputy Chief Health Officer exercising any power the Chief Health Officer or Deputy Chief Health Officer is authorised to exercise under the PHW Act; or
  - (b) an authorised officer from exercising any power the authorised officer is authorised to exercise under the PHW Act, including ensuring compliance with:
    - (i) the extent of an exemption granted under subclause (3) (including any conditions on an exemption); or
    - (ii) the requirements of all other Directions currently in force.

## 19 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.

## 20 Other definitions

For the purposes of these directions:

- (1) **accommodation facility** has the meaning in clause 13(2);
- (2) **animal facility** means the following:
  - (a) a **zoological park**;
  - (b) a wildlife centre;
  - (c) a petting zoo;
  - (d) an aquarium;
  - (e) an animal farm that is not being operated for the purpose of producing food;
- (3) **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;
- (4) **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**;
- (5) **bottleshop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the premises;
- (6) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (7) **cardio or strength training facility** means a facility used predominantly for cardio, weight or strength training, including any cardio or strength training facility located wholly or partly within any other facility (including a physical recreational facility);
- (8) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (9) **childcare facility** means a facility providing a **childcare or early childhood service**;
- (10) **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;
- (11) **cleaned** has the same meaning as in the **Workplace Directions (No 10)**;
- (12) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (13) **community facility** has the meaning in clause 7(2);
- (14) **COVID Marshal** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions (No 13)**;
- (15) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions (No 10)**;
- (16) **creative arts facility** has the meaning in clause 17(2);
- (17) **density quotient** has the same meaning as in the **Workplace Directions (No 10)**;
- (18) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (19) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Victoria) (No 2)**;
- (20) **entertainment facility** has the meaning in clause 8(2);
- (21) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (22) **face covering** has the same meaning as in the **Workplace Directions (No 10)**;
- (23) **fatigue-regulated heavy vehicle** has the same meaning as in the **Heavy Vehicle National Law (Victoria)**;
- (24) **food and drink facility** has the meaning in clause 12(2);
- (25) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (26) **gaming machine** has the same meaning as in the **Gambling Regulation Act 2003**;
- (27) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (28) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (29) **hairdressing** has the same meaning as in the PHW Act;
- (30) **hairdressing facility** means a business that is registered as a business of **hairdressing** under the PHW Act;
- (31) **hospital** has the same meaning as in the **Hospital Visitor Directions (No 15)**;

- (32) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (33) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are temporary (in a **physical recreational facility**, **food and drink facility** or **creative arts facility** only) or permanent structures rising either from floor to ceiling or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are open or closed;
- (34) **karaoke facility** means a facility used predominately for karaoke by members of the public;
- Example: a facility with private rooms for use by members of the public for karaoke is a karaoke facility. A bar with one open karaoke stage is not a karaoke facility.*
- (35) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (36) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (37) **licensed premises** has the meaning in clause 11(2);
- (38) **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;
- (39) **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 professional sport events.*
- (40) **occupancy permit** means an occupancy permit issued in accordance with the **Building Act 1993**;
- (41) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (42) **outdoor space** means a space that is not an **indoor space**;
- (43) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (44) **physical recreational facility** has the meaning in clause 5(2);
- (45) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (46) **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**;
- (47) **playground** means publicly accessible outdoor play equipment in a public park;
- (48) **premises** has the same meaning as in the PHW Act;



- (49) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (50) **real estate** has the same meaning as in **the Estate Agents Act 1980**;
- (51) **records requirement** has the same meaning as in the **Workplace Directions (No 10)**;
- (52) **residential aged care facility** has the same meaning as in the **Care Facilities Directions (No 17)**;
- (53) **restricted activity period** has the meaning in clause 4;
- (54) **restricted retail facility** has the meaning in clause 10(2);
- (55) **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;
- (56) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (57) **seated outdoor space** means an **outdoor space** with fixed seating;
- (58) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (59) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (60) **sexually explicit entertainment venue** means a venue at which **sexually explicit entertainment** is provided;
- (61) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (62) **State Library** means the State Library Victoria;
- (63) **tourism operator** means a person:
  - (a) granted a tour operator licence under:
    - (i) section 21B of the **Crown Land (Reserves) Act 1978**; or
    - (ii) section 57F of the **Forests Act 1958**; or
    - (iii) section 140I of the **Land Act 1958**; or
    - (iv) section 27D of the **National Parks Act 1975**; or
    - (v) section 21B of the **Wildlife Act 1975**;
  - (b) providing a tour of an **entertainment facility**;
- (64) **tourism services** means an activity, guided tour or recreation programme conducted or coordinated by an employee or officer of a **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, or a guided tour of a museum or gallery;
- (65) **vehicle** has the same meaning as in the PHW Act;

- (66) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (67) **Work Premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- (68) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

## 21 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.

22 November 2020