

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

Restricted Activity Directions (Victoria) (No 14)

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 13)**.

2 Citation

These directions may be referred to as the **Restricted Activity Directions (Victoria) (No 14)**.

3 Revocation

The **Restricted Activity Directions (Victoria) (No 13)** are revoked at 11:59:00pm on 30 April 2021.

4 Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00pm on 30 April 2021 and ending at 11:59:00pm on 7 May 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, 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**;

(i) outdoor communal exercise equipment;

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

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

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

Physical recreation and community sport

(3) A person who owns, controls or operates a facility in subclause (2)(a) (indoor sport or physical recreational facility), (2)(b) (outdoor sport or physical recreation 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 physical recreation or community sport by **members of the public** if:

(a) subject to subclause (e), 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) 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 2; and
- (ii) 1000; and

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

- (b) the number of members of the public permitted in any **seated space** at any one time is limited to no more than (with infants under one year of age not counting towards this limit) 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 18.

- (c) any shared equipment is **cleaned** between users; 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) where the facility is an indoor cardio or strength training facility or includes a **staffed** indoor 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 2; 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 4; 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.

Play centre, indoor skatepark or indoor trampolining centre

- (4) A person who owns, controls or operates a facility in subclause (2)(e) (play centre), (2)(f) (skatepark) or (2)(g) (trampolining centre) in an indoor space in the State of Victoria may operate that facility if:
- (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 2; 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 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 facility, 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) 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) 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 2.

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 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** at any one time for educational or school gathering purposes,

is not required to comply with the limit in subclause (3)(b).

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 people other than students and staff are permitted to attend. If other guests attend, then the limit in subclause (3)(b) applies.

7 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 11; or

(ii) providing accommodation in accordance with clause 12;

(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) or (2)(f) (arena or stadium) in the State of Victoria may operate the facility if:
- (a) 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 no more than (with infants under one year of age not counting towards this limit) 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 18.
 - (b) 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) the number calculated by dividing the total area of the non-seated space accessible to members of the public (measured in square metres) by 2; and
 - (c) 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 subclauses (a)(ii) and (b); and
 - (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.
- (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 at any one time for educational or school gathering purposes is not required to comply with the requirements in subclauses (3)(a) to (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 people other than students and staff are permitted to attend. If other guests attend, then the limits in subclauses (3)(a) to (d) apply.

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) 75 per cent of the maximum capacity for the facility stated in the **occupancy permit** for the facility; and
 - (b) 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 number calculated by dividing the total area of the non-seated indoor space accessible to members of the public (measured in square metres) by 2; and
 - (ii) 1000; and
 - (c) 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) 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 2; and
 - (d) the number of members of the public permitted in each seated space at any one time is limited to no more than (with infants under one year of age not counting towards this limit) 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 18.*
- (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.
- (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 at any one time for educational or school gathering purposes is not required to comply with the requirements in subclauses (5)(a) to (d).

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 people other than students and staff are permitted to attend. If other guests attend, then the limits in subclauses (5)(a) to (d) apply.

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) 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) 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 2; and
 - (b) 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 subclause (7)(a) above; and
 - (ii) 1000; and
 - (c) the number of members of the public permitted in each seated space at any one time is limited to no more than (with infants under one year of age not counting towards this limit) 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 18.

- (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.
- (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 at any one time for educational or school gathering purposes is not required to comply with the requirements in subclauses (7)(a), (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 people other than students and staff are permitted to attend. If other guests attend, then the limits in subclauses (7)(a), (b) and (c) apply.

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) 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 2; 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 18.

- (b) 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 2; and
- (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) any food and drink facility operates in accordance with clause 11; and
- (e) all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility are made.

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 number of members of the public permitted in the facility at any one time is limited to 75 per cent of the maximum capacity for the facility stated in the occupancy permit; and

- (b) 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 2; and
- (c) the space available is suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from any other; and
- (d) 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
- (e) members-only areas permit access only by swipe card; and
- (f) a COVIDSafe Plan for the facility is published on the facility's Internet site; and
- (g) the facility has a COVID Marshal onsite during the operating hours of the facility.

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 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 2.

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 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 2; 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 11.
 - (b) 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
 - (c) the facility has a COVID Marshal onsite during the operating hours of the gaming machine area.

Brothel, sex on premises venue or sexually explicit entertainment venue

- (14) A person who owns, operates or controls a brothel or sex on premises venue may operate that facility if:
- (a) the total number of members of the public permitted in the facility at any one time is limited to the 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 2; 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.*
 - (b) all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility are made.
- (15) A person who owns, operates or controls a sexually explicit entertainment venue may operate that facility if:
- (a) the number of members of the public permitted in 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 2; and
 - (b) all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility are made.

Nightclubs and karaoke facilities

- (16) A person who owns, controls or operates a facility in subclause (2)(p) (karaoke facility) or subclause (2)(q) (nightclub) in the State of Victoria may operate the facility if:
- (a) 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 2; and
 - (b) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

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) 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 2; 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.

8 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) 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 2; 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.

9 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) 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 2.

10 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 7(12); or
 - (c) operating a gaming machine area in accordance with clause 7(13); or
 - (d) operating a sexually explicit entertainment venue in accordance with clause 7(14);
 - (e) operating a karaoke or nightclub facility in accordance with clause 7(16); or
 - (f) providing food or drink in accordance with clause 11; or
 - (g) providing accommodation in accordance with clause 12.

11 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) a **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 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 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 2.

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) 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) 25; and
 - (b) 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), 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 2.

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.

- (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 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 people other than students and staff are permitted to attend. If other guests attend, then the limits in subclause (5) apply.

12 Accommodation facilities

- (1) A person who owns, controls or operates an **accommodation facility** in the State of Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) For the purposes of this clause:
- (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 — accommodation

- (3) A person who owns, controls or operates an accommodation facility in the State of Victoria may operate that facility if:
- (a) surfaces accessible in the accommodation facility exclusively to a particular group, including a hotel room or cabin, are cleaned between groups; and
 - (b) any visit by members of the public to a person or group staying at an accommodation facility must not exceed more than 100 persons for a social gathering each day, excluding any:
 - (i) persons who ordinarily reside with the person who made the booking; and
 - (ii) any other person with whom the people referred to in subclause (3)(b)(i) are in an intimate personal relationship; and
 - (iii) any infant under one year of age; and

Example: if a person books accommodation for themselves, their intimate partner, their four housemates, and another family of three people, only the three other guests are considered visitors and they can have a private gathering at the accommodation with 97 additional guests.
 - (c) 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) the number calculated by dividing the total area of the indoor or outdoor communal or shared accommodation space (measured in square metres) by 2.

Accommodation facilities — other

- (4) Despite subclause (3), a person who owns, controls or operates an accommodation facility in the State of Victoria is not required to comply with the requirements in subclause (3) if they operate that facility:
- (a) for the purposes of providing emergency accommodation, refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**; or
 - (b) as an exclusive facility for a single school at any one time for educational purposes.
- (5) Despite subclause (3)(b), a person who owns, controls or operates an accommodation facility in the State of Victoria is not required to comply with the requirements in subclause (3)(b) if they operate that facility as an exclusive facility for multiple schools at any one time for educational purposes.

13 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 facility, hydrotherapy pool, spa, sauna, steam

room or spring 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 facility 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 facility 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 facilities if:
- (a) the number of persons permitted in each indoor space or 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) the number calculated by dividing the total area of the indoor space or outdoor space (measured in square metres) by 2; and
 - (b) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.
- (4) Despite subclause (3), a person who operates a swimming pool, hydrotherapy pool, spa, sauna, steam room or spring facility in the State of Victoria is not required to comply with the limits in subclause (3)(a) 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; 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 people other than students and staff are permitted to attend. If other guests attend, then the limits in subclause (3)(a) apply.
- (5) Despite subclause (3), a person who operates a swimming pool facility in the State of Victoria is not required to comply with the limits in subclause (3)(a) for any part of a swimming pool in the facility while such part is exclusively being used for swimming lessons or water safety instruction.

Example: an operator of an indoor swimming pool facility uses the formula in subclause (3) to calculate that they may ordinarily operate with 40 people in a swimming pool in the facility. If the operator divides that swimming pool in half using a physical marker, rope or barrier, creating a separate section of the swimming pool to be used exclusively by a swimming lesson group, there would be no limit on the number of people that could participate in that lesson. The

operator could also allow a maximum of 20 people in the other half of that swimming pool.

14 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) 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 2.

15 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) 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 2; 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)**.

16 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 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) 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 2.
- (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 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 people other than students and staff are permitted to attend. If other guests attend, then the limits in subclause (3) apply.

17 Electronic record-keeping requirements

- (1) A person to whom clauses 5 to 16 applies and who is also required to comply with clause 6(6) of the **Workplace Directions** (the **records requirement**) must:
 - (a) comply with the records requirement by requiring all persons who attend the venue to record their visit to the venue using a **prescribed electronic record-keeping method** by means of a mobile phone or other device at the time the person enters the premises; and
 - (b) make reasonable efforts to ensure that a person required to record their visit to the venue pursuant to subclause (a) can do so using a prescribed electronic recording-keeping method even where they do not have access to a personal mobile phone or other device that enables them to do so.

Note: compliance with subclause (1)(b) could include making a terminal (e.g. a tablet or other device) available for persons to register their contact details via a prescribed electronic recording-keeping method and staff available to provide assistance to persons to do so.

- (2) Where:
- (a) it is not reasonably practicable for a person to record their visit to a venue using a prescribed electronic recording-keeping method, or
 - (b) there is an **access issue** that prevents the prescribed electronic record-keeping method from operating;

then a person to whom subclause (1) applies must use an alternative record-keeping method to comply with the records requirement.

Example 1: worshippers wishing to attend a synagogue on the Sabbath who are prohibited from using the prescribed electronic record-keeping method during the Sabbath could pre-register their details with the synagogue, with the details recorded and stored by the synagogue electronically.

Example 2: where a venue has no internet coverage, such as in a remote location, manual records could be kept and stored electronically by the venue.

- (3) Despite subclause (1), a person to whom clause 12 (accommodation facilities) applies is only required to comply with subclause (1) in respect of a person who:
- (a) is a **visitor** to the accommodation facilities; and
 - (b) spends more than 15 minutes in a communal or shared accommodation space.

18 Public Events

- (1) For the purpose of this clause:
- (a) **eligible public event** means an organised public gathering for a common purpose on a for profit or not-for-profit basis which is:
 - (i) an event (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;

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 11 (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, 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 subclause (d), an exemption is granted; and
 - (d) may impose conditions on an exemption.
- (5) An exemption under subclause (3) does not prevent:
- (a) the Chief Health Officer or Deputy Chief Health Officer exercising any power the Chief Health Officer or Deputy Chief Health Officer is authorised to exercise under the PHW Act; or
 - (b) an authorised officer from exercising any power the authorised officer is authorised to exercise under the PHW Act, including ensuring compliance with:
 - (i) the extent of an exemption granted under subclause (3) (including any conditions on an exemption); or
 - (ii) the requirements of all other Directions currently in force.

19 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**.

20 Relationship with other directions

If there is any inconsistency between these directions and a direction or other requirement contained in a **Direction and Detention Notice**, these directions are inoperative to the extent of the inconsistency.

21 Other definitions

For the purposes of these directions:

- (1) **access issue** means an absence of mobile phone or internet coverage or other temporary or non-temporary technical issue;
- (2) **accommodation facility** has the meaning in clause 12(2);
- (3) **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;

- (4) **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;
- (5) **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**;
- (6) **bottleshop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the **premises**;
- (7) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (8) **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**);
- (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 11(3);
- (13) **communal or shared accommodation space** has the meaning in clause 12(2);
- (14) **community facility** has the meaning in clause 6(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 16(2);
- (18) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No 21)** as amended or replaced from time to time;
- (19) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (20) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Victoria)**;
- (21) **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;
- (22) **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**;
- (23) **entertainment facility** has the meaning in clause 7(2);
- (24) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (25) **face covering** has the same meaning as in the **Workplace Directions**;
- (26) **food and drink facility** has the meaning in clause 11(2);
- (27) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (28) **gaming machine** has the same meaning as in the **Gambling Regulation Act 2003**;
- (29) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (30) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (31) **hairdressing** has the same meaning as in the **PHW Act**;
- (32) **hairdressing facility** means a business that is registered as a business of **hairdressing** under the **PHW Act**;
- (33) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (34) **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;
- (35) **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.*
- (36) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (37) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (38) **licensed premises** has the meaning in clause 10(2);
- (39) **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;
- (40) **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**;
- (41) **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;
- (42) **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.*
- (43) **non-seated space** means a **non-seated indoor space** or a **non-seated outdoor space**;
- (44) **occupancy permit** means an occupancy permit issued in accordance with the **Building Act 1993**;
- (45) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (46) **outdoor space** means a space that is not an **indoor space**;
- (47) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (48) **physical recreational facility** has the meaning in clause 5(2);
- (49) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (50) **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**;
- (51) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**;
- (52) **premises** has the same meaning as in the **PHW Act**;
- (53) **prescribed electronic record-keeping method** means:
- (a) a digital system provided by the Service Victoria CEO and other parts of the Victorian Government for the purpose of complying with clause 17; or
 - (b) a digital system included in the list of approved API-linked providers updated by the Chief Health Officer from time to time and published at www.coronavirus.vic.gov.au/visitation-api-connected-third-parties;
- (54) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (55) **real estate** has the same meaning as in the **Estate Agents Act 1980**;

- (56) **records requirement** has the same meaning as in the **Workplace Directions**;
- (57) **restricted activity period** has the meaning in clause 4;
- (58) **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;
- (59) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (60) **seated space** means a space with fixed seating;
- (61) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (62) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (63) **sexually explicit entertainment venue** means a venue at which **sexually explicit entertainment** is provided;
- (64) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (65) **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;
- (66) **State Library** means the State Library Victoria;
- (67) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No 20)** as amended or replaced from time to time;
- (68) **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**;
- (69) **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;
- (70) **vehicle** has the same meaning as in the **PHW Act**;
- (71) **visitor** means a person who is not registered to stay overnight at an **accommodation facility**;

- (72) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (73) **worker** has the same meaning as in the **Workplace Directions**;
- (74) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No 22)** as amended or replaced from time to time;
- (75) **Workplace Directions** means the **Workplace Directions (No 26)** as amended or replaced from time to time;
- (76) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

22 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.

Penalty: In the case of a natural person, 120 penalty units;
 In the case of a body corporate, 600 penalty units.

- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.

Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has refused or failed 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. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.



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.

30 April 2021