

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

Restricted Activity Directions (Regional Victoria))

Public Health and Wellbeing Act 2008 (Vic)

Section 200

I, Professor Allen Cheng, Acting 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 **Regional 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, together with the **Restricted Activity Directions (Metropolitan Melbourne)** replace the **Restricted Activity Directions (Victoria) (No 17)**.

2 Citation

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

3 Revocation

The **Restricted Activity Directions (Victoria) (No 17)** are revoked at 11:59:00pm on 3 June 2021.

4 Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00pm on 3 June 2021 and ending at 11:59:00pm on 10 June 2021.

5 Residence checking requirement

- (1) A person who owns, controls or operates in Regional Victoria:
 - (a) an **accommodation facility** to the extent it relates to tourism, or a business that manages bookings for that accommodation facility;

- (b) a **food and drink facility** to the extent it relates to providing seated services;
 - (c) a **restricted retail facility**;
 - (d) an **entertainment facility**; or
 - (e) a **physical recreational facility** except for unstaffed facilities; or
- a person who is:
- (f) a **licensed tourism operator**; or
 - (g) an **estate agent** to the extent their activities relate to **real estate** inspections,

must use all reasonable endeavours to determine, as soon as practicable after each member of the public makes a booking (where bookings are taken) for, or accessing, entering or using, their services or facility, whether that member of the public's ordinary place of residence is in Metropolitan Melbourne, except:

- (h) if the person states that they are permitted to travel or stay in Regional Victoria for reasons set out in the Stay At Home Directions (Metropolitan Melbourne);
- (i) for emergency purposes; or
- (j) as required or authorised by law.

Note 1: an operator should refuse service, or not accept bookings if the operator of the facility is not satisfied the person resides in Regional Victoria, or reasonably satisfied that the person has an authorised reason for travelling or staying in Regional Victoria such as travel for authorised work.

Note 2: a person who ordinarily resides in Metropolitan Melbourne but is in Regional Victoria for an approved reason may use food and drink facilities for the purposes of take-away as well as accommodation facilities for their approved purpose as per the rules applying in Metropolitan Melbourne. However, while in Regional Victoria they cannot dine in at a food and drink facility or use facilities that are currently closed in Metropolitan Melbourne except for the purposes that the person is authorised to travel for.

- (2) A person will be taken to have satisfied the requirement under subclause (1) where they have:
 - (a) asked the given member of the public for the address of their ordinary place of residence; and
 - (b) required the given member of the public to:
 - (i) produce photo identification that evidences that their ordinary place of residence is not in Metropolitan Melbourne; or
 - (ii) make a declaration that their ordinary place of residence is not in Metropolitan Melbourne, unless it is not reasonably practicable in all the circumstances for the member of the public to make such a declaration; or

- (iii) make a declaration that they are permitted to travel or stay in Regional Victoria for reasons set out in the **Stay At Home Directions (Metropolitan Melbourne)**.

Note: it may not be reasonably practicable for a member of the public to make a declaration due to a physical or mental health condition or disability.

Note 2: a template declaration as to a person's ordinary place of residence is available at <https://www.dhhs.vic.gov.au/restricted-area-requirement-declaration-covid-19>.

- (3) The residence checking requirement in subclause (1) must be satisfied for each member of the public:
 - (a) aged 18 years or older, by that person or someone responsible for their care and support; or
 - (b) who is an unaccompanied person aged 15 years or older but under 18 years, by that person; or
 - (c) who is an accompanied person aged under 18 years, by their carer, parent or guardian.
- (4) If a member of the public produces photo identification in accordance with subclause (2)(b)(i) which appears to be valid, a person required to comply with the residence checking requirement in subclause (1) is entitled to rely on such photo identification as proof of that member of the public's ordinary place of residence.
- (5) If a person collects private information in the process of complying with the residence checking requirement in subclause (1), that person must:
 - (a) use reasonable endeavours to protect the personal information from use or disclosure; and
 - (b) destroy the information as soon as reasonably practicable, unless another statutory requirement permits or requires the personal information to be retained.

Note 1: under this clause, 'reasonable endeavours' does not require a business or undertaking to employ additional staff to meet this requirement.

Example: for online bookings and unstaffed facilities (or times when facilities are unstaffed), reasonable endeavours does not require extra staff to be employed for these purposes; instead the residence checking requirement might be met by other means such as enquiries at or after the time of booking, online or email provision of the required information and signs at the unstaffed facilities.

Note 2: members of the public whose ordinary place of residence is in Metropolitan Melbourne are still permitted to travel outside of Metropolitan Melbourne for reasons set out in the Stay At Home Directions (Metropolitan Melbourne).

Example: a person can travel to an area outside of Metropolitan Melbourne for work (such as delivering food to a food and drink facility) or education, or for care or compassionate reasons (such as visiting their child).

Note 3: under the Stay At Home Directions (Metropolitan Melbourne), restrictions in the Stay At Home Directions (Metropolitan Melbourne) follow a person when they leave Metropolitan Melbourne.

6 Physical recreational facilities

- (1) A person who owns, controls or operates a **physical recreational facility** in Regional 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) an indoor skatepark;

- (g) a trampolining centre,

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

but does not include:

- (i) a skatepark in an **outdoor space**;

- (j) outdoor communal exercise equipment;

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

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

Physical recreation and community sport

- (3) Subject to subclause (4), a person who owns, controls or operates a physical recreational facility in Regional Victoria may operate that facility for the purpose of physical recreation or community sport by **members of the public** if:
- (a) the members of the public are not permitted in any **indoor space** at the facility, except to access indoor toilets or to pass through the **indoor space** solely for the purpose of accessing an outdoor space; and,
 - (b) the number of members of the public permitted in any space at any one time is limited to the **Density Quotient** provided that:
 - (i) this number is reduced to the extent necessary to ensure that the members of the public can maintain a distance of 1.5 metres from each other at all times and
 - (ii) the total number of members of the public at the facility does not exceed 50 persons; and,
 - (c) the number of members of the public in a group (other than a group is participating in team-based community sport in accordance with subclause (4)) at any one time in a space is limited to (with infants under one year of age not counting towards this limit) the lesser of:
 - (i) the Density Quotient; and
 - (ii) 10; and
 - (d) subject to subclause (4), only training activities are permitted at a facility and no competition activities are to be conducted at a facility; and
 - (e) the number of people present to conduct an outdoor group class or community team-based sport training session is limited at all times to the minimum number of people required for that purpose; and

Note: persons required to facilitate the activity at the physical recreation facility may include teachers, instructors, trainers, coaches and umpires, as well as carers, parents and guardians attending to support participation of a child or a person with disability, are permitted to attend the facility. General spectators are not permitted.

- (f) any shared equipment is **cleaned** between users.

Exception – outdoor community sport training and junior sport competition

- (4) Despite subclauses (3)(c) and (d), a person who owns, controls or operates a physical recreational facility in Regional Victoria may operate that facility if it is for the purpose of:
- (a) outdoor competitive community sport by members of the public, provided that:
 - (i) all members of the public participating in the competitive community sport are aged 18 years or under; and

- (ii) none of the participants ordinarily reside in Metropolitan Melbourne; and
- (iii) members of the public are only permitted indoors in accordance with subclause (3)(a); and
- (iv) no more than the minimum number of members of the public required to conduct the sport participate in the activity; and

Note: persons required to facilitate the activity at the physical recreation facility may include teachers, instructors, trainers, coaches and umpires, as well as carers, parents and guardians attending to support participation of a child or a person with disability, are permitted to attend the facility. General spectators are not permitted.

- (v) no more than 10 members of the public participate in individual events; or

Example: running and cycling competitions are individual events.

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

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

- (b) participating in community sport training by members of the public, if:
 - (i) only the minimum number of people required to conduct the activity may attend as part of the group; and
 - (ii) the participants are only permitted indoors in accordance with subclause (3)(a); and
 - (iii) the ordinary place of residence of all of the participants is in Regional Victoria.

Exception - professional or high performance sport training

- (5) Despite subclause (3), a person who owns, controls or operates a physical recreation facility in Regional Victoria is not required to comply with the requirements in subclauses (3) for the purpose of:
 - (a) the exclusive use of training for professional and high-performance sports persons, provided that only persons who are necessary for the conduct of the training are permitted to attend the facility and no competition activities are undertaken on site; or
 - (b) conducting a professional sporting event that has been approved to proceed with no spectators by the Chief Health Officer through the **Public Event Framework**.

Exception – school or educational swimming purposes

- (6) A person who owns, controls or operates a physical recreational facility may operate that facility for the purpose of:
- (a) providing the facility for the exclusive use by a single **school** at any one time for use for educational purposes and is not required to comply with subclause (3)(b) to (d); or
 - (b) providing the facility for swimming or water safety lessons and is not required to comply with subclause (3)(c).

Note: the operation of the physical recreation facility must comply with all other requirements of subclause (3), including the restriction on indoor use in subclause (a).

Exception – hydrotherapy pools

- (7) Despite subclause (3), a person who owns, controls or operates a hydrotherapy pool in Regional Victoria, is permitted to operate it if the person ensures that:
- (a) no access is permitted to saunas within the facility; and
 - (b) any member of the public accessing hydrotherapy services is accompanied by:
 - (i) a health worker; or
 - (ii) a carer, parent or guardian (if required); and
 - (c) no group hydrotherapy services are permitted; and
 - (d) the number of persons permitted at any one time in any water or non-water part of the facility is the lesser of:
 - (i) 10 in any pool; and
 - (ii) in respect of the water and non-water parts of the facility, the number that is the number calculated by dividing the total accessible space (measured in square metres) by 8.

Note: the limits on persons under paragraph (iv) apply to all persons, including members of the public accessing hydrotherapy services and any other person, such as a health worker, accompanying them.

Note: provision of hydrotherapy services to members of the public at an outdoor facility must comply with the requirements in subclause (3) and not these requirements in subclause (8).

7 Community facilities

- (1) A person who owns, controls or operates a **community facility** in Regional 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 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 facility.

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

- (a) it is for the purposes of conducting a wedding or funeral provided that it complies with the requirements of the **Stay Safe Directions (Regional Victoria)**; or
- (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 Density Quotient, provided that::
 - (i) there are no more than 10 people in any one group; and
 - (ii) the total number of members of the public at the facility at any time does not exceed 50; and
- (c) in addition to the maximum number of members of the public permitted in accordance with subclause (b), the number of people present to conduct an activity is limited at all times to the minimum number of people required for that purpose.

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.

(4) Despite subclause (3), a person who owns, controls or operates a community facility in Regional Victoria may do so:

- (a) for the purpose of hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise) and is not required to comply with subclause 3(b) except if the essential public support service is the provision of a support group service.; or

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

Note 1: support groups do not fall within this exception and must comply with the restrictions in subclause (3).

Note 2: only members of the public receiving this service and those conducting it can be present.

- (b) for the purpose of providing an exclusive venue for the exclusive use of a single **school** at any one time and is not required to comply with subclause 3(b); or
 - (c) for the purpose of operating the facility in accordance with the restrictions under the Workplace Directions in any area that is not accessible to members of the public.
- (5) Despite subclause (3), a person who owns, controls or operates an outdoor **playground**, outdoor skatepark or outdoor communal exercise equipment may operate that facility for its ordinary purpose for use by members of the public.

7A Community sport

Persons aged 18 years or under

- (2) A member of the public aged 18 years or under may participate in a community sport if:
- (a) all members of the public participating in a group are aged 18 years or under; and
 - (b) it is conducted outdoors; and
 - (c) it is conducted in Regional Victoria; and
 - (d) it does not involve a participant who ordinarily resides in Metropolitan Melbourne; and
 - (e) no more than the minimum number of members of the public required to conduct the sport participate in the activity; and
 - (f) no more than 10 members of the public participate for individual events.

Example: running and cycling are individual events.

Training

- (2) A member of the public may participate in community sport for the purposes of training for a community sport, if:
- (a) the training is conducted outdoors; and
 - (b) it is conducted in Regional Victoria; and
 - (c) it does not involve a participant who ordinarily resides in Metropolitan Melbourne; and
 - (d) no more than the minimum number of members of the public required to conduct the training participate in the activity; and
 - (e) all members of the public participating in the training are from a single sports team.

8 Creative arts facility

- (1) A person who owns, controls or operates a **creative arts facility** in Regional Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A person who owns, controls or operates a creative arts facility in Regional Victoria may only operate the facility if:
 - (a) the number of members of the public permitted in any space at any one time is limited to the Density Quotient (with infants under one year of age not counting towards this limit) provided that:
 - (i) there are no more than 10 people in any one group; and
 - (ii) the total number of members of the public at the facility at any time does not exceed 50 people per venue; and
 - (b) the number of people present to conduct an activity is limited at all times to the minimum number of people required for that purpose; and

Note: the persons conducting an activity are not included for the purpose of calculating the limit on the number of members of the public referred to in subclause (a).

- (c) any equipment used in an activity is **cleaned** between users.
- (2) Despite subclause (2), a person who operates a facility described in subclause (2) may operate that 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 (2)(a).

9 Entertainment facilities

- (1) A person who owns, controls or operates an **entertainment facility** in Regional 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, excluding a drive-in 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 that the facility is:
 - (i) providing food and drink, in accordance with clause 14; or
 - (ii) providing accommodation in accordance with clause 15;
- (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**; and
- (r) a convention centre.

Indoor and seated outdoor entertainment facility

(3) A person who owns, controls or operates a facility in subclause (2)(a) (theatre), (2)(b) (cinema excluding a drive-in cinema), (2)(c) (music hall, concert hall or auditorium), (2)(d) (gallery or a museum), (2)(e) (State Library), (2)(f) (arena or stadium), (2)(o) (animal facility) or (2)(r) (convention centre) in Regional Victoria may only operate the facility if:

- (a) the number of members of the public permitted at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (i) in an outdoor non-seated space, the Density Quotient;
 - (ii) in any indoor seated area, 25% of the maximum seated capacity for that space ; or
 - (iii) in any outdoor seated area, 50% of the maximum seated capacity for that space,

provided that the total number of members of the public permitted at the facility at any time does not exceed 50 people.

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.

- (b) no more than 10 people are permitted in any one group;
- (c) members of the public in a seated space at the facility are not permitted to enter an indoor non-seated space at the facility, except to access a

food and drink facility, an outdoor space, toilets or to pass through the indoor non-seated space solely for the purpose of accessing a seated space; and

- (d) any food and drink facility within the entertainment facility operates in accordance with the requirements of clause 14 (food and drink facilities).

Exception – exclusive use by a single school

- (4) Despite subclause (3), a person who operates a facility described in subclause (3) may operate that 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 subclauses (3)(a) to (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 limits in subclauses (3)(a) to (b) apply.

Non-seated outdoor entertainment facility

- (5) A person who owns, controls or operates an outdoor facility in subclause (2)(d) (outdoor gallery or a museum) or (2)(o) (animal facility) in Regional Victoria may only 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 Density Quotient provided that the total number of members of the public permitted at the facility at any time does not exceed the lesser of:
 - (i) 50 people; and
 - (ii) 50% of the facility's occupancy permit; and
 - (b) no more than 10 people are permitted in any one group; and
 - (c) members of the public are not permitted to enter any indoor non-seated space at the facility, except to access a food and drink facility or toilets or to pass through the indoor non-seated space solely for the purpose of accessing an outdoor space; 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 food and drink facility within the entertainment facility operates in accordance with the requirements of clause 14 (food and drink facilities).

Exception – exclusive use by a single school

- (6) 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) and (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 limits in subclauses (7)(a) and (b) apply.

Drive-in cinema

- (7) A person who owns, controls or operates a drive-in cinema in Regional Victoria may operate the facility if:
- (a) the cinema is in an outdoor space accessed by **vehicles**; and
 - (b) members of the public are not permitted to be seated outside of their vehicles;

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

- (c) no access is permitted to an indoor space in the facility, except to access a food and drink facility or toilet facilities or to permit access to an outdoor space;
- (d) the number of members of the public permitted:
 - (i) at the facility at any time is limited to 50 people; and
 - (ii) in each non-seated space at any one time is limited to the Density Quotient; and
- (e) any food and drink facility within the entertainment facility operates in accordance with the requirements of clause 14 (food and drink facilities).

Retail betting venue

- (8) A person who owns, controls or operates a retail betting venue in Regional Victoria may only operate the venue during the restricted activity period if the number of members of the public permitted in any indoor space is limited to the Density Quotient, provided that the total number of members of the public at the facility at any time does not exceed 50.

Closed entertainment facilities

- (9) A person who owns, controls or operates a facility in subclause (2)(g) (arcade), subclause (2)(h) (amusement park), subclause (2)(i) (casino), (2)(k) (gaming machine area), subclause (2)(l) (brothel, sex on premises venue or sexually explicit entertainment venue), subclause (2)(m) (bingo centre), subclause (2)(n) (escape room), subclause (2)(p) (karaoke facility), subclause (2)(q) (nightclub) and subclause (2)(r) (convention centre) must not operate the areas in those facilities that are accessible to the public during the restricted activity period.
- (10) Despite subclause (9), a casino may operate to the extent necessary to provide:

- (a) food and drink in accordance with clause 14 (food and drink facilities);
or
- (b) accommodation in accordance with clause 15 (accommodation).

10 Places of worship

- (1) A person who owns, controls or operates a **place of worship** in Regional Victoria may only operate that place of worship during the restricted activity period in accordance with these directions.
- (2) A person who owns, controls or operates a place of worship in Regional Victoria may only operate that facility if:
 - (a) the number of members of the public in any indoor space or outdoor space is limited (with any infant under one year of age not counting in this limit) to the Density Quotient, provided that the total number of members of the public at the facility at any time does not exceed 50 people; and
 - (b) the number of people present to conduct or facilitate a service is limited at all times to the minimum number of people required for that purpose; and

Note: the persons required to conduct and/or facilitate a service are not included in the limit of people referred to in subclause (a).

- (c) weddings and funerals are compliant with the requirements of the **Stay Safe Directions (Regional Victoria)**;
 - (d) religious gatherings or ceremonies are conducted at either the place of worship or an outdoor space proximate to the place of worship;
 - (e) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by any members of the public.
- (3) Despite subclause (2), a person may operate a place of worship without complying with subclause (2)(a) if it is for the purpose of:
 - (a) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise), provided that the total number of members of the public does not exceed 10 per group (excluding any member of the public necessary for the delivery of the service); and
 - Examples: a food bank, a service for homeless persons.*
 - (b) hosting an essential support group; and
 - Examples: for alcohol and drugs, family violence and parenting.*
 - (c) providing an exclusive venue for the exclusive use of a single school at any one time.

11 Funeral providers and crematoriums

- (1) A person who owns, controls or operates a funeral home or crematorium in the Relevant Area may only do so during the restricted activity period if:
 - (a) any funeral conducted is compliant with the requirements of the **Stay Safe Directions (Regional Victoria)**; and
 - (b) the number of members of the public in any indoor space and outdoor space is limited (with infants under the age of 12 months old not counted towards this limit) to the Density Quotient provided that the total number of members of the public at the facility at any time does not exceed 50; and
 - (c) ensure the number of people present to conduct or facilitate a funeral service is limited at all times to the minimum number of people required for that purpose; and

Note: the persons required to conduct and/or facilitate a funeral service are not included in the limit of people referred to in subclause (b).

- (d) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by any members of the public.

12 Retail facilities

- (1) A person who owns, controls or operates a **retail** facility, including a **restricted retail facility** or an auction house, in Regional 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 retail facility, a restricted retail facility or an auction house in Regional Victoria may only operate that facility if:
 - (a) the number of members of the public in any indoor space and outdoor space is limited (with infants under the age of 12 months old not counted towards this limit) to the Density Quotient; and
 - (b) if the facility is in a private residence, members of the public can access the facility by a separate entrance; and
 - (c) in respect of a retail facility that is an **auction house**, the maximum capacity at the facility is limited to 50 members of the public (with infants under the age of 12 months old not counted towards this limit);
 - (d) in respect to the operation of restricted retail facilities only:
 - (i) the person only provides services or procedures that would be able to be provided if the client is wearing a face covering; and

Note: services such as facials, face waxing and beard trimming around the mouth, nose or cheeks are not permitted as the client would be unable to wear a face covering for the duration of the service or procedure.

- (ii) a client wears a face covering for the duration of the service or procedure, other than where the client is exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Regional Victoria)**.

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

13 Pubs, bars, clubs, nightclubs and hotels

- (1) A person who owns, controls or operates a **licensed premises** in Regional 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 Regional Victoria may operate those premises only for the purposes of:
 - (a) operating a **bottleshop**; or
 - (b) providing food or drink in accordance with clause 14; or
 - (c) providing accommodation in accordance with clause 15; or
 - (d) operating a retail betting venue in accordance with clause (8).

14 Food and drink facilities

- (1) A person who owns, controls or operates a **food and drink facility** in Regional 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) A person who owns, controls or operates a food and drink facility in Regional Victoria may operate that facility to permit members of the public to consume food or drinks only if:
 - (a) the number of members of the public in any indoor space and outdoor space is limited (with any infant under one year of age not counting in this limit) to the Density Quotient provided that:
 - (i) the total number of members of the public at the facility at any time does not exceed 50; and
 - (ii) there are no more than 10 people in any one group; and
 - (b) members of the public at the premises remain seated except when ordering food or drink, using toilets or entering and leaving the facility; and
 - (c) any dancefloors in the facility are closed at all times; and
 - (d) weddings held at the facility comply with the **Stay Safe Directions (Regional Victoria)**.
- (4) Despite subclause (3), a person who operates a food and drink 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 subclause (3)(a).

Note: 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 are permitted to attend.

15 Accommodation facilities

- (1) A person who owns, controls or operates an **accommodation facility** in Regional Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) For the purposes of this clause **accommodation facility** includes, but is not limited to, any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a camping ground;
 - (b) a caravan park;
 - (c) a hotel;
 - (d) a hostel;
 - (e) a bed and breakfast;
 - (f) a private holiday rental facility, including Airbnbs;

- (g) a motel;
 - (h) a serviced apartment.
- (3) A person who owns, controls or operates an accommodation facility in Regional Victoria may operate that facility for the purposes of providing accommodation only if:
- (a) the ordinary place of residence of the member of the public is in Regional Victoria unless the person requires accommodation, on a temporary basis, due to their travel within the Regional Victoria for reasons set out in the Stay At Home Directions (Metropolitan Melbourne); and
 - (b) the number of members of the public in any communal indoor or outdoor space is limited to the Density Quotient; and
 - (c) each booking consists only of members of the one household, a **nominated person**, or the intimate partners of the members in that household; and
 - (d) members of different bookings do not share any bedrooms; and
 - (e) all surfaces in the facility that are used exclusively by a particular group, including a hotel room or cabin, are cleaned between each booking.

*Note: nothing in this subclause (3) 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**.*

Accommodation facilities - other

- (4) Despite subclause (3) a person who owns, controls or operates an accommodation facility in Regional 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.

Note: 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 are permitted to attend.

16 Real estate auctions and inspections

- (1) During the restricted activity period, in Regional Victoria, an estate agent may organise:
- (a) an auction to take place for the sale of **real estate**, only if that auction is conducted in an outdoor space and to be attended in person by the number of members of the public (with any infant under one year of age not counting in this limit) that is no more than the lesser of:

(i) the Density Quotient; and

(ii) A total of 50 people,

excluding the owners or residents of the property and the minimum number of persons required to conduct or broadcast the auction, whether or not other members of the public also attend remotely; or

(b) an inspection by members of the public of real estate for the purposes of a prospective sale or rental of the property, if arranged by private appointment and the number of people is limited to the lesser of 10 people or the Density Quotient.

Note: the persons required to conduct and/or facilitate an inspection are not included either the limit on the number of people attending.

(2) An estate agent that arranges an auction or inspection in accordance with subclause (1) during the restricted activity period must:

(a) comply with the **records requirement** (clause 18); and

(b) not permit the number of members of the public in an indoor space to exceed the number permitted by the Density Quotient.

17 Tours and transport

Licensed tourism operator

(1) During the restricted activity period in the Relevant Area, a licensed tourism operator may only organise or operate licensed tourism services within Regional Victoria for members of the public if:

(a) the licensed tourism services are provided wholly in an outdoor space; and

Examples: outdoor tours include hiking and walking tours, horseback riding tours and bicycle tours.

*Note: licensed tourism services that require the use of enclosed vehicles (such as a **motor vehicle**, **bus/coach**, horse-drawn wagon, boat, plane or helicopter) are not permitted to operate during the restricted activity period.*

(b) the number of members of the public attending a tour does not exceed the lesser of:

(i) 50% of the maximum capacity of the licensed tourism services and;

(ii) 50 people per tour, with a maximum of 10 people in any one group (with any infant under one year of age not counting in this limit), unless all members of the group reside at the same premises; and

(iii) the Density Quotient; and

(c) licensed tourism services are not operated by more than the minimum number of persons required; and

Note: the minimum number of persons required to operate a tour is in addition to the limit of 10 members of the public.

- (d) not more than one tour attend the same outdoor space at any one time, except where a reasonable distance between tours can be maintained at all times; and
 - (e) the licensed tourism services only originate, occur and conclude within Regional Victoria; and
 - (f) the licensed tourism operator complies with the records requirement; and
 - (g) if any communal equipment is to be used, it must be cleaned between tours and not shared between members of the public in a tour group.
- (2) Despite subclause (1), a licensed tourism operator must not permit use of any indoor space, except toilet facilities or to permit access to an outdoor space.

Note 1: persons using toilets or an indoor space are still required to take reasonable steps to maintain a distance of 1.5 metres from all other persons and wear a face covering.

Note 2: to the extent that it is possible, it is advisable for reception activities (such as taking attendances and providing pre-tour information) to be conducted in an outdoor space.

18 Electronic record-keeping requirements

- (1) A person to whom clause 6 to 17 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 attendance at the venue using the **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 attendance at the venue pursuant to subclause (a) can do so using the 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 1: 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.

Note 2: employers will not be subject to a penalty for failing to comply with the records requirement with respect to any person who attends the Work Premises for less than 15 minutes.

Note 3: the operator of a market, market stall, retail facility or retail shopping centre will not be subject to a penalty for failing to comply with the records requirement in subclause (1) with respect to their customers where it is not practicable for the operator to comply with the records requirement.

- (2) Where:

- (a) it is not reasonably practicable for a person to record their attendance at 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 15 (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) enters or spends time in any communal or shared accommodation space.

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

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 13 (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 (Regional 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).
- (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.

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) **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 7(20);
- (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) **Authorised Provider** means a provider of goods or services as set out in the **Authorised Provider and Authorised Worker List**;
- (5) **Authorised Provider and Authorised Worker List** means the “Authorised Provider and Authorised Worker List” as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer, available at www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-list;
- (6) **Authorised Work Premises** has the meaning in clause 5(1);

- (7) **Authorised Worker** means a person who performs work as set out in the **Authorised Provider and Authorised Worker List**;
- (8) **bottleshop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the **premises**;
- (9) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (10) **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**);
- (11) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (12) **child, children or young person in a school experiencing vulnerability** means a child or young person who:
- (a) resides in the care of the State or in out-of-home care; or
 - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or
 - (c) identified by a **school** as vulnerable, (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service).
- (13) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (14) **community facility** has the meaning in clause (2);
- (15) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (16) **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**.
- (17) **Density Quotient** means the number of members of the public in any space is limited (with infants under the age of 12 months old not counted towards this limit) to the number calculated by dividing the total area of the space accessible to members of the public (measured in square metres) by 4;
- (18) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No 23)** 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 at Home Directions (Metropolitan Melbourne)**;
- (21) **entertainment facility** has the meaning in clause (2);
- (22) **essential maintenance** means:
- (a) treating or caring for animals or performing an animal rescue function;
or
 - (b) critical maintenance and safety works including to satisfy environmental obligations;
- (23) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (24) **face covering** has the same meaning as in the **Workplace Directions**;
- (25) **food and drink facility** has the meaning in clause 7(19);
- (26) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (27) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (28) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (29) **hairdressing** has the same meaning as in the PHW Act;
- (30) **hairdressing facility** means a business that is registered as a business of **hairdressing** under the PHW Act;
- (31) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (32) **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** or **food and drink 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;
- (33) **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.*
- (34) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (35) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (36) **licensed premises** has the meaning in clause 7(15);
- (37) **licensed tourism operator** means a person granted a tour operator licence under:

- (a) section 21B of the **Crown Land (Reserves) Act 1978**; or
 - (b) section 57F of the **Forests Act 1958**; or
 - (c) section 140I of the **Land Act 1958**; or
 - (d) section 27D of the **National Parks Act 1975**; or
 - (e) section 21B of the **Wildlife Act 1975**;
- (38) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;
- (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) **Metropolitan Melbourne** has the same meaning as in the **Area Directions (No 10)**, as amended from time to time'
- (41) **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**;
- (42) **nominated person** has the same meaning as in the **Stay Safe Directions (Regional Victoria)**;
- (43) **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;
- (44) **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.*
- (45) **non-seated space** means a **non-seated indoor space** or a **non-seated outdoor space**;
- (46) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (47) **outdoor space** means a space that is not an **indoor space**;
- (48) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (49) **physical recreational facility** has the meaning in clause 7(2);
- (50) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (51) **play centre** means a **premises**, whether indoor or outdoor, that has play equipment to be used predominantly by children under the age of 12 years, but does not mean a **playground**;

- (52) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**;
- (53) **premises** has the same meaning as in the **PHW Act**;
- (54) **prescribed electronic record-keeping method** means a digital system provided by the **Service Victoria CEO** and other parts of the Victorian Government for the purpose of complying with clause 13; ;
- (55) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (56) **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.
- (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) **Regional Victoria** has the same meaning as in the **Area Directions (No 10)** as amended or replaced from time to time;
- (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) **retail facility** means a **premises**, or part of a premises, that are used wholly or predominantly for the sale or hire of goods by retail, or the retail provision of services and includes a **market**, **retail shopping centre** and supermarkets;;
- (63) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (64) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (65) **seated space** means a space with fixed seating;
- (66) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (67) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (68) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (69) **signage requirement** has the same meaning as in the **Workplace Directions**;
- (70) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (71) **State Library** means the State Library Victoria;



Professor Allen Cheng

Acting Chief Health Officer, as authorised to exercise emergency powers under section 199(2)(a) of the PHW Act.

3 June 2021