

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

Restricted Activity Directions (Victoria) (No 7)

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) (No 6)**.

2 Citation

These directions may be referred to as the **Restricted Activity Directions (Victoria) (No 7)**.

3 Revocation

The **Restricted Activity Directions (Victoria) (No 6)** are revoked at 11:59:00pm on 12 February 2021.

4 Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00pm on 12 February 2021 and ending at 11:59:00pm on 26 February 2021.

5 Essential work premises

- (1) For the purposes of this clause, an **essential work premises** is a **work premises** at which:
 - (a) an **essential provider** operates; or

- (b) an **essential worker** performs essential work.
- (2) A person who owns, controls or operates an **essential work premises** in the State of Victoria may operate that **premises** during the restricted activity period to the extent permitted by the Directions currently in force.

*Note: restrictions on essential work premises include the relevant restrictions applying under the **Workplace Directions**, which include requirements for work premises in relation to **face coverings**, the **density quotient**, signage and cleaning requirements and **COVIDSafe Plans**, and the **Workplace (Additional Industry Obligations) Directions**.*

- (3) Despite subclause (2), a person who owns, controls or operates an essential work premises in the State of Victoria may operate that premises:
 - (a) for the purpose of **essential maintenance**; or
 - (b) for the purposes of recruitment, where it is not reasonably practicable for that recruitment to occur from the place where those involved in the recruitment ordinarily reside; or
 - Example: Victoria Police may permit applicants for employment to attend examinations, fitness assessments and other medical and psychological screening where these activities cannot be undertaken from home.*
 - (c) by permitting employees to work from the place where they ordinarily reside; or
 - (d) as required or authorised by law; or
 - (e) in an emergency; or
 - (f) as otherwise permitted by the Directions currently in force.
- (4) If a work premises includes multiple functions and some of those functions are functions which are prohibited under these directions or any other Directions currently in force, then only those functions which are not prohibited may be undertaken.
- (5) Where there is any inconsistency between the general obligations and the specific obligations set out in the Directions currently in force, the specific obligations will prevail.

6 Closed work premises

- (1) Subject to subclause (2), a person who owns, controls or operates a **closed work premises** in the State of Victoria must not permit persons to attend that premises during the restricted activity period other than for the purposes of an exception in clause 7.
- (2) Despite subclause (1), a person who owns, controls or operates a closed work premises in the State of Victoria may permit persons to attend that premises or operate the premises:
 - (a) for the purpose of essential maintenance; or
 - (b) to ensure that the premises is closed safely for the duration of the restricted activity period; or

- (c) by permitting employees to work from the place where they ordinarily reside to operate the premises; or
- (d) as required or authorised by law; or
- (e) in an emergency; or
- (f) as otherwise permitted by the Directions currently in force.

7 Exceptions

Permitted operations — accommodation facilities

- (1) 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, who has travelled to Victoria 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**.

Permitted operations — community facilities

- (2) A person who owns, controls or operates a **community facility** in the State of Victoria may operate that facility during the restricted activity period for the purpose of:
 - (a) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise); or
 - Examples: a food bank or a service for homeless persons.*
 - (b) conducting a wedding or funeral that complies with the requirements of the **Stay Safe Directions (Victoria)**.

Permitted operations — educational facilities

- (3) A person who owns, controls or operates a **school** or educational facility in the State of Victoria may only operate that facility during the restricted activity period for the purposes of providing school educational services (including

at a school or non-school senior secondary provider and outside school hours care services) to:

- (a) a person whose parents or guardians are all essential workers or persons who work for an essential provider; or

Note: if a child or young person is residing with one or more parents or guardians on the relevant day, all parents or guardians must be essential workers or persons who work for an essential provider.

- (b) a **vulnerable child or young person** in a school.

Permitted operations — places of worship

- (4) A person who owns, controls or operates a **place of worship** in the State of Victoria may operate that place of worship during the restricted activity period for the purpose of:

- (a) broadcasting (live or otherwise) via electronic means a religious ceremony, with only the minimum number of persons required to conduct the ceremony and facilitate the broadcasting, up to a maximum of 5 people, in attendance; 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 a service for homeless persons.

- (c) conducting a wedding or funeral that complies with the requirements of the **Stay Safe Directions (Victoria)**.

Permitted operations — playground facilities

- (5) A person who owns, controls or operates a **playground** in the State of Victoria may operate that facility during the restricted activity period for the purposes of allowing access for its ordinary use by **members of the public**.

Permitted operations — professional sport

- (6) A person who owns, controls or operates a **sports facility**, arena or stadium in the State of Victoria may operate that facility for the exclusive use of training for professional and high-performance sportspersons or the conduct of a professional sporting event if they:

- (a) only permit a person who is necessary for the management of the facility or professional sport training or the conduct of a professional sporting event to attend the facility; and

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

- (b) do not permit a **food and drink facility** to operate at the facility, other than to the extent necessary to provide food and drink to persons permitted to attend the facility under paragraph (a); and
- (c) do not allow the admission of spectators; and

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

Permitted operations — retail goods facilities

- (7) A person who owns, controls or operates a **retail goods facility** that is a closed work premises in the State of Victoria may operate that facility for the purposes of contactless collection or delivery of pre-ordered goods.

Example: pre-ordered goods may be ordered by a telephone call or by placing a 'click and collect' order using the Internet.

8 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.

9 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 (or a series of events):

- (a) conducted on a one-off or periodic basis; and
- (b) open to members of the public; and
- (c) which 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; and
 - (e) which may be in a facility, venue or space where such an event (or a series of events) forms part of the routine operations, use, activities or services of the facility, venue or space; or
- (ii) an event (or series of events) deemed by the Victorian Government to be a State-critical public event (or a series of events),

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) an ad hoc or routine public gathering in a facility, venue or space which forms part of the ad hoc or routine operations, use, activities or services of the facility, venue or space;

- (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)** otherwise continue to apply; and
- (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, 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, as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer; 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.

10 Emergency use and operations

Nothing in these directions is intended to prevent or otherwise affect the operation of a facility in the State of Victoria where such use or operation is for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.

11 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.

12 Definitions

For the purposes of these directions:

- (1) **accommodation facility** is a facility that provides accommodation to **members of the public**, whether operated on a for profit or not-for-profit basis, and includes, but is not limited to, any of the following:
 - (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;
- (2) **closed work premises** means a **work premises** that is not an **essential work premises**;
- (3) **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;
- (4) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (5) **density quotient** has the same meaning as in the **Workplace Directions**;
- (6) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No 16)** as amended or replaced from time to time;

- (7) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (8) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Victoria)**;
- (9) **essential maintenance** means:
- (a) treating or caring for animals or performing an animal rescue function; or
 - (b) critical maintenance and safety works including to satisfy environmental obligations;
- (10) **essential provider** means a provider of essential goods or services as set out in the “Essential Worker and Essential Provider List” as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer, available at <https://www.dhhs.vic.gov.au/essential-worker-provider-list-doc-covid-19>;
- (11) **essential worker** means a person who performs work that is essential as set out in the “Essential Worker and Essential Provider List” as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer, available at <https://www.dhhs.vic.gov.au/essential-worker-provider-list-doc-covid-19>;
- (12) **essential work premises** has the meaning as in clause 5(1);
- (13) **face covering** has the same meaning as in the **Workplace Directions**;
- (14) **member of the public**, in relation to a facility or venue, means a person other than:
- (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;
- (15) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (16) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**;
- (17) **premises** has the same meaning as in the PHW Act;
- (18) **restricted activity period** has the meaning in clause 4;
- (19) **retail goods facility** means a **premises** at which a business operates to provide for the sale or hire of goods by retail;
- (20) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (21) **sports 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;
Examples: gymnasium, basketball court, squash court, table tennis centre, tennis court.
 - (b) a facility used predominantly for outdoor sport;

Examples: basketball centre, cricket ground, equestrian centre, football oval, go kart track, golf course, lawn bowls green, rifle range, tennis court, soccer pitch.

- (22) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No 14)** as amended or replaced from time to time;
- (23) **vulnerable child or young person** means a child or young person who:
- (a) resides in the care of the State or in out-of-home care; or
 - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or
 - (c) identified by a **school** as vulnerable, (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service);
- (24) **Workplace Directions** means the **Workplace Directions (No 19)** as amended or replaced from time to time.

13 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.



Adjunc: Clinical Professor Brett Sutton

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

12 February 2021