

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

## Restricted Activity Directions (Victoria) (No 8)

*Public Health and Wellbeing Act 2008* (Vic)  
Section 200

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, consider it reasonably necessary to eliminate or reduce the risk to public health — and reasonably necessary to protect public health — to give the following directions pursuant to section 200(1)(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 7)**.

### 2 Citation

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

### 3 Revocation

The **Restricted Activity Directions (Victoria) (No 7)** are revoked at 11:59:00pm on 17 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 17 February 2021 and ending at 11:59:00pm on 26 February 2021.

### 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.

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

(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**, spa, sauna, steam room or **spring**; or

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

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

*Indoor physical recreation and indoor community sport*

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

- (a) subject to paragraph (f), the number of persons permitted in each **indoor space** at any one time is limited to the lesser of (with infants under one year of age not counting towards this limit):
- (i) the number calculated by dividing the total area of the indoor space accessible to members of the public (measured in square metres) by 4; and
  - (ii) 300; and

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

- (b) subject to paragraph (a) and (f), the number of persons permitted in each group, class or session in an indoor space at any one time is limited to (with infants under one year of age not counting towards this limit) 50;

*Note: a carer, parent or guardian of a person with a disability is not counted in these limits. 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.*

- (c) the number of members of the public permitted in any indoor **seated space** at any one time is limited to (with infants under one year of age not counting towards this limit) the lesser of:
- (i) 50 per cent of the maximum seated space capacity; and
  - (ii) 300; and

*Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.*

- (d) any shared equipment is **cleaned** between users; and
- (e) where the maximum capacity for the facility in accordance with these directions is 500 persons or more, a **COVIDSafe Plan** for the facility is published on the facility's Internet site; and
- (f) where the facility is a cardio or strength training facility or includes a staffed cardio or strength training facility:
- (i) the number of persons permitted in each indoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
    - (A) when the cardio or strength training facility is **staffed**, the number calculated by dividing the total area of all indoor space accessible to members of the public (measured in square metres) by 4; and

- (B) when the cardio or strength training facility is not staffed, the number calculated by dividing the total area of all indoor space accessible to members of the public (measured in square metres) by 8; and
- (C) 300; and
- (ii) when the cardio or strength training facility is staffed, the facility has a **COVID Marshal** onsite during the operating hours of the cardio or strength training facility; and
  - Note: the COVID Marshal may be a person conducting or leading a group, class or session in the cardio or strength training facility.*
- (iii) when the cardio or strength training facility is not staffed, the person makes **disinfectant** and other cleaning products available to persons at the facility.

*Outdoor physical recreation and outdoor community sport*

- (4) A person who owns, controls or operates a facility under subclause (2)(a) (indoor sport or physical recreational facility), (2)(b) (outdoor sport or physical recreational facility), (2)(c) (personal training facility) or (2)(d) (cardio or strength training facility) in the State of Victoria may operate that facility for the purposes of outdoor physical recreation and outdoor community sport (in accordance with clause 6) by members of the public if:
  - (a) all outdoor physical recreation and outdoor community sport is conducted in an outdoor space; and
  - (b) the number of persons permitted in each outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit) the lesser of:
    - (i) if the person uses **electronic record-keeping**, the number permitted by the **density quotient**; and
    - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and
    - (iii) 1000; and
    - Note 1: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.*
    - Note 2: the reference to the number of persons in paragraph (b) includes spectators.*
  - (c) subject to paragraph (b), the number of persons permitted in each group, class or session in an outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit) 100; and

*Note: a carer, parent or guardian of a person with a disability is not counted in these limits. 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.*

- (d) the number of members of the public permitted in any seated outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit) the lesser of:
  - (i) 75 per cent of the maximum seated space capacity; and
  - (ii) 1000; and

*Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.*

- (e) a reasonable distance can be maintained between each group, class or session at all times; and
- (f) any shared equipment is cleaned between users; and
- (g) where the maximum capacity for the facility in accordance with these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's Internet site.

*Play centre, indoor skatepark or indoor trampolining centre*

- (5) A person who owns, controls or operates a facility under subclause (2)(e) (play centre), (2)(f) (skatepark in an indoor space) or (2)(g) (trampolining centre in an indoor space) in the State of Victoria may operate that facility:
  - (a) the number of persons permitted in each indoor space at any one time is limited to (with infants under one year of age not counting towards this limit) the number calculated by dividing the total area of indoor space accessible to members of the public (measured in square metres) by 4; and
  - (b) where the maximum capacity for the facility in accordance with these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's Internet site.

## **6 Community sport**

- (1) A person may only participate in a community sport in the State of Victoria if:
  - (a) no more than 50 persons participate for individual events conducted in an indoor space; and
  - (b) no more than 100 persons participate for individual events conducted in an outdoor space.

*Example: running and cycling are individual events.*

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

## 7 Community facilities

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

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

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

- (a) a community centre or community hall;
- (b) a public library (including a toy library, but not the **State Library**);
- (c) a youth centre;
- (d) a **playground**;
- (e) a skatepark or trampolining centre in an outdoor space;
- (f) outdoor communal exercise equipment;

but does not include:

- (g) a creative arts facility;
- (h) a physical recreational facility;
- (i) a swimming pool, hydrotherapy pool, spa, sauna, steam room or spring.

- (3) A person who owns, controls or operates a community facility in the State of Victoria may operate that facility for members of the public if:

- (a) any wedding or funeral is compliant with the requirements of the **Stay Safe Directions (Victoria)**; and
- (b) subject to paragraph (c), the number of persons permitted in each indoor space or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
  - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
  - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and

*Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.*

- (c) any dancefloor is operated in accordance with clause 18.
- (4) Despite subclause (3), a person who operates a community facility for the purpose of:
  - (a) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise); or  
*Examples: a food bank or a service for homeless persons.*
  - (b) providing an exclusive venue for the exclusive use of a single school outside school hours at any one time for educational or school gathering purposes,

is not required to comply with the limits in subclause (3)(b) and (c).

*Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if family and friends of students and staff are permitted to attend.*

## **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.

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

- (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 or stadium;
  - (g) an arcade;
  - (h) an amusement park;
  - (i) a **casino**, except to the extent of:
    - (i) providing food and drink in accordance with clause 12; or
    - (ii) providing accommodation in accordance with clause 13;
  - (j) a **retail betting venue**;

- (k) a **gaming machine area**;
- (l) a **brothel, sex on premises venue** or **sexually explicit entertainment venue**;
- (m) a **bingo centre**;
- (n) an escape room;
- (o) an **animal facility**;
- (p) a **karaoke facility**;
- (q) a **nightclub**;
- (r) a convention centre.

*Seated entertainment facility*

- (3) A person who owns, controls or operates a facility in subclause (2)(a) (theatre), (2)(b) (cinema) except for a drive-in cinema, (2)(c) (music hall, concert hall or auditorium), (2)(f) (arena or stadium) in the State of Victoria may operate the facility if:
- (a) the number of members of the public permitted at any one time in the facility is limited to (with infants under one year of age not counting towards this limit):
    - (i) if the facility is in an outdoor space, 75 per cent of the total maximum seated space capacity in the facility; and
    - (ii) if the facility is in an indoor space, 50 per cent of the total maximum seated space capacity in the facility; and
  - (b) for each seated space in the facility:
    - (i) all activities are ticketed; and
    - (ii) the number of members of the public permitted in the seated space at any one time is limited to (with infants under one year of age not counting towards this limit) the lesser of:
      - (A) if the seated space is in an outdoor space:
        - a. 75 per cent of the maximum seated space capacity; and
        - b. 1000; and
      - (B) if the seated space is in an indoor space:
        - a. 50 per cent of the maximum seated space capacity and
        - b. 300; and
- Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.*
- (c) subject to paragraph (g), the number of members of the public permitted in each **non-seated space** at the facility at any one time is

limited to (with infants under one year of age not counting towards this limit):

- (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
  - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the non-seated space accessible to members of the public (measured in square metres) by 4; and
  - (iii) if the non-seated space is in an indoor space, the lesser of:
    - (A) the applicable density cap set out in subclauses 8(3)(c)(i) and (ii) above; and
    - (B) 300; and
  - (d) entry to, and egress from, a seated space or a non-seated space is monitored and staggered, where possible, to ensure compliance with the limits that apply in paragraphs (b)(ii) and (c); and
  - (e) where the maximum capacity for the facility under these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's Internet site; 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; and
  - (g) any dancefloor is operated in accordance with clause 18.
- (4) Despite subclause (3), a person who operates a facility described in subclause (3) for the purpose of providing an exclusive venue for the exclusive use of a single school outside school hours at any one time for educational or school gathering purposes is not required to comply with the requirements in subclause (3)(a) to (d) and (g).

*Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if family and friends of students and staff are permitted to attend.*

#### *Non-seated indoor entertainment facility*

- (5) A person who owns, controls or operates a facility in subclause (2)(d) (gallery or a museum), (2)(e) (State Library), (2)(o) (animal facility) or (2)(r) (convention centre) in the State of Victoria may operate the facility if:
- (a) the number of members of the public permitted at any one time in the facility is limited to (with infants under one year of age not counting towards this limit) 50 per cent of the maximum capacity for the facility stated in the **occupancy permit** for the facility; and
  - (b) subject to paragraph (g), the number of members of the public permitted in each **non-seated indoor space** at any one time is limited to the lesser of (with infants under one year of age not counting towards this limit):

- (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
  - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the non-seated indoor space accessible to members of the public (measured in square metres) by 4; and
  - (iii) 300; and
- (c) subject to paragraph (g), the number of members of the public permitted in each **non-seated outdoor space** at any one time is limited to (with infants under one year of age not counting towards this limit):
- (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
  - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the non-seated outdoor space accessible to members of the public (measured in square metres) by 4; and
- (d) subject to paragraph (g), the number of members of the public permitted in each seated space at any one time is limited to (with infants under one year of age not counting towards this limit) the lesser of:
- (i) if the seated space is in an outdoor space:
    - (A) 75 per cent of the maximum seated space capacity; and
    - (B) 1000; and
  - (ii) if the seated space is in an indoor space:
    - (A) 50 per cent of the maximum seated space capacity; and
    - (B) 300; and
- Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.*
- (e) where the maximum capacity for the facility under these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's Internet site; 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; and
  - (g) any dancefloor is operated in accordance with clause 18.
- (6) Despite subclause (5), a person who operates a facility described in subclause (5) for the purpose of providing an exclusive venue for the

exclusive use of a single school outside school hours at any one time for educational or school gathering purposes is not required to comply with the requirements in subclause (5)(a) to (c) and (f).

*Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if family and friends of students and staff are permitted to attend.*

*Non-seated outdoor entertainment facility*

- (7) A person who owns, controls or operates a facility in subclause (2)(d) (gallery or a museum) or (2)(o) (animal facility) in the State of Victoria may operate the facility if:
- (a) subject to paragraph (f), the number of members of the public permitted in each non-seated outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
    - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
    - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the non-seated outdoor space accessible to members of the public (measured in square metres) by 4; and
  - (b) subject to paragraph (f), the number of members of the public permitted in each non-seated indoor space at any one time is limited to the lesser of (with infants under one year of age not counting towards this limit):
    - (i) the applicable density cap set out in subclauses 8(7)(i) and (ii) above; and
    - (ii) 300; and
  - (c) subject to paragraph (f), the number of members of the public permitted in each seated space at any one time is limited to (with infants under one year of age not counting towards this limit) the lesser of:
    - (i) if the seated space is in an outdoor space:
      - (A) 75 per cent of the maximum seated space capacity; and
      - (B) 1000; and
    - (ii) if the seated space is in an indoor space:
      - (A) 50 per cent of the maximum seated space capacity; and
      - (B) 300; and

*Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.*

- (d) where the maximum capacity for the facility under these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's Internet site; and
  - (e) 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
  - (f) any dancefloor is operated in accordance with clause 18.
- (8) Despite subclause (7), a person who operates a facility described in subclause (7) for the purpose of providing an exclusive venue for the exclusive use of a single school outside school hours at any one time for educational or school gathering purposes is not required to comply with the requirements in subclause (7)(a), (b) and (e).

*Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if family and friends of students and staff are permitted to attend.*

#### *Drive-in cinema*

- (9) 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) the total number of members of the public permitted in each indoor space (other than the indoor space of a vehicle) or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
    - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
    - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and

*Note: members of the public are permitted to leave a vehicle to access toilet facilities or a food and drink facility.*

- (c) where the maximum capacity for the facility in accordance with these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's Internet site; and
- (d) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

#### *Amusement park*

- (10) A person who owns, controls or operates a facility in subclause (2)(h) (amusement park) in the State of Victoria may operate the facility if:
- (a) the number of members of the public permitted in the facility at any one time is limited to (with infants under one year of age not counting

towards this limit) 75 per cent of the maximum capacity for the facility stated in the occupancy permit for the facility; and

*Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limit above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.*

- (b) subject to paragraph (g), the number of members of the public permitted in each indoor space at any one time is limited to (with infants under one year of age not counting towards this limit) to the number calculated by dividing the total area of the indoor space accessible to members of the public (measured in square metres) by 4; and
- (c) subject to paragraph (g), the number of members of the public permitted in each outdoor space at facility at any time is limited to (with infants under one year of age not counting towards this limit):
  - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
  - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the outdoor space accessible to members of the public (measured in square metres) by 4; and
- (d) where the maximum capacity for the facility in accordance with these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's Internet site; and
- (e) any food and drink facility operates in accordance with clause 12; and
- (f) all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility, are made; and
- (g) any dancefloor is operated in accordance with clause 18.

### *Casino*

- (11) A person who owns, controls or operates a facility in subclause (2)(i) (casino) in the State of Victoria may operate the facility if:
  - (a) the person uses electronic record-keeping; and
  - (b) the number of members of the public permitted in the facility at any one time is limited to 50 per cent of the maximum capacity for the facility stated in the occupancy permit; and
  - (c) subject to paragraph (j), the number of members of the public permitted in each indoor space at any one time is limited to the lesser of:
    - (i) the number calculated by dividing the total area of the indoor space accessible to members of the public (measured in square metres) by 4; and
    - (ii) 300; and
  - (d) each **gaming machine** at the facility is either:

- (i) a distance of at least 1.5 metres from any other gaming machine; or
- (ii) not adjacent to a gaming machine permitted to be available for use by members of the public; and

*Note: gaming machines must be at least 1.5 metres from each other or where adjacent to each other (whether arranged in a row or in another formation), at least every second gaming machine must be disabled from game play.*

- (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 person:
  - (i) requires **workers** to complete an online COVID-19 training package arranged by the person that addresses personal hygiene, physical distancing and symptom awareness; and
  - (ii) retains security camera footage for at least 14 days after it is recorded; and
- (g) members only areas permit access only by swipe card; and
- (h) a COVIDSafe Plan for the facility is published on the facility's Internet site; and
- (i) the facility has a COVID Marshal onsite during the operating hours of the facility; and
- (j) any dancefloor is operated in accordance with clause 18.

#### *Retail betting venue*

- (12) A person who owns, controls or operates a retail betting venue in the State of Victoria may operate the venue if the number of members of the public permitted in each indoor space or outdoor space at any one time is limited to:
- (a) if the person uses electronic record-keeping, the number permitted by the density quotient; and
  - (b) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4.

#### *Gaming machine area*

- (13) A person who owns, controls or operates a gaming machine area in the State of Victoria in a facility other than a facility in subclause (2)(i) (casino) may operate the facility if:
- (a) the person uses electronic record-keeping; and
  - (b) subject to paragraph (f), the total number of members of the public permitted in the gaming machine area at any one time is limited to the number calculated by dividing the total area of the gaming machine

area accessible to members of the public (measured in square metres) by 4; 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) each gaming machine at the facility is either:
  - (i) a distance of at least 1.5 metres from each other gaming machine; or
  - (ii) not adjacent to a gaming machine permitted to be available for use by members of the public; and

*Note: gaming machines must be at least 1.5 metres from each other or where adjacent to each other (whether arranged in a row or in another formation), at least every second gaming machine must be disabled from game play.*

- (d) the space available is suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
- (e) the facility has a COVID Marshal onsite during the operating hours of the gaming machine area; and
- (f) any dancefloor is operated in accordance with clause 18.

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

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

- (a) the person uses electronic record-keeping; and
- (b) the total number of members of the public permitted in the facility at any one time is limited to the lesser of:
  - (i) the number calculated by dividing the total area of all indoor space and outdoor space accessible to members of the public (measured in square metres) by 4; and
  - (ii) 100; and

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

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

- (c) subject to paragraph (e), the number of members of the public permitted in each indoor space or outdoor space at any one time is limited to the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and

- (d) all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility, are made; and
  - (e) any dancefloor is operated in accordance with clause 18.
- (15) A person who owns, operates or controls a sexually explicit entertainment venue may operate that facility if:
- (a) the person uses electronic record-keeping; and
  - (b) subject to paragraph (d), the number of members of the public permitted in each indoor space at any one time is limited to the number calculated by dividing the total area of the indoor space accessible to members of the public (measured in square metres) by 4; and
  - (c) all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility, are made; and
  - (d) any dancefloor is operated in accordance with clause 18.

*Karaoke facility*

- (16) A person who owns, controls or operates a facility in subclause (2)(p) (karaoke facility) in the State of Victoria may operate the facility if:
- (a) the person uses electronic record-keeping; and
  - (b) subject to paragraph (d), the number of members of the public permitted in each indoor space or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit) the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; 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, are made; and
  - (d) any dancefloor is operated in accordance with clause 18.

*Arcade, escape room, bingo centre*

- (17) A person who owns, controls or operates a facility in subclause (2)(g) (arcade), (2)(m) (bingo centre) or, (2)(n) (escape room) in the State of Victoria may operate the facility if:
- (a) subject to paragraph (d), the number of members of the public permitted in each indoor or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
    - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
    - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and

- (b) where the maximum capacity for the facility in accordance with these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's Internet site; 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) any dancefloor is operated in accordance with clause 18.

#### *Nightclub*

- (18) A person who owns, controls or operates a facility in subclause (2)(q) (nightclub) in the State of Victoria may operate the facility if:
- (a) the person uses electronic record-keeping; and
  - (b) subject to paragraph (d), the number of members of the public permitted in each indoor space or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit) the number permitted by the density quotient; 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, are made; and
  - (d) any dancefloor is operated in accordance with clause 18.

## **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.

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

- (2) A person who owns, controls or operates a place of worship in the State of Victoria may operate the place of worship if:
- (a) the number of persons permitted in each indoor space or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
    - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
    - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and
  - (b) where the place of worship operates for the purpose of conducting a religious gathering or ceremony, the religious gathering or ceremony is conducted either at the place of worship or at an outdoor space proximate to the place of worship; and

- (c) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by participants.
- (3) Despite subclause (2), a person who operates a place of worship for the purpose of hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise) is not required to comply with the limits in subclause (2)(a).

*Examples: a food bank or a service for homeless persons.*

## 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 the number of persons permitted in each indoor space or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
  - (a) if the person uses electronic record-keeping, the number permitted by the density quotient; and
  - (b) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4.

## 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.

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*
- (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(13); or

- (d) operating a sexually explicit entertainment venue in accordance with clause 8(14);
- (e) operating a karaoke facility in accordance with clause 8(16); or
- (f) operating a nightclub facility in accordance with clause 8(18); or
- (g) providing food or drink in accordance with clause 12; or
- (h) providing accommodation in accordance with clause 13; or
- (i) operating a dancefloor in accordance with clause 18.

## 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.

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

- (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) **communal or shared space** means toilets, separate hallways, separate foyers or playgrounds at the facility;
  - (b) **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.*

- (c) **roof** means any structure or device (whether temporary, fixed or movable) that prevents or significantly impedes upward airflow, including a ceiling or awning;

- (d) **wall** means any structure (whether fixed or movable) that prevents or significantly impedes lateral airflow, notwithstanding if it has a window or door.

*Food and drink facility is a 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) subject to paragraph (b), the number of members of the public permitted in each indoor space or outdoor space at a food court at any one time is limited to the density quotient; and
  - (b) any dancefloor is operated in accordance with clause 18.

*Food and drink facility is not a food court*

- (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) subject to paragraph (c), where the total area of all indoor spaces and outdoor spaces accessible to members of the public (but excluding all communal or shared space) at the facility is less than 50 square metres, the number of members of the public permitted in the facility at any one time is limited to (with any infant under one year of age not counting in this limit):
    - (i) if the person uses electronic record-keeping, 25; or
    - (ii) if the person does not use electronic record keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (but excluding all communal or shared space) (measured in square metres) by 4; and
  - (b) subject to paragraph (c) where the total area of all indoor spaces and outdoor spaces accessible to members of the public (but excluding all communal or shared space) at the facility is 50 square metres or more, the number of members of the public permitted in each indoor space or outdoor space at any one time is limited to (with any infant under one year of age not counting in this limit):
    - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; or
    - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (but excluding all communal or shared space) (measured in square metres) by 4; 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.*

- (c) any dancefloor is operated in accordance with clause 18.
- (6) Despite subclause (5), a person who operates a food and drink facility that is not located inside a food court for the purpose of providing an exclusive venue for the exclusive use of a single school outside school hours at any one time for educational or school gathering purposes is not required to comply with the requirements in subclause (5).

*Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if family and friends of students and staff are permitted to attend.*

### 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.

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility (such as a camping ground or caravan park) for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (2) For the purposes of this clause:
- (a) **accommodation facility** includes, but is not limited to, any of the following, whether operated on a for profit or not-for-profit basis:
- (i) a camping ground;
  - (ii) a caravan park;
  - (iii) a hotel;
  - (iv) a hostel;
  - (v) a Bed and Breakfast;
  - (vi) a private holiday rental facility, including AirBnBs;
  - (vii) a motel;
  - (viii) a serviced apartment; and
- (b) **communal or shared accommodation space** includes but is not limited to communal or shared toilets, bathrooms, laundries, kitchens and other cooking areas, hallways, foyers, decks, balconies, dining areas, recreation areas and storage areas.

#### *Permitted operations — tourism*

- (3) A person who owns, controls or operates an accommodation facility in the State of Victoria may operate that facility for the purposes of tourism if:
- (a) each group booking complies with the private gathering limits of the **Stay Safe Directions (Victoria)**; and
  - (b) persons from separate bookings do not share bedrooms at the facility; and

- (c) surfaces accessible in the accommodation facility exclusively to a particular group, including a hotel room or cabin, are cleaned between groups; and
- (d) any arrangement by members of the public to visit a person or group staying at an accommodation facility complies with the private gathering limits of the **Stay Safe Directions (Victoria)**; and
- (e) subject to paragraph (f), the number of persons permitted in each indoor or outdoor communal or shared accommodation space at any one time is limited to (with infants under one year of age not counting towards this limit):
  - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
  - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor or outdoor communal or shared accommodation space (measured in square metres) by 4; and
- (f) any dancefloor is operated in accordance with clause 18.

*Accommodation facilities — other*

- (4) A person who owns, controls or operates an accommodation facility in the State of Victoria may operate that facility for the purposes of providing accommodation:
  - (a) to a person whose place of residence is the accommodation facility; or
  - (b) to a person who is ordinarily a resident of Victoria but has no permanent place of residence in Victoria; or
  - (c) to a person who has a permanent place of residence in Victoria, but that place is temporarily unavailable; or
  - (d) to a person, on a temporary basis, for work purposes; or
  - (e) to a person who was a temporary guest of the accommodation facility on the date that these directions were given; or
  - (f) to a person who requires emergency accommodation, including in relation to family violence and other vulnerable groups; or
  - (g) to a person who requires accommodation for work purposes, where their work is for the purposes of responding to the state of emergency in existence under the PHW Act; or
  - (h) to a person who is subject to a **Direction and Detention Notice** or the **Diagnosed Persons and Close Contacts Directions**; 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, spas, saunas, steam rooms, and springs

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

### *Private or personal use*

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

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

- (3) A person who owns, controls or operates a swimming pool, hydrotherapy pool, spa, sauna, steam room or spring in the State of Victoria may operate the facility to permit members of the public to use the swimming pool, hydrotherapy pool, spa, sauna, steam room or spring and facilities if:
  - (a) the number of persons permitted in each indoor space (including any water or non-water part) at any one time is limited to (with infants under one year of age not counting towards this limit) the number calculated by dividing the total area of the indoor space (measured in square metres) by 4; and
  - (b) the number of persons permitted in each outdoor space (including any water or non-water part) at any one time is limited to (with infants under one year of age not counting towards this limit):
    - (i) if the person uses electronic record-keeping the number permitted by the density quotient; and
    - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the outdoor space (measured in square metres) by 4; 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.
- (4) Despite subclause (3), a person who operates a swimming pool, hydrotherapy pool, spa, sauna, steam room or spring in the State of Victoria is not required to comply with the limits in subclause (3) if the swimming pool, hydrotherapy pool, spa, sauna, steam room or spring is 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.

*Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational purposes if family and friends of students and staff are permitted to attend.*

## 15 Real estate inspections and auctions

- (1) An **estate agent** in the State of Victoria may only organise inspections and auctions for the sale or rental of **real estate** in the State of Victoria during the restricted activity period in accordance with these directions.
- (2) An estate agent may organise inspections and auctions for the sale or rental of real estate in the State of Victoria if the number of persons permitted in each indoor space or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
  - (a) if the estate agent uses electronic record-keeping, the number permitted by the density quotient; and
  - (b) if the estate agent does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4.

## 16 Tourism services

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

### *Tourism services by vehicle*

- (2) A tourism operator who organises and operates tourism services in the State of Victoria may operate or permit a person to operate a vehicle for the purpose of tourism services to members of the public if the tourism operator and each person wears a **face covering** for the duration of the tourism services unless the tourism operator or member of the public is exempt from the requirement to wear a face covering in accordance with clause 5(7) and (8) of the **Stay Safe Directions (Victoria)**.

### *Other tourism services*

- (3) A tourism operator who organises and operates tourism services in the State of Victoria may operate and provide licensed tourism services to members of the public if:
  - (a) the number of persons permitted in each indoor space or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
    - (i) if the tourism operator uses electronic record-keeping, the number permitted by the density quotient; and
    - (ii) if the tourism operator does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and

- (b) the tourism services are conducted in accordance with:
  - (i) these directions as they apply to an indoor space or outdoor space at the facility where the tourism services are being provided; and
  - (ii) otherwise, the **Stay Safe Directions (Victoria)**.

## 17 Creative arts facilities

- (1) A person who owns, controls or operates a creative arts facility in the State of Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A **creative arts facility** means any of the following, whether operated on a for profit or not-for-profit basis:
  - (a) an art studio;
  - (b) a ceramics studio;
  - (c) a music room or studio;
  - (d) a rehearsal room or studio;but does not include:
  - (e) a physical recreation facility;
  - (f) a community facility;
  - (g) a place of worship.
- (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 if:
  - (a) subject to paragraph (b), the number of persons permitted in each indoor space or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
    - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
    - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and
  - (b) any dancefloor is operated in accordance with clause 18.
- (4) Despite subclause (3), a person who operates a creative arts facility for the purpose of providing an exclusive venue for the exclusive use of a single school outside school hours at any one time for educational or school gathering purposes is not required to comply with the requirements in subclause (3).

*Note: a creative arts facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if family and friends of students and staff are permitted to attend.*

## 18 Dancefloors

- (1) A person who owns, controls or operates any facility in the State of Victoria may only operate a dancefloor at the facility if the number of persons permitted on the dancefloor at any one time is limited to (with infants under one year of age not counting towards this limit) the lesser of:
  - (a) the number calculated by dividing the total area of the dancefloor (measured in square metres) accessible to members of the public by 4; and
  - (b) 50.
- (2) Despite subclause (1), a person who operates a dancefloor at a facility for the purpose of providing an exclusive venue for the exclusive use of a single school outside school hours at any one time for educational or school gathering purposes is not required to comply with the requirements in subclause (1).

*Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if family and friends of students and staff are permitted to attend.*

## 19 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
    - (ii) an event (or series of events) deemed by the Victorian Government to be a State-critical public event (or a series of events),

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

*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;

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

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

to which these directions and the **Stay Safe Directions (Victoria)** 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](http://www.coronavirus.vic.gov.au/public-events), as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer.

- (2) A person who arranges to meet, or organises or intentionally attends a public gathering for a common purpose in a public place is not required to comply with the requirements of the Directions currently in force in respect of such a public gathering:
  - (a) if the public gathering is an **exempt public event**; and
  - (b) to the extent of an exemption granted under subclause (3) (including any conditions on an exemption).
- (3) The Chief Health Officer or Deputy Chief Health Officer may exempt an **eligible public event** (or class of eligible public events) from any requirement of the Directions currently in force if satisfied that the exemption is appropriate, having regard to:
  - (a) the need to protect public health; and
  - (b) the principles in sections 5 to 10 of the PHW Act, as appropriate.
- (4) An exemption under subclause (3):
  - (a) must be given in writing; and
  - (b) must be published at [www.coronavirus.vic.gov.au/public-events](http://www.coronavirus.vic.gov.au/public-events), 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.

## 20 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**.

## 21 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.

## 22 Other definitions

For the purposes of these directions:

- (1) **accommodation facility** has the meaning in clause 13(2);
- (2) **animal facility** means the following:
  - (a) a **zoological park**;
  - (b) a wildlife centre;
  - (c) a petting zoo;
  - (d) an aquarium;
  - (e) an animal farm that is not being operated for the purpose of producing food;
- (3) **beauty and personal care facility** means the following:
  - (a) a beauty therapy salon, waxing salon or nail salon;
  - (b) a wellness spa;
  - (c) a massage parlour;
  - (d) a tattoo, body art or piercing studio;
- (4) **bingo centre** means a facility that:

- (a) is operated by a bingo centre operator or community or charitable organisation under Chapter 8 of the **Gambling Regulation Act 2003**, that offers bingo or any similar game; or
- (b) conducts bingo which is open to **members of the public**;
- (5) **bottleshop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the premises;
- (6) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (7) **cardio or strength training facility** means a facility used predominantly for cardio, weight or strength training, including any cardio or strength training facility located wholly or partly within any other facility (including a physical recreational facility);
- (8) **Care Facilities Directions** means the **Care Facilities Directions (No 22)** as amended or replaced from time to time;
- (9) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (10) **cleaned** has the same meaning as in the **Workplace Directions**;
- (11) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (12) **communal or shared space** has the meaning in clause 12(3);
- (13) **communal or shared accommodation space** has the meaning in clause 13(2);
- (14) **community facility** has the meaning in clause 7(2);
- (15) **COVID Marshal** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions**;
- (16) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (17) **creative arts facility** has the meaning in clause 17(2);
- (18) **density quotient** has the same meaning as in the **Workplace Directions**;
- (19) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No 16)** as amended or replaced from time to time;
- (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) **disinfectant** means a disinfectant:
  - (a) the label of which states a claim by the manufacturer that the disinfectant has anti-viral properties; or
  - (b) made by a person according to instructions issued by the Department of Health;
- (23) **electronic record-keeping** means record-keeping by electronic means, including an electronic booking system or registration system using a QR code, for the purpose of compliance with the **records requirement**;

- (24) **entertainment facility** has the meaning in clause 8(2);
- (25) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (26) **face covering** has the same meaning as in the **Workplace Directions**;
- (27) **food and drink facility** has the meaning in clause 12(2);
- (28) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (29) **gaming machine** has the same meaning as in the **Gambling Regulation Act 2003**;
- (30) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (31) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (32) **hairdressing** has the same meaning as in the PHW Act;
- (33) **hairdressing facility** means a business that is registered as a business of **hairdressing** under the PHW Act;
- (34) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (35) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No 20)** as amended or replaced from time to time;
- (36) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (37) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are 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;
- (38) **karaoke facility** means a facility used predominately for karaoke by members of the public;
- Example: a facility with private rooms for use by members of the public for karaoke is a karaoke facility. A bar with one open karaoke stage is not a karaoke facility.*
- (39) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (40) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (41) **licensed premises** has the meaning in clause 11(2);
- (42) **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;

- (43) **nightclub** means a facility:
- (a) to which a late night licence applies; and
  - (b) with a dancefloor; and
  - (c) which does not serve food prepared at the facility for consumption on the premises;
- (44) **non-seated indoor space** means an **indoor space**, where persons move through the facility and are not expected to remain seated and are unlikely to congregate;
- (45) **non-seated outdoor space** means an **outdoor space**, where persons move through the facility, are not expected to remain seated and are unlikely to congregate;
- Note: this can include settings such as outdoor animal facilities.*
- (46) **non-seated space** means a **non-seated indoor space** or a **non-seated outdoor space**;
- (47) **occupancy permit** means an occupancy permit issued in accordance with the **Building Act 1993**;
- (48) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (49) **outdoor space** means a space that is not an **indoor space**;
- (50) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (51) **physical recreational facility** has the meaning in clause 5(2);
- (52) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (53) **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**;
- (54) **playground** means outdoor play equipment in a public park that is accessible to members of the public;
- (55) **premises** has the same meaning as in the PHW Act;
- (56) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (57) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (58) **records requirement** has the same meaning as in the **Workplace Directions**;
- (59) **residential aged care facility** has the same meaning as in the **Care Facilities Directions**;
- (60) **restricted activity period** has the meaning in clause 4;
- (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 space** means a 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) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (68) **staffed**, in relation to a facility or venue, means when a **worker** of the facility or venue is present in their capacity as a worker during the operating hours of the facility;
- (69) **State Library** means the State Library Victoria;
- (70) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No 15)** as amended or replaced from time to time;
- (71) **tourism operator** means a person:
- (a) granted a tour operator licence under:
    - (i) section 21B of the **Crown Land (Reserves) Act 1978**; or
    - (ii) section 57F of the **Forests Act 1958**; or
    - (iii) section 140I of the **Land Act 1958**; or
    - (iv) section 27D of the **National Parks Act 1975**; or
    - (v) section 21B of the **Wildlife Act 1975**;
  - (b) providing a tour of an **entertainment facility**;
- (72) **tourism services** means an activity, guided tour or recreation programme conducted or coordinated by an employee or officer of a **tourism operator** that is undertaken for profit for tourism purposes including, but not limited to, ballooning, a walking or bushwalking tour, a bicycle tour, abseiling, rock climbing, canoeing, kayaking, white water rafting, diving, snorkelling, horse trail riding, marine based tours and surfing, or a guided tour of a museum or gallery;
- (73) **vehicle** has the same meaning as in the PHW Act;
- (74) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (75) **worker** has the same meaning as in the **Workplace Directions**;
- (76) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No 17)** as amended or replaced from time to time;
- (77) **Workplace Directions** means the **Workplace Directions (No 20)** as amended or replaced from time to time;

(78) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

## **23 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.

17 February 2021