

Directions from Deputy Chief Health Officer (Communicable Disease) in accordance with emergency powers arising from declared state of emergency

Restricted Activity Directions (No 10)

Public Health and Wellbeing Act 2008 (Vic)

Section 200

I, Dr Annaliese van Diemen, Deputy Chief Health Officer (Communicable Disease), 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)**:

1 Preamble

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings in order to limit the spread of Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions replace the **Restricted Activity Directions (No 9)**, and now permit the following:
 - (a) limited operation of certain physical recreational facilities;
 - (b) limited operation of play centres and toy libraries;
 - (c) limited operation of cinemas, theatres, music halls, concert halls and auditoriums; and
 - (d) limited operation of licensed premises and retail betting venues.
- (3) These directions must be read together with the **Stay Safe Directions (No 2)** given on 21 June 2020.

2 Revocation

The **Restricted Activity Directions (No 9)** are revoked at 11:59:00pm on 21 June 2020.

3 Citation

These directions may be referred to as the **Restricted Activity Directions (No 10)**.

3A Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00pm on 21 June 2020 and ending at 11:59:00pm on 12 July 2020.

4 Definition of density quotient

The **density quotient** limits the **members of the public** that are permitted in a space at any one time to the number calculated by dividing the total publicly accessible space (measured in square metres) by 4 and:

- (a) for an **indoor space** applies to each single undivided space permitted to operate under these directions; and
- (b) for an **indoor zone** applies to each indoor zone within an indoor space permitted to operate under these directions; and
- (c) for an **outdoor space**, applies to the total space permitted to operate under these directions.

Example:

A: if an indoor space is 8.5 metres long and 4.5 metres wide, its total area is 38.25 square metres. Its density quotient is 9.56, so no more than 9 members of the public would be permitted to be in the indoor space at the same time.

B: if an indoor space is 15 metres long and 10 metres wide, its total area is 150 square metres. Its density quotient is 37.5, however if there is also a 20 person cap on the space, no more than 20 members of the public would be permitted to be in the indoor space at the same time.

Note: the density quotient, also referred to as the 'four square metre rule' is to be calculated by measuring the area which the members of the public can access, such as the table area in a restaurant, but not the food preparation area or in a store room.

5 Pubs, bars, clubs, nightclubs and hotels

- (1) A person who owns, controls or operates a **licensed premises** in Victoria may operate that **premises** during the restricted activity period only to the extent permitted by these directions.
- (2) A **licensed premises** means a business characterised as a pub, bar, club, nightclub or hotel that supplies liquor under a **general licence**, an **on-premises licence**, a **late night licence** or a **club licence**.

Permitted operations of licensed premises

- (3) A person who owns, operates or controls a licensed premises may operate that premises for the purposes of:
 - (a) operating a **bottleshop**;
 - (b) providing food or drink in accordance with clause 10;
 - (c) providing accommodation in accordance with clause 11; or
 - (d) the operation of a **retail betting venue** wholly contained within the licensed premises in accordance with clause 7(13)(b).

Note: under this direction a nightclub is prohibited from operating a dancefloor. A dancefloor or similar structure may only be used for seated drink or food service in accordance with this direction.

6 Physical recreational facilities

- (1) A person who owns, controls or operates a **physical recreational facility** in Victoria may operate that facility during the restricted activity period only to the extent permitted by these directions.
- (2) A **physical recreational facility** means any of the following, whether operated on a for profit or not-for-profit basis, if open to the public:
 - (a) a facility used predominantly for indoor physical recreation or sport;
Examples: gymnasium, health club, fitness centre, yoga studio, barre and spin facility, 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.
 - (c) a **personal training facility**;
 - (d) a **play centre**;
 - (e) a trampolining centre.

Permitted operations — indoor activities

- (3) A person who owns, controls or operates a facility listed in subclause (2)(a) (facility used predominantly for indoor physical recreation or sport) or (2)(c) (personal training facility) may operate that facility if in providing its services in an indoor space:
 - (a) except in relation to **community sport** which is subject to subclause (b), the number of members of the public in each indoor zone or each indoor space not consisting of any indoor zones:
 - (i) to whom the services are provided is limited to the lesser of:
 - (A) the number permitted by the density quotient; and
 - (B) 20; and
 - (ii) participating in a group that includes at least one member of the public aged 19 years or over is limited to the lesser of:
 - (A) the number permitted by the density quotient; and
 - (B) 10; and
Examples: a group activity includes a fitness class, a yoga class, a Pilates class.
 - (b) the activity is undertaken in compliance with the directions on community sport and physical recreation under clause 6B and any

Victorian Government guidance on community sport in indoor facilities; and

- (c) no access is permitted to a sauna or spa within the facility; and
- (d) the person complies with:
 - (i) the **records requirement**; and
 - (ii) the **signage requirement** for each indoor zone or each indoor space not consisting of any indoor zones; and
 - (iii) the **cleaning requirement**.

Note 1: the limits on members of the public in subclause (3) apply for each indoor zone (being a delineated space bigger than 200 square metres) or indoor space without indoor zones. Different limits apply to individual and group activities, and for adult and children groups.

Example: a Pilates studio with four rooms may concurrently run four classes of up to:

- a) 10 participants where at least one participant in a class is aged 19 years or over, subject to the density quotient; and*
- b) 20 participants, where all participants in a class are aged 18 years or under, subject to the density quotient.*

Note 2: subclause (3) is not intended to limit professional sports teams training in accordance with subclauses (5) and (6) below.

Permitted operations — outdoor activities

- (4) A person who owns, controls or operates a facility listed in subclause (2)(a) (facility used predominantly for indoor physical recreation or sport) or (2)(c) (personal training facility) may operate that facility if in providing its services in an outdoor space:
 - (a) the activity is undertaken in compliance with the directions on community sport and physical recreation under clause 6B; and
 - (b) the person complies with the records requirement.

Note: subclause (4) is not intended to limit professional sports teams training in accordance with subclauses (5) and (6) below.

Permitted operations — professional sport

- (5) Despite subclauses (3) and (4), a person who owns, controls or operates a physical recreational facility may operate that facility if it is operated for the exclusive use of a single professional sporting team at any one time and for training purposes by that team.
- (6) A person who operates a facility under subclause (5) must use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations — outdoor facilities

- (7) A person who owns, controls or operates a facility listed in subclause (2)(b) (facility used predominantly for outdoor sport or physical recreation) may operate that facility for the purposes of outdoor sport or physical recreation if:
- (a) in respect of an indoor space of the facility that is not a **food and drink facility**, the person limits the number of members of the public in the indoor space to the number permitted by the density quotient; and
 - (b) in respect of an indoor space of the facility that is a food and drink facility, the person complies with the restrictions on a food and drink facility under clause 10; and
 - (c) the activity is undertaken in compliance with the directions on community sport and physical recreation under clause 6B; and
 - (d) the person does not permit access to a sauna or spa within the facility.

Examples: a golf club or tennis club may operate to permit outdoor golf or tennis and allow access to change facilities and club rooms.

Note: restrictions apply under clause 12 to a swimming pool of a facility used for outdoor sport or physical recreation.

Permitted operations — play centres and trampolining centres

- (8) A person who owns, controls or operates a facility listed in subclause (2)(d) (play centre) or subclause (2)(e) (trampolining centre) may operate that facility if in providing its services:
- (a) the number of members of the public to whom the services are provided is limited in each space to the lesser of:
 - (i) the number permitted in the space by the density quotient; and
 - (ii) 20; and
 - (b) the number of members of the public in a group consisting of at least one member of the public aged 19 years or over is limited to the lesser of:
 - (i) the number permitted in the space by the density quotient; and
 - (ii) 10; and

Note: the limits on members of the public under paragraphs (a) and (b) apply for each indoor zone (being a delineated space bigger than 200 square metres), indoor space without an indoor zone and enclosed outdoor spaces. Different limits apply to individual and group activities, and for adult and children groups.

- (c) the person complies with:

- (i) the signage requirement for each indoor zone, indoor space not consisting of any indoor zones and **enclosed outdoor space** accessible to members of the public; and
- (ii) the cleaning requirement; and
- (iii) the records requirement; and
- (d) the person uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations — educational purposes

- (9) A person who owns, controls or operates a physical recreational facility may operate that facility if it is operated for the exclusive use of a single school at any one time for educational purposes.

*Note 1: spectators (which do not include referees or trainers) are limited by the public gatherings restrictions under clause 7(3) of the **Stay Safe Directions (No 2)**.*

Note 2: food and drink facilities and accommodation facilities that are part of a physical recreation facility may operate under clauses 10 and 11 irrespective of whether the predominate purpose is that of a physical recreation facility.

Note 3: this clause is not intended to restrict the operation of physical recreational facilities that are not open to the public, such as physical recreational facilities located within schools, workplaces or onsite rehabilitation facilities.

6A Community facilities

- (1) A person who owns, controls or operates a **community facility** in Victoria may operate that facility during the restricted activity period:
 - (a) for hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise); or

Examples: a food bank, a service for homeless persons.
 - (b) for members of the public in accordance with subclause (3); or
 - (c) to host a wedding or funeral in accordance with subclause (4); or
 - (d) for the exclusive use of a school at any one time for educational purposes.
- (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);
 - (c) a youth centre.

Restrictions — limited members of the public

- (3) A person who operates a facility under subclause (1)(b) must:

- (a) limit the number of members of the public in each indoor space to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 20; and
- (b) comply with:
 - (i) the signage requirement for each indoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement, except in relation to support groups if confidentiality is typically required.

Example: support groups for alcohol and drugs or family violence typically require confidentiality.

Restrictions — weddings and funerals

- (4) A person who operates a facility under subclause (1)(c):
 - (a) must not host a wedding or funeral unless that wedding or funeral complies with the requirements of the **Stay Safe Directions (No 2)**; and
 - (b) must comply with:
 - (i) the signage requirement for each indoor space and enclosed outdoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement.

6B Community sport and physical recreation

Persons aged 19 years or over

- (1) A member of the public aged 19 years or over may only participate in a community sport or a physical recreation activity if it is **non-contact** and:
 - (a) for community sport, no more than the minimum number of members of the public required to conduct the sport participate in the activity; and
 - (b) for a physical recreation activity:
 - (i) no more than 20 members of the public are participating in a group; or
 - (ii) more than 20 members of the public are participating in a group if all persons have the same ordinary place of residence.

Persons aged 18 years or under

- (2) A member of the public aged 18 years or under may participate in a community sport or physical recreation activity if all members of the public participating in a group are aged 18 years or under.

- (3) A member of the public aged 18 years or under may only participate in a community sport or physical recreation activity that involves at least one participant aged 19 years or over if it is non-contact and:
- (a) for community sport, no more than the minimum number of members of the public required to conduct the sport participate in the activity; and
 - (b) for a physical recreation activity:
 - (i) no more than 20 members of the public are participating in a group; or
 - (ii) more than 20 members of the public are participating in a group if all persons have the same ordinary place of residence.

*Note: physical recreation activities that do not take place in a physical recreation facility (for example, bush walking), are subject to the public gatherings restrictions in clause 7(3) of the **Stay Safe Directions (No 2)**.*

Interaction with restrictions on indoor spaces

- (4) A member of the public who participates in a community sport or a physical recreation activity under subclause (1), (2) or (3) in an indoor space must participate in that activity in a way that complies, as the case applies, with the restrictions on:
- (a) indoor activities that apply under clause 6(3) to that indoor space; and
 - (b) a community facility that apply under clause 6A to that indoor space of a community facility.

Note 1: a reference in this clause to members of the public participating is not intended to apply to a referee or trainer.

*Note 2: spectators (which do not include those referred to in Note 1 above) are limited in accordance with the public gatherings restrictions in clause 7(3) of the **Stay Safe Directions (No 2)**.*

7 Entertainment facilities

- (1) A person who owns, controls or operates an **entertainment facility** in Victoria must not operate that facility during the restricted activity period.
- (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;
 - (ca) a gallery or a museum;
 - (d) an arena, stadium or convention centre;
 - (e) an arcade;

- (f) an amusement park;
- (g) a **casino**, except to the extent of:
 - (i) providing food and drink in accordance with clause 10; or
 - (ii) providing accommodation in accordance with clause 11;
- (h) a retail betting venue;
- (i) a **gaming machine area**;
- (j) a **brothel, sex on premises venue or sexually explicit entertainment venue**;
- (k) a **bingo centre**.

Permitted operations — broadcast

- (3) Despite subclause (1), a person who owns, controls or operates an entertainment facility may operate that facility for the purpose of allowing a performance to occur at the premises, if that performance is to be broadcast (live or otherwise) via electronic means.

Permitted operations — professional sport

- (4) Despite subclause (1), a person who owns, controls or operates an arena or stadium may operate that facility for the purpose of:

- (a) providing an exclusive training venue for a single professional sporting team at any one time; or

Note: physical recreational facilities located at an arena or stadium must comply with the requirements in clause 6(5).

- (b) providing a venue for a professional sporting event.

- (5) A person who operates a facility under subclause (4) must:

- (a) only permit to attend the facility a person who is necessary for the management of the facility, professional sporting event, training or the broadcasting of such an event to occur; and

Examples: coaching staff of a professional sports team, and persons employed or engaged in the management or maintenance of the facility are necessary attendees.

Note: spectators are not necessary and not permitted for professional sporting events.

- (b) not permit a food and drink facility to operate at the arena or stadium, other than to the extent necessary to provide food and drink to persons permitted to attend the arena or stadium under subclause 5(a); and
- (c) use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations — community sport and educational purposes

- (6) Despite subclause (1), a person who owns, controls or operates an arena or stadium may operate that facility for the purpose of:
- (a) providing a venue for community sport undertaken in compliance with the directions on community sport and physical recreation under clause 6B; or
 - (b) providing an exclusive venue for a single school at any one time for educational purposes.
- (7) A person who operates a facility under subclause (6) must:
- (a) only permit those persons to attend the facility who are necessary for the provision of the facility as a venue for community sport or as an exclusive venue for a single school; and
Examples: instructors, trainers, coaches and teachers are necessary attendees, as are the minimum number of supporters required for a participant – such as a parent or carer in the case of a child or a person with disability.
 - (b) use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations — gallery or museum

- (8) Despite subclause (1), a person who owns, controls or operates a gallery or a museum may operate that venue if that person:
- (a) limits the number of members of the public:
 - (i) for each indoor space to the lesser of:
 - (A) the number permitted by the density quotient; and
 - (B) 20;
 - (ii) for each enclosed outdoor space, to the number permitted by the density quotient; and
 - (b) complies with:
 - (i) the signage requirement for each indoor space and enclosed outdoor space accessible to members of the public; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement; and
 - (c) uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations — outdoor arcades or amusement parks

- (9) Despite subclause (1), a person who owns, controls or operates an arcade or amusement park may operate that venue if:

- (a) the venue is predominantly an outdoor venue; and
- (b) the person limits the number of members of the public in an indoor space at the venue to the lesser of:
 - (i) the number permitted in the indoor space by the density quotient; and
 - (ii) 20; and
- (c) the person limits the number of members of the public in an outdoor space at the venue to the number permitted in the outdoor space by the density quotient; and
- (d) the person complies with:
 - (i) the signage requirement for each indoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement; and
- (e) the person uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Note: an arcade located indoors at an outdoor venue is not permitted to be operated.

Permitted operations – drive-in cinemas

- (10) Despite subclause (1), a person who owns, controls or operates a drive-in cinema may operate that venue if:
 - (a) the cinema is in an outdoor space; and
 - (b) persons are not permitted to be seated outside of their vehicles; and
 - (c) the person complies with the cleaning requirement.

Permitted operations – cinema venues

- (11) Despite subclause (1), a person who owns, controls or operates a cinema venue that is not a drive-in cinema may operate that venue if:
 - (a) the number of members of the public permitted in each cinema is limited to the lesser of:
 - (i) the number permitted in the indoor space or enclosed outdoor space by the density quotient; and
 - (ii) 20; and
 - (b) in each cinema a member of the public is required to be seated at least 1.5 metres away from all members of the public who are not from the same group; and
 - (c) the person complies with:
 - (i) the signage requirement for each indoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement; and

- (d) the person uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the venue.

Permitted operations – theatres, music halls, concert halls and auditoriums

(12) Despite subclause (1), a person who owns, controls or operates a theatre, music hall, concert hall or auditorium may operate that venue if:

- (a) the number of members of the public permitted in each seating tier in the venue is limited to the lesser of:
 - (i) the number permitted in the indoor space by the density quotient; and
 - (ii) 20; and

Note: a seating tier is a level of seating at a venue, such as the stalls on a ground level, the dress circle on a first level and the gallery on a second level, with an entry point distinct from an entry points for another level.

- (b) in the venue a member of the public is required to be seated at least 1.5 metres away from all members of the public who are not from the same group; and
- (c) the person complies with:
 - (i) the signage requirement for each indoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement; and
- (d) the person uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the venue.

Permitted operations — retail betting venues

(13) Despite subclause (1), a person who owns, controls or operates a retail betting venue may operate the venue:

- (a) if the retail betting venue is not wholly contained within a licensed premises operating as a food and drink facility in accordance with clause 5(3)(b), if:
 - (i) the number of members of the public permitted in the venue is limited to the number permitted by the density quotient; and
 - (ii) the person complies with:
 - (A) the signage requirement for each indoor space; and
 - (B) the cleaning requirement; and
- (b) if the retail betting venue is wholly contained within a licensed premises operating as a food and drink facility in accordance with clause 5(3)(b).

Note: the restrictions that apply to a licensed premises operating as a food and drink facility in accordance with clause 5(3)(b) apply to the retail betting venue as a part of the licensed premises, including restrictions that apply under clauses 5(3)(b) and 10(3) on numbers of members of the public, group sizes, the signage requirement, the cleaning requirement and the records requirement.

Permitted operations — sexually explicit entertainment venue

- (14) Despite subclause (1), a person who owns, controls or operates a premises that is a sexually explicit entertainment venue may operate the premises if the person:
- (a) limits the number of members of the public in each indoor space to the lesser of:
 - (i) the number permitted in the indoor space by the density quotient; and
 - (ii) 20; and
 - (b) ensures not more than 10 members of the public are permitted in the facility per group booking; and
 - (c) maintains a distance between tables at all times so that members of the public are at least 1.5 metres from other members of the public on different tables when seated; and
 - (d) permits service of food and drinks only to persons who are seated; and
 - (e) complies with:
 - (i) the signage requirement for each indoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement.

8 Places of worship

- (1) A person who owns, controls or operates a **place of worship** in Victoria may operate that place of worship during the restricted activity period for:
- (a) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise); or
Examples: a food bank, a service for homeless persons.
 - (b) hosting a limited group of members of the public; or
Examples: support groups for alcohol and drugs, family violence and parenting.
 - (c) conducting a ceremony (including if the ceremony is to be broadcast, live or otherwise, via electronic means) or permitting private worship; or
 - (d) hosting a wedding or funeral.

Restrictions — limited groups and ceremonies

- (2) A person who operates a place of worship under subclause (1)(b) or (1)(c) must limit the number of members of the public in each indoor space to the lesser of:
 - (a) the number permitted by the density quotient; and
 - (b) 20.

Restrictions — weddings and funerals

- (3) A person who operates a place of worship under subclause (1)(d) must not host a wedding or funeral unless that wedding or funeral complies with the requirements of the **Stay Safe Directions (No 2)**.

Restrictions — signage and cleaning requirements

- (4) A person who owns, operates or controls a place of worship during the restricted activity period must comply with:
 - (a) the signage requirement for each:
 - (i) indoor space; and
 - (ii) enclosed outdoor space if hosting a wedding or funeral under subclause (1)(d); and
 - (b) the cleaning requirement; and
 - (c) the records requirement, except in relation to private worship or in relation to support groups if confidentiality is typically required.

9 Retail facilities

- (1) A person who owns, controls or operates an **open retail facility**, including a **restricted retail facility**, in Victoria may operate that facility only to the extent permitted or required by these directions.
- (2) A **restricted retail facility** means the following:
 - (a) a **beauty and personal care facility**;
 - (b) a **hairdressing** facility;
 - (c) an auction house.

Permitted operations — auction houses

- (3) A person who owns, controls or operates an auction house may operate that auction house for the purpose of conducting an auction:
 - (a) to be attended remotely by members of the public; or
 - (b) at the premises of the auction house, to be attended in person by no more than 20 members of the public (whether or not also attended remotely by other members of the public).

- (4) A person who owns, controls or operates an auction house during the restricted activity period must comply with the records requirement in respect of the members of the public that attend in person at the auction house.

Permitted operations — hairdressers

- (5) A person who owns, controls or operates a hairdressing facility may operate that facility provided that the person complies with the records requirement.

Permitted operations — beauty and personal care facility

- (6) A person who owns, controls or operates a beauty and personal care facility may operate that beauty and personal care facility provided that the person:
- (a) limits the number of members of the public in the venue to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 20; and
 - (b) does not permit access to a sauna or spa within the facility; and
 - (c) complies with the records requirement.

Restrictions — density quotient, signage and cleaning requirements for open retail facilities

- (7) A person who owns, operates or controls an open retail facility during the restricted activity period must comply with:
- (a) the density quotient for each indoor space; and
 - (b) the signage requirement for each indoor space; and
 - (c) the cleaning requirement.

10 Food and drink facilities

- (1) A person who owns, controls or operates a food and drink facility in Victoria may operate that facility during the restricted activity period only to the extent permitted by these directions.
- (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 licensed premises.

Permitted operations of food and drink facilities – dine-in service

- (3) A person who owns, operates or controls a food and drink facility that is not located inside a **food court** may operate that facility for dine-in service if that person:
- (a) uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility; and
 - (b) ensures not more than 10 members of the public are permitted in the facility per group booking; and
 - (c) maintains a distance between tables at all times so that members of the public are at least 1.5 metres from other members of the public on different tables when seated; and
 - (d) permits service of food or drinks only to members of the public who are seated; and
 - (e) maintains the closure of any gaming machine area, **lucky envelope vending machines** or bingo centre on the premises; and

Note: a retail gambling venue, such as TAB facilities located at a licensed premises, is permitted to operate under clause 7(13).

- (f) limits the number of members of the public:
 - (i) for a wedding or a funeral, to the limits imposed by the **Stay Safe Directions (No 2)**; and
 - (ii) at all other times for each indoor space and each outdoor space to the lesser of:
 - (A) the number permitted by the density quotient; and
 - (B) 20; and

Note: the limits in subclause (3)(f) include dine-in patrons and those waiting for take away.

- (g) complies with:
 - (i) the signage requirement for each indoor space and outdoor space accessible to members of the public; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement.

Permitted operations of food and drink facilities — other

- (4) A person who owns, controls or operates a food and drink facility may operate that facility:
- (a) for the purposes of providing food or drink to be consumed off the premises; or

- (b) if the food and drink facility is located inside a food court, for the purpose of providing food or drink to be consumed off the premises; or
- (c) if the facility is located:
 - (i) on the premises of a **hospital**, if the facility is located within an area of the hospital that has been exempted from the operation of the **Hospital Visitors Directions (No 6)** pursuant to clause 7 of those directions; or
 - (ii) on the premises of a **residential aged care facility**; or
 - (iii) on the premises of a childcare centre, early childhood centre or school; or
 - (iv) on the premises of a prison, correctional facility, youth justice centre or other place of custody; or
 - (v) on land that is owned or held under lease by the Commonwealth and used, or intended for use, for the purposes of defence; or
 - (vi) on premises that have a dedicated area for the purposes of providing food and drink to drivers of **fatigue-regulated heavy vehicles**; or
 - (vii) on the premises of a workplace, if the facility provides food or drink only to persons who work at the workplace; or
- (d) for the purposes of providing food or drink to homeless persons.

11 Accommodation facilities

- (1) A person who owns, controls or operates an **accommodation facility** in Victoria may only operate that facility in accordance with these directions during the restricted activity period.
- (2) For the purposes of this clause, 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 private holiday rental facility, including Bed and Breakfasts and AirBnBs;
 - (f) a motel;
 - (g) a serviced apartment.

Permitted operations — tourism

- (3) A person who owns, controls or operates an accommodation facility may operate that facility for the purposes of tourism if the person:
- (a) ensures not more than 20 members of the public are permitted in the facility per group booking; and
 - (b) ensures surfaces accessible in the accommodation facility exclusively to a particular group, including a hotel room or cabin, are **cleaned** between groups; and
 - (c) complies with:
 - (i) the records requirement; and
 - (ii) the cleaning requirement for areas of the accommodation facility that are not for the exclusive use of a particular group, including reception areas.

Permitted operations — alpine resort tourism

- (4) In addition to the requirements set out in subclause (3), a person who owns, controls or operates an accommodation facility with shared kitchen or bathroom facilities located at an **alpine resort**, may operate that facility for the purposes of tourism if the person ensures that:
- (a) members of separately booked groups do not share bedrooms at the facility; and
 - (b) if a bedroom of the facility has an area of less than 12 square metres, the following people may be booked to stay in that bedroom:
 - (i) persons who ordinarily reside in the same premises or are in a personal intimate relationship with each other; or
 - (ii) one person; and
 - (c) if a bedroom of the facility has an area of 12 square metres or more, only the following are permitted to be booked to stay in that bedroom:
 - (i) persons who ordinarily reside in the same premises or are in a personal intimate relationship with each other; or
 - (ii) up to 2 persons of the same booked group who do not ordinarily reside in the same premises, and one additional person of the same booked group per additional 4 square metres beyond 12; and
 - (d) they use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility; and
 - (e) not more than 20 members of the public are permitted to stay in the facility at any time.

Permitted operations — alpine resort employees

- (5) A person who owns, controls or operates an accommodation facility may operate that facility for the purposes of providing accommodation to persons who are employees of businesses located within an alpine resort if the person ensures that:
- (a) if a bedroom of the facility has an area of less than 12 square metres, only the following are permitted to be booked to stay in that bedroom:
 - (i) persons who ordinarily reside in the same premises or are in a personal intimate relationship with each other; or
 - (ii) one person; and
 - (b) if a bedroom of the facility has an area of 12 square metres or more, only the following are permitted to be booked to stay in that bedroom:
 - (i) persons who ordinarily reside in the same premises or are in a personal intimate relationship with each other; or
 - (ii) up to 2 persons, and one additional person per additional 4 square metres beyond 12.

Permitted operations — other purposes

- (6) A person who owns, controls or operates an accommodation facility may operate that facility for the purposes of providing accommodation to a person:
- (a) attending the facility in connection with a school camp; or
 - (b) whose place of residence is the accommodation facility; or
 - (c) who is ordinarily a resident of Victoria but has no permanent place of residence in Victoria; or
 - (d) who requires emergency accommodation, including in relation to family violence and other vulnerable groups; or
 - (e) who requires accommodation for work purposes other than as addressed in subclause (5).

12 Swimming pools

- (1) A person who owns, controls or operates premises in Victoria at which there is a swimming pool must only operate the swimming pool in accordance with these directions.

Permitted operations — private swimming pools

- (2) A person is permitted to use a swimming pool if it is at the person's private residence and the swimming pool is not available for use by the public.

Permitted operations — professional sport

- (3) A person who owns, controls or operates a swimming pool at a non-residential premises in Victoria may permit a person to use a swimming pool

if the pool is only available for the exclusive use of a single professional sporting team at any one time.

- (4) A person who operates a facility under subclause (3) must use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations — community sport and educational purposes

- (5) A person who owns, controls or operates a swimming pool at a non-residential premises in Victoria may permit a person to use a swimming pool if the pool is only available for the exclusive use of:

- (a) members of the public participating in community sport undertaken in compliance with the directions on community sport and physical recreation under clause 6B; or
- (b) a single school at any one time for educational purposes.

Note: participation in a community sport includes training for an organised competition.

- (6) A person who operates a facility under subclause (5) must:

- (a) not permit the admission of spectators to the facility; and

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

- (b) use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations — limited to 20 members of the public

- (7) A person who owns, controls or operates a swimming pool at a non-residential premises in Victoria may permit members of the public to use the swimming pool if that person ensures that:

- (a) no more than the following number of members of the public are permitted at any one time:
 - (i) 20 in a swimming pool; and
 - (ii) in respect of the non-water parts of the pool facility, the number permitted by the density quotient; and
- (b) no access is permitted to saunas and spas within the facility.

Records, signage and cleaning requirements

- (8) A person who operates a facility under subclause (7) must comply with:

- (a) the signage requirement for each indoor space and outdoor space; and
- (b) the cleaning requirement; and
- (c) the records requirement.

Permitted operations — non-residential swimming pools

- (9) A person who owns, controls or operates a swimming pool at a non-residential premises in Victoria may operate that facility if it is not open to the public.

Note: subclause (9) is intended to permit facilities to operate that are not open to the public, such as schools, workplaces or onsite rehabilitation facilities.

13 Animal facilities

- (1) A person who owns, controls or operates an **animal facility** in Victoria may operate that facility in accordance with these directions for the purposes of allowing members of the public to visit that facility during the restricted activity period.
- (2) An **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 for the purpose of producing food.
- (3) A person who owns, controls or operates an animal facility may continue to operate the facility for the purposes of:
 - (a) treating or caring for animals; or
 - (b) performing an animal rescue function; or
 - (c) maintaining the facility.

Permitted operations — limited groups

- (4) A person who owns, operates or controls an animal facility may operate that facility if that person:
 - (a) limits the number of members of the public:
 - (i) for each indoor space to the lesser of:
 - (A) the number permitted by the density quotient; and
 - (B) 20; and
 - (ii) for each outdoor space, to the number permitted by the density quotient; and

- (b) complies with:
 - (i) the signage requirement for each indoor space and outdoor space accessible to members of the public; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement; and
- (c) uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

14 Real estate auctions and inspections

- (1) An **estate agent** in Victoria may organise:
 - (a) an auction to take place for the sale of a **residential property**, during the restricted activity period, only if that auction is to be attended in person by no more than 20 members of the public (excluding the owners or residents of the property and any person(s) reasonably required to facilitate the auction), whether or not other members of the public also attend remotely; or
 - (b) an inspection of a residential property during the restricted activity period for the purposes of a prospective sale or rental of the property, only if the estate agent does not permit more than 20 members of the public (excluding the owners or residents of the property and any person(s) reasonably required to facilitate the inspection) to enter the premises at any one time.
- (2) An estate agent that arranges an auction or inspection in accordance with subclause (1) during the restricted activity period must:
 - (a) comply with the records requirement; and
 - (b) not permit the number of members of the public in an indoor space to exceed the number permitted by the density quotient.

15 Signage, cleaning and records requirements

Signage requirement (signage requirement)

- (1) A person who is required to comply with the signage requirement must during the restricted activity period display a sign at each public entry to each such space that includes a statement that the maximum number of members of the public that may be present in the space at a single time is the number permitted by the density quotient, rounded down to the nearest whole number.

Example: if an area is 8.5 metres long and 4.5 metres wide, its total space is 38.25 square metres. Its density quotient is 9.56. The sign should state that the maximum number of members of the public that may be present in the space at a single time is 9.

Cleaning requirement (cleaning requirement)

- (2) A person who is required to comply with the cleaning requirement must during the restricted activity period take all reasonable steps to ensure that:
- (a) frequently touched surfaces accessible to members of the public, including toilets and handrails, are cleaned at least twice on any given day; and
 - (b) surfaces are cleaned when visibly soiled; and
 - (c) if an event is to occur, a reasonable period of time has elapsed since the conclusion of any earlier event to allow for cleaning in between the events; and
 - (d) surfaces accessible to a particular group, including the surface of a restaurant table, are cleaned between groups; and
 - (e) surfaces are cleaned immediately after a spill on the surface.
- (3) To ensure a surface is **cleaned** for the purposes of this direction, a person must wipe the surface with a disinfectant:
- (a) the label of which states a claim by the manufacturer that the disinfectant has anti-viral properties; or
 - (b) made by a person according to instructions issued by the Department of Health and Human Services.

Records requirement (records requirement)

- (4) A person who is required to comply with the records requirement must request that each person who attends the facility or venue for longer than 15 minutes in the circumstances listed in the relevant clause provide:
- (a) their first name; and
 - (b) a contact phone number,
- and, if provided by the person, must keep a record of those details for 28 days, together with the following details:
- (c) the date and time at which the person attended the facility or venue; and
 - (d) if there are multiple indoor spaces, the indoor space(s) which the person visited.

Note: the records requirement applies to all persons that attend the facility or venue for longer than 15 minutes, which may include staff, customers, maintenance and delivery workers.

- (5) A person that obtains contact details in accordance with this clause must:
- (a) use reasonable endeavours to protect the personal information from use or disclosure other than as requested by an authorised officer under the PHW Act; and

- (b) destroy the information as soon as **reasonably practicable** following 28 days after the visit, unless another statutory requirement permits or requires the personal information to be retained.

16 Employers to require employees work from home

An employer must not permit an employee to perform work at the employer's premises where it is reasonably practicable for the employee to work at the employee's place of residence or another suitable premises which is not the employer's premises.

*Note: clause 6(1) of the **Stay Safe Directions (No 2)** permits a person to leave the premises where they ordinarily reside to attend work only if it is not reasonably practicable to work from their premises or another suitable premises which is not the employer's premises.*

17 Other definitions

For the purposes of these directions:

- (1) **accommodation facility** has the meaning in clause 11(2);
- (2) **alpine resort** means any of the following:
 - (a) Falls Creek Alpine Resort;
 - (b) Lake Mountain Alpine Resort;
 - (c) Mount Baw Baw Alpine Resort;
 - (d) Mount Buller Alpine Resort;
 - (e) Mount Hotham Alpine Resort;
 - (f) Mount Stirling Alpine Resort;
- (3) **animal facility** has the meaning in clause 13(2);
- (4) **beauty and personal care facility** means the following:
 - (a) a beauty therapy salon, tanning salon, waxing salon or nail salon;
 - (b) a wellness spa;
 - (c) a massage parlour; or
 - (d) a tattoo or piercing parlour;
- (5) **bingo centre** means a facility that:
 - (a) is operated by a bingo centre operator or community or charitable organisation under Chapter 8 of the **Gambling Regulation Act 2003**, that offers bingo or any similar game; or
 - (b) conducts bingo which is open to members of the public;
- (6) **bottleshop** means an area:
 - (a) that is physically attached to a licensed premises; and
 - (b) where packaged liquor is sold to be consumed off the premises;

- (7) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (8) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (9) **cleaned** has the meaning in clause 15(3);
- (10) **cleaning requirement** has the meaning in clause 15(2);
- (11) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (12) **community facility** has the meaning in clause 6A(2);
- (13) **community sport** means competitions and training sanctioned by a state sporting association or equivalent governing body;
- (14) **density quotient** has the meaning in clause 4;
- (15) **enclosed outdoor space** has the same meaning as in the **Stay Safe Directions (No 2)**;
- (16) **entertainment facility** has the meaning in clause 7(2);
- (17) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (18) **fatigue-regulated heavy vehicle** has the same meaning as in the **Heavy Vehicle National Law (Victoria)**;
- (19) **food and drink facility** has the meaning in clause 10(2);
- (20) **food court** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (21) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (22) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (23) **hairstyling** has the same meaning as in the PHW Act;
- (24) **hospital** has the same meaning as in the **Hospital Visitor Directions (No 6)**;
- (25) **indoor space** means an area, room or premises that is or are substantially enclosed by a roof and walls, regardless of whether the roof or walls or any part of them are open or closed;
- (26) **indoor zone** means a section of an indoor space that:
 - (a) is of at least 200 square metres in area; and
 - (b) is designated by the person who owns, controls or operates the indoor space as being for the exclusive use of specified members of the public; and
 - (c) is delineated by landmarks or visible markings;
- (27) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;

- (28) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (29) **licensed premises** has the meaning in clause 5(2);
- (30) **lucky envelope vending machine** has the same meaning as in section 8.1.2 of the **Gambling Regulation Act 2003**;
- (31) **member of the public** is a person but does not include:
 - (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;
- (32) **non-contact**, in relation to an activity, a community sport or a physical recreation activity, means an activity, a community sport or a physical recreation activity that is reasonably capable of being done with participants maintaining a distance of 1.5 metres from each other;
- (33) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (34) **open retail facility** means a **retail facility** that is permitted to operate under these directions, and includes a restricted retail facility to the extent that it is permitted to operate;
- (35) **outdoor space** means a space that is not an indoor space;
- (36) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (37) **physical recreational facility** has the meaning in clause 6(2);
- (38) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (39) **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 play equipment in a public park;
- (40) **premises** has the same meaning as in the PHW Act;
- (41) **reasonably practicable** is to have its ordinary and common sense meaning;
- (42) **records requirement** has the meaning in clause 15(4);
- (43) **residential aged care facility** has the same meaning as in the **Care Facilities Directions (No 5)**;
- (44) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (45) **restricted activity period** has the meaning in clause 3A;
- (46) **restricted retail facility** has the meaning in clause 9(2);
- (47) **retail betting venue** means a premises, or part of a premises, operated by the **wagering and betting licensee**, the **keno licensee** or an agent of the wagering and betting licensee or keno licensee;

- (48) **retail facility** includes any facility that is used wholly or predominantly for:
 - (a) the sale or hire of goods by retail; or
 - (b) the retail provision of services;
- (49) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (50) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (51) **sexually explicit entertainment venue** means a venue at which sexually explicit entertainment is provided;
- (52) **signage requirement** has the meaning in clause 15(1);
- (53) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (54) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

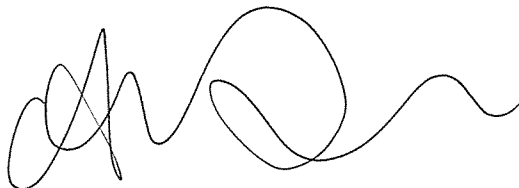
18 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

Penalty: In the case of a natural person, 120 penalty units;
 In the case of a body corporate, 600 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.



Dr Annaliese van Diemen

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

21 June 2020

