

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

## Restricted Activity Directions (Metropolitan Melbourne) (No 2)

*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 Metropolitan Melbourne 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 (Metropolitan Melbourne)**.

### 2 Citation

These directions may be referred to as the **Restricted Activity Directions (Metropolitan Melbourne) (No 2)**.

### 3 Revocation

The **Restricted Activity Directions (Metropolitan Melbourne)** are revoked at 11:59:00pm on 10 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 10 June 2021 and ending at 11:59:00pm on 17 June 2021.

### 5 Physical recreational facilities

- (1) A person who owns, controls or operates a **physical recreational facility** in Metropolitan Melbourne 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) A person who owns, controls or operates a physical recreational facility in Metropolitan Melbourne 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 the number of members of the public permitted in any indoor space or outdoor space at any one time is limited to the **Density Quotient**; and

- (b) subject to subclause (4), the total number of members of the public at the facility at any time (excluding infants under one year of age) does not exceed 100; and
- (c) the number of members of the public in a group at any one time is limited to 10 (with infants under one year old not counting towards this limit); and
- (d) subject to subclause (5), only training activities are permitted at a facility and no competition activities are to be conducted; and
- (e) all members of the public participating in training for community sports are from a single sports team; and
- (f) the number of people present to conduct physical recreation or community sport is limited at all times to the minimum number 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.*

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

*Exception - groups that can be distanced by 100 metres*

- (4) Despite subclause (3), a person who owns, controls or operates a physical recreational facility in Metropolitan Melbourne is not required to comply with the requirement in subclause (3)(c) if it permits members of the public to conduct physical recreation or community sport in groups in an outdoor space who are able to maintain a distance of at least 100 metres from any other group at all times.

*Example: at a golf course, there may be more than 100 members of the public, so long as no group is larger than 10 members of the public and a distance of at least 100 metres between all groups can be maintained at all times.*

*Exception – professional or high performance sport training*

- (5) Despite subclause (3), a person who owns, controls or operates a physical recreational facility (including all indoor spaces) in Metropolitan Melbourne is not required to comply with the requirements in subclause (3) (except for (3)(b)) 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 – hydrotherapy pools for hydrotherapy services*

- (6) Despite subclause (3), a person who owns, controls or operates a **hydrotherapy** pool in Metropolitan Melbourne is not required to comply with the requirements in subclause (3)(a), (b), (d) to (g) during the restricted activity period for the purpose of the provision of hydrotherapy services to members of the public at the facility 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 inside the water of a hydrotherapy pool is the lesser of:
    - (i) 10; and
    - (ii) the number that is the number calculated by dividing the total accessible space (measured in square metres) by 8; and
  - (e) the number of persons permitted at any one time in any water or non-water indoor space in the facility is the number calculated by dividing the total accessible space (measured in square metres) by 8.

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

*Exception – Outdoor community sport training*

- (7) Despite subclause (3), a person who owns, controls or operates a physical recreational facility in Metropolitan Melbourne is not required to comply with the requirements in subclause 3(b) and (d) if it operates that facility for the purpose of members of the public participating in community sport provided that:
- (a) only training activities are permitted at the facility and no competition activities are to be conducted at the facility; and
  - (b) all members of the public participating in the training are from a single sports team;
  - (c) the community sport is conducted in an outdoor space and members of the public are only permitted in an indoor space in accordance with subclause (3)(a); and
  - (d) no more than the minimum number of people required to conduct the community sport attend the facility; and

*Note 1: 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.*

*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.*

- (e) it does not involve a participant who has either travelled more than 25 kilometres from their ordinary place of residence or whose ordinary place of residence is in Regional Victoria , unless that person is engaging in work to facilitate the community sport.

*Example: persons required to facilitate the community sport may include trainers, coaches, officials and umpires.*

#### **Exception – school or educational swimming purposes**

- (8) 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); or
  - (b) providing the facility for swimming or water safety lessons and is not required to comply with the subclauses (3)(b) and (d).

*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).*

## **6 Community sport**

- (1) A member of the public may only participate in community sport if:
  - (a) it is training activities and not any competition activities; and
  - (b) it is conducted in Metropolitan Melbourne; and
  - (c) it is conducted in an outdoor space; and
  - (d) it does not involve a participant who has either travelled more than 25 kilometres from their ordinary place of residence or whose ordinary place of residence is in Regional Victoria, unless that person is engaging in work to facilitate the community sport; and

*Example: persons required to facilitate the community sport may include trainers, coaches, officials and umpires.*

- (e) no more than the minimum number of people required to conduct the community sport participate in the activity; and

*Note: persons required to facilitate the activity at the physical recreational facility such as 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) all members of the public participating in the training are from a single sports team.

## 7 Community facilities

- (1) A person who owns, controls or operates a community facility in Metropolitan Melbourne 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.
- (3) A person who owns, controls or operates a community facility in Metropolitan Melbourne may only operate that facility for members of the public if:
    - (a) the number of members of the public permitted in each indoor space or outdoor space at any one time is limited to the Density Quotient, provided that:
      - (i) there are no more than 10 members of the public in any one group; and
      - (ii) the total number of members of the public at the facility at any time does not exceed 50 (with infants under one year of age not counting towards this limit); and

*Note: the persons required to conduct and/or facilitate a service are not included in these limits.*

- (b) in addition to the maximum number of members of the public permitted in accordance with subclause (a), the number of people present to conduct an activity is limited at all times to the minimum number required for that purpose; 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 17.*

- (c) any wedding or funeral held at the facility complies with the requirements of the **Stay Safe Directions (Metropolitan Melbourne)**.

*Exceptions – essential public support service and exclusive use by a single school*

- (4) Despite subclause (3), a person who owns, controls or operates a community facility in Metropolitan Melbourne is not required to comply with the requirements in subclause (3)(a) if they operate the facility for the purpose of:

- (a) holding an essential public support service other than support groups (whether that service is provided on a voluntary basis or otherwise) provided that the number of people present to conduct or facilitate the essential public support services is limited at all times to the minimum number required for that purpose; 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) providing an exclusive venue for the exclusive use of a single school at any one time for educational or school gathering purposes).

*Playgrounds, outdoor skatepark or outdoor communal exercise equipment*

- (5) Despite subclause (3), a person who owns, controls or operates an outdoor **playground**, skatepark in an outdoor space or outdoor communal exercise equipment may operate that facility for its ordinary purpose for use by members of the public and is not required to comply with the requirements in subclause (3).

## **8 Creative arts facility**

- (1) A person who owns, controls or operates a **creative arts facility** in Metropolitan Melbourne 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 Metropolitan Melbourne may only operate the facility if:
  - (a) the number of members of the public permitted in any indoor space or outdoor 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 members of the public 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

- (b) the number of people present to conduct an activity is limited at all times to the minimum number 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.
- (3) 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 and 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 Metropolitan Melbourne 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**;
  - (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 drive-in cinema; and
- (s) 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 except a drive-in cinema), (2)(c) (music hall, concert hall or auditorium), (2)(d) (gallery or museum except an outdoor gallery or museum), (2)(e) (State Library), (2)(f) (arena or stadium), (2)(o) (animal facility except an outdoor animal facility) or (2)(q) (convention centre), in Metropolitan Melbourne may only operate the facility if:

- (a) 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, a retail facility, an outdoor space or toilets, or to pass through the indoor non-seated space solely for the purpose of accessing a seated space;
- (b) 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 any outdoor non-seated space, the Density Quotient; and
  - (ii) in any indoor seated area, 25% of the maximum seated capacity for that space, provided that the total number of members of the public permitted in all indoor spaces at the facility at any time does not exceed 50; and
  - (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 in all outdoor spaces at the facility at any time does not exceed 100;
- (c) the total number of members of the public permitted at the facility at any time does not exceed 100; 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 17.*

- (d) no more than 10 members of the public are permitted in any one group; and
- (e) any food and drink facility within the entertainment facility operates in accordance with the requirements of clause 13 (food and drink facilities); and
- (f) any retail facility within the entertainment facility operates in accordance with the requirements of clause 12.

*Exception – exclusive use by a single school*

(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)(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 (3)(b) and (c) 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 only) or (2)(o) (outdoor animal facility only) in Metropolitan Melbourne may only operate the facility if:
- (a) members of the public are not permitted to enter any indoor non-seated space at the facility, except if they are already at the facility and require to access a food and drink facility, a retail facility, an outdoor space or toilets, or to pass through the indoor non-seated space solely for the purpose of accessing a seated space;
  - (b) 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 any outdoor non-seated space, the Density Quotient; and
    - (ii) in any indoor seated area, 25% of the maximum seated capacity for that space; and
    - (iii) in any outdoor seated area, 50% of the maximum seated capacity for that space; and
  - (c) no more than 10 members of the public are permitted in any one group; and
  - (d) any food and drink facility within the entertainment facility operates in accordance with the requirements of clause 13 (food and drink facilities); and
  - (e) any retail facility within the entertainment facility operates in accordance with the requirements of clause 12.

*Exception – exclusive use by a single school*

- (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)(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 (5)(b) and (c) apply.*

### *Drive-in cinema*

- (7) A person who owns, controls or operates a drive-in cinema in Metropolitan Melbourne may only 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; and

*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 non-seated space in the facility, except to access a food and drink facility, retail facility or toilet facilities or to permit access through the indoor non-seated space to an outdoor space; and
- (d) the number of members of the public permitted:
  - (i) at the facility at any time is limited to 100; 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 13 (food and drink facilities); and
- (f) any retail facility within the entertainment facility operates in accordance with the requirements of clause 12.

### *Retail betting venue*

- (8) A person who owns, controls or operates a retail betting venue in Metropolitan Melbourne may only operate the venue during the restricted activity period if:
- (a) the number of members of the public permitted in any indoor space or outdoor space is limited to the Density Quotient; and
  - (b) 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) and subclause (2)(q) (nightclub) must not operate the areas in those facilities that are accessible to the public during the restricted activity period.
- (10) Despite subclause (10), a casino may operate to the extent necessary to provide:
- (a) food and drink in accordance with clause 13 (food and drink facilities); or
  - (b) accommodation in accordance with clause 14 (accommodation).

## 10 Places of Worship

- (1) A person who owns, controls or operates a **place of worship** in Metropolitan Melbourne 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 Metropolitan Melbourne 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; and
  - (b) the total number of members of the public at the facility at any time does not exceed 50; and
  - (c) the number of people present to conduct or facilitate a service is limited at all times to the minimum number 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).*
  - (d) any weddings and funerals held at the facility comply with the requirements of the **Stay Safe Directions (Metropolitan Melbourne)**; and
  - (e) any religious gatherings or ceremonies are conducted at either the place of worship or an outdoor space proximate to the place of worship; and
  - (f) any support group conducted at the place of worship is attended by no more than 10 members of the public (excluding any member of the public necessary for the delivery of the service); and

*Examples: for alcohol and drugs, family violence and parenting.*
  - (g) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by any members of the public.

### *Exceptions*

- (3) Despite subclause (2), a person may operate a place of worship without complying with subclause (2) if it is for the purpose of:
  - (a) hosting an essential public support service other than support groups (whether that service is provided on a voluntary basis or otherwise), provided that the number of people present to conduct or facilitate the essential public support services is limited at all times to the minimum number required for that purpose; and

*Examples: a food bank, a service for homeless persons.*
  - (b) providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes at any one time.

*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 (2) apply.*

## 11 Funeral providers and crematoriums

- (1) A person who owns, controls or operates a funeral home or crematorium in Metropolitan Melbourne may only do so during the restricted activity period if:
  - (a) any funeral conducted is compliant with the requirements of the **Stay Safe Directions (Metropolitan Melbourne)**; 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; and
  - (c) the total number of members of the public at the facility at any time does not exceed 50; and
  - (d) the number of people present to conduct or facilitate a funeral service is limited at all times to the minimum number 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).*

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

## 12 Retail facility

- (1) A person who owns, controls or operates a **retail facility**, including a **restricted retail facility** and auction house, in Metropolitan Melbourne 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, other than an auction house but including a restricted retail facility, may only operate that facility if:
  - (a) the number of members of the public in any indoor space or outdoor space is limited (with infants under the age of 12 months old not counted towards this limit) to the Density Quotient; and
  - (b) for a facility that operates out of a private residence, the entrance used by members of the public to access the facility and the entrance used by residents and visitors to access the private residence are separate.

### *Auction house*

- (4) A person who owns, controls or operates an auction house may only operate that facility if:
  - (a) the number of members of the public in any indoor space or outdoor space is limited (with infants under the age of 12 months old not counted towards this limit) to the Density Quotient; and

- (b) the total number of members of the public at the facility at any time does not exceed 50 (with infants under one year of age not counting towards this limit).

#### *Restricted retail facilities*

- (5) In addition to the requirements in subclause (3), a person who operates a restricted retail facility may only operate that facility if:
  - (a) the person only provides services or procedures that would be able to be provided if the client is wearing a face covering; and

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

- (b) a client wears a face covering for the duration of the service, other than where the client is exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Metropolitan Melbourne)**.

#### *Pubs, bars, clubs and hotels*

- (6) A person who owns, controls or operates a **licensed premises** in Metropolitan Melbourne may only operate that premises during the restricted activity period in accordance with these directions.
- (7) A person who owns, controls or operates a licensed premises in Metropolitan Melbourne may operate those premises only for the purposes of:
  - (a) operating as a **bottleshop**; or
  - (b) providing food or drink in accordance with clause 13; or
  - (c) providing accommodation in accordance with clause 14;
  - (d) operating a retail betting venue in accordance with subclause 9(8).

*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**.*

- (8) A **licensed premises** means a business characterised as a pub, bar, club or hotel that supplies alcohol under a **general licence**, an **on-premises licence**, a **late night licence**, a **producer's licence**, a **packaged liquor licence** or a **club licence**.

### **13 Food and drink facilities**

- (1) A person who owns, controls or operates a **food and drink facility** in Metropolitan Melbourne 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 Metropolitan Melbourne may only operate that facility if:
- (a) the number of members of the public permitted 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;
  - (b) the total number of members of the public at the facility at any time does not exceed 100, with no more than a total of 50 members of the public in all indoor spaces combined; and

*Note: members of the public at an outdoor space of a food and drink facility are permitted to shelter indoors when unable to attain protection in the outdoor space from severe weather, provided they wear a face covering (other than where they are exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Metropolitan Melbourne)**).*

- (c) there are no more than 10 members of the public in any one group; and
- (d) members of the public at the premises remain seated except when ordering food or drink, using toilets or entering or leaving the facility; and
- (e) any dancefloors in the facility are closed at all times; and
- (f) any weddings held at the facility comply with the **Stay Safe Directions (Metropolitan Melbourne)**.

#### **14 Accommodation facilities**

- (1) A person who owns, controls or operates an **accommodation facility** in Melbourne Metropolitan may only operate that facility during the restricted activity period in accordance with these directions.
- (2) An **accommodation facility** includes, but is not limited to, any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a camping ground;
  - (b) a caravan park;

- (c) a hotel;
  - (d) a hostel;
  - (e) a bed and breakfast;
  - (f) a private holiday rental facility, including Airbnbs;
  - (g) a motel;
  - (h) a serviced apartment.
- (3) A person who owns, controls or operates an accommodation facility in Metropolitan Melbourne may operate that facility for the purposes of providing accommodation only if:
- (a) the number of members of the public in any communal indoor or outdoor space is limited to the Density Quotient; and
  - (b) each booking consists only of either:
    - (i) members of the one household or the intimate partners of the members in that household; or
    - (ii) a **nominated person** and a **nominee person**; and
  - (c) members of the public under different bookings do not share any bedrooms; and
  - (d) all surfaces in the facility that are used exclusively by a particular group, including a hotel room or cabin, are cleaned between each booking.

#### *Exceptions*

- (4) Despite subclause (3) a person who owns, controls or operates an accommodation facility in Metropolitan Melbourne 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 or school gathering 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.*

## **15 Real estate auctions and inspections**

- (1) During the restricted activity period, in Metropolitan Melbourne, an estate agent may only conduct:
- (a) an auction for the sale of **real estate**, only if that auction:
    - (i) is conducted in an outdoor space; and

- (ii) is 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:
  - (A) the Density Quotient; and
  - (B) 50,excluding the owners or residents of the property and the minimum number of people required to conduct or broadcast the auction; and
- (b) an inspection of real estate only if it is for the purposes of a prospective sale or rental of the property, arranged by private appointment and the number of members of the public is limited to the lesser of:
  - (i) the Density Quotient; or
  - (ii) 10.

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

## 16 Tours and transport

### *Licensed tourism operator*

- (1) During the restricted activity period in Metropolitan Melbourne, a **licensed tourism operator** may not organise any indoor tourism services and may only organise or operate licensed tourism services outdoors in accordance with these directions.

*Examples: outdoor tours that may be permitted 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.*

- (2) A **licensed tourism operator** may only organise or operate outdoor licensed tourism services within Metropolitan Melbourne for members of the public if:
  - (a) the licensed tourism services are provided wholly in an outdoor space; and
  - (b) the number of members of the public attending a tour is limited to 50 members of the public, with a maximum of 10 members of the public in any one group, unless all members of the group reside at the same premises; and
  - (c) the number of members of the public in any non-seated areas is limited to the Density Quotient; and
  - (d) licensed tourism services are not operated by more than the minimum number of persons required for that purpose.

*Note: the minimum number of persons required to operate a tour is in addition to the limit in subclause (b).*

- (3) Despite subclause (2), a licensed tourism operator may permit the use of an indoor space to provide access to:
- (a) toilet facilities or to permit access to an outdoor space; or
  - (b) food and drink facilities provided that they operate in accordance with the requirements of clause 13 (food and drink facilities); or
  - (c) retail facilities provided that they operate in accordance with the requirements of clause 12 (retail facility).

*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.*

## 17 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, indoor space or outdoor space where such an event (or a series of events) forms part of the routine operations, use, activities or services of the facility, venue, indoor space or outdoor 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, indoor space or outdoor space which forms part of the ad hoc or routine operations, use, activities or services of the facility, venue, indoor space or outdoor space;

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

- (v) a private gathering;
  - (vi) a wedding, funeral or end of life activity;
  - (vii) a routine religious gathering or ceremony,
- to which these directions and the **Stay Safe Directions (Metropolitan Melbourne)** 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 one or more persons who are subject to a requirement under these directions to conduct one or more eligible public events (or class of eligible public events) from any requirement of the Directions currently in force if satisfied that the exemption is appropriate, having regard to:
    - (a) the need to protect public health; and
    - (b) the principles in sections 5 to 10 of the **PHW Act**, as appropriate.
  - (4) An exemption under subclause (3):
    - (a) must be given in writing; and
    - (b) must be published at [www.coronavirus.vic.gov.au/public-events](http://www.coronavirus.vic.gov.au/public-events), as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer; and
    - (c) must specify each requirement in the Directions currently in force to which, subject to 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.

## 18 Emergency use and operations

- (1) Nothing in these directions is intended to prevent or otherwise affect the operation of a facility in Metropolitan Melbourne 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**.

## 19 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.

## 20 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 14(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) **Area Directions** means the **Area Directions (No 11)** as amended or replaced from time to time;
- (5) **bottleshop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the **premises**;
- (6) **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**);
- (7) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;

- (8) **community facility** has the meaning in clause 7(2);
- (9) **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 recreational facility**;
  - (g) a **community facility**;
  - (h) a **place of worship**.
- (10) **Density Quotient** has the same meaning as in the **Restricted Activities Direction (Regional Victoria)**;
- (11) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No 23)** as amended or replaced from time to time;
- (12) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (13) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (14) **entertainment facility** has the meaning in clause 8(2);
- (15) **face covering** has the same meaning as in the **Workplace Directions**;
- (16) **food and drink facility** has the meaning in clause 11(2);
- (17) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (18) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (19) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (20) **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;
- (21) **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.*

- (22) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (23) **licensed premises** has the meaning in clause 10(8);
- (24) **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;
- (25) **Metropolitan Melbourne** has the same meaning as in the **Area Directions**;
- (26) **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**;
- (27) **nominated person** has the same meaning as in the **Stay Safe Directions (Regional Victoria)**;
- (28) **nominee person** has the same meaning as in the **Stay Safe Directions (Regional Victoria)**;
- (29) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (30) **outdoor space** means a space that is not an **indoor space**;
- (31) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (32) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (33) **physical recreational facility** has the meaning in clause 5(2);
- (34) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (35) **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**;
- (36) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**;
- (37) **premises** has the same meaning as in the **PHW Act**;
- (38) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (39) **Public Event Framework** means the Public Event Framework available at [www.coronavirus.vic.gov.au/public-events](http://www.coronavirus.vic.gov.au/public-events), as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer.

- (40) **Restricted Activities Direction (Regional Victoria)** means the **Restricted Activities Direction (Regional Victoria) (No 2)** as amended from time to time;
- (41) **restricted activity period** has the meaning in clause 4;
- (42) **retail facility** means a **premises**, or part of a premises, at which a business operates to provide for the sale or hire of goods by retail;
- (43) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (44) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (45) **State Library** means the State Library Victoria;
- (46) **Stay Safe Directions (Metropolitan Melbourne)** means the **Stay Safe Directions (Metropolitan Melbourne)** as amended or replaced from time to time;
- (47) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No 4)** as amended or replaced from time to time;
- (48) **vehicle** has the same meaning as in the **PHW Act**;
- (49) **visitor** means a person who is not registered to stay overnight at an **accommodation facility**;
- (50) **work premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- (51) **worker** has the same meaning as in the **Workplace Directions**;
- (52) **Workplace Directions** means the **Workplace Directions (No 32)** as amended or replaced from time to time;
- (53) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

## 21 Penalties

Section 203 of the **PHW Act** provides:

### **Compliance with direction or other requirement**

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.

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.*

A handwritten signature in black ink, consisting of a stylized 'A' followed by a long horizontal line that ends in a small upward tick.

**Professor Allen Cheng**

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

10 June 2021