

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

## Restricted Activity Directions (Regional Victoria) (No 4)

*Public Health and Wellbeing Act 2008* (Vic)  
Section 200

I, Adjunct Clinical Professor Brett Sutton, 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 3)**.

### 2 Citation

These directions may be referred to as the **Restricted Activity Directions (Regional Victoria) (No 4)**.

### 3 Revocation

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

### 4 Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00pm on 17 June 2021 and ending at 11:59:00pm on 24 June 2021.

### 5 Residence checking requirement

- (1) An **alpine operator** means any person who owns, controls or operates an **alpine resort** in Regional Victoria.
- (2) An alpine operator must use all reasonable endeavours to determine for each person (other than children under twelve years of age) accessing,

entering, or seeking to access or enter, the alpine resort (including for work or for recreational purposes), whether that person's ordinary place of residence is in **Metropolitan Melbourne**, except if that person requires access for emergency purposes or to escape harm or the risk of harm, including harm relating to family violence or violence of another person.

- (3) An alpine operator will be taken to have satisfied the requirement under subclause (2) where they have:
  - (a) asked the given person for the address of their ordinary place of residence; and
  - (b) required the given person to produce photo identification that evidences the location of their ordinary place of residence if that person is aged 18 years or older.
- (4) The residence checking requirement in subclause (2) must be satisfied for each person:
  - (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 12 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.
- (5) If a person produces photo identification in accordance with subclause (3)(b) which appears to be valid, an alpine operator required to comply with the residence checking requirement in subclause (2) is entitled to rely on such photo identification as proof of that person's ordinary place of residence.
- (6) If the alpine operator is of the opinion, after undertaking the residence checking requirement specified in subclause (2), that a person accessing or requesting access to the alpine resort ordinarily resides in Metropolitan Melbourne, that alpine operator must request that person to show evidence that they have received a negative COVID test result from a test undertaken no earlier than 72 hours prior to that person's departure from Metropolitan Melbourne and prior to their arrival at the alpine resort.

*Note 1: for this purpose, the person can demonstrate evidence of their negative COVID test result by showing the alpine operator an email or text message sent to that person from the service provider that performed the COVID test.*

*Note 2: if the evidence of a negative COVID test result does not show a time/date at which the test was undertaken, the test is presumed to have been taken 12 hours before the results were received.*

*Note 3: an alpine operator should not permit a person who ordinarily resides in Metropolitan Melbourne entry to the alpine resort if the resort operator is not satisfied that the person has been tested for SARS-CoV-2 in the 72 hours prior to departing from Metropolitan Melbourne, or at any time after last leaving Metropolitan Melbourne but prior to their arrival at the alpine resort, and received a negative test result, or is reasonably satisfied that an exception applies.*

*Exception – essential services*

- (7) Despite subclauses (2) and (6), an alpine operator is not required to comply with the residence checking requirement in subclause (2) or request evidence of a negative COVID test result under subclause (6) in relation to a person that provides or receives an **essential service** if:
- (a) that person is travelling to and accessing an alpine resort for the purposes of providing or receiving an essential service; and
  - (b) it is not practicable for that person to have a COVID test before travelling to the alpine resort.

*Exception – disability, illness or chronic health condition*

- (8) Despite subclauses (2) and (6), an alpine operator is not required to comply with the residence checking requirement in subclause (2) or request evidence of a negative COVID test result under subclause (6) in relation to a person who has a disability, illness or chronic condition if the nature of their disability, illness or chronic condition makes it impracticable for that person to have a COVID test before travelling to the alpine resort.
- (9) If a person collects personal information in the process of complying with their obligations under this clause 5), that person must:
- (a) use reasonable endeavours to protect the personal information from use or disclosure; and
  - (b) destroy the information as soon as reasonably practicable, unless another statutory requirement permits or requires the personal information to be retained.

*Note 1: under this subclause (9), 'reasonable endeavours' does not require a business or undertaking to employ additional staff to meet this requirement.*

## **5A Notification of residence and COVID test checks**

- (1) A **licensed tourism operator**, and any person that owns, controls or operates **public transport**, in Metropolitan Melbourne, that is travelling to an alpine resort must inform each passenger at the point of sale of their services, and prior to departure to the alpine resort, of the following:
- (a) each passenger aged 18 years or older must carry the following:
    - (i) photographic personal identification and evidence of their current address where the person ordinarily resides; and
    - (ii) if they ordinarily reside in Metropolitan Melbourne, evidence of a negative COVID test result from a test undertaken no earlier than 72 hours prior to that person's departure from Metropolitan Melbourne and prior to their arrival at the alpine resort; and
    - (iii) if they ordinarily reside in Metropolitan Melbourne, evidence of a negative COVID test result for any of their children or dependents aged over 12 years travelling with them from a test undertaken no earlier than 72 hours prior to that person's departure from Metropolitan Melbourne and prior to their arrival at the alpine resort; and

- (b) each passenger who is an unaccompanied person aged 12 years or older but under 18 years must carry the evidence referred to in subclause (a)(ii); and
- (c) if a passenger does not carry any of the documentation or evidence referred to in subclause (a), the operators of the alpine resort, authorised officers or Victoria Police may deny them entry to the alpine resort on arrival.

## 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** or any outdoor space at any one time is limited to the **density quotient**; and
  - (b) the number of members of the public in each indoor space (whether seated or non-seated) at the facility at any one time is limited to 300 (with infants under one year old not counting towards this limit); and
  - (c) the number of members of the public in each outdoor space (whether seated or non-seated) at the facility at any one time is limited to 1,000 (with infants under one year old not counting towards this limit); and

*Note: A person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 18.*

- (d) the number of members of the public in each **seated indoor space** is limited to 50 per cent of the maximum seated capacity for that space (with infants under one year old not counting towards this limit); and
- (e) the number of members of the public in each **seated outdoor space** is limited to 75 per cent of the maximum seated capacity for that space (with infants under one year old not counting towards this limit); and
- (f) the number of members of the public in a group at any one time is limited to 50 in either an indoor space or an outdoor space (with infants under one year of age not counting towards this limit); and

*Note 1: any persons not participating in an activity at the physical recreation facility, such as teachers, instructors, trainers, spectators, officials 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)).*

*Note 2: any person employed by the physical recreation facility is not included for the purpose of calculating the limits on the number of members of the public referred to in this subclause (3).*

- (g) any shared equipment is **cleaned** between users; and
- (h) any food and drink facility within the physical recreational facility operates in accordance with the requirements of clause 14 (food and drink facilities); and
- (i) any **retail facility** within the physical recreational facility operates in accordance with the requirements of clause 12 (retail facilities).

#### *Exception – community sport*

- (4) Despite subclause (3), a person who owns, controls or operates a physical recreational facility in Regional Victoria may operate that facility for the purpose of community sport by members of the public and is not required to comply with the requirement in subclause (3)(f)(b) (group limit), but must comply with all other requirements in subclause (3).

*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) 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 – school or educational swimming purposes*

- (6) A person who owns, controls or operates a physical recreational facility may operate that facility for the purpose of:
- (a) providing the facility for the exclusive use by a single **school** at any one time for use for educational purposes and is not required to comply with subclause (3); or
  - (b) providing the facility for swimming or water safety lessons and is not required to comply with subclauses (3)(a) (density quotient) and (3)(f) (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 to the density quotient; and
  - (c) there are no more than 50 members of the public in any one group; and
  - (d) the total number of members of the public (with infants under one year of age not counting towards this limit) at the facility at any time does not exceed 300.

*Exception – small community facilities*

- (4) Despite subclause (3), a person who owns, controls or operates a community facility in Regional Victoria that has a total area of all indoor spaces and outdoor spaces accessible to members of the public (excluding all communal or shared space) of less than 600 square metres is not required to comply with the requirement in subclause (3)(b) if:
- (a) the number of members of the public permitted at the facility at any one time (with infants under one year of age not counting towards these limits) is limited to the lesser of:
    - (i) the number calculated by dividing the total area of the facility accessible to members of the public (measured in square metres) by 2; and
    - (ii) 150; and
  - (b) whenever the facility is operational, a **COVID Check-in Marshal** is at all entrances to the facility enforcing the **records requirement**.

*Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 18.*

- (5) 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).

*Playgrounds, outdoor skatepark or outdoor communal exercise equipment*

- (6) 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 to the density quotient; and
  - (b) there are no more than 50 members of the public in any one group (with infants under one year of age not counting towards this limit); and
  - (c) the total number of members of the public at the facility at any time does not exceed 300 (with infants under one year of age not counting towards this limit).

*Exception – small creative arts facilities*

- (3) Despite subclause (2), a person who owns, controls or operates a creative arts facility in Regional Victoria that has a total area of all indoor spaces and outdoor spaces accessible to members of the public (excluding all communal or shared space) of less than 600 square metres is not required to comply with the requirement in subclause (2)(a) if:
  - (a) the number of members of the public permitted at the facility at any one time (with infants under one year of age not counting towards these limits) is limited to the lesser of:
    - (i) the number calculated by dividing the total area of the facility accessible to members of the public (measured in square metres) by 2; and
    - (ii) 150; and
  - (b) whenever the facility is operational a COVID Check-in Marshal is at all entrances to the facility enforcing the records requirement; 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 subclauses (2) or (3).*

- (c) any equipment used in an activity is cleaned between users.

*Exception – exclusive use by a single school*

- (4) 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).

## 9 Entertainment facilities

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

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

- (2) An **entertainment facility** means any of the following, whether operated on a for profit or not-for-profit basis:
  - (a) a theatre;
  - (b) a cinema, excluding a drive-in cinema;
  - (c) a music hall, concert hall or auditorium;
  - (d) a gallery or a museum;
  - (e) the State Library;
  - (f) an arena or stadium;
  - (g) an arcade;
  - (h) an amusement park;
  - (i) a **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**; and
  - (q) a convention centre.

*Indoor and seated outdoor entertainment facility*

- (3) A person who owns, controls or operates a facility in subclause (2)(a) (**theatre**), (2)(b) (**cinema excluding a drive-in cinema**), (2)(c) (**music hall, concert hall or auditorium**), (2)(d) (**gallery or a museum except an outdoor gallery or museum**), (2)(e) (**State Library**), (2)(f) (**arena or stadium**), (2)(h) (**amusement park except an outdoor amusement park**) or (2)(n) (**animal facility except an outdoor animal facility**) or (2)(q) (**convention centre**) in Regional Victoria may only operate the facility if:
- (a) the number of members of the public in each **non-seated outdoor space** or **non-seated indoor space** at any one time is limited to the density quotient; and
  - (b) the number of members of the public permitted in each seated indoor space at any one time is limited to 50 per cent of the maximum seated capacity for that space (with infants under one year of age not counting towards this limit); and
  - (c) the number of members of the public in each indoor space (whether seated or non-seated) at any one time does not exceed 300 (with infants under one year of age not counting towards this limit); and
  - (d) the number of members of the public in each seated outdoor space at any one time is limited to 75 per cent of the maximum seated capacity for that space (with infants under one year of age not counting towards this limit); and
  - (e) the number of members of the public in each outdoor space (whether seated or non-seated) does not exceed 1,000 (with infants under one year of age not counting towards this limit); and
- Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits in subclause (e) above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 18.*
- (f) no more than 50 members of the public are permitted in any one group in either an indoor space or an outdoor space (with infants under one year old not counting towards this limit); and
  - (g) any food and drink facility within the entertainment facility operates in accordance with the requirements of clause 14 (**food and drink facilities**); and
  - (h) any retail facility within the entertainment facility operates in accordance with the requirements of clause 12 (**retail facilities**).

*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.*

*Non-seated outdoor entertainment facility*

(5) A person who owns, controls or operates an outdoor facility in subclause (2)(d) (**outdoor gallery or a museum only**), (2)(h) (**outdoor amusement park only**) or (2)(n) (**outdoor animal facility only**) in Regional Victoria may only operate the facility if:

- (a) the number of members of the public permitted in each non-seated outdoor space or non-seated indoor space at any one time is limited to the density quotient; and
- (b) the number of members of the public permitted in each seated indoor space at any one time is limited to 50 per cent of the maximum seated capacity for that space (with infants under one year old not counting towards this limit); and
- (c) the number of members of the public in each indoor space at any one time (whether seated or non-seated) does not exceed 300 (with any infant under one year of age not counting in this limit); and
- (d) the number of members of the public permitted in each seated outdoor space at any one time is limited to 75 per cent of the maximum seated capacity for that space (with any infant under one year of age not counting in this limit); and
- (e) the number of members of the public in each outdoor space at any one time (whether seated or non-seated) does not exceed 1,000 (with any infant under one year of age not counting in this limit); and

*Note: there is no limit on the total number of members of the public permitted in outdoor spaces across the facility, provided that the limits on each space are met.*

- (f) no more than 50 members of the public are permitted in any one group in either an indoor space or an outdoor space; and

*Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 18.*

- (g) any food and drink facility within the entertainment facility operates in accordance with the requirements of clause 14 (**food and drink facilities**); and
- (h) any retail facility within the entertainment facility operates in accordance with the requirements of clause 12 (**retail facilities**).

*Exception – exclusive use by a single school*

(6) Despite subclause (5), a person who operates a facility described in subclause (5) for the purpose of providing an exclusive venue for the exclusive use of a single school at any one time for educational or school gathering purposes is not required to comply with the requirements in subclause (5)

*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 (5) apply.*

#### *Drive-in cinema*

- (7) A person who owns, controls or operates a drive-in cinema in Regional Victoria may operate the facility if:
- (a) the cinema is in an outdoor space accessed by **vehicles**; and
  - (b) the number of members of the public permitted (with infants under one year of age not counting towards this limit):
    - (i) at the facility at any time is limited to 300; and
    - (ii) in each indoor space or outdoor space at any one time is limited to the density quotient; and
  - (c) any food and drink facility within the drive-in cinema operates in accordance with the requirements of clause 14 (**food and drink facilities**); and
  - (d) any retail facility within the drive-in cinema operates in accordance with the requirements of clause 12 (**retail facilities**).

#### *Exception – exclusive use by a single school*

- (8) Despite subclause (7), a person who operates a drive-in cinema 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 (7).

*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 (7) apply.*

#### *Retail betting venue*

- (9) 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) the number of members of the public permitted in any indoor space or outdoor space is limited to the density quotient; and
  - (b) the total number of members of the public at the facility at any time does not exceed 300 (with infants under one year of age not counted towards this limit),

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*

- (10) A person who owns, controls or operates an arcade, escape room or bingo centre in Regional Victoria may only operate the facility during the restricted activity period if:
- (a) the number of members of the public permitted in any outdoor space or indoor space at any one time is limited to the density quotient; and
  - (b) the total number of members of the public permitted at the facility at any time does not exceed 300 (with infants under one year of age not counting towards this limit).

*Gaming machine area*

- (11) A person who owns, controls or operates a gaming machine area in Regional Victoria may only operate the facility 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**:
    - (i) whose role is to monitor compliance with these directions; and
    - (ii) who has successfully completed training provided by the operator that is in accordance with guidance from the **Department**; and
    - (iii) who is present at the gaming machine area whenever it is operational; and
  - (c) the number of members of the public permitted in any outdoor space or indoor space at any one time is limited to the density quotient; and
  - (d) the total number of members of the public permitted in the gaming machine area at any time does not exceed 300 (with infants under one year of age not counting towards this limit),

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*

- (12) A person who owns, controls or operates a sex on premises venue, brothel or a sexually explicit entertainment venue in Regional Victoria may only operate the facility during the restricted activity period if:
- (a) the number of members of the public permitted in any outdoor space or indoor space at any one time is limited to the density quotient; and
  - (b) the total number of members of the public permitted at the facility at any time does not exceed 300.

### *Karaoke facilities and nightclubs*

- (13) 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:
- (a) the number of members of the public permitted in any outdoor space or indoor space at any one time is limited to the density quotient; and
  - (b) the total number of members of the public permitted at the facility at any time does not exceed 300 members of the public (with infants under one year of age not counting towards this limit); and
  - (c) members of the public at the facility remain seated except when ordering food or drink, using toilets or entering and leaving the facility.

## **10 Places of worship**

- (1) A person who owns, controls or operates a **place of worship** in Regional Victoria may only operate that place of worship during the restricted activity period in accordance with these directions.
- (2) A person who owns, controls or operates a place of worship in Regional Victoria may only operate that facility if:
- (a) the number of members of the public in any indoor space or outdoor space is limited to the density quotient; and
  - (b) the total number of members of the public at the facility at any time does not exceed 300 (with infants under one year of age not counting towards this limit); and
  - (c) any weddings and funerals are compliant with the requirements of the **Stay Safe Directions (Regional Victoria)**; and
  - (d) any religious gatherings or ceremonies are conducted at either the place of worship or an outdoor space proximate to the place of worship; and
  - (e) any support group conducted at the place of worship is attended by no more than (excluding any person necessary for the delivery of the support group) 50 members of the public per group (whether in an indoor space or an outdoor space); and
- Examples: for alcohol and drugs, family violence and parenting*
- (f) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by any members of the public.
- (3) Despite subclause (2), a person may operate a place of worship without complying with subclause (2) 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.*

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

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

## 11 Funeral providers and crematoriums

- (1) A person who owns, controls or operates a funeral home or crematorium in 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 to the density quotient; and
  - (c) the total number of members of the public at the facility at any time does not exceed 100 (with infants under one year of age not counting towards this limit); and
  - (d) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by any members of the public.

## 12 Retail facilities

- (1) A person who owns, controls or operates a retail facility, including a restricted retail facility or an auction house, in Regional Victoria may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A **restricted retail facility** means the following:
  - (a) a beauty and personal care facility; or
  - (b) a **hairstyling facility**.
- (3) A person who owns, controls or operates a retail facility or a restricted retail facility 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 to the density quotient; and
  - (b) for a facility that operates out of a private residence, the entrance used by members of the public to access the facility and the entrance used by residents and **visitors** to access the private residence are separate; and
  - (c) in respect of the operation of restricted retail facilities only, a client wears a face covering for the duration of the service or procedure, other than when the client is receiving services or undertaking procedures that require the removal of the face covering or where the client is exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Regional Victoria)**.

*Example 1: services such as facials, face waxing and beard trimming around the mouth, nose or cheeks do not require the client to wear a face covering because such services could not be provided if a face covering were worn during the service or procedure.*

*Example 2: a person under the age of 12 years and a person who has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable, are not required to wear a face covering.*

### 13 Pubs, bars, clubs, nightclubs and hotels

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

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

- (2) A **licensed premises** means a business characterised as a pub, bar, club, nightclub or hotel that supplies alcohol under a **general licence**, an **on-premises licence**, a **late night licence**, a **producer's licence**, 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 **bottleshop**; or
  - (b) providing food or drink in accordance with clause 14; or
  - (c) providing accommodation in accordance with clause 15; or
  - (d) operating a retail betting venue in accordance with clause 9(9); or
  - (e) operating a gaming machine area in accordance with clause 9(11); or
  - (f) operating a sexually explicit entertainment venue in accordance with clause 9(12); or
  - (g) operating a karaoke facility or nightclub in accordance with clause 9(13).

### 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) subject to subclause (4), the number of members of the public in any indoor space or outdoor space is limited to the density quotient; and
- (b) the total number of members of the public at the facility at any time does not exceed 300 (with any infant under one year of age not counting in this limit); and

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

- (c) there are no more than 50 members of the public in any one group; and
- (d) members of the public at the premises remain seated except when ordering food or drink, using toilets or entering and leaving the facility; and
- (e) any dancefloors in the facility are closed at all times; and
- (f) any weddings held at the facility comply with the **Stay Safe Directions (Regional Victoria)**.

*Exception – small food and drink facilities*

(4) Despite subclause (3), a person who owns, controls or operates a food and drink facility in Regional Victoria is not required to comply with the requirement in subclause (3)(a) if the total area of all indoor spaces and outdoor spaces accessible to members of the public (but excluding all communal or shared space) at the facility is (with infants under one year of age not counting towards these limits):

- (a) less than 100 square metres, provided that the total number of members of the public at the facility at any time does not exceed 25; or
- (b) between 50 and 600 square metres and the operator elects to have a COVID Check-in Marshal at the facility, provided that:

- (i) whenever the facility is operational, a COVID Check-in Marshal is at all of the entrances to the facility enforcing the records requirement; and
- (ii) the total number of members of the public at the facility at any time does not exceed the lesser of:
  - (A) the number calculated by dividing the total area of the facility accessible to members of the public (measured in square metres) by 2; and
  - (B) 150.

*Exception – exclusive use of a school*

- (5) 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;
  - (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 (with infants under one year of age not counting towards this limit):

- (i) members of the one household, or the intimate partners of the members in that household; and
  - (ii) up to five other people; and
  - (iii) a child or dependant of a person listed in subclause (i) or (ii) if the person listed in subclause (i) or (ii) cannot access any alternative care arrangement (whether on a paid or voluntary basis) or leave their child or dependant unattended; and
- (c) in respect of any person or group staying at an accommodation facility, the person or group do not have more than 5 visitors per day, calculated in accordance with subclause (4); and
  - (d) members of the public under different bookings do not share any bedrooms; and
  - (e) all surfaces in the facility that are used exclusively by a particular group, including a hotel room or cabin, are cleaned between each booking.

*Note: nothing in this subclause (3) is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

*Visitors to any person or group in a booking*

- (4) For the purposes of calculating the number of permitted visitors per day to a person or group in each booking:
  - (a) any person who is part of the group staying at the accommodation facility should be included as a visitor if that person:
    - (i) does not ordinarily reside with the person who made the booking; or
    - (ii) is not in an intimate personal relationship with the person who made the booking or with a person who ordinarily resides with a person who made the booking who is also staying at the accommodation facility; and
  - (b) any person who is not part of the group staying at the accommodation facility should be excluded from the visitor cap if that person:
    - (i) ordinarily resides with the person who made the booking; or
    - (ii) is in an intimate personal relationship with the person who made the booking or with a person who ordinarily resides with a person who made the booking who is also staying at the accommodation facility; or
    - (iii) is an infant under one year of age; or
    - (iv) is a child or dependant of a person listed in subclause (a) and that person cannot access any alternative care arrangement (whether on a paid or voluntary basis) or leave their child or

dependant unattended so that they can enter the premises in accordance with subclause (3) without the child or dependent.

*Example: if a person books accommodation in for themselves, their intimate partner, their four housemates, and one additional person, the additional person is considered a visitor and four further members of the public can visit the group at the accommodation facility per day.*

#### *Accommodation facilities - other*

- (5) 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:
- (a) an auction to take place for the sale of real estate, only if:
    - (i) that auction is conducted in an outdoor space; and
    - (ii) the number of members of the public permitted to attend in person is limited to the density quotient,  
excluding the owners or residents of the property and the minimum number of persons required to conduct or broadcast the auction, whether or not other members of the public also attend remotely; or
  - (b) an inspection by members of the public of real estate only if the number of members of the public is limited to the density quotient.

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

## **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 for members of the public if:
- (a) the number of members of the public attending a tour in an indoor space or an outdoor space does not exceed 50 (with any infant under one year of age not counting towards these limits); and

- (b) no more than 50 members of the public are transported in a vehicle at any one time; and
- (c) licensed tourism services are not operated by more than the minimum number of persons required; and

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

- (d) no more than one tour attends the same outdoor space or indoor space at any one time, except where a reasonable distance between tours can be maintained at all times; and
- (e) if any communal equipment is to be used, it must be cleaned between tours and not shared between members of the public in a tour group.

## 18 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):

(C) conducted on a one-off or periodic basis; and

(D) open to members of the public; and

(E) 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.*

(F) publicly announced or advertised; and

(G) 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)** otherwise continue to apply; and

- (b) **exempt public event** means an eligible public event which, subject to the process described in the Public Event Framework, the Chief Health Officer or Deputy Chief Health Officer has exempted from a requirement in the Directions currently in force in accordance with subclause (3).
- (2) A person who arranges to meet, or organises or intentionally attends a public gathering for a common purpose in a public place is not required to comply with the requirements of the Directions currently in force in respect of such a public gathering:
- (a) if the public gathering is an exempt public event; and
  - (b) to the extent of an exemption granted under subclause (3) (including any conditions on an exemption).
- (3) The Chief Health Officer or Deputy Chief Health Officer may exempt one or more persons who are subject to a requirement under these directions to conduct one or more eligible public events (or class of eligible public events) from any requirement of the Directions currently in force if satisfied that the exemption is appropriate, having regard to:
- (a) the need to protect public health; and
  - (b) the principles in sections 5 to 10 of the **PHW Act**, as appropriate.
- (4) An exemption under subclause (3):
- (a) must be given in writing; and
  - (b) must be published at [www.coronavirus.vic.gov.au/public-events](http://www.coronavirus.vic.gov.au/public-events), as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer; and
  - (c) must specify each requirement in the Directions currently in force to which, subject to subclause (d), an exemption is granted; and
  - (d) may impose conditions on an exemption.
- (5) An exemption under subclause (3) does not prevent:
- (a) the Chief Health Officer or Deputy Chief Health Officer exercising any power the Chief Health Officer or Deputy Chief Health Officer is authorised to exercise under the **PHW Act**; or
  - (b) an authorised officer from exercising any power the authorised officer is authorised to exercise under the **PHW Act**, including ensuring compliance with:

- (i) the extent of an exemption granted under subclause (3) (including any conditions on an exemption); or
- (ii) the requirements of all other Directions currently in force.

## 19 Emergency use and operations

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

## 20 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.

## 21 Other definitions

For the purposes of these directions:

- (1) **accommodation facility** has the meaning in clause 15(2);
- (2) **alpine resort** has the same meaning as in the **Alpine Resorts Act 1983**;
- (3) **animal facility** means the following:
  - (a) a **zoological park**;
  - (b) a wildlife centre;
  - (c) a petting zoo;
  - (d) an aquarium;
  - (e) an animal farm that is not being operated for the purpose of producing food;
- (4) **Area Directions** means the **Area Directions (No 12)** as amended from time to time;
- (5) **bottleshop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the **premises**;
- (6) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (7) **bus company** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;
- (8) **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**);
- (9) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (10) **community facility** has the meaning in clause 7(2);

- (11) **COVID Check-in Marshal** means an employee, or employees, of a facility who monitors compliance with the records requirement at all entrances in use at the facility by checking whether patrons have provided their details prior to entry;
- (12) **COVID Marshal** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions**;
- (13) **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 recreation facility**;
  - (f) a **community facility**; or
  - (g) a **place of worship**.
- (14) **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;
- (15) **Department** means the Department of Health;
- (16) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No 23)** as amended or replaced from time to time;
- (17) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (18) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Metropolitan Melbourne)**;
- (19) **emergency worker** has the same meaning as in the **Sentencing Act 1991**;
- (20) **entertainment facility** has the meaning in clause 9(2);
- (21) **essential services** means emergency services or services to ensure the provision of telecommunications, critical infrastructure, critical supplies, essential prevention and recovery from emergencies or essential public services (including services provided by **emergency workers** and child protection workers and time-critical essential services provided by healthcare workers and care facility workers);
- (22) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (23) **face covering** has the same meaning as in the **Workplace Directions**;
- (24) **food and drink facility** has the meaning in clause 14(2);



- (25) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (26) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (27) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (28) **hairdressing** has the same meaning as in the **PHW Act**;
- (29) **hairdressing facility** means a business that is registered as a business of **hairdressing** under the **PHW Act**;
- (30) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (31) **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;
- (32) **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.*
- (33) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (34) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (35) **licensed premises** has the meaning in clause 13(2);
- (36) **licensed tourism operator** means a person granted a tour operator licence under:
- (a) section 21B of the **Crown Land (Reserves) Act 1978**; or
  - (b) section 57F of the **Forests Act 1958**; or
  - (c) section 140I of the **Land Act 1958**; or
  - (d) section 27D of the **National Parks Act 1975**; or
  - (e) section 21B of the **Wildlife Act 1975**;
- (37) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;
- (38) **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;
- (39) **Metropolitan Melbourne** has the same meaning as in the **Area Directions**

- (40) **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**;
- (41) **non-seated indoor space** means an **indoor space**, where a person is free to stand and move about freely;
- (42) **non-seated outdoor space** means an **outdoor space**, where a person is free to stand and move about freely;
- Note: this can include settings such as outdoor **animal facilities**.*
- (43) **non-seated space** means a **non-seated indoor space** or a **non-seated outdoor space**;
- (44) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (45) **outdoor space** means a space that is not an **indoor space**;
- (46) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (47) **passenger transport company** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;
- (48) **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.
- (49) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (50) **physical recreational facility** has the meaning in clause 6(2);
- (51) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (52) **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**;
- (53) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**;
- (54) **premises** has the same meaning as in the **PHW Act**;
- (55) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;

- (56) **Public Event Framework** means the Public Event Framework available at [www.coronavirus.vic.gov.au/public-events](http://www.coronavirus.vic.gov.au/public-events), as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer;
- (57) **public transport** means a vehicle operated by a **passenger transport company** or by a **bus company** in the provision of **public transport service**;
- (58) **public transport service** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;
- (59) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (60) **records requirement** has the same meaning as in the **Workplace Directions**;
- (61) **Regional Victoria** has the same meaning as in the **Area Directions** as amended or replaced from time to time;
- (62) **restricted activity period** has the meaning in clause 4;
- (63) **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;
- (64) **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;
- (65) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (66) **school** means a registered school as defined in the **Education and Training Reform Act 2006**; **seated indoor space** means an **indoor space** with fixed seating;
- (67) **seated outdoor space** means an **outdoor space** with fixed seating;
- (68) **seated space** means a space with fixed seating;
- (69) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (70) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (71) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (72) **State Library** means the State Library Victoria;
- (73) **Stay Safe Directions (Metropolitan Melbourne)** means the **Stay Safe Directions (Metropolitan Melbourne) (No 3)** as amended or replaced from time to time;
- (74) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No 6)** as amended or replaced from time to time;
- (75) **vehicle** has the same meaning as in the **PHW Act**;

- (76) **visitor** means a person who is not registered to stay overnight at an **accommodation facility**;
- (77) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (78) **work premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- (79) **worker** has the same meaning as in the **Workplace Directions**;
- (80) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No 28)** as amended or replaced from time to time;
- (81) **Workplace Directions** means the **Workplace Directions (No 33)** as amended or replaced from time to time;
- (82) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

## 22 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.

*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.*



**Adjunct Clinical Professor Brett Sutton**

Chief Health Officer, as authorised to exercise emergency powers under sections 20A and 199(2)(a) of the **PHW Act**.

17 June 2021