

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

Restricted Activity Directions (Victoria)

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 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 (Non-Melbourne) (No 11)** and the **Restricted Activity Directions (Melbourne)** to unify the restrictions on activities across the State of Victoria.

2 Citation

These directions may be referred to as the **Restricted Activity Directions (Victoria)**.

3 Revocation

The **Restricted Activity Directions (Non-Melbourne) (No 11)** and the **Restricted Activity Directions (Melbourne)** are revoked at 11:59:00pm on 8 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 8 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** or chlorinated spa; 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 activities for persons aged 19 years and over

(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 by members of the public aged 19 years and over if:

(a) all indoor physical recreation is conducted at the facility (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 facility at any time is limited to the lesser of:
 - (i) the number calculated by dividing the aggregate publicly accessible area of all indoor spaces in the facility (measured in square metres) by 8; 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 8; and
 - (ii) 10; and
- (d) only one class or session commences at any given time and that time is at least 15 minutes after any other class or session has commenced; and
- (e) 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
- (f) any shared equipment is used, it must be **cleaned** between users; and
- (g) 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; and
- (h) 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)**. 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, personal training facility or cardio or strength training facility — indoor activities for persons aged 18 years and under

- (4) A person who owns, controls or operates a facility under subclause (2)(a) (indoor sport or physical recreational facility) or (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 and indoor community sport (in accordance with clause 6(2)) by members of the public aged 18 years and under if:

- (a) all indoor physical recreation and indoor community sport is conducted at the facility (and not at a member of the public's ordinary place of residence); and
- (b) all indoor physical recreation or indoor community sport is **non-contact**; and
- (c) 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) 20; and
- (d) to the extent the facility is used by a child or infant who is:
 - (i) unable to participate independently or is otherwise required to participate with or be supervised by a carer, parent or guardian; or
 - (ii) able to participate 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 with that child or infant; and

Note: if a person permitted to attend the facility under paragraph (d) 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 attend the facility under paragraph (d) without the child or dependant, then the child or dependant may accompany the person when attending the facility in accordance with paragraph (d).

- (e) 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
- (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.

Indoor sport or physical recreation facility, outdoor sport or physical recreation facility, personal training facility or cardio or strength training facility — outdoor activities

- (5) 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 or outdoor community sport by members of the public if:
 - (a) all physical recreation and 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 10 unless:

- (i) paragraph (c)(ii) (same ordinary place of residence) applies; or
- (ii) clause 6 (community sport) applies; or
- (iii) 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 10 people, so long as a reasonable distance can be maintained at all times.

- (c) the number of members of the public permitted in each group, class or session in the outdoor space at any time is limited to:
 - (i) 10 (with any infant under one year of age not counting in this limit); or
 - (ii) all persons in the group, class or session having the same ordinary place of residence; 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) any shared equipment is used, it must be cleaned between users.

Physical recreation facility for educational, workplace or professional or high performance sport purposes

- (6) A person who owns, controls or operates a physical recreational facility in the State of Victoria may operate that facility if it is operated 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 physical recreational 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.
- (7) A person who operates a facility under subclause (6)(c) must:
 - (a) only permit a person to attend the facility if the person is necessary for the management or maintenance of the facility or necessary for the professional or high performance sport training or competition; and

Examples: coaching staff of a professional or high performance sport team and persons necessary and employed or engaged in the management or maintenance of the facility are permitted to attend.

Note: spectators are not necessary and not permitted to attend.
 - (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.

Play centre

- (8) A person who owns, controls or operates a facility under subclause (2)(e) (play centre) 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) 20; and
 - (b) 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) 10; and
 - (c) to the extent the facility is used by a child or infant who is:
 - (i) unable to participate independently or is otherwise required to participate with or be supervised by a carer, parent or guardian; or
 - (ii) able to participate 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 with that child or infant; and

Note: if a person permitted to attend the facility under paragraph (c) 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 attend the facility under paragraph (c) without the child or dependant, then the child or dependant may accompany the person when attending the facility in accordance with paragraph (c).

Indoor skatepark for persons aged 18 years and under

- (9) A person who owns, controls or operates a facility under subclause (2)(f) (skatepark) in the State of Victoria may operate that facility for the purpose of indoor physical recreation by members of the public aged 18 years and under 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) 20; and
 - (b) 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) 10; and

- (c) to the extent the facility is used by a child or infant who is:
- (i) unable to participate independently or is otherwise required to participate with or be supervised by a carer, parent or guardian; or
 - (ii) able to participate 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 with that child or infant; and

Note: if a person permitted to attend the facility under paragraph (c) 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 attend the facility under paragraph (c) without the child or dependant, then the child or dependant may accompany the person when attending the facility in accordance with paragraph (c).

- (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.

Indoor trampolining centre for persons aged 18 years and under

(10) A person who owns, controls or operates a facility under subclause (2)(g) (trampolining centre) in the State of Victoria may operate that facility for the purpose of indoor physical recreation by members of the public aged 18 years and under 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) 20; and
- (b) to the extent the facility is used by a child or infant who is:
- (i) unable to participate independently or is otherwise required to participate with or be supervised by a carer, parent or guardian; or
 - (ii) able to participate 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 with that child or infant; and

Note: if a person permitted to attend the facility under paragraph (b) 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 attend the facility under paragraph (b) without the child or dependant, then the child or dependant may accompany the person when attending the facility in accordance with paragraph (b).

- (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.

6 Community sport

Persons aged 19 years or over

- (1) A person aged 19 years or over may only participate in a community sport in the State of Victoria if:
 - (a) it is conducted outdoors; and
 - (b) it is non-contact; and
 - (c) no more than the minimum number of members of the public required to conduct the sport participate in the activity; and
 - (d) no more than 10 members of the public participate for individual events.

Example: running and cycling are individual events.

Note 1: a reference in this subclause 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.

Persons aged 18 years or under

- (2) A member of the public aged 18 years or under may only participate in a community sport in the State of Victoria if:
 - (a) all members of the public participating in a group are aged 18 years or under; and
 - (b) subject to clause 5(4)(c), no more than the minimum number of members of the public required to conduct the sport participate in the activity; and

Example: if cricket is played in an outdoor space, it may be played with 2 teams of 11 players and the necessary coaching personnel and umpires. If cricket is played in an indoor physical recreational facility or personal training facility, the limits in clause 5(4)(c) apply.

- (c) no more than 10 members of the public participate for individual events.

Example: running and cycling are individual events.

Note 1: a reference in this subclause to members of the public participating is not intended to apply to a referee or trainer or one carer, parent or guardian of a child

or dependant required to supervise the child or dependant or one carer, parent or guardian of a person with a disability.

Note 2: if a person permitted to supervise 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 supervise without the child or dependant, then the child or dependant may accompany the person when supervising.

(3) A member of the public aged 18 years or under may only participate in a community sport in the State of Victoria that involves at least one participant aged 19 years or over if:

- (a) it is conducted outdoors; and
- (b) it is non-contact; and
- (c) no more than the minimum number of members of the public required to conduct the sport participate in the activity; and

Example: cricket may be played with 2 teams of 11 players and the necessary coaching personnel and umpires.

- (d) no more than 10 members of the public participate for individual events.

Example: running and cycling are individual events.

Note 1: a reference in this subclause to members of the public participating is not intended to apply to a referee or trainer or one carer, parent or guardian of a child or dependant required to participate with or supervise the child or dependant or one carer, parent or guardian of a person with a disability.

Note 2: if a person permitted to participate or supervise 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 they 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; or
 - (h) a physical recreational facility; or
 - (i) a swimming pool, hydrotherapy pool or chlorinated spa.
- (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)**, 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)**; and
 - (c) 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) 20; and
 - (d) 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) 10.
- (4) Despite subclause (3), a person who operates a community facility for the purpose of hosting an essential support group is not required to comply with the limits in subclause (3)(d).
- (5) 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 our outside school hours care at any one time for educational purposes,
- is not required to comply with the limits in subclause (3)(c) or (3)(d).

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**.

Broadcast of a performance

- (3) A person who owns, controls or operates an entertainment facility in the State of Victoria may operate that facility for the purpose of allowing a performance to occur at the **premises**, if:
 - (a) the performance is to be broadcast (live or otherwise) via electronic means; and
 - (b) the only persons permitted to attend the facility are those necessary for the performance and the broadcasting of that performance to occur.

Non-seated outdoor space

- (4) 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) 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) 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 (6); and

- (c) 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 prior to the first opening of the facility; and
- (d) any food and drink facility operates in accordance with clause 12; and
- (e) any music is provided in accordance with clause 19; 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

- (5) 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) 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; or
 - (ii) 25 per cent 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 (6); and
 - (c) each 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 (Victoria)**; and
 - (d) any food and drink facility operates in accordance with clause 12; and
 - (e) any music is provided in accordance with clause 19; 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.

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) or (2)(o) (animal facility) in the State of Victoria may operate an indoor space in the facility if:

- (a) 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) 20; 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) no 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) only one session, screening, performance commences at any given time and that time is at least 30 minutes after any other session, screening or performance has commenced; 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) any food and drink facility operates in accordance with clause 12; and
- (f) any music is provided in accordance with clause 19; 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.

Arena or stadium for educational or professional or high performance sport purposes or a professional sport event

- (7) A person who owns, controls or operates an arena or stadium in the State of Victoria may operate that facility for:
 - (a) the exclusive use of a single school at any one time for educational purposes; or
 - (b) the exclusive use of professional or high performance sport training or competition; or
 - (c) a professional sport event.
- (8) A person who operates a facility under subclause (7)(b) must:
 - (a) only permit a person to attend the facility if the person is necessary for the management or maintenance of the facility or necessary for the professional or high performance sport training or competition; and

Examples: coaching staff of a professional or high performance sport team and persons necessary and employed or engaged in the management or maintenance of the facility are permitted to attend.

Note: spectators are not necessary and not permitted to attend.

- (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.

- (9) A person who operates a facility under subclause (7)(c) must:
- (a) only permit a person to attend the facility if the person is necessary for the management or maintenance of the facility, the conduct of the professional sport event or the broadcasting of the professional sport event; and

Examples: only those persons necessary and employed or engaged in the management or maintenance of the facility, the conduct of the professional sport event or the broadcasting of the professional sport event are permitted to attend a professional sport event.

Note: spectators are not necessary and not permitted to attend a professional sport event.

- (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.

Drive-in cinema

- (10) 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) 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; 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 prior to the first opening of the facility; and
 - (e) any food and drink facility operates in accordance with clause 12; and
 - (f) any music is provided in accordance with clause 19; 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.

Casino

- (11) A person who owns, controls or operates a casino in the State of Victoria may operate the facility if:
- (a) the number of indoor spaces operated for the purpose of providing gambling services to members of the public is limited to 10; and
 - (b) 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) 10; and

- (ii) members of the public are permitted to operate a **gaming machine** and an electronic table game only; and

Examples: poker machines are gaming machines and electronic table games include automated, electronic or animated versions of 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) smoking is not permitted; and

- (c) the maximum duration any member of the public is permitted in the facility is 90 minutes, once per day; 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) the facility has a COVID Marshal onsite during the operating hours of the facility.

Retail betting venues

- (12) 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.

- (13) 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 areas

- (14) 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 maximum duration of the operation of a gaming machine area is 16 hours, once per day; and
- (b) 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) 10; 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.

- (c) in each indoor gaming machine area:
 - (i) members of the public are permitted to operate a gaming machine only; and

Examples: 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 maximum duration any member of the public is permitted in the facility is 90 minutes, once per day; and
- (e) 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
- (f) the facility has a COVID Marshal onsite during the operating hours of the gaming machine area.

Animal facilities — treatment, rescue operations

(15) Nothing in subclauses (3) to (6) prevents or otherwise affects the operation of an animal facility in the State of Victoria to the extent that the animal facility operates for the purpose of:

- (a) treating or caring for animals; or
- (b) performing an animal rescue function; or
- (c) maintaining the animal facility.

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.

(2) A person who owns, controls or operates a place of worship in the State of Victoria may operate that place of worship for the purposes of:

- (a) hosting a wedding or funeral, if that wedding or funeral complies with the requirements of the **Stay Safe Directions (Victoria)**; or
- (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 in accordance with subclause (3);
or

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

- (d) conducting outdoor religious gatherings or ceremonies in accordance with subclause (4); or

Examples: mass, Eucharist, blessings.

- (e) conducting indoor religious gatherings or ceremonies in accordance with subclause (5).

Examples: mass, Eucharist, blessings.

Note: operations permitted at a place of worship under subclause (2) are not permitted to be provided as a service at a person's ordinary place of residence.

Indoor essential support groups

- (3) A person who owns, controls or operates a place of worship in the state of Victoria may operate the place of worship under subclause (2)(c) (essential support groups) 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) 20.

Outdoor religious gatherings or ceremonies

- (4) A person who owns, controls or operates a place of worship in the State of Victoria may operate the place of worship under subclause (2)(d) (outdoor religious gathering or ceremony) if:
 - (a) up to a maximum of 50 members of the public are permitted to attend the religious gathering or ceremony; and
 - (b) in addition to the maximum of 50 members of the public, one **religious practitioner** employed or otherwise engaged by a **religious institution** attends in order to lead the outdoor religious gathering or ceremony; and
 - (c) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by participants; 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 under subclause (2)(a) 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 under subclause (2)(e) at the same time.

Indoor religious gatherings or ceremonies

- (5) A person who owns, controls or operates a place of worship in the State of Victoria may operate the place of worship under subclause (2)(e) (indoor religious gatherings or ceremonies) 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) 20; and
- (b) the number of members of the public permitted in each **indoor zone** or each indoor space not consisting of any indoor zones is limited to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 10; and
- (c) the space available in each indoor space is suitable to ensure:
 - (i) members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
 - (ii) each group is reasonably capable of maintaining a distance of 5 metres from each other group; and

Note: up to 20 members of the public in multiple groups of up to 10 may attend a religious gathering or ceremony in a single indoor space of a place of worship, provided that the indoor space is suitable to meet the density quotient for the number of people in attendance and each group is able to maintain a distance of at least 5 metres from each other.
- (d) in addition to the number of members of the public permitted under paragraph (b):
 - (i) one religious practitioner employed or otherwise engaged by a religious institution must attend the place of worship in order to lead the indoor religious gathering or ceremony; and
 - (ii) any other religious practitioner employed or otherwise engaged by a religious institution may attend the place of worship only if such person is necessary for conducting the religious gathering or ceremony at the place of worship; and
- (e) the maximum duration of any religious gathering or ceremony is 90 minutes; and
- (f) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by participants; and
- (g) no wedding or funeral is held indoors or outdoors under paragraph (a) at or proximate to the place of worship at the same time; and
- (h) no religious gathering or ceremony is to be held outdoors under subclause (2)(e) 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) the person only provides services or procedures that would be able to be provided if the client is wearing a face covering; 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) a client wears a face covering for the duration of the service or procedure, other than 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)**; and

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.
 - (c) the person does not provide services or procedures at a member of the public's ordinary place of residence.

Note: a person may operate a restricted retail facility from a vehicle to provide services and procedures, provided the person does not enter residential premises.

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(12); or
 - (c) operating a gaming machine area in accordance with clause 8(14); or
 - (d) providing food or drink in accordance with clause 12; or
 - (e) providing accommodation in accordance with clause 13; or
 - (f) providing a venue for music in accordance with clause 19.

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
 - (ii) 50; 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 calculated by dividing the total publicly accessible area of the indoor space (measured in square metres) by 8; and
 - (ii) 25 per cent of the maximum fixed seating capacity of the food court
- (c) the number of members of the public permitted at each table in an indoor space at a food court is limited to 2 (with any child or dependant in the presence of a carer, parent or guardian not counting in this limit); and
- (d) the number of members of the public permitted at each table (or group of tables) in an outdoor space at a food court is limited to 10 (with any child or dependant in the presence of a carer, parent or guardian not counting in this limit); and
- (e) 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 4; and
- Example: a shopping centre with one outdoor food court on the ground level and one on the top level.*
- (f) any music is provided in accordance with clause 19.

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) no 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) 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) 40; 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) the number of members of the public permitted in each indoor zone or each indoor space not consisting of any indoor zones is limited to the lesser of:

- (i) the number permitted by the density quotient; and
 - (ii) 10; and
- (e) each member of the public in an indoor zone is seated a minimum of 5 metres from any member of the public seated in any adjacent indoor zone; and

Example: a single indoor space at a brewery hall of 160 square metres or more is large enough in accordance with the density quotient to cater for the maximum 40 members of the public. This indoor space may be split into indoor zones in which up to 10 members of the public (excluding infants under one year of age) may be seated, so long as each member of the public is seated at least 5 metres away from any member of the public seated in an adjacent indoor zone. The number of members of the public in each indoor zone may consist of multiple unrelated group bookings.

- (f) 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) 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 9)** 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)**).*

- (g) 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 14)** 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 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 any other child or dependant, and the person cannot access any alternative care arrangements (whether on a paid or voluntary basis) or leave the child or dependant unattended so that the person can use the accommodation facility without the child or dependant, then the child or dependant may accompany the person when using the accommodation facility.
 - (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.

Alpine resort tourism

- (4) In addition to the requirements set out in subclause (3), a person who owns, controls or operates an accommodation facility in the State of Victoria with shared kitchen or bathroom facilities located at an **alpine resort**, may operate that facility for the purposes of tourism if:
 - (a) where 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) where 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) 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; and
- (d) no more than 20 members of the public are permitted to stay in the facility at any time.

Alpine resort employees

- (5) 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 to persons who are employees of businesses located within an alpine resort if:
 - (a) where 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) where 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.

Accommodation facilities — other

- (6) 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 and chlorinated spas

- (1) A person who owns, controls or operates a swimming pool, hydrotherapy pool or chlorinated spa in the State of Victoria may only operate the swimming pool, hydrotherapy pool, chlorinated spa 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 or chlorinated spa in the State of Victoria that is not open to members of the public 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 or chlorinated spa 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 or chlorinated spa under subclause (3)(c) must:
 - (a) only permit a person to attend the facility if the person is necessary for the management or maintenance of the facility or necessary for the professional or high performance sport training or competition; and

Examples: coaching staff of a professional or high performance sport team and persons necessary and employed or engaged in the management or maintenance of the facility are permitted to attend.

Note: spectators are not necessary and not permitted to attend.

- (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.

Outdoor swimming pools, hydrotherapy pools and chlorinated spas

- (5) A person who owns, controls or operates an outdoor swimming pool, hydrotherapy pool or chlorinated spa in the State of Victoria may operate the facility to permit members of the public to use the swimming pool, hydrotherapy pool, chlorinated spa and facilities if:
 - (a) no access is permitted to saunas within the facility; and
 - (b) except where the swimming pool, hydrotherapy pool or chlorinated spa is operated in accordance with subclause (6), the number of members of the public permitted at any one time in any water or non-water part of the facility is limited to the lesser of:
 - (i) 50 in any swimming pool, hydrotherapy pool or chlorinated spa; and
 - (ii) in respect of the water and non-water parts of the facility, the number permitted by the density quotient; and

Note 1: persons in and around outdoor swimming pools 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.

- (c) 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 or chlorinated spa under subclause (5) is not required to comply with the limits in subclause (5)(b) if the swimming pool, hydrotherapy pool, chlorinated spa 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.
 - (7) A person who operates a facility under subclause (6) must not permit spectators to attend 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.

Indoor swimming pools, hydrotherapy pools and chlorinated spas

- (8) A person who owns, controls or operates an indoor swimming pool, hydrotherapy pool or chlorinated spa in the State of Victoria may operate the facility to permit members of the public to use the swimming pool, hydrotherapy pool, chlorinated spa and facilities if:
- (a) no access is permitted to saunas within the facility; and
 - (b) except where the swimming pool, hydrotherapy pool or chlorinated spa is operated in accordance with subclause (9), the number of members of the public permitted at any one time in in any water or non-water part of the facility is limited to the lesser of:
 - (i) 20 in any swimming pool, hydrotherapy pool or chlorinated spa; and
 - (ii) in respect of the water and non-water parts of the facility, the number permitted by the density quotient.

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

Note 2: indoor hot springs cannot be used.

- (9) A person who owns, controls or operates an indoor swimming pool, hydrotherapy pool or chlorinated spa under subclause (8) is not required to comply with the limits in subclause (8)(b) if the swimming pool, hydrotherapy pool, chlorinated spa 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.
- (10) A person who operates a facility under subclause (9) must not permit spectators to attend 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.

15 Real estate auctions and inspections

- (1) During the restricted activity period, in the State of Victoria, 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 (Victoria)**.
- (2) An estate agent that arranges an auction or inspection in accordance with subclause (1) during the restricted activity period must not permit the number of members of the public in an indoor space to exceed the number permitted by the density quotient.

16 Education and childcare facilities

School and educational facilities

- (1) A person who owns, controls or operates a school or educational facility in the State of Victoria 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 State of Victoria 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 is enrolled to attend any primary or secondary school in the State of Victoria) and
 - (b) **higher education services** onsite if they are provided to a person who ordinarily resides in the State of Victoria where it is not reasonably practicable for the person to obtain the 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 State of Victoria may operate that facility for the purposes of providing services to any parent or guardian.

17 Licensed tourism services

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

Enclosed vehicles

- (2) A licensed tourism operator who organises and operates **licensed 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 licensed tourism services to members of the public if:

- (a) where the members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other inside the vehicle, the number of members of the public permitted in the vehicle at any time is limited to 10 (with any infant under one year of age not counting in this limit); and
- (b) where members of the public are not reasonably capable of maintaining a distance of 1.5 metres from each other inside the vehicle, the number of members of the public permitted in the vehicle at any time is limited to:
 - (i) those persons who ordinarily reside together and any other persons with whom those people are in an intimate personal relationship; and
 - (ii) 2 other persons; and
 - (iii) if a person referred to in subparagraph (ii) is a parent, guardian or carer of a 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 receive the licensed tourism services without the child or dependant, the child or dependant; and
- (c) the maximum duration members of the public are permitted to be in the vehicle is 30 minutes;

Note: 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.

Outdoor licensed tourism services

- (3) A licensed tourism operator who organises and operates licensed tourism services in the State of Victoria may operate and providing licensed tourism services to members of the public if:
 - (a) except to the extent permitted under subclause (2)(a) and (4), 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: 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 permitted to attend each tour is limited to:
 - (i) 10 (with any infant under one year of age not counting in this limit); or
 - (ii) all persons in the tour having the same ordinary place of residence; and

- (c) the 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 limits in subclause (3)(b).

- (d) no more than one tour group attends the same outdoor space at any one time, except where a reasonable distance between groups can be maintained at all times; and
- (e) 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
- (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 tours and not shared between members of the public in a tour group.

*Note: all persons being provided with licensed tourism services 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)**. All persons should ensure that duration of any exemption is as limited as possible.*

- (4) 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.

18 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; or
 - (f) a community facility; or
 - (g) a place of worship.

Indoor creative arts facility — indoor activities for persons aged 19 years and over

- (3) 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 aged 19 years and over 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 density quotient; 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 density quotient; and
 - (ii) 10; and
 - (d) only one class or session commences at any given time and that time is at least 15 minutes after any other class or session has commenced; and
 - (e) 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
 - (f) any shared equipment that is used, is cleaned between each user; and
 - (g) 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; and
 - (h) the person does not provide services to a member of the public at a member of the public's ordinary place of residence.

*Note: all persons at a 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)**. All persons should ensure that duration of any exemption is as limited as possible.*

Indoor creative arts facility — indoor activities for persons aged 18 years and under

- (4) 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 aged 18 years and under 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) 20; and
 - (c) to the extent the facility is used by a child or infant who is:

- (i) unable to participate independently or is otherwise required to participate with or be supervised by a carer, parent or guardian; or
- (ii) able to participate 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 with that child or infant; and

Note: if a person permitted to attend the facility under paragraph (c) 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 attend the facility under paragraph (c) without the child or dependant, then the child or dependant may accompany the person when attending the facility in accordance with paragraph (c).

- (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) 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; and
- (f) the person does not provide services to a member of the public at a member of the public's ordinary place of residence.

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 10 unless:
 - (i) paragraph (c)(ii) (same ordinary place of residence) applies; or
 - (ii) a reasonable distance can be maintained between each group, class or session at all times; and
 - (c) the number of members of the public permitted in each group, class or session at any time is limited to:
 - (i) 10 (with any infant under one year of age not counting in this limit); or
 - (ii) all persons in the group, class or session having the same ordinary place of residence; 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.

19 Music

Professional music

(1) A person who owns, controls or operates a facility in the State of Victoria which may only operate during the restricted activity period in accordance with these directions may also operate that facility for the purpose of hosting or providing a venue for professional music (including rehearsal and performance) if:

- (a) each person involved in the music:
 - (i) subject to subparagraph (ii), maintains a distance of at least 5 metres from all other members of the public at all times during the music; and
 - (ii) maintains a distance of at least 2 metres from each other person involved in the music at all times during the music; and
 - (iii) is not directly above any other member of the public at any time during the music; and
 - (iv) wears a face covering, except where doing would impede the music or where an exemption applies to the performer in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria)**; and

Examples: a singer or woodwind or brass instrumentalist would be impeded in a music performance if required to wear a face covering while rehearsing or performing and therefore is not required to do so.

- (b) if any shared equipment is used, it must be cleaned between users; and
- (c) the person otherwise operates the facility in accordance with these directions.

Examples: requirements apply to an entertainment facility that is a theatre, music hall, concert hall or auditorium, or arena, stadium or convention centre or animal facility under clause 8 and to a food and drink facility under clause 12.

Non-professional music

(2) A person who owns, controls or operates a facility in the State of Victoria which may only operate during the restricted activity period in accordance with these directions may also operate that facility for the purpose of hosting or providing a venue for non-professional music (including rehearsal or performance) if:

- (a) each person involved in the music:
 - (i) subject to subparagraph (ii) maintains a distance of at least 5 metres from all other members of the public at all times during the music; and
 - (ii) maintains a distance of at least 2 metres from each other person involved in the music at all times during the music; and

- (iii) is not directly above any other member of the public at any time during the music; and
- (iv) wears a face covering, except where doing would impede the music or where an exemption applies to the performer in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria)**; and

Examples: a singer or woodwind or brass instrumentalist would be impeded in a music performance if required to wear a face covering while rehearsing or performing and therefore is not required to do so.

- (v) where the music is indoors, a maximum of 5 persons are permitted to sing or use or play a wind instrument or a brass instrument at any one time; and
- (b) if any shared equipment is used, it must be cleaned between users; and
- (c) the person otherwise operates the facility in accordance with these directions.

Examples: requirements apply to an entertainment facility that is a theatre, music hall, concert hall or auditorium, or arena, stadium or convention centre or animal facility under clause 8 and to a food and drink facility under clause 12.

20 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.

21 Other definitions

For the purposes of these directions:

- (1) **SARS-CoV-2 Symptoms** has the same meaning as in the **Workplace Directions (No 9)**;
- (2) **accommodation facility** has the meaning in clause 13(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** 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;
- (5) **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;
- (6) **bingo centre** means a facility that:
- (a) is operated by a bingo centre operator or community or charitable organisation under Chapter 8 of the **Gambling Regulation Act 2003**, that offers bingo or any similar game; or
 - (b) conducts bingo which is open to **members of the public**;
- (7) **bottleshop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the premises;
- (8) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (9) **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);
- (10) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (11) **childcare facility** means a facility providing a **childcare or early childhood service**;
- (12) **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;
- (13) **cleaned** has the same meaning as in the **Workplace Directions (No 9)**;
- (14) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (15) **community facility** has the meaning in clause 7(2);

- (16) **COVID Marshal** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions (No 11)**;
- (17) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions (No 9)**;
- (18) **creative arts facility** has the meaning in clause 18(2);
- (19) **density quotient** has the same meaning as in the **Workplace Directions (No 9)**;
- (20) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (21) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Victoria)**;
- (22) **entertainment facility** has the meaning in clause 8(2);
- (23) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (24) **face covering** has the same meaning as in the **Workplace Directions (No 9)**;
- (25) **fatigue-regulated heavy vehicle** has the same meaning as in the **Heavy Vehicle National Law (Victoria)**;
- (26) **food and drink facility** has the meaning in clause 12(2);
- (27) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (28) **gaming machine** has the same meaning as in the **Gambling Regulation Act 2003**;
- (29) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (30) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (31) **hairdressing** has the same meaning as in the PHW Act;
- (32) **hairdressing facility** means a business that is registered as a business of **hairdressing** under the PHW Act;
- (33) **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;
- (34) **hospital** has the same meaning as in the **Hospital Visitor Directions (No 14)**;
- (35) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (36) **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;

- (37) **indoor zone** means a section of an **indoor space** that:
- (a) is designated by the person who owns, controls or operates the indoor space as being for the exclusive use of specified members of the public; and
 - (b) is delineated by temporary barriers, tape, or other clearly visible markings or means;
- (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 11(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) **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) a person who is providing music at the facility or venue in accordance with clause 19; or
 - (c) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;
- (44) **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;
- (45) **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.

- (46) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (47) **outdoor space** means a space that is not an **indoor space**;
- (48) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (49) **physical recreational facility** has the meaning in clause 5(2);
- (50) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (51) **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**;
- (52) **playground** means publicly accessible outdoor play equipment in a public park;
- (53) **premises** has the same meaning as in the PHW Act;
- (54) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (55) **real estate** has the same meaning as in **the Estate Agents Act 1980**;
- (56) **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;
- (57) **religious practitioner** has the same meaning as subsection 995-1(1) of the **Income Tax Assessment Act 1997** of the Commonwealth;
- (58) **residential aged care facility** has the same meaning as in the **Care Facilities Directions (No 16)**;
- (59) **restricted activity period** has the meaning in clause 4;
- (60) **restricted retail facility** has the meaning in clause 10(2);
- (61) **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;
- (62) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (63) **seated outdoor space** means an **outdoor space** with fixed seating;
- (64) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (65) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (66) **sexually explicit entertainment venue** means a venue at which **sexually explicit entertainment** is provided;
- (67) **State Library** means the State Library Victoria;
- (68) **vehicle** has the same meaning as in the PHW Act;

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

22 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.

8 November 2020