

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

Restricted Activity Directions (Regional Victoria) (No 11)

Public Health and Wellbeing Act 2008 (Vic)

Section 200

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

1 Preamble

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings in **Regional Victoria** to address the serious public health risk posed to Victoria by severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Restricted Activity Directions (Regional Victoria) (No 10)**.

2 Citation

These directions may be referred to as the **Restricted Activity Directions (Regional Victoria) (No 11)**.

3 Revocation

The **Restricted Activity Directions (Regional Victoria) (No 10)** are revoked at 11:59:00pm on 28 September 2021.

4 Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00pm on 28 September 2021 and ending at 11:59:00pm on 21 October 2021.

5 Residence checking requirement

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

- (b) a **food and drink facility** to the extent it relates to providing seated services;
- (c) a **restricted retail facility**;
- (d) an entertainment and function facility;
- (e) a drive-in cinema; or
- (f) a **physical recreational facility** that is a staffed facility, or a person who is:
- (g) an **alpine operator**; or
- (h) a **licensed tourism operator**; or
- (i) an **estate agent** to the extent their activities relate to any activities other than a final inspection of a property,

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

- (j) the person states that they are permitted to travel or stay in Regional Victoria for reasons set out in the **Stay at Home Directions (Restricted Areas)**;
 - (k) emergency purposes; or
 - (l) as required or authorised by law.
- (2) The residence checking requirement in subclause (1) must be satisfied for each member of the public:
- (a) aged 18 years or older, by that person or someone responsible for their care and support; or
 - (b) who is an unaccompanied person aged 15 years or older but under 18 years, by that person; or
 - (c) who is an accompanied person aged under 18 years, by their carer, parent or guardian.

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

Note 2: a person who ordinarily resides in the Restricted Area but is in Regional Victoria for an approved reason may use food and drink facilities for the purposes of take-away as well as accommodation facilities for their approved purpose as per the rules applying in the Restricted Area. However, while in Regional Victoria they cannot dine in at a food and drink facility or use facilities that are currently closed in the Restricted Area, such as restricted retail facilities, entertainment and function facilities, places of worship or physical recreation facilities.

- (3) A person will have satisfied the requirement under subclause (1) where they have:
- (a) asked the member of the public for the address of their ordinary place of residence; and
 - (b) required the member of the public, and the group that person is travelling with, to:
 - (i) produce photo identification that evidences that their ordinary place of residence is not in the Restricted Area; or
 - (ii) make a declaration that their ordinary place of residence is not in the Restricted Area; or
 - (iii) make a declaration that they are permitted to travel or stay in Regional Victoria for reasons set out in the **Stay at Home Directions (Restricted Areas)**.

Note 1: it may not be reasonably practicable for a member of the public to make a declaration due to a physical or mental health condition or disability.

Note 2: a template declaration as to a person's ordinary place of residence is available at www.dhhs.vic.gov.au/restricted-area-requirement-declaration-covid-19 as amended from time to time by the Victorian Government.

- (4) If a person collects personal information in the process of complying with the residence checking requirement in subclause (1), that person must:
- (a) use reasonable endeavours to protect the personal information from use or disclosure; and
 - (b) destroy the information as soon as reasonably practicable, unless another statutory requirement permits or requires the personal information to be retained.

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

6 Physical recreational facilities

- (1) A person who owns, controls or operates a physical recreational facility in Regional Victoria may only operate that facility during the restricted activity period in accordance with these directions.

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (2) A **physical recreational facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a facility used predominantly for indoor sport or physical recreation;

Examples: gymnasium, health club, fitness centre, yoga studio, pilates studio, barre studio, dance studio, spin facility, indoor basketball court, indoor climbing facility, squash court, table tennis centre.

- (b) a facility used predominantly for outdoor sport or physical recreation;
Examples: golf club, tennis club, basketball centre, go kart track, rifle range, equestrian centre, mini golf, paint ball, lawn bowling, water skiing.
- (c) a **personal training facility**;
- (d) a **cardio or strength training facility**;
Examples: a cardio or strength facility featuring cardio equipment (such as exercise bikes, elliptical trainers, steppers and rowing machines), free weights, kettlebells and weight and / or strength training equipment and machines. A cardio or strength training facility may be a stand-alone facility or part of another facility (such as a gymnasium, health club, fitness centre or personal training facility).
- (e) a **play centre**;
- (f) an indoor skatepark;
- (g) a trampolining centre;
- (h) a swimming pool, **hydrotherapy pool**, spa, sauna, steam room or **spring** facility,

but does not include:

- (i) a skatepark in an **outdoor space**;
- (j) outdoor communal exercise equipment; or
- (k) a **creative arts facility**.

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

Physical recreation and community sport

- (3) A person who owns, controls or operates a physical recreational facility in Regional Victoria may only operate that facility for the purpose of physical recreation or community sport by **members of the public** if:
 - (a) the number of members of the public permitted in any **indoor space** (whether seated or non-seated) or any **non-seated outdoor space** at any one time is limited (with infants under one year of age not counting towards these limits) to the **density quotient**; and
 - (b) the number of members of the public permitted in all indoor spaces at the whole of the facility (other than in an indoor swimming pool) at any one time is limited to no more than 10 (with infants under one year of age not counting towards these limits); and
 - (c) the number of members of the public permitted in all outdoor spaces at the whole of the facility (other than in an outdoor swimming pool) at any one time is limited to no more than 20 (with infants under one year old not counting towards this limit); and
 - (d) the number of members of the public in any:

- (i) indoor swimming pool at the facility at any one time is limited to no more than 20; and
- (ii) outdoor swimming pool at the facility at any one time is limited to no more than 50; and

Note 1: both indoor and outdoor pools can be used for the provision of hydrotherapy services, provided that all provisions of this subclause (3) are complied with.

*Note 2: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the **Public Event Framework** and exemption process for 'eligible public events' described in clause 19.*

- (e) any spa, sauna, steam room or change room at a swimming pool facility is closed at all times to members of the public; and
- (f) the activity or community sport does not involve a participant who ordinarily resides in the Restricted Area; and
- (g) the number of members of the public in a group at any one time is limited to 10 (with infants under one year of age not counting towards this limit); and

Note: any persons employed by the physical recreation facility or not participating in an activity at the physical recreation facility, such as teachers, instructors, trainers or coaches, as well as carers, parents and guardians attending to support participation of a child or a person with disability are not included for the purpose of calculating the group limit on the number of members of the public referred to in subclause (3(f)).

- (h) at all times only the minimum number of people required to conduct the community sport activity are present for that purpose; and

Note: only those persons required to facilitate the activity at the physical recreational facility are permitted to attend, which may include teachers, instructors, trainers, coaches, and umpires, as well as carer, parents and guardians attending to support participation of a child or person with disability.

- (i) no spectators are permitted to attend any activity or community sport; and
- (j) any shared equipment is cleaned between users; and
- (k) in the case of staffed physical recreational facilities, a **COVID Check-in Marshal** is present at all entrances to the facility open to members of the public whenever the facility is operational; and
- (l) any food and drink facility within the physical recreational facility operates in accordance with the requirements of clause 14 (**food and drink facilities**); and
- (m) any **retail facility** within the physical recreational facility operates in accordance with the requirements of clause 12 (**retail facilities**); and
- (n) any dancefloor in the physical recreational facility is closed.

Note: any person employed by the physical recreational facility is not included for the purpose of calculating the limits on the number of members of the public referred to in this subclause.

Exception – training for community sport

- (4) Despite subclause (3), a person who owns, controls or operates a physical recreational facility in Regional Victoria:
- (a) may operate that facility for the purpose of members of the public participating in training for community sport in an outdoor space, and for those purposes is not required to comply with the requirements in subclauses (3)(a) (density quotient), (3)(c) (capacity limit for outdoor spaces) or (3)(g) (group limit), but must comply with all other requirements in subclause (3); and
 - (b) must not conduct competition activities for community sport at the facility.

Exception – professional or high performance sport

- (5) Despite subclause (3), a person who owns, controls or operates a physical recreational facility in Regional Victoria is not required to comply with the requirements in subclause (3)(a) (density quotient), subclause (3)(c) (capacity limit for outdoor spaces) or subclause (3)(g) (group limit) for the purpose of the exclusive use for **professional or high-performance sports persons**, provided that only persons who are necessary for the conduct of the activity (including the broadcasting of the activity) are permitted to be in the relevant space.

Exception – large outdoor spaces

- (6) Despite subclause (3), a person who owns, controls or operates an outdoor physical recreational facility in Regional Victoria is not required to comply with the requirements in subclause (3)(a) (density quotient) or subclause (3)(c) (capacity limit for outdoor spaces) provided that:
- (a) at least a 50 metre distance can be maintained between each group participating in sport at the facility at all times; and
 - (b) all other requirements in subclause (3) are complied with including the group limit specified in subclause (3)(g).

Example: groups of people playing golf may be able to maintain at least 50m distance from other groups, in which case the density quotient and capacity limit do not apply to the golf course.

Exception – school or educational swimming purposes

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

- (b) providing the facility for swimming or water safety lessons and is not required to comply with subclause (3)(a) (density quotient) or subclause (3)(g) (group limit).

Note: the operation of the physical recreational facility must comply with all other requirements of subclause (3).

7 Community facilities

- (1) A person who owns, controls or operates a **community facility** in Regional Victoria may only operate that facility during the restricted activity period in accordance with these directions.

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (2) A **community facility** means any of the following, whether operated on a for profit or not-for-profit basis:

- (a) a community centre or community hall;
- (b) a public library (including a toy library, but not the **State Library**);
- (c) a youth centre;
- (d) a **playground**;
- (e) a skatepark in an outdoor space; or
- (f) outdoor communal exercise equipment,

but does not include:

- (g) a creative arts facility;
- (h) a physical recreational facility; or
- (i) a swimming pool facility, hydrotherapy pool, spa, sauna, steam room or spring facility.

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

- (a) any wedding or funeral held at the facility complies with the requirements of the **Stay Safe Directions (Regional Victoria)**; and
- (b) the number of members of the public permitted in each indoor space or outdoor space at any one time is limited (with infants under one year of age not counting towards these limits) to the density quotient; and

Note 1: the persons conducting an activity are not included for the purpose of calculating the limit on the number of members of the public referred to in subclause (3)(b).

Note 2: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.

- (c) the number of members of the public at the whole of the facility at any one time is limited to no more than 20 (with infants under one year old not counting towards this limit); and
 - (d) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
 - (e) any dancefloor in the community facility is closed.
- (4) Despite subclause (3), a person who owns, controls or operates a community facility in Regional Victoria may do so:
- (a) for the purpose of hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise) and is not required to comply with subclause (3) except if the essential public support service is the provision of a support group service; or

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

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

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

- (b) for the purpose of providing an exclusive venue for the exclusive use of a single school at any one time for educational or school gathering purposes, and is not required to comply with subclause (3).

Note: a community facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if people other than students and staff are permitted to attend. If other guests attend, then the limits in subclause (3) apply.

Playgrounds, outdoor skatepark or outdoor communal exercise equipment

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

8 Creative arts facility

- (1) A person who owns, controls or operates a creative arts facility in Regional Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A person who owns, controls or operates a creative arts facility in Regional Victoria may only operate the facility if:
 - (a) the number of members of the public permitted in each indoor space or each outdoor space at any one time is limited (with infants under one year of age not counting towards these limits) to the density quotient; and

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

- (b) the number of members of the public (whether seated or non-seated) at the whole of the facility at any one time is limited to no more than 20 (with infants under one year old not counting towards this limit); and
- (c) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
- (d) any equipment used in an activity is cleaned between users; and
- (e) any dancefloor in the creative arts facility is closed.

Exception – exclusive use by a single school

- (3) Despite subclause (2), a person who operates a facility described in subclause (2) may operate that facility for the purpose of providing an exclusive venue for the exclusive use of a single school at any one time for educational or school gathering purposes and is not required to comply with the requirement in subclause (2).

Note: a creative arts facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if people other than students and staff are permitted to attend. If other guests attend, then the limits in subclause (2) apply.

8A Educational facilities

- (1) A person who owns, controls or operates an educational facility in Regional Victoria may operate that facility during the restricted activity period only for the purposes of:
 - (a) providing **childcare or early childhood education services**; or
 - (b) providing primary school or secondary school educational services (including at a school or non-school senior secondary provider and outside school hours care services) where education is being provided to:
 - (i) a person who ordinarily resides in Regional Victoria enrolled in a primary school in Foundation (Prep), Year 1 or Year 2; or
 - (ii) a person who ordinarily resides in Regional Victoria enrolled in a secondary school in Year 12, undertaking Victorian Certificate of Education Units 3 or 4 or in their final year of the Victorian Certificate of Applied Learning, Vocational Education and Training or International Baccalaureate; or
 - (iii) a child, children or young person who has:
 - (A) two parents or guardians and both of them are; or
 - (B) a single parent or guardian and that parent or guardian is,
 - an **Authorised Worker** or work for an **Authorised Provider**, or would be an Authorised Worker or would work for an Authorised Provider if the parent or guardian resided in the Restricted Area, and are required to attend the work premises

- and is unable to make alternative supervision arrangements for that child, children or young person; or
- (iv) the person is a **vulnerable child or young person**; or
- (c) providing higher education services if:
- (i) it is in relation to final year assessments for Tertiary Education Quality and Standards Agency regulated courses; and
 - (ii) where the person does not have alternative options to complete the study by the end of 2021; or
- (d) permitting any person to work (whether on a paid or voluntary basis) at the educational facility in accordance with the provisions of the **Stay Safe Directions (Regional Victoria)**.

9 Entertainment and function facilities

- (1) A person who owns, controls or operates an **entertainment or function facility** in Regional Victoria may only operate that facility during the restricted activity period in accordance with these directions.

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (2) An **entertainment or function facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a theatre;
 - (b) a cinema, including a drive-in cinema;
 - (c) a music hall, concert hall or auditorium;
 - (d) a gallery or a museum;
 - (e) the State Library;
 - (f) an arena or stadium;
 - (g) an arcade;
 - (h) an amusement park;
 - (i) a **retail betting venue**;
 - (j) a **gaming machine area**;
 - (k) a **brothel, sex on premises venue** or **sexually explicit entertainment venue**;
 - (l) a bingo centre;
 - (m) an escape room;
 - (n) an **animal facility**;
 - (o) a karaoke facility;

- (p) a nightclub;
- (q) a convention centre;
- (r) a **function facility**; and
- (s) a **casino**, except to the extent of:
 - (i) providing food and drink in accordance with clause 14; or
 - (ii) providing accommodation in accordance with clause 15.

General entertainment or function facilities

- (3) A person who owns, controls or operates a facility in subclause (2)(a) (theatre), (2)(b) (cinema, but excluding a drive-in cinema), (2)(c) (music hall, concert hall or auditorium), (2)(d) (gallery or a museum), (2)(e) (State Library), (2)(f) (arena or stadium), (2)(h) (amusement park) or (2)(n) (animal facility), (2)(q) (convention centre) or (2)(r) (function facility) in Regional Victoria may only operate the facility if:
- (a) the number of members of the public in each non-seated indoor space or non-seated outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit) the density quotient; and
 - (b) the number of members of the public in each indoor space (whether seated or non-seated) at any one time is limited to no more than 20 (with infants under one year of age not counting towards this limit); and
 - (c) the number of members of the public in each **discrete outdoor space** is limited to no more than the lesser of (with infants under one year of age not counting towards this limit):
 - (i) 300; or
 - (ii) 25% of the normal capacity of that outdoor space; and

Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits in subclause (c) above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.
 - (d) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
 - (e) any food and drink facility within the entertainment facility operates in accordance with the requirements of clause 14 (**food and drink facilities**); and
 - (f) any retail facility within the entertainment facility operates in accordance with the requirements of clause 12 (**retail facilities**); and
 - (g) any dancefloor in the entertainment facility is closed.

Exception – exclusive use by a single school

- (4) Despite subclause (3), a person who operates a facility described in subclause (3) for the purpose of providing an exclusive venue for the

exclusive use of a single school at any one time for educational or school gathering purposes is not required to comply with the requirements in subclause (3).

Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if people other than students and staff are permitted to attend. If other guests attend, then the limits in subclause (3) apply.

Retail betting venue

- (5) A person who owns, controls or operates a retail betting venue in Regional Victoria may only operate the venue during the restricted activity period if:
- (a) a COVID Check-in Marshal is present at all entrances to the retail betting venue open to members of the public whenever the retail betting venue is operational; and
 - (b) members of the public wear a **face covering** at all times in accordance with the **Stay Safe Directions (Regional Victoria)** which includes not removing the face covering for the purpose of eating or drinking; and
 - (c) the number of members of the public permitted in any indoor space or outdoor space is limited (with infants under one year of age not counted towards this limit) to the density quotient,

provided that, where the retail betting venue is within a larger facility that is subject to restrictions under these directions, the number of members of the public in the retail betting venue at any time is included within the cap that is applicable to that larger facility.

Example: a retail betting venue located within a food and drink facility.

Arcades, escape rooms and bingo centres

- (6) A person who owns, controls or operates an arcade, escape room or bingo centre in Regional Victoria must not operate the facility during the restricted activity period.

Drive-in cinemas

- (7) A person who owns, controls or operates a drive-in cinema in Regional Victoria may operate the facility if:
- (a) the cinema is in an outdoor space accessed by **vehicles**; and
 - (b) the members of the public in each vehicle consist only of:
 - (i) 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; or
 - (ii) a **nominee person** and a **nominated person** and any child or dependant of the nominated person and nominee person; and
 - (c) members of the public are not permitted to be seated outside of their vehicles; and

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

- (d) a COVID Check-in Marshal is present at all entrances to the drive-in cinema open to members of the public whenever that facility is operational; and
- (e) the number of members of the public permitted in any non-seated space or communal space is limited (with infants under one year of age not counted towards this limit) to the density quotient; and
- (f) any food and drink facility within the drive-in cinema operates in accordance with the requirements of clause 14 (**food and drink facilities**).

Gaming machine area

- (8) A person who owns, controls or operates a gaming machine area in Regional Victoria may only operate the gaming machine area during the restricted activity period if:
 - (a) each gaming machine is either spaced at least 1.5m apart or every second gaming machine is closed; and
 - (b) an employee or employees of the operator have been designated as a COVID Marshal; and
 - (c) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
 - (d) the number of members of the public permitted in any outdoor space is limited to 20; and
 - (e) the number of members of the public permitted in any indoor space at any one time is limited (with infants under one year of age not counting towards this limit) to 10; and
 - (f) the total number of members of the public permitted in the whole of the gaming machine area at any time is limited (with infants under one year of age not counted towards this limit) to the lesser of:
 - (i) the density quotient; and
 - (ii) 30,

provided that, where the gaming machine area is within a larger facility that is subject to restrictions under these directions, the number of members of the public in the gaming machine area at any time is included within the cap that is applicable to that larger facility.

Example: a gaming machine area located within a food and drink facility

Sex on premises, brothels and sexually explicit entertainment venues

- (9) A person who owns, controls or operates a sex on premises venue, brothel or a sexually explicit entertainment venue in Regional Victoria must not operate the facility during the restricted activity period.

Karaoke facilities and nightclubs

- (10) A person who owns, controls or operates a karaoke facility or a nightclub in Regional Victoria may only operate the facility during the restricted activity period if the purpose is to operate a food and drink facility within the karaoke facility or nightclub in accordance with the requirements of clause 14 (**food and drink facilities**).

10 Places of worship

- (1) A person who owns, controls or operates a **place of worship** in Regional Victoria may only operate that place of worship during the restricted activity period in accordance with these directions.

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (2) A person who owns, controls or operates a place of worship in Regional Victoria may only operate that facility if:

- (a) the number of members of the public in any indoor space or outdoor space is limited (with infants under one year of age not counting towards this limit) to the density quotient; and
- (b) the number of members of the public in all indoor spaces and outdoor spaces combined (whether seated or non-seated) at the facility at any one time is limited to no more than 20 (with infants under one year old not counting towards this limit); and

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

- (c) a COVID Check-in Marshal is present at all entrances to the place of worship open to members of the public whenever the facility is operational; and
- (d) any weddings and funerals are compliant with the requirements of the **Stay Safe Directions (Regional Victoria)**; and
- (e) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by any members of the public; and
- (f) any dancefloor in a place of worship is closed.
- (3) Despite subclause (2), a person may operate a place of worship without complying with subclause (2) if it is for the purpose of:

- (a) hosting an essential public support service other than support groups (whether that service is provided on a voluntary basis or otherwise); and

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

Note 1: support groups do not fall within this exception and must comply with the restrictions in subclause (2).

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

- (b) providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes at any one time.

Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if people other than students and staff are permitted to attend. If other guests attend, then the limits in subclause (2) apply.

- (4) Despite subclause (2), a person may operate a place of worship without complying with the requirement in subclause (2)(a) (density quotient) if:
 - (a) the total area of all indoor spaces and outdoor spaces accessible to members of the public is less than 100 square metres; and
 - (b) the number of members of the public permitted at the facility at any one time is limited to 20 (with infants under one year of age not counting towards this limit).

11 Funeral providers and crematoriums

- (1) A person who owns, controls or operates a funeral home or crematorium in Regional Victoria may only do so during the restricted activity period if:
 - (a) any funeral conducted is compliant with the requirements of the **Stay Safe Directions (Regional Victoria)**; and
 - (b) the number of members of the public in any indoor space and outdoor space is limited (with infants under one year of age not counting towards this limit) to the density quotient; and
 - (c) the total number of members of the public at the whole of the facility at any time is limited (with infants under one year of age not counted towards this limit) to the lesser of:
 - (i) the density quotient; and
 - (ii) 20; and

Note: the persons conducting a funeral or other service are not included for the purpose of calculating the limit on the number of members of the public referred to in subclause (1)(b) or (1)(c).

- (d) a COVID Check-in Marshal is present at all entrances to the facility open to members of the public whenever the facility is operational; and
- (e) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by any members of the public.

12 Retail facilities

- (1) A person who owns, controls or operates a retail facility, including a restricted retail facility or an auction house, in Regional Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A **restricted retail facility** means the following:
 - (a) a beauty and personal care facility; or
 - (b) a **hairdressing facility**.
- (3) A person who owns, controls or operates a retail facility, including a restricted retail facility and auction house, in Regional Victoria may only operate that facility if:
 - (a) the number of members of the public in any indoor space and outdoor space is limited (with infants under one year of age not counting towards this limit) to the density quotient; and
 - (b) in respect of the operation of restricted retail facilities only, the total number of members of the public permitted at the facility at any one time is limited to 10; and
 - (c) any dancefloor in the retail facility is closed.

Exception – small retail facilities

- (4) Despite subclause (3), a person who owns, controls or operates a retail facility, including a restricted retail facility and auction house, in Regional Victoria is not required to comply with the requirement in subclause (3)(a) if:
 - (a) the total area of all indoor spaces and outdoor spaces accessible to members of the public (excluding all **communal or shared spaces**) is less than 80 square metres; and
 - (b) the number of members of the public permitted at the facility at any one time is limited to 20 (with infants under one year of age not counting towards this limit).

13 Licensed premises

- (1) A person who owns, controls or operates a **licensed premises** in Regional Victoria may only operate that premises during the restricted activity period in accordance with these directions.
- (2) A **licensed premises** means a business characterised as a pub, bar, club, nightclub or hotel that supplies alcohol under a **general licence**, an **on-premises licence**, a **late night licence**, a **producer's licence**, a **club licence** or a **packaged liquor licence**.
- (3) A person who owns, controls or operates a licensed premises in Regional Victoria may operate those premises only for the purposes of:
 - (a) operating a **bottle shop**; or
 - (b) providing food or drink in accordance with clause 14; or

- (c) providing accommodation in accordance with clause 15; or
- (d) operating a retail betting venue in accordance with clause 9(5); or
- (e) operating a gaming machine area in accordance with clause 9(8); or
- (f) operating a sexually explicit entertainment venue in accordance with clause 9(9); or
- (g) operating a karaoke facility or nightclub in accordance with clause 9(10),

provided that the total number of members of the public at the whole of the premises, not including any area used for accommodation, at any time is limited (with infants under one year of age not counted towards this limit), to the lesser of:

- (h) the density quotient; and
- (i) 30.

Note 1: if an area within the licensed premises is separated completely from another area of the licensed premises, such that each area has its own entrance, exit and toilet facilities, the capacity limit specified in subclause (3) will apply to each separate area of the licensed premises.

*Note 2: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

14 Food and drink facilities

- (1) A person who owns, controls or operates a food and drink facility in Regional Victoria may only operate that facility during the restricted activity period in accordance with these directions.

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (2) A **food and drink facility** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a cafe;
 - (b) a restaurant;
 - (c) a fast-food store;
 - (d) a cafeteria;
 - (e) a canteen;
 - (f) a winery;
 - (g) a **food court**.

Note: a food and drink facility includes a food and drink facility at a stadium or arena.

- (3) A person who owns, controls or operates a food and drink facility in Regional Victoria may operate that facility to permit members of the public to consume food or drinks only if:
- (a) the number of members of the public in any outdoor space is limited (with infants under one year of age not counting towards these limits) to 30; and
 - (b) the number of members of the public in any indoor space is limited (with infants under one year of age not counting towards these limits) to 10; and
 - (c) unless the food and drink facility is a food court, the total number of members of the public at the whole of the facility at any time is limited (with infants under one year of age not counted towards this limit), to the lesser of:
 - (i) the density quotient; and
 - (ii) 40; and

*Note 1: members of the public at an outdoor space of a food and drink facility are permitted to shelter indoors when unable to attain protection in the outdoor space from severe weather, provided they wear a face covering (other than where they are exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Regional Victoria)**).*

Note 2: the person must also comply with the conditions of any liquor licence or planning permit.

Note 3: members of the public in a retail betting venue or gaming machine area in an indoor space of the food and drink facility are included in this limit.

- (d) if the food and drink facility is a food court.,
 - (i) only take away food and drink is provided to members of the public; and
 - (ii) an employee or employees of the operator have been designated as a COVID Marshal; and
- (e) unless the food and drink facility is a food court, members of the public at the premises remain seated except when ordering food or drink, using toilets or entering and leaving the facility; and
- (f) for a food and drink facility that is in a private residence, members of the public only access the facility by a separate entrance to that used by residents and residents' visitors; and
- (g) any dancefloor in the food and drink facility is closed; and
- (h) any weddings held at the facility comply with the **Stay Safe Directions (Regional Victoria)**.

Exception – exclusive use of a school

- (4) Despite subclause (3), a person who operates a food and drink facility for the purpose of providing an exclusive venue for the exclusive use of a single

school at any one time for educational or school gathering purposes is not required to comply with subclause (3).

Note: a food and drink facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if people other than students and staff are permitted to attend.

15 Accommodation facilities

- (1) A person who owns, controls or operates an accommodation facility in Regional Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) An **accommodation facility** includes, but is not limited to, any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a camping ground;
 - (b) a caravan park;
 - (c) a hotel;
 - (d) a hostel;
 - (e) a bed and breakfast;
 - (f) a private holiday rental facility, including Airbnbs;
 - (g) a motel; or
 - (h) a serviced apartment.
- (3) A person who owns, controls or operates an accommodation facility in Regional Victoria may operate that facility for the purposes of providing accommodation only if:
 - (a) the number of members of the public in any communal indoor or outdoor space is limited to the density quotient; and
 - (b) each booking consists only of:
 - (i) members of the one household, any intimate partners of the members in that household and any child or dependant of any of those members or intimate partners, all of whom must ordinarily reside in Regional Victoria; or
 - (ii) members of the public who ordinarily reside in the Restricted Area but require accommodation on a temporary basis due to their travel within Regional Victoria for a permitted reason as set out in the **Stay at Home Directions (Restricted Areas)** and any child or dependant of that person; or
 - (iii) a nominated person, a nominee person and any child or dependant of the nominated person and nominee person; and
 - (c) members of the public under different bookings do not share any bedrooms; and

- (d) all surfaces in the facility that are used exclusively by a particular group, including a hotel room or cabin, are cleaned between each booking; and
- (e) any food and drink facility within the accommodation facility operates in accordance with the requirements of clause 14 (**food and drink facilities**); and
- (f) any function facility within the accommodation facility operates in accordance with the requirements of clause 9 (**entertainment and function facilities**); and
- (g) any dancefloor in the accommodation facility is closed.

Accommodation facilities – other

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

Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if people other than students are permitted to attend.

16 Real estate auctions and inspections

- (1) During the restricted activity period, in Regional Victoria, an **estate agent** may organise an auction to take place for the sale of **real estate** or an inspection by members of public, only if:
 - (a) a COVID Check-in Marshal is present at all entrances to the property open to members of the public whenever an auction or inspection is taking place; and
 - (b) the number of members of the public permitted to attend an auction in person is limited (with any infant under one year of age not counting towards these limits) to the lesser of:
 - (i) the density quotient; and
 - (ii) 10; and
 - (c) an inspection by members of the public is arranged by private appointment and the number of members of the public permitted to attend an inspection in person is limited (with any infant under one year of age not counting towards these limits) to the lesser of:
 - (i) the density quotient; and
 - (ii) 10,

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

17 Tours and transport

Licensed tourism operator

- (1) During the restricted activity period in Regional Victoria, a **licensed tourism operator** may only organise or operate licensed **tourism services** in Regional Victoria for members of the public if:
 - (a) the licensed tourism services are not operated in an indoor space; and
 - (b) there are no more than 20 members of the public in any outdoor tour; and
 - (c) no more than 10 members of the public are transported in a vehicle at any one time; and
 - (d) no more than one tour group (regardless of whether the tour group is from the same tourism operator or different tourism operators) attends the same outdoor space at any one time unless a reasonable distance can be maintained between each tour group at all times; and
 - (e) any shared equipment used is cleaned between users and is not shared between members of the public in a tour group; and
 - (f) the licensed tourism services are not operated by more than the minimum number of persons required.

*Note: tourism services conducted in a facility or workplace must comply with the requirements under these directions and the **Workplace Directions**. If people participate in tourism services in a public place, they must comply with the public gathering limits in the **Stay Safe Directions (Regional Victoria)**. People participating in tourism services must wear a face covering (other than where they are exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Regional Victoria)**).*

18 Dancefloors

A person who owns, controls or operates any facility in Regional Victoria may not operate a dancefloor at the facility during the restricted activity period.

19 Public Events

- (1) For the purpose of this clause:
 - (a) **eligible public event** means an organised public gathering for a common purpose on a for profit or not-for-profit basis which is:
 - (i) an event (or a series of events):
 - (A) conducted on a one-off or periodic basis; and
 - (B) open to members of the public; and
 - (C) which may be subject to specific licences, approvals or permits; and

Note: the person must continue to apply for and comply with all required licences, approvals and permits.

- (D) publicly announced or advertised; and
 - (E) which may be in a facility, venue, indoor space or outdoor space where such an event (or a series of events) forms part of the routine operations, use, activities or services of the facility, venue, indoor space or outdoor space; or
- (ii) an event (or series of events) deemed by the Victorian Government to be a State-critical public event (or a series of events),

Examples: an exhibition, sport event, festival, fair, parade, performance or trade show.

but does not mean:

- (iii) an ad hoc public gathering in a public place;
- (iv) an ad hoc or routine public gathering in a facility, venue, indoor space or outdoor space which forms part of the ad hoc or routine operations, use, activities or services of the facility, venue, indoor space or outdoor space;

Note: most public gatherings in a facility, venue or space (including any indoor space or outdoor space) are expected to remain subject to the requirements in these directions, including clause 14 (food and drink facilities).

- (v) a private gathering;
- (vi) a wedding, funeral or end of life activity;
- (vii) a routine religious gathering or ceremony,

to which these directions and the **Stay Safe Directions (Regional Victoria)** and the **Stay at Home Directions (Restricted Areas)** otherwise continue to apply; and

- (b) **exempt public event** means an eligible public event which, subject to the process described in the Public Event Framework, the Chief Health Officer or Deputy Chief Health Officer has exempted from a requirement in the Directions currently in force in accordance with subclause (3) or the equivalent subclause in any **revoked Restricted Activity Directions**.
- (2) A person who arranges to meet, or organises or intentionally attends a public gathering for a common purpose in a public place is not required to comply with the requirements of the Directions currently in force in respect of such a public gathering:
- (a) if the public gathering is an exempt public event; and
 - (b) to the extent of an exemption granted in respect of that exempt public event (including any conditions on an exemption).

- (3) The Chief Health Officer or Deputy Chief Health Officer may exempt one or more persons who are subject to a requirement under these directions to conduct one or more eligible public events (or class of eligible public events) from any requirement of the Directions currently in force if satisfied that the exemption is appropriate, having regard to:
 - (a) the need to protect public health; and
 - (b) the principles in sections 5 to 10 of the **PHW Act**, as appropriate.
- (4) An exemption:
 - (a) must be given in writing; and
 - (b) must be published at www.coronavirus.vic.gov.au/public-events, as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer; and
 - (c) must specify each requirement in the Directions currently in force to which, subject to subclause (d), an exemption is granted; and
 - (d) may impose conditions on an exemption.
- (5) An exemption 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

- (6) Any exemption granted under any revoked Restricted Activity Directions continues to have effect but is suspended for the duration of the restricted activity period.

Note: events are not permitted to occur during the restricted activity period, but events approved for after the restricted activity period are not revoked by these directions.

- (7) Any application for an exemption 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 facility in Regional Victoria where such use or operation is for emergency

refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.

21 Relationship with other directions

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

22 Other definitions

For the purposes of these directions:

- (1) **accommodation facility** has the meaning in clause 15(2);
- (2) **alpine operator** means any person who owns, controls or operates an **alpine resort** in Regional Victoria;
- (3) **alpine resort** means:
 - (a) any of the following as defined in the **Alpine Resorts (Management) Act 1997**:
 - (i) Falls Creek Alpine Resort;
 - (ii) Lake Mountain Alpine Resort;
 - (iii) Mount Baw Baw Alpine Resort;
 - (iv) Mount Buller Alpine Resort;
 - (v) Mount Hotham Alpine Resort
 - (vi) Mount Stirling Alpine Resort; and
 - (b) the Dinner Plain Village as defined under the Dinner Plain Planning Provisions in the Alpine Planning Scheme;
- (4) **animal facility** means the following:
 - (a) a **zoological park**;
 - (b) a wildlife centre;
 - (c) a petting zoo;
 - (d) an aquarium;
 - (e) an animal farm that is not being operated for the purpose of producing food;
- (5) **Area Directions** means the **Area Directions (No 22)** as amended from time to time;
- (6) **Authorised Provider** means a provider of goods or services as set out in the **Authorised Provider and Authorised Worker List**;
- (7) **Authorised Worker** has the same meaning as in the **Workplace Directions**;
- (8) **bottle shop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the **premises**;

- (9) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (10) **cardio or strength training facility** means a facility used predominantly for cardio, weight or strength training, including any cardio or strength training facility located wholly or partly within any other facility (including a **physical recreational facility**);
- (11) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (12) **childcare or early childhood education service** means onsite early childhood education and care services or children's services provided under the:
- (a) **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
 - (b) **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;
- (13) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (14) **communal or shared space** means toilets, separate hallways, separate foyers or playgrounds at the facility;
- (15) **community facility** has the meaning in clause 7(2);
- (16) **COVID Check-in Marshal** means an employee, or employees, of a facility who monitors compliance with the **records requirement** at all entrances to the facility open to **members of the public** by checking whether patrons have provided their details prior to entry;
- (17) **COVID Marshal** means an employee or employees of the operator of a facility that have been designated as a COVID Marshal:
- (a) whose role is to monitor compliance with these directions; and
 - (b) who has successfully completed training provided by the operator that is in accordance with guidance from the **Department**; and
 - (c) who is present at the facility whenever it is operational;
- (18) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (19) **creative arts facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) an art studio;
 - (b) a ceramics studio;
 - (c) a music room or studio; or
 - (d) a rehearsal room or studio,
- but does not include:

- (e) a **physical recreational facility**;
 - (f) a **community facility**; or
 - (g) a **place of worship**.
- (20) **density quotient** means the number of **members of the public** in an **indoor space** and/or **outdoor space** is limited (with infants under one year of age not counting towards this limit) to the number calculated by dividing the total area of the relevant space accessible to members of the public (measured in square metres) by 4;
- (21) **Department** means the Department of Health;
- (22) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (23) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Regional Victoria)**;
- (24) **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:
- (a) people are attending to participate in a shared purpose or activity; or
Example: an area for participating in a competition.
 - (b) 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.
- (25) **eligible public event** has the meaning in clause 19(1)(a);
- (26) **entertainment or function facility** has the meaning in clause 9(2);
- (27) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (28) **exemption** means an exemption granted by the Chief Health Officer or the Deputy Chief Health Officer for an **eligible public event** or class of eligible public events under clause 19(3) of these directions or the equivalent provision in any **revoked Restricted Activity Direction**;
- (29) **face covering** has the same meaning as in the **Workplace Directions**;
- (30) **food and drink facility** has the meaning in clause 14(2);
- (31) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (32) **function facility** means a building, room or space that is used for the purpose of holding events, functions, conferences or receptions and, for the avoidance of doubt, includes spaces within an **entertainment or function facility** or **accommodation facility** but not within **licensed premises**;
- (33) **gaming machine** has the same meaning as in the **Gambling Regulation Act 2003**;

- (34) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (35) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (36) **hairdressing** has the same meaning as in the **PHW Act**;
- (37) **hairdressing facility** means a business that is registered as a business of **hairdressing** under the **PHW Act**;
- (38) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (39) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are temporary (in a **physical recreational facility** or **food and drink facility** only) or permanent structures rising either from floor to ceiling or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are open or closed;
- (40) **karaoke facility** means a facility used predominately for karaoke by **members of the public**;
- Example: a facility with private rooms for use by members of the public for karaoke is a karaoke facility. A bar with one open karaoke stage is not a karaoke facility.*
- (41) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (42) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (43) **licensed premises** has the meaning in clause 13(2);
- (44) **licensed tourism operator** means a person:
- (a) granted a tour operator licence under:
 - (i) section 21B of the **Crown Land (Reserves) Act 1978**; or
 - (ii) section 57F of the **Forests Act 1958**; or
 - (iii) section 140I of the **Land Act 1958**; or
 - (iv) section 27D of the **National Parks Act 1975**; or
 - (v) section 21B of the **Wildlife Act 1975**; or
 - (b) providing a tour of an entertainment facility;
- (45) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;
- (46) **member of the public**, in relation to a facility or venue, means a person other than:
- (a) a person who is an employee of an operator of the facility or venue; or
 - (b) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;

- (47) **nightclub** means a facility:
- (a) to which a **late night licence** applies; and
 - (b) with a dancefloor; and
 - (c) which does not serve food prepared at the facility for consumption on the **premises**;
- (48) **nominated person** has the same meaning as in the **Stay Safe Directions (Regional Victoria)**;
- (49) **nominee person** has the same meaning as in the **Stay Safe Directions (Regional Victoria)**;
- (50) **non-seated indoor space** means an **indoor space** that is not a **seated indoor space**;
- (51) **non-seated outdoor space** means an **outdoor space** that is not a **seated outdoor space**;
- Note: this can include settings such as outdoor animal facilities.*
- (52) **non-seated space** means a **non-seated indoor space** or a **non-seated outdoor space**;
- (53) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (54) **outdoor space** means a space that is not an **indoor space**;
- (55) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (56) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (57) **physical recreational facility** has the meaning in clause 6(2);
- (58) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (59) **play centre** means a **premises**, whether indoor or outdoor, that has play equipment to be used predominantly by children under the age of 12 years, but does not mean a **playground**;
- (60) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**;
- (61) **premises** has the same meaning as in the **PHW Act**;
- (62) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (63) **professional or high-performance sports person** means an individual who meets one or more of the following criteria:
- (a) perform a sporting activity in an open-aged national or international competition (at the highest level as identified by the recognised national body); or

- (b) employed to perform a sporting activity as their primary source of income (e.g. employed by a professional club or recognised national body); or
 - (c) a National Institute Network Scholarship holder or equivalent level national categorised athlete;
- (64) **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;
 - (65) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
 - (66) **records requirement** has the same meaning as in the **Workplace Directions**;
 - (67) **Regional Victoria** has the same meaning as in the **Area Directions** as amended or replaced from time to time;
 - (68) **restricted activity period** has the meaning in clause 4;
 - (69) **Restricted Area** has the same meaning as in the **Area Directions**;
 - (70) **restricted retail facility** has the meaning in clause 12(2);
 - (71) **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;
 - (72) **retail facility** means a **premises**, or part of a premises, that are used wholly or predominantly for the sale or hire of goods by retail, or the retail provision of services and includes a **market**, **retail shopping centre** and supermarkets;
 - (73) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
 - (74) **revoked Restricted Activity Directions** means any 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;
 - (75) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
 - (76) **seated indoor space** means an **indoor space** with fixed seating;
 - (77) **seated outdoor space** means an **outdoor space** with fixed seating;
 - (78) **seated space** means a **seated indoor space** or a **seated outdoor space**;
 - (79) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
 - (80) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
 - (81) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;

- (82) **State Library** means the State Library Victoria;
- (83) **Stay at Home Directions (Restricted Areas)** means the **Stay at Home Directions (Restricted Areas) (No 24)** as amended or replaced from time to time;
- (84) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No 10)** as amended or replaced from time to time;
- (85) **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;
- (86) **vehicle** has the same meaning as in the **PHW Act**;
- (87) **visitor** means a person who is not registered to stay overnight at an **accommodation facility**;
- (88) **vulnerable child or young person** 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 education service** 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;
- (89) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (90) **worker** has the same meaning as in the **Workplace Directions**;
- (91) **Workplace Directions** means the **Workplace Directions (No 51)** as amended or replaced from time to time;
- (92) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

23 Penalties

Section 203(1) of the PHW Act provides:

Compliance with direction or other requirement

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

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

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

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



Professor Benjamin Cowie

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

28 September 2021