

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

Open Premises Directions

Public Health and Wellbeing Act 2008 (Vic)

Section 200

I, Professor Benjamin Cowie, Acting Chief Health Officer, consider it reasonably necessary to protect public health to give the following directions pursuant to section 200(1)(d) of the **Public Health and Wellbeing Act 2008 (Vic) (PHW Act)**:

PART 1 PRELIMINARY

1 Preamble

- (1) The purpose of these directions is to impose obligations upon:
 - (a) operators of certain **premises** in **Metropolitan Melbourne** and **Regional Victoria**; and
 - (b) patrons that attend those premises;in relation to vaccination against COVID-19 and other requirements, in order to address the serious public health risk posed to Victoria by severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) Parts 2, 3 and 4 govern **open premises**, which are specified in Schedule 1 (Metropolitan Melbourne) and Schedule 3 (Regional Victoria):
 - (a) Part 2 contains vaccination requirements;
 - (b) Part 3 contains additional requirements and exceptions;
 - (c) Part 4 contains further requirements and exceptions for specific open premises.
- (3) Part 5 governs **closed premises**, which are specified in Schedule 2 (Metropolitan Melbourne).
- (4) Part 6 contains definitions:
 - (a) key definitions are contained in clause 39;
 - (b) premises-specific definitions are contained in clause 40;
 - (c) other definitions are contained in clause 41;
- (5) These directions must be read together with the **Directions currently in force**.
- (6) These directions replace the **Restricted Activity Directions (Restricted Areas) (No 22)**, the **Restricted Activity Directions (Regional Victoria) (No 15)** and the **COVID-19 Vaccinated Activities Directions (No 3)**.

2 Citation

These directions may be referred to as the **Open Premises Directions**.

3 Commencement and revocation

- (1) These directions commence at 11:59:00pm on 21 October 2021 and end at 11:59:00pm on 18 November 2021.
- (2) The **Restricted Activity Directions (Restricted Areas) (No 22)**, **Restricted Activity Directions (Regional Victoria) (No 15)** and the **COVID-19 Vaccinated Activities Directions (No 3)** are revoked at 11:59:00pm on 21 October 2021.

PART 2 OPEN PREMISES — VACCINATION REQUIREMENTS

4 Open premises

The operator of an open premises must operate the premises in accordance with:

- (1) the obligations in this Part;
- (2) any additional obligations in Part 3; and
- (3) any premises-specific obligations in Part 4.

5 Provision of vaccination information

Operator obligations — maintenance of system

- (1) The operator of an open premises must maintain a system that requires a **patron** (except a patron under 16 years or age) that attends the premises, on each occasion they attend:
 - (a) to show a person working at the premises **acceptable evidence** that records that they are either:
 - (i) **fully vaccinated**; or
 - (ii) an **excepted person**.

*Note: an operator must require patrons to check-in to their premises under the **Workplace Directions**.*
- (2) The system maintained under subclause (1) must include:
 - (a) the placement, at each entrance to the premises that is accessible by patrons, a **worker**:
 - (i) who is designated as a **COVID Check-in Marshal**; and
 - (ii) who requests each patron attending the premises to do the things specified in subclause (1).

Patron obligation — patrons must use system

- (3) A patron (except a patron under 16 years or age) who attends an open premises must comply with the requirements of the system maintained under subclause (1).
- (4) A patron who is a dependant of another patron is deemed to have complied with subclause (3) if the other patron, on behalf of the dependant, complies with the requirements of the system maintained under subclause (1).

6 No entry of patrons who are not fully vaccinated or excepted persons

Operator obligation — exclusion of persons

- (1) The operator of an open premises must take all reasonable steps to ensure that a patron who:
 - (a) is not fully vaccinated; and
 - (b) is not an excepted person; or
 - (c) does not comply with the requirements of the system maintained by the operator under clause 5(1),does not enter, or remain on, the premises.

Note: this obligation does not apply in relation to patrons who are fully vaccinated or excepted persons (which includes children under 16 years of age) and have provided acceptable evidence.

- (2) For the purposes of complying with subclause (1), the operator is authorised to use any information about a patron that it has been provided under the system maintained under clause 5(1).

Patron obligation — no entry unless fully vaccinated or an excepted person

- (3) A patron who is not:
 - (a) fully vaccinated; or
 - (b) an excepted person;must not enter, or remain on, the premises of an open premises.

7 Worker requirements

Workers must be fully vaccinated

- (1) The operator of an open premises must not permit any person to work at the premises unless the person is:
 - (a) fully vaccinated; or
 - (b) an excepted person.
- (2) The operator must collect, record and hold **vaccination information** about each fully vaccinated person and each excepted person who works at the premises.

- (3) For the purposes of complying with subclause (1), an operator is authorised to use any information about a worker that it holds under subclause (2).

Information held under Mandatory Vaccination (Workers) Directions

- (4) If an operator is the employer of a fully vaccinated person or an excepted person who works at the premises:
- (a) the operator is deemed to have complied with subclause (2) if they hold vaccination information about the person under the **COVID-19 Mandatory Vaccination (Workers) Directions (No 5)** or the **COVID-19 Mandatory Vaccination (Specified Facilities) (No 9)**; and
 - (b) the operator is authorised to use that information for the purposes of complying with subclause (1).

8 Patron limits

The operator of an open premises must not permit the number of patrons:

- (1) in an **indoor space**—to exceed the number specified for the premises:
- (a) in Column 2 in Schedule 1 for a premises in Metropolitan Melbourne; or
 - (b) in Column 2 in Schedule 3 for a premises in Regional Victoria;
- (2) in an **outdoor space**—to exceed the number specified for the premises:
- (a) in Column 3 in Schedule 1 for a premises in Metropolitan Melbourne; or
 - (b) in Column 3 in Schedule 3 for a premises in Regional Victoria,

Note: "patron" is defined in clause 39(1) and does not include a person under 1 year of age.

PART 3 OTHER REQUIREMENTS AND EXCEPTIONS FOR OPEN PREMISES

Division 1 — Other requirements

9 No dancefloors

The operator of an open premises must not permit any indoor space or outdoor space at that premises to be used as a dancefloor.

10 Separate entrance at private residences

If an open premises is located at a private residence, the operator must have an entrance accessible to patrons that is separate to the entrance used by the residents of, or visitors to, the private residence.

11 COVID Check-in Marshal for check-in

The operator of an open premises must place a person designated as a COVID Check-in Marshal at each entrance to the premises that is accessible by patrons

and who requests each patron to record their attendance at the premises in accordance with the **Workplace Directions**.

Division 2 — Exceptions

12 Access to bathrooms

The patron limits specified in clause 8 and the requirements in Part 4 do not prevent an operator from permitting a patron to access a bathroom.

13 Severe weather

The patron limits specified in clause 8 and the requirements in Part 4 do not prevent an operator from permitting a patron in an outdoor space at the open premises from entering an indoor space in the event of severe weather.

14 Exclusive use by one school

If an open premises is being operated only for the purpose of one school using the premises exclusively, the obligations in Part 2 and the patron limits in Part 4 do not apply.

15 Weddings

If an open premises is being operated only for the purpose of conducting a wedding the following patrons are not to be counted for the purpose of any patron limits specified in clause 8 or in Part 4:

- (1) the two persons being married;
- (2) the authorised celebrant;
- (3) a photographer.

16 Funerals

(1) If an open premises is being operated for the purpose of conducting a funeral, the following patrons are not to be counted for the purpose of the patron limits specified in clause 8 or in Part 4:

- (a) the minimum number of persons reasonably necessary to conduct the funeral.
- (2) An operator of an open premises that is being operated for the purpose of conducting a funeral must ensure that food, drink, crockery, utensils, vessels and other equipment are not shared between patrons.

17 Senior Secondary examinations

If an open premises is being operated only for the purpose of conducting **Senior Secondary examinations**, the obligations in Part 2 and any patron limits in Part 4 do not apply.

18 Public Event Framework

- (1) If an open premises is being operated only for the purpose of conducting an **exempt public event**, the obligations in Part 2 and the patron limits in Part 4 do not apply.
- (2) 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.
- (3) An exemption:
 - (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.
- (4) An exemption 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 (including any conditions on an exemption); or
 - (ii) the requirements of all other Directions currently in force.

Transitional provisions

- (5) Any exemption granted for an exempt public event under any revoked Restricted Activity Directions continues to have effect.
- (6) Any application for an exemption for an eligible public event made under any revoked Restricted Activity Directions continues to have effect.

Note: a person who has made an application for an exemption under previous directions will be contacted to confirm whether or not the application for exemption is still required.

19 Vaccinated Economy Trials

- (1) A person who owns, controls or operates an **exempt premises** is not required to comply with the requirements of these directions and the

Directions currently in force in respect of that exempt premises to the extent specified in the exemption and subject to any conditions of the exemption.

- (2) 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 operate one or more **eligible premises** (or class of eligible premises) 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.
- (3) An exemption:
 - (a) must be given in writing; and
 - (b) must be published at www.coronavirus.vic.gov.au/vaccinated-economy-trials, 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.
- (4) An exemption 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 (including any conditions on an exemption); or
 - (ii) the requirements of all other Directions currently in force.

Transitional provisions

- (5) Any exemption granted for an exempt premises under any revoked Restricted Activity Directions continues to have effect.
- (6) Any application for an exemption for an eligible premises made under any revoked Restricted Activity Directions continues to have effect.

Note: a person who has made an application for an exemption under previous directions will be contacted to confirm whether or not the application for exemption is still required.

20 Emergency use and operations

Nothing in these directions is intended to prevent or otherwise affect the operation of a premises 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**.

PART 4 ADDITIONAL REQUIREMENTS AND EXCEPTIONS FOR SPECIFIC PREMISES

21 Accommodation premises

- (1) The obligations in Part 2 do not apply to an **accommodation premises**.
- (2) An operator of an accommodation premises may operate that premises for the purpose of providing accommodation only if:
 - (a) the operator does not permit the number of patrons in any communal indoor or outdoor space to exceed the **density quotient (4 sq metres)**; and
 - (b) patrons under different bookings do not share any bedrooms; and
 - (c) all surfaces in the premises that are used exclusively by a particular group, including a hotel room or cabin, are cleaned between each booking; and
 - (d) the operator operates any **food and drink premises** within the accommodation premises in accordance with the requirements of these directions applicable to a food and drink premises; and
 - (e) the operator operates any **entertainment and function premises** within the accommodation premises in accordance with the requirements of these directions applicable to an entertainment and function premises; and
 - (f) the operator takes reasonable steps to ensure that each non-communal indoor or outdoor space is used by patrons in accordance with the requirements that apply in relation to private gatherings as specified in the:
 - (i) **Stay Safe Directions (Metropolitan Melbourne)**, if the premises is located in Metropolitan Melbourne; or
 - (ii) **Stay Safe Directions (Regional Victoria)**, if the premises is located in Regional Victoria.

22 Adult education or higher education premises

- (1) The obligations in Part 2 do not apply to an **adult education or higher education premises**.
- (2) The operator of an adult education or higher education premises must not provide services to patrons at the premises, except for the purpose of:
 - (a) conducting final year assessments for a course accredited by the Tertiary Education Quality and Standards Agency where it is not reasonably practicable for the student to complete the assessment by alternative means by the end of 2021; or

- (b) conducting a class for a course accredited by the Tertiary Education Quality and Standards Agency, which cannot be conducted remotely; or
 - (c) providing services to person undertaking secondary school subjects.
- (3) If the operator provides services in accordance with subclause (2)(c) at an adult education or higher education premises in:
- (a) Metropolitan Melbourne—the operator must:
 - (i) not permit a student to physically attend the premises on more days than the number of days specified in Column 2 of Schedule 4 that are specified for the year level of the student; and
 - (ii) take all reasonable steps to ensure that each student who physically attends the premises complies with the requirements in Column 3 of Schedule 4 that are specified for the year level of the student; or
 - (b) Regional Victoria—the operator must take all reasonable steps to ensure that each student who physically attends the premises complies with the requirements in Column 3 of Schedule 4 that are specified for the year level of the student.

23 Childcare or early childhood premises

- (1) The obligations in Part 2 do not apply to a **childcare or early childhood premises**.

Metropolitan Melbourne — Who can attend?

- (2) The operator of a childcare or early childhood premises in Metropolitan Melbourne must not provide services to a child, unless:
- (a) at least one parent, guardian or carer of the child:
 - (i) is an **authorised worker** or works for an **authorised provider**; and
 - (ii) is unable to make alternative supervision arrangements for the child; or
 - (b) each parent, guardian or carer of the child with whom the child ordinarily resides is fully vaccinated or an excepted person; or
 - (c) the child is a child of a single parent, guardian or carer, and that person is:
 - (i) working outside of the home and is unable to make alternative supervision arrangements for that child; or
 - (ii) working at home and is unable to make alternative supervision arrangements for that child; or
 - (d) the child is a **vulnerable child**.

Metropolitan Melbourne — Vaccination status of parents, guardians and carers

- (3) If an operator of a childcare or early childhood premises provides services to a child on the basis of subclause (2)(b) (fully vaccinated parents, guardians or carers), the operator must maintain a system that requires the parent, guardian or carer of the child with whom the child ordinarily resides:
- (a) to show a person working at the premises acceptable evidence that records that they are either:
 - (i) fully vaccinated; or
 - (ii) an excepted person,the first time that the services are provided to their child after 21 October 2021.
- (4) Each parent, guardian or carer of a child who receives services on the basis of subclause (2)(b) (fully vaccinated parents, guardians or carers) must comply with the requirements of the system maintained under subclause (3).
- (5) For the purposes of complying with subclause (2), the operator is authorised to use any information about a patron that it has been provided under the system maintained under subclause (3).

Regional Victoria — Vaccination status of parents, guardians and carers

- (6) The operator of a childcare or early childhood premises in Regional Victoria must not provide services to a child who ordinarily resides in Metropolitan Melbourne, unless:
- (a) at least one parent, guardian or carer of the child:
 - (i) is an authorised worker or works for an authorised provider; and
 - (ii) is unable to make alternative supervision arrangements for the child; or
 - (b) each parent, guardian or carer of the child with whom the child ordinarily resides is fully vaccinated or an excepted person; or
 - (c) the child is a child of a single parent, guardian or carer, and that person is:
 - (i) working outside of the home and is unable to make alternative supervision arrangements for that child; or
 - (ii) working at home and is unable to make alternative supervision arrangements for that child; or
 - (d) the child is a vulnerable child.
- (7) If an operator of a childcare or early childhood premises provides services to a child on the basis of clause 23(6)(b) (fully vaccinated parents, guardians or carers), the operator must maintain a system that requires the parent, guardian or carer of the child with whom the child ordinarily resides:
- (a) to show a person working at the premises acceptable evidence that records that they are either:
 - (i) fully vaccinated; or

- (ii) an excepted person,
the first time that the services are provided to their child after 21 October 2021.
- (8) Each parent, guardian or carer of a child who receives services on the basis of clause 23(6)(b) (fully vaccinated parents, guardians or carers) must comply with the requirements of the system maintained under subclause (7).
- (9) For the purposes of complying with subclause (6), the operator is authorised to use any information about a patron that it has been provided under the system maintained under subclause (7).

24 Community premises

Exception for contactless collection or delivery

- (1) The obligations in Part 2 do not apply in relation to a **community premises** if the premises is operated only for the purposes of contactless collection or delivery of pre-ordered goods.

Example: a library is permitted to operate for the purpose of a 'click and collect' service to facilitate the loaning of and/or returning of books, toys and other similar goods without complying with the requirements in Part 2.

Exception for essential public support services

- (2) If a community premises is being operated for the purpose of providing essential public support services (except support group services) in an indoor space or an outdoor space, the obligations in Part 2 and the patron limits in subclause (5) do not apply in relation to that indoor space or outdoor space if:
 - (a) the operator does not permit the number of patrons in the space to exceed 10; and
 - (b) the operator only permits the minimum number of persons required to conduct and/or facilitate the essential public support service to access the indoor space or outdoor space.

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

Note 1: support groups do not fall within this exception and the operator must comply with applicable patron limits.

Note 2: only patrons receiving essential public support services and those conducting it can be present.

Exception for use by authorised workers

- (3) The obligations in Part 2 do not apply in relation to authorised workers attending a community premises to perform work in an indoor space or outdoor space provided that the operator only permits the minimum number of persons necessary to access the indoor space or outdoor space for that purpose.

Exception for playgrounds, skateparks and outdoor communal exercise equipment

- (4) If the community premises is a premises that has:
- (a) a playground; or
 - (b) a skatepark in an outdoor space; or
 - (c) outdoor communal exercise equipment,
- the obligations in Part 2 do not apply to those parts of the premises.

Regional Victoria — Lower patron limits for unvaccinated operations

- (5) The obligations in Part 2 do not apply to a community premises in Regional Victoria if:
- (a) the operator of the premises does not permit the number of patrons in each indoor space and each outdoor space to exceed the density quotient (4 sq metres); and
 - (b) the operator of the premises does not permit the total number of patrons at the whole of the premises to exceed 20.

25 Creative arts premises

Requirement to clean equipment

- (1) The operator of a **creative arts premises** must ensure that any equipment used in an activity is cleaned between users.

Regional Victoria — Lower patron limits for unvaccinated operations

- (2) The obligations in Part 2 do not apply to a creative arts premises in Regional Victoria if:
- (a) the operator of the premises does not permit the number of patrons in each indoor space and each outdoor space to exceed the density quotient; and
 - (b) the operator of the premises does not permit the total number of patrons at the whole of the premises to exceed 20.

Note: the persons conducting an activity are not included for the purpose of calculating the limit on the number of patrons referred to in subclause (2)(a) or (2)(b).

26 Drive-in cinemas

- (1) The obligations in Part 2 do not apply to a drive-in cinema.
- (2) An operator of a drive-in cinema may only operate the premises if:
- (a) the drive-in cinema is in an outdoor space accessed by vehicles; and
 - (b) the operator only permits access to a vehicle if the patrons in each vehicle consist only of members of the one household, any intimate partners of the members of that household and any child or dependant of any of those members or intimate partners; and

- (c) the operator operates any food and drink premises within the premises in accordance with the requirements of these directions applicable to a food and drink premises; and
- (d) the operator does not permit patrons to be seated outside of their vehicles; and
- (e) the operator does not permit the total number of patrons at the whole of the premises at any time to exceed the lesser of:
 - (i) the density quotient (4 sq metres); or
 - (ii) 50.

27 Education premises

- (1) The obligations in Part 2 do not apply to an **education premises**.

Metropolitan Melbourne — Who can attend?

- (2) The operator of an education premises in Metropolitan Melbourne must not permit a student to physically attend the education premises on more days than specified in Column 2 of Schedule 4 for the year level of the student.
- (3) Subclause (2) does not apply in relation to a student:
- (a) if each parent, guardian or carer of the student with whom the student ordinarily resides:
 - (i) is an authorised worker or works for an authorised provider; and
 - (ii) is required to attend the work premises; and
 - (iii) is unable to make alternative supervision arrangements for that student; or
 - (b) if the student is a vulnerable child.

Metropolitan Melbourne — Additional requirements

- (4) The operator of an education premises in Metropolitan Melbourne must take all reasonable steps to ensure that each student who physically attends the premises complies with the requirements in Column 3 of Schedule 4 that are specified for the year level of the student.

Regional Victoria — Additional requirements

- (5) The operator of an education premises in Regional Victoria must take all reasonable steps to ensure that each student who physically attends the premises complies with the requirements in Column 3 of Schedule 4 that are specified for the year level of the student.

28 Entertainment and function premises

Casino, nightclubs and karaoke premises

- (1) An operator of a:

- (a) casino—may only operate the premises as a food and drink premises or an accommodation premises; and
 - (b) **nightclub** or karaoke premises—may only operate the premises as a food and drink premises.
- (2) An operator referred to in subclause (1) must operate the premises in accordance with the requirements of these directions applicable to a food and drink premises or an accommodation premises.

Exception for broadcasting

- (3) The obligations in Part 2 do not apply in relation to an entertainment and function premises, if the operator:
- (a) only operates the entertainment and function premises for the purposes of broadcasting a performance;
 - (b) only permits the minimum number of persons required to conduct and broadcast the performance to be present at the premises; and
 - (c) does not permit the number of persons in an indoor space or an outdoor space to exceed 5.

Lower patron limits for unvaccinated operation of large rehearsal theatres

- (4) An operator of an entertainment and function premises that is a **large rehearsal theatre** may operate the premises only for the purpose of rehearsals in an indoor space or an outdoor space.
- (5) The obligations in Part 2 and the patron limits in subclause (6) do not apply to a large rehearsal theatre that is operated for the purpose of rehearsals in accordance with subclause (4), if:
- (a) the large rehearsal theatre is in Metropolitan Melbourne or the rehearsals are conducted in an indoor space in a large rehearsal theatre in Regional Victoria—the operator does not permit the number of persons in each indoor space or outdoor space at any one time to exceed the greater of:
 - (i) the lesser of:
 - (A) **density quotient (2 sq metres)**; and
 - (B) 60; or
 - (ii) the lesser of:
 - (A) density quotient (4 sq metres); and
 - (B) 120; or
 - (b) the rehearsals are conducted in an outdoor space in a large rehearsal theatre in Regional Victoria—the operator does not permit the number of persons in each outdoor space at any one time to exceed the lesser of:
 - (i) density quotient (2 sq metres); and
 - (ii) 300; and

- (c) the operator does not permit any person to enter or remain in the space, unless the person is necessary for the conduct of the rehearsal.

Regional Victoria — Lower patron limits for unvaccinated operations

- (6) The obligations in Part 2 do not apply in relation to any of the following types of entertainment and function premises in Regional Victoria:

- (a) a theatre;
- (b) a cinema, but 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 amusement park;
- (h) an **animal premises**;
- (i) a convention centre;
- (j) a **function premises**;

if the operator of the premises:

- (k) does not permit the number of patrons in a non-seated indoor space or non-seated outdoor space to exceed the density quotient (4 sq metres); and
- (l) does not permit the number of patrons in each indoor space to exceed 20; and
- (m) does not permit the number of patrons in each **discrete outdoor space** to exceed:
 - (i) 300; or
 - (ii) 25% of the normal capacity of that outdoor space.

29 Food and drink premises

Seated patrons

- (1) The operator of a food and drink premises must take all reasonable steps to ensure that a patron remains seated when the patron is:
 - (a) entering or leaving the premises;
 - (b) making an order;
 - (c) accessing a bathroom.

Food courts — take-away and delivery only

- (2) If a food and drink premises is a **food court**:

- (a) the operator of the food court must operate the premises only for the purposes of providing take-away goods or delivery of pre-ordered goods; and
- (b) the obligations in Part 2 do not apply.

Exception for take-away

- (3) If a food and drink premises is being operated for the purposes of providing take-away goods or delivery of pre-ordered goods, the obligations in Part 2 and subclause (1) do not apply in relation to a patron who attends only to collect those goods.

Note: a food and drink premises can operate a take-away and a seated service at the same time. The obligations in Part 2 do not apply in relation to patrons that are purchasing take-away goods or delivery of pre-ordered goods but apply in relation to patrons who attend the premises for a seated service.

- (4) Patrons who attend a food and drink premises only to purchase or collect take-away or pre-ordered goods do not count for the purposes of the patron limits specified in Schedule 1, Schedule 3 or subclause (5).

Regional Victoria — Lower patron limits for unvaccinated operations

- (5) The obligations in Part 2 do not apply in relation to a food or drink premises (other than a food court) in Regional Victoria, if the operator of the premises:
 - (a) does not permit the number of patrons in an outdoor space to exceed 30;
 - (b) does not permit the number of patrons in an indoor space to exceed 10; and
 - (c) does not permit the total number of patrons at the whole of the premises at any time to exceed the lesser of:
 - (i) the density quotient (4 sq metres); or
 - (ii) 40.

Note 1: the operator must also comply with the conditions of any liquor licence or planning permit.

*Note 2: patrons in a **retail betting premises** or **gaming machine premises** in an indoor space of the food and drink premises are included in this limit.*

30 Funeral parlours and crematoriums

Metropolitan Melbourne — Lower patron limits for unvaccinated operations

- (1) The obligations in Part 2 do not apply in relation to a funeral parlour or crematorium in Metropolitan Melbourne, if the operator of the premises:
 - (a) does not permit the number of patrons in an indoor space or outdoor to exceed the density quotient (4 sq metres); and

- (b) does not permit the total number of patrons in all of the indoor spaces at the premises to exceed 10; and
- (c) does not permit the total number of patrons in all of the outdoor spaces at the premises to exceed 20.

Regional Victoria — Lower patron limits for unvaccinated operations

- (2) The obligations in Part 2 do not apply in relation to a funeral parlour or crematorium in Regional Victoria, if the operator of the premises:
 - (a) does not permit the number of patrons in an indoor space or outdoor to exceed the density quotient (4 sq metres); and
 - (b) does not permit the total number of patrons at the whole of the premises at any time to exceed the lesser of:
 - (i) the density quotient (4 sq metres); or
 - (ii) 20.

31 Gaming machine premises

Regional Victoria — Spacing of gaming machines

- (1) The operator of a gaming machine premises in Regional Victoria must ensure that each **gaming machine** is either spaced at least 1.5m apart or every second gaming machine is closed.

Regional Victoria — Lower patron limits for unvaccinated operations

- (2) The obligations in Part 2 do not apply in relation to a gaming machine premises in Regional Victoria, if the operator of the premises does not permit:
 - (a) the number of patrons in any outdoor space to exceed 20;
 - (b) the number of patrons in any indoor space to exceed 10; and
 - (c) the total number of patrons in the whole of the gaming machine premises to exceed the lesser of:
 - (i) the density quotient (4 sq metres); and
 - (ii) 30.
- (3) If a gaming machine premises is within a larger premises that is subject to patron limits under these directions, the number of patrons within the gaming machine premises are to be counted for the purposes of any patron limits that apply to the larger premises.

32 Physical recreation premises

Shared equipment

- (1) The operator of a **physical recreation premises** must ensure that any shared equipment is cleaned between users.

Exception for community sport

- (2) The obligations in Part 2 and the patron limits in subclause (11) do not apply in relation to any outdoor space in a physical recreation premises if:
- (a) the premises is being operated only for the purpose of conducting a community sport activity; and
 - (b) in Metropolitan Melbourne:
 - (i) the premises is used only for training purposes and not for any competition activities; and
 - (ii) the operator does not permit any spectators to attend the community sport activity; and
 - (iii) the operator only permits the participants and the minimum number of persons required to conduct the community sport activity to attend the premises; and
 - (iv) the operator does not permit a person who ordinarily resides in Regional Victoria to participate in the community sport activity; and
 - (c) in Regional Victoria:
 - (i) the operator ensures that any spectators of the community sport activity comply with the relevant limits on public gatherings in accordance with the **Stay Safe Directions (Regional Victoria)**; and
 - (ii) the operator otherwise only permits the participants and the minimum number of persons required to conduct the community sport activity to attend the premises; and
 - (iii) the operator does not permit a person who ordinarily resides in Metropolitan Melbourne to participate in the community sport activity.

Exception for professional or high performance sport

- (3) Despite subclause (8), the operator of a physical recreation premises may operate a physical recreation premises for exclusive use by **professional or high-performance sports persons**, only if the operator does not permit any person to enter or remain at the premises unless the person is necessary for the conduct of the activity being undertaken by the professional or high-performance sports persons.
- (4) The obligations in Part 2 and the patron limits in subclause (11) do not apply if the physical recreation premises is operated for the exclusive use for professional or high-performance sports persons.

Exception for broadcasting

- (5) The obligations in Part 2 and the patron limits in subclause (11) do not apply in relation to a physical recreation premises if the operator:
- (a) uses the premises only for the purpose of broadcasting an online class from the physical recreation premises; and

- (b) does not permit the total number of persons at the premises for the purpose of broadcasting the online class to exceed 5.

Exception for use by authorised workers

- (6) The obligations in Part 2 and the patron limits in subclause (11) do not apply in relation to authorised workers attending a physical recreation premises to perform work in an indoor space or outdoor space provided that the operator only permits the minimum number of persons necessary to access the indoor space or outdoor space for that purpose.

Metropolitan Melbourne — Indoor spas, saunas, steam rooms and change rooms to remain closed

- (7) The operator of a physical recreation premises must ensure that any indoor spa, sauna, steam room or change room at the premises is closed at all times to patrons.

Metropolitan Melbourne — Indoor spaces in physical recreation premises to remain closed

- (8) The operator of a physical recreation premises in Metropolitan Melbourne must not operate any indoor spaces of the premises, unless otherwise permitted in accordance with this Part.

Metropolitan Melbourne — Exception for hydrotherapy services

- (9) The obligations in Part 2 do not apply if the premises is operated for the purpose of the provision of hydrotherapy services in accordance with subclause (10).
- (10) Despite subclause (8), the operator of a swimming pool or a **hydrotherapy pool** at a physical recreation premises in Metropolitan Melbourne may operate that premises for the purpose of the provision of hydrotherapy services to patrons at the premises if the operator:
 - (a) ensures that any patron accessing hydrotherapy services is accompanied by:
 - (i) a health worker; or
 - (ii) a carer, parent or guardian (if required); and
 - (b) does not permit group hydrotherapy services; and
 - (c) does not permit the number of patrons at any one time in any water or non-water part of the premises to exceed:
 - (i) 10 in any pool; and
 - (ii) in respect of the whole of the premises, the number that is the number calculated by dividing the total accessible space (measured in square metres) by 8; and
 - (d) takes all reasonable steps to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Regional Victoria — Lower patron limits for unvaccinated operations

- (11) The obligations in Part 2 do not apply in relation to a physical recreation premises in Regional Victoria if the operator of the premises:
- (a) does not permit the number of patrons in any indoor space or any non-seated outdoor space to exceed the density quotient (4 sq metres); and
 - (b) does not permit the number of patrons in all indoors spaces at the whole of the premises (other than an indoor swimming pool) to exceed 10; and
 - (c) does not permit the number of patrons in all outdoor spaces at the whole of the premises to exceed 20; and
 - (d) does not permit the number of patrons in any:
 - (i) indoor swimming pool at the premises to exceed 20; and
 - (ii) outdoor swimming pool at the premises to exceed 50; and
 - (e) does not permit the number of patrons in a group to exceed 10; and
 - (f) operates any food and drink premises within the physical recreation premises in accordance with the requirements of these directions applicable to a food and drink premises; and
 - (g) operates any retail premises within the physical recreation premises in accordance with the requirements of these directions applicable to a retail premises;.
- (12) If an operator of a physical recreation premises in Regional Victoria operates the premises in accordance with subclause (11) and the operator operates the premises for the purpose of swimming or water safety lessons, subclauses (11)(a) and (11)(e) do not apply.

33 Places of worship

No shared equipment

- (1) The operator of a place of worship must not permit food, drink, crockery, utensils, vessels or other equipment to be shared between patrons.

Exception for broadcasting

- (2) The obligations in Part 2 do not apply in relation to a place of worship, if the operator of the place of worship:
- (a) only operates the place of worship for the purposes of broadcasting (live or otherwise) a religious ceremony via electronic means; and
 - (b) only permits the minimum number of persons required to conduct and broadcast the religious ceremony to be present at the premises; and
 - (c) does not permit the number of persons in an indoor space or an outdoor space to exceed 5.

Exception for essential public support services

- (3) If a place of worship is being operated for the purpose of providing essential public support services (except support group services) in an indoor space or an outdoor space, the obligations in Part 2 and patron limits in subclause (4) do not apply in relation that indoor space or outdoor space if:
- (a) the operator does not permit the number of patrons in the space to exceed 10; and
 - (b) the operator only permits the minimum number of persons required to conduct and/or facilitate the essential public support service to access the indoor space or outdoor space.

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

Note 1: the persons required to conduct and/or facilitate the service are not included in the maximum of 10 persons.

Note 2: an essential public support service does not include people gathering for worship or prayer.

Lower patron limits for unvaccinated operations

- (4) The obligations in Part 2 do not apply in relation to a place of worship if the operator of the place of worship does not permit the number of patrons in an indoor space or an outdoor space to exceed the lesser of:
- (a) the density quotient (4 sq metres); or
 - (b) if the place of worship is:
 - (i) in Metropolitan Melbourne—10; or
 - (ii) in Regional Victoria—20.
- (5) The exceptions in clause 15 (weddings) and clause 16 (funerals) apply for the purpose of the patron limit specified in subclause (4).

34 Real estate

Exception — vaccination requirements for inspections

- (1) The obligations in Part 2 do not apply in relation to a **real estate** premises except for any premises where an auction is conducted.

Metropolitan Melbourne — Inspections

- (2) An **estate agent** may conduct an inspection by patrons of a real estate premises in Metropolitan Melbourne, only if:
- (a) an inspection by patrons is arranged by private appointment; and
 - (b) the patrons who attend the inspection are from a single household and the estate agent does not enter the premises during the inspection.

Regional Victoria — Lower patron limit for unvaccinated patrons (auctions)

- (3) The obligations in Part 2 do not apply if an estate agent conducts an auction of a real estate premises in Regional Victoria and does not permit the number of patrons attending the auction in person to exceed the lesser of:
 - (a) the density quotient (4 sq metres); and
 - (b) 10.
- (4) The owners or residents of the property and the minimum number of persons required to conduct or broadcast the auction do not count for the purposes of the patron limit in subclause (3).

35 Retail betting premises

- (1) The obligations in Part 2 do not apply to a **retail betting premises**.

Metropolitan Melbourne — Additional requirement for retail betting premises

- (2) The operator of a retail betting premises in Metropolitan Melbourne may only operate the premises:
 - (a) in an outdoor space; or
 - (b) out of a truck or other vehicle in an outdoor space, provided that the operator does not permit patrons to enter the truck or vehicle.

Regional Victoria — Lower patron limit for unvaccinated patrons

- (3) The obligations in Part 2 do not apply in relation to a retail betting premises in Regional Victoria, if the operator does not permit the number of patrons any indoor space or outdoor space to exceed to the density quotient (4 sq metres).
- (4) If a retail betting premises is within a larger premises that is subject to patron limits under these directions, the number of patrons within the retail betting premises are to be counted for the purposes of any patron limits that apply to the larger premises.

36 Retail premises

Essential retail premises and general retail premises — no vaccination requirements

- (1) The obligations in Part 2 do not apply to:
 - (a) an **essential retail premises**; or
 - (b) a **general retail premises**.

Metropolitan Melbourne — Auction houses (online only)

- (2) If a retail premises in Metropolitan Melbourne is an auction house:
 - (a) the operator of the auction house must operate the premises only for the purposes of conducting auctions for online participants; and
 - (b) the obligations in Part 2 do not apply.

Metropolitan Melbourne — General retail premises

- (3) An operator of a general retail premises in Metropolitan Melbourne may only operate the premises if the operator:
- (a) operates the premises only for the purposes of contactless collection or delivery of pre-ordered goods; or
 - (b) operates the premises only in an outdoor space and the number of patrons in the outdoor space does not exceed the density quotient (4 sq metres).

Regional Victoria — Lower patron limits for unvaccinated operations

- (4) The obligations in Part 2 do not apply in relation to a **restricted retail premises** in Regional Victoria:
- (a) if the operator of the premises does not permit the number of patrons:
 - (i) in an indoor space or an outdoor space to exceed the density quotient (4 sq metres); and
 - (ii) at the premises at any one time to exceed 10; or
 - (b) if:
 - (i) the total area of all indoor spaces and outdoor spaces at the premises that are accessible to patrons (excluding all **communal or shared spaces**) is less than 80 square metres; and
 - (ii) the operator of the premises does not permit the number of patrons at the premises at any one time to exceed 20.
- (5) The operator of a general retail premises in Regional Victoria must not permit the number of patrons to exceed the limits in subclause (4).

37 Tours and transport

No shared equipment

- (1) A person providing **tourism services** must ensure any shared equipment used is cleaned between users and is not shared between patrons in a tour group.

Metropolitan Melbourne — Restriction on tour transport in Metropolitan Melbourne

- (2) A person may only provide tourism services in Metropolitan Melbourne provided that:
- (a) the tourism services are not operated in an indoor space; and
 - (b) patrons are only transported by walking or cycling.

Regional Victoria — Lower patron limit for unvaccinated patrons

- (3) The obligations in Part 2 do not apply in relation to a premises in Regional Victoria that is operated for the exclusive purpose of providing tourism services if:
- (a) the tourism services are not operated in an indoor space; and

- (b) the operator of the premises is a **licensed tourism operator**; and
- (c) the operator does not permit the number of patrons:
 - (i) to exceed 20 in any outdoor tour; and
 - (ii) to exceed 10 when being transported in a vehicle; and
- (d) the tourism services are conducted by the minimum number of persons required.

PART 5 CLOSED PREMISES

38 Closed premises

The operator of a **closed premises** must not operate the premises.

PART 6 DEFINITIONS

39 Key definitions

Patrons and workers

- (1) For the purpose of these directions:
 - (a) **patron** means any person who attends a **premises**, except:
 - (i) a person under 1 year of age;
 - (ii) a **worker**;
 - (iii) a person who attends the premises in connection with an emergency;
 - (b) **worker** means any person engaged or employed by the operator of a premises to work at the premises.

Types of premises

- (2) For the purpose of these directions:
 - (a) **closed premises** means a premises:
 - (i) in **Metropolitan Melbourne** specified in Column 1 of Schedule 2;
 - (b) **open premises** means a premises:
 - (i) in **Metropolitan Melbourne** specified in Column 1 of Schedule 1; or
 - (ii) in **Regional Victoria** specified in Column 1 of Schedule 3.

Indoor and outdoor spaces

- (3) For the purpose of these directions:
 - (a) **communal or shared space** means an **indoor space** or an **outdoor space** that may be shared or accessed by more than one distinct group of patrons;

- (b) **density quotient (2 sq m)** in relation to an **indoor space** or an **outdoor space** is the number calculated by dividing the total area of the space (measured in square metres) by 2, rounded down to the nearest whole number;
- (c) **density quotient (4 sq m)** in relation to an **indoor space** or an **outdoor space** is the number calculated by dividing the total area of the space (measured in square metres) by 4, rounded down to the nearest whole number;
- (d) **discrete outdoor space** means an **outdoor space** (whether a seated space, non-seated space or a combination of seated and non-seated) where crowding or congregation of people may occur and where either:
 - (i) people are attending to participate in a shared purpose or activity; or
Example: an area for participating in a competition.
 - (ii) people are attending as the audience of the same performance, activity or entertainment;
Example: an area where an audience views a performance on an outdoor stage or watches an outdoor cinema screen.
- (e) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are either floor to ceiling high or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are:
 - (i) permanent or temporary;
 - (ii) open or closed;
- (f) **outdoor space** means an area, room or **premises** that is not an **indoor space**.

Vaccination status

- (4) A person's **vaccination status** is one of the following:
 - (a) **fully vaccinated**; or
 - (b) **excepted person**.
- (5) A person is **fully vaccinated** if the person has received two doses of a **COVID-19 vaccine**.
- (6) A person is an **excepted person** if:
 - (a) the person holds certification from a **medical practitioner** that the person is unable to receive a dose, or a further dose, of a **COVID-19 vaccine** due to a **medical contraindication**; or
 - (b) the person holds certification from a medical practitioner that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine due to an acute medical illness (including where the person has been diagnosed with SARS-CoV-2); or

- (c) the person is under 16 years of age.
- (7) A certification for the purpose of subclause (6)(b) is effective until the earlier of:
 - (a) the date specified by the medical practitioner; or
 - (b) the date 6 months from the date the certification was given by the medical practitioner.

Vaccination information and acceptable evidence

- (8) For the purposes of these directions:
 - (a) **acceptable evidence** means:
 - (i) in relation to a person who is **fully vaccinated**:
 - (A) successful completion of a Service Victoria QR check-in that includes confirmation that the person is fully vaccinated displayed through the Service Victoria App; or
 - (B) a COVID-19 digital certificate displayed through the Medicare App, the Service Victoria App or equivalent smartphone wallet; or
 - (C) a printed version of the COVID-19 digital certificate or immunisation history statement issued by the vaccination provider, a **medical practitioner** or the Australian Immunisation Register, but does not include a copy of the COVID-19 digital certificate that is printed by the person;
 - (ii) in relation to an **excepted person**:
 - (A) certification from a **medical practitioner** that the person is unable to receive a dose, or a further dose, of a **COVID-19 vaccine** due to a **medical contraindication**; or
 - (B) certification from a **medical practitioner** that the person is unable to receive a dose, or a further dose, of a **COVID-19 vaccine** due to an acute medical illness (including where the person has been diagnosed with SARS-CoV-2);
 - (b) **vaccination information** is information about a person's **vaccination status** and includes information that is derived from a record of information that was made under, or in accordance with, the **Australian Immunisation Register Act 2015** of the Commonwealth.

Note: vaccination information may be recorded in a variety of documents, such as a letter from a medical practitioner, a certificate of immunisation or an immunisation history statement obtained from the Australian Immunisation Register.

Public events

- (9) For the purpose of these directions:
 - (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 **premises**, 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 premises, 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; or
- (iv) an ad hoc or routine public gathering in a premises, venue, indoor space or outdoor space which forms part of the ad hoc or routine operations, use, activities or services of the premises, venue, indoor space or outdoor space; or
- (v) a private gathering; or
- (vi) a wedding, funeral or end of life activity; or
- (vii) a routine religious gathering or ceremony,

to which these directions and the **Stay Safe Directions (Regional Victoria)** and the **Stay Safe Directions (Metropolitan Melbourne)** otherwise continue to apply;

- (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 clause 18 or the equivalent subclause in any **revoked Restricted Activity Directions**;
- (c) **Public Event Framework** means the Public Event Framework available at www.coronavirus.vic.gov.au/public-events, as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer.

Vaccinated Economy Trials

- (10) For the purpose of these directions:
- (a) **eligible premises** means a business or premises approved by the Chief Health Officer as being eligible to participate in the Vaccinated Economy Trial; and
 - (b) **exempt premises** means an eligible premises which, subject to the process described in the Vaccinated Economy Trial Framework, the Chief Health Officer or Deputy Chief Health Officer has exempted from a requirement in the Directions currently in force in accordance with clause 19 or the equivalent subclause in any **revoked Restricted Activity Directions**.

40 Premises-specific definitions

Accommodation premises

- (1) For the purposes of these directions:
- (a) **accommodation premises** means any of the following:
 - (i) a camping ground;
 - (ii) a caravan park;
 - (iii) a hotel;
 - (iv) a hostel;
 - (v) a bed and breakfast;
 - (vi) a private holiday rental facility, including Airbnbs;
 - (vii) a motel;
 - (viii) a serviced apartment; or
 - (ix) a **licensed premises** to the extent that it is operated as a **premises** specified in paragraphs (i) to (viii).

Adult education or higher education premises

- (2) For the purposes of these directions:
- (a) **adult education or higher education premises** means a **premises** that operates for the purpose of providing **higher education services**;
 - (b) **higher education services** means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, and other post-compulsory education or training.

Childcare or early childhood premises

- (3) For the purposes of these directions:

- (a) **childcare or early childhood premises** means a **premises** at which onsite early childhood education and care services or children's services are provided under the:
- (i) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs; or
 - (iii) **Education and Care Services National Law Act 2010** and the **Education and Care Services National Regulations 2011** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services.

Community premises

- (4) For the purposes of these directions:
- (a) **community premises** means any of the following, whether operated on a for profit or not-for-profit basis:
- (i) a community centre or community hall;
 - (ii) a public library (including a toy library, but not the **State Library**);
 - (iii) a youth centre;
 - (iv) a playground;
 - (v) a skatepark in an outdoor space; or
 - (vi) a **premises** that has outdoor communal exercise equipment, but does not include:
 - (vii) a **creative arts premises**;
 - (viii) a **physical recreation premises**; or
 - (ix) a premises that has a swimming pool, **hydrotherapy pool**, spa, sauna, steam room or **spring**.

Creative arts premises

- (5) For the purposes of these directions:
- (a) **creative arts premises** means any of the following, whether operated on a for profit or not-for-profit basis:
- (i) an art studio;
 - (ii) a ceramics studio;
 - (iii) a music room or studio;
 - (iv) a rehearsal room or studio;
 - (v) any other **premises** that is used for creative art, but does not include:
 - (vi) a **physical recreation premises**;

- (vii) a **community premises**; or
- (viii) a **place of worship**.

Education premises

- (6) For the purposes of these directions:
 - (a) **education premises** means:
 - (i) a **school**; or
 - (ii) a **school boarding premises**;
 - (b) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
 - (c) **school boarding premises** means a registered school boarding premises, as defined in the **Education and Training Reform Act 2006**.

Entertainment and function premises

- (7) For the purposes of these directions:
 - (a) **animal premises** means any of the following:
 - (i) a **zoological park**;
 - (ii) a wildlife centre;
 - (iii) a petting zoo;
 - (iv) an aquarium;
 - (v) an animal farm that is not being operated for the purpose of producing food;
 - (b) **entertainment and function premises** means of the following, whether operated on a for profit or not-for-profit basis:
 - (i) a theatre;
 - (ii) a cinema;
 - (iii) a music hall, concert hall or auditorium;
 - (iv) a gallery or a museum;
 - (v) the **State Library**;
 - (vi) an arena or stadium;
 - (vii) an arcade;
 - (viii) an amusement park;
 - (ix) a **retail betting premises**;
 - (x) a **gaming machine premises**;
 - (xi) a brothel, sex on premises venue or sexually explicit entertainment venue;
 - (xii) a bingo centre;

- (xiii) a karaoke premises;
- (xiv) a **nightclub**;
- (xv) an **animal premises**;
- (xvi) a **function premises**;
- (xvii) a convention centre;
- (xviii) a **licensed premises** to the extent that it is operated as a premises specified in paragraphs (i) to (xvii).
- (c) **function premises** a building, room or space that is used for the purpose of holding events, functions, conferences or receptions;
- (d) **large rehearsal theatre** means a theatre:
 - (i) at which rehearsals are conducted by a **National Performing Arts Company**; or
 - (ii) that has a seated capacity of over 1000 people and ordinarily conducts performances on a commercial basis;
- (e) **National Performing Arts Company** means an organisation funded through the National Performing Arts Partnership Framework;
- (f) **nightclub** means a **premises**:
 - (i) to which a **late night licence** applies; and
 - (ii) with a dancefloor; and
 - (iii) which does not serve food prepared at the premises for consumption on the premises;
- (g) **State Library** means the State Library Victoria;
- (h) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

Food and drink premises

- (8) For the purposes of these directions:
 - (a) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
 - (b) **food court** has the same meaning as in the **Liquor Control Reform Act 1998**;
 - (c) **food and drink premises** means:
 - (i) a cafe;
 - (ii) a restaurant;
 - (iii) a fast-food store;
 - (iv) a cafeteria;
 - (v) a canteen;
 - (vi) a winery;

- (vii) a food court;
- (viii) a **licensed premises** to the extent it operates as a premises specified in paragraphs (i) to (vii);
- (d) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (e) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (f) **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**, a **club licence** or a **packaged liquor licence**;
- (g) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (h) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (i) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**.

Gaming machine premises

- (9) For the purposes of these directions:
 - (a) **gaming machine** has the same meaning as in the **Gambling Regulation Act 2003**;
 - (b) **gaming machine premises** has the same meaning as "gaming machine area" in the **Gambling Regulation Act 2003**.

Physical recreation premises

- (10) For the purposes of these directions:
 - (a) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
 - (b) **physical recreation premises** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (i) a **premises** used predominantly for indoor sport or physical recreation;

Examples: gymnasium, health club, fitness centre, yoga studio, pilates studio, barre studio, dance studio, spin premises, indoor basketball court, indoor climbing premises, squash court, table tennis centre.
 - (ii) a premises used predominantly for outdoor sport or physical recreation;

Examples: golf club, tennis club, outdoor basketball courts, go kart track, rifle range, equestrian centre, mini golf, paint ball, lawn bowling, water skiing.

- (iii) a cardio or strength training premises;

Examples: a cardio or strength premises 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 premises may be a stand-alone premises or part of another premises (such as a gymnasium, health club or fitness centre).

- (iv) a skatepark in an indoor space;
- (v) a trampolining centre;
- (vi) a premises that has a swimming pool, **hydrotherapy pool**, spa, sauna, steam room or **spring**,

but does not include:

- (vii) a premises that has a skatepark in an outdoor space;
- (viii) a premises that has outdoor communal exercise equipment;
- (ix) a **creative arts premises**;

Note: a skatepark in an outdoor space and outdoor communal exercise equipment are part of the definition of 'community premises'.

- (c) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer.

Places of worship

(11) For the purposes of these directions:

- (a) **place of worship** has the same meaning as in the **Heritage Act 2017**.

Real estate

(12) For the purposes of these directions:

- (a) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (b) **real estate** has the same meaning as in the **Estate Agents Act 1980**.

Retail betting premises

(13) For the purposes of these directions:

- (a) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (b) **retail betting premises** 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;
- (c) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**.

Retail premises

- (14) For the purposes of these directions:
- (a) **beauty therapy premises** means a premises at which beauty therapy and personal care services are provided;
 - (b) **beauty therapy** has the same meaning as in the **PHW Act**;
 - (c) **bottle shop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the premises;
 - (d) **essential retail premises** means:
 - (i) a **market**;
 - (ii) a **retail shopping centre**;
 - (iii) a supermarket;
 - (iv) a **bottle shop**;
 - (e) **general retail premises** means a premises that is used wholly or predominantly for the sale or hire of goods by retail, or the retail provision of services, and includes:
 - (i) an auction house;but does not include:
 - (ii) an **essential retail premises**; or
 - (iii) a **restricted retail premises**;
 - (f) **hairdressing premises** means a premises at which hairdressing services are provided;
 - (g) **hairdressing** has the same meaning as in the **PHW Act**;
 - (h) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;
 - (i) **restricted retail premises** means:
 - (i) a **beauty therapy premises**; or
 - (ii) a **hairdressing premises**;
 - (j) **retail premises** means:
 - (i) an **essential retail premises**;
 - (ii) a **general retail premises**; or
 - (iii) a **restricted retail premises**;
 - (k) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**.

Tours and tourism

- (15) For the purposes of these directions:
- (a) **licensed tourism operator** means a person:

- (i) 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**; or
- (ii) providing a tour of an **entertainment and function premises**;
- (b) **tourism services** means an activity, guided tour or recreation programme conducted or coordinated by an employee or officer of a **licensed tourism operator** that is undertaken for profit for tourism purposes including, but not limited to, ballooning, a walking tour or bushwalking tour, a bicycle tour, abseiling, rock climbing, canoeing, kayaking, white water rafting, diving, snorkelling, horse trail riding, marine based tours and surfing, or a guided tour of a museum or gallery.

41 Other definitions

For the purposes of these directions:

- (1) **Area Directions** means the **Area Directions (No 27)**, as amended or replaced from time to time;
- (2) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (3) **authorised provider** means a provider of goods or services as set out in the **Authorised Provider and Authorised Worker List**;
- (4) **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;
- (5) **authorised worker** has the same meaning as in the **Workplace Directions**;
- (6) **COVID-19 vaccine** means a vaccine to protect a person against SARS-CoV-2 that:
 - (a) has been registered or provisionally registered by the Therapeutic Goods Administration; or
 - (b) has been approved by a comparable overseas regulator, as determined by the Therapeutic Goods Administration under regulation 16DA(3) of the **Therapeutic Goods Regulation 1990** of the Commonwealth;
- (7) **COVID Check-in Marshal** means a person designated to perform the duty specified in clause 5(2)(a)(ii) and in clause 11;
- (8) **Directions currently in force** has the same meaning as in the **Workplace Directions** as amended or replaced from time to time;

- (9) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection (but does not include a face shield);
- (10) **medical contraindication** means one of the following contraindications to the administration of a **COVID-19 vaccine**:
- (a) anaphylaxis after a previous dose;
 - (b) anaphylaxis to any component of the vaccine, including polysorbate or polyethylene glycol;
 - (c) in relation to AstraZeneca:
 - (i) history of capillary leak syndrome; or
 - (ii) thrombosis with thrombocytopenia occurring after a previous dose;
 - (d) in relation to Comirnaty or Spikevax:
 - (i) myocarditis or pericarditis attributed to a previous dose of either Comirnaty or Spikevax; or
 - (e) the occurrence of any other serious adverse event that has:
 - (i) been attributed to a previous dose of a COVID-19 vaccine by an experienced immunisation provider or medical specialist (and not attributed to any another identifiable cause); and
 - (ii) been reported to State adverse event programs and/or the Therapeutic Goods Administration;
- (11) **medical practitioner** means:
- (a) a general practice registrar on an approved 3GA training placement; or
 - (b) a public health physician; or
 - (c) an infectious disease physician; or
 - (d) a clinical immunologist; or
 - (e) a general practitioner who is vocationally registered; or
 - (f) a general practitioner who is a fellow of the Royal Australian College of General Practitioners (RACGP); or
 - (g) a general practitioner who is a fellow of the Australian College of Rural and Remote Medicine (ACRRM); or
 - (h) a paediatrician; or
 - (i) a medical practitioner who is a fellow of the Royal Australasian College of Physicians;
- (12) **Metropolitan Melbourne** has the same meaning as in the **Area Directions**;
- (13) **premises** has the same meaning as in the **PHW Act**;
- (14) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (15) **revoked Restricted Activity Directions** means many of the **Restricted Activity Directions (Victoria)**, the **Restricted Activity Directions**

(Regional Victoria) or the **Restricted Activity Directions (Metropolitan Melbourne)** that came into effect on or after 27 May 2021;

- (16) **Senior Secondary examination** means an examination relating to a senior secondary certificate;
- (17) **Stay Safe Directions (Metropolitan Melbourne)** means the **Stay Safe Directions (Metropolitan Melbourne) (No 4)** as amended or replaced from time to time;
- (18) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No 14)** as amended or replaced from time to time;
- (19) **vulnerable child** 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) is identified by a school, childcare or early childhood premises 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); or
 - (d) is identified by a parent or guardian as vulnerable because the child or young person has a disability and cannot learn from home due to the circumstances of that disability;
- (20) **Workplace Directions** means the **Workplace Directions (No 52)** as amended or replaced from time to time.

PART 7 — MISCELLANEOUS

42 Disclosure to Authorised Officers

- (1) An **Authorised Officer** may request an operator or its workers to produce to the Authorised Officer any vaccination information held by the operator in accordance with these directions.
- (2) If an Authorised Officer makes a request to a person under subclause (1), the person must comply with the request.

Note: Authorised Officers may also be authorised to exercise the public health risk power in section 190(1)(d) of the PHW Act to require the provision of any information needed to investigate, eliminate or reduce the risk to public health.

43 Penalties

- (1) Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

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

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

Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has refused or failed to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal.

- (2) Section 210 of the PHW Act provides:

False or misleading information

- (1) A person must not—
- (a) give information that is false or misleading in a material particular; or
 - (b) make a statement that is false or misleading in a material particular; or
 - (c) produce a document that is false or misleading in a material particular—
- to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

Penalty: In the case of a natural person, 60 penalty units;
In the case of a body corporate, 300 penalty units.

- (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading.

Penalty: In the case of a natural person, 60 penalty units;
In the case of a body corporate, 300 penalty units.

- (3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the charge for the accused to prove that at the time at which the offence is alleged to have been committed, the accused believed on reasonable grounds that the information, statement or document was true or was not misleading.



Professor Benjamin Cowie

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

21 October 2021

SCHEDULE 1 — OPEN PREMISES (METROPOLITAN MELBOURNE)

Row

	Open premises (Column 1)	Patron limit for indoor space (Column 2)	Patron limit for outdoor space (Column 3)	Additional reqs and exceptions	Premises- specific definitions
1.	accommodation premises	Not applicable	Not applicable	Clause 21	Clause 40(1)
2.	adult education or higher education premises	Not applicable	Not applicable	Clause 22	Clause 40(2)
3.	animal premises	Zero.	The lesser of: (a) the density quotient (4 sq m); or (b) 25% capacity.	Clause 28	Clause 40(7)(a)
4.	casino operating as accommodation premises	Not applicable	Not applicable	Clause 28(1)(a)	Clause 40(7)
5.	casino operating as food and drink premises	The lesser of: (a) the density quotient (4 sq m); or (b) 20.	The lesser of: (a) the density quotient (4 sq m); or (b) 50.	Clause 28(1)(a)	Clause 40(7)
6.	childcare or early childhood premises	Not applicable	Not applicable	Clause 23	Clause 40(3)
7.	community premises	Zero.	The lesser of: (a) the density quotient (4 sq m); or (b) 50.	Clause 24	Clause 40(4)
8.	creative arts premises	Zero.	The lesser of: (a) the density quotient (4 sq m); or (b) 50.	Clause 25	Clause 40(5)
9.	drive-in cinemas	Not applicable	Not applicable	Clause 26	Clause 40(7)
10.	education premises	Not applicable	Not applicable	Clause 27	Clause 40(6)

11.	entertainment and function premises that are not specified elsewhere in this Column 1 or in Schedule 2	Zero.	The lesser of: (a) the density quotient (4 sq m); or (b) 50.	Clause 28	Clause 40(7)
12.	essential retail premises	Not applicable	Not applicable	Clause 36	Clause 40(14)
13.	food and drink premises	The lesser of: (a) the density quotient (4 sq m); or (b) 20.	The lesser of: (a) the density quotient (4 sq m); or (b) 50.	Clause 29	Clause 40(8)
14.	funeral parlours and crematoriums	The lesser of: (a) the density quotient (4 sq m); or (b) 20.	The lesser of: (a) the density quotient (4 sq m); or (b) 50.	Clause 30	Not applicable
15.	general retail premises	Not applicable	Not applicable	Clause 36	Clause 40(14)
16.	karaoke and nightclubs operating as food and drink premises	The lesser of: (a) the density quotient (4 sq m); or (b) 20.	The lesser of: (a) the density quotient (4 sq m); or (b) 50.	Clause 28(1)(b)	Clause 40(7)
17.	large rehearsal theatre	The lesser of: (a) the density quotient (4 sq m); or (b) 120.	The lesser of: (a) the density quotient (4 sq m); or (b) 120.	Clause 28(4)	Clause 28(4)
18.	physical recreation premises	Zero.	The lesser of: (a) the density quotient (4 sq m); or (b) 50.	Clause 32	Clause 40(10)
19.	places of worship	The lesser of: (a) the density quotient (4 sq m); or (b) 20.	The lesser of: (a) the density quotient (4 sq m); or (b) 50.	Clause 33	Clause 40(11)
20.	real estate premises – auctions	Zero.	The lesser of: (a) the density quotient (4 sq m); or (b) 50.	Clause 34	Clause 40(12)

21.	real estate premises – inspections	Not applicable	Not applicable	Clause 34	Clause 40(12)
22.	restricted retail premises	The lesser of: (a) the density quotient (4 sq m); or (b) 5.	The lesser of: (a) the density quotient (4 sq m); or (b) 5.	Clause 36	Clause 40(14)
23.	retail betting premises	Zero.	Density quotient (4 sq m)	Clause 35	Clause 40(13)
24.	tours (walking or cycling)	Zero.	The lesser of: (a) the density quotient (4 sq m); or (b) 50.	Clause 37	Clause 40(15)

SCHEDULE 2 — CLOSED PREMISES (METROPOLITAN MELBOURNE)

Row	Closed premises (Column 1)	Premises-specific definitions
1.	gaming machine premises	Clause 40(9)
2.	sex on premises, brothels and sexually explicit venues	Clause 40(7)

SCHEDULE 3 — OPEN PREMISES (REGIONAL VICTORIA)

Row	Open premises (Column 1)	Patron limit for indoor space (Column 2)	Patron limit for outdoor space (Column 3)	Additional reqs and exceptions	Premises- specific definitions
1.	accommodation premises	Not applicable	Not applicable	Clause 21	Clause 40(2)
2.	adult education or higher education premises	Not applicable	Not applicable	Clause 22	Clause 40(1)
3.	arcades, escape rooms, bingo centres	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 100.	Clause 28	Clause 40(7)
4.	childcare and early childhood premises	Not applicable	Not applicable	Clause 23	Clause 40(3)
5.	community premises	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 100.	Clause 24	Clause 40(4)
6.	creative arts premises	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 100.	Clause 25	Clause 40(5)
7.	drive-in cinemas	Not applicable	Not applicable	Clause 26	Clause 40(7)
8.	education premises	Not applicable	Not applicable	Clause 27	Clause 40(6)
9.	entertainment and function premises that are not specified elsewhere in this Column 1	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 300.	Clause 28	Clause 40(7)
10.	essential retail premises	Not applicable	Not applicable	Clause 36	Clause 40(14)

11.	food and drink premises	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 100.	Clause 29	Clause 40(8)
12.	funeral parlours and crematoriums	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 100.	Clause 30	Not applicable
13.	gaming machine premises	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	Not applicable	Clause 31	Clause 40(9)
14.	general retail premises	Not applicable	Not applicable	Clause 36	Clause 40(14)
15.	karaoke and nightclubs operating as food and drink premises	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 100.	Clause 28(1)(b)	Clause 40(7)
16.	large rehearsal theatre	The lesser of: (a) the density quotient (4 sq m); or (b) 120.	The lesser of: (a) the density quotient (2 sq m); or (b) 300.	Clause 28(4)	Clause 40(7)
17.	physical recreation premises	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 100.	Clause 32	Clause 40(10)
18.	places of worship	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 100.	Clause 33	Clause 40(11)
19.	real estate premises (inspections)	Not applicable	Not applicable	Clause 34	Clause 40(12)
20.	real estate premises (auctions)	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 100.	Clause 34	Clause 40(12)

21.	restricted retail premises	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	Not applicable	Clause 36	Clause 40(14)
22.	retail betting premises	Density quotient (4 sq m)	Density quotient (4 sq m)	Clause 35	Clause 40(13)
23.	sex on premises, brothels and sexually explicit venues	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	Not applicable	Not applicable	Clause 40(7)
24.	swimming pools, spas, saunas, steam rooms and springs	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 150.	Clause 32	Clause 40(10)
25.	tours (walking or cycling)	The lesser of: (a) the density quotient (4 sq m); or (b) 30.	The lesser of: (a) the density quotient (2 sq m); or (b) 100.	Clause 37	Clause 40(15)
26.	premises used for tourism services (other than cycling or walking tours)	30	Not applicable	Clause 37	Clause 40(15)

SCHEDULE 4 — SCHOOLS RETURN TO ONSITE LEARNING (METROPOLITAN MELBOURNE)

Phase B		
Year level (Column 1)	Onsite attendance (Column 2)	Student requirements (Column 3)
Foundation (Prep)	3 days per week	None.
Year 1	2 days per week	
Year 2		
Year 3	2 days per week	Face covering must be worn in all indoor spaces at the education premises.
Year 4		
Year 5		
Year 6		
Year 7	5 days per week	Face covering must be worn in indoor spaces or outdoor spaces at the education premises.
Year 8	2 days per week	
Year 9		
Year 10	2 days per week	
Year 11	5 days per week	Face covering must be worn in all indoor spaces or outdoor spaces at the education premises.
Year 12	5 days per week	Face covering must be worn in all indoor spaces or outdoor spaces at the education premises.