

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

Restricted Activity Directions (Victoria) (No 3)

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 the State of 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 (Victoria) (No 2)** restricting activities across the State of Victoria and provide for the further easing of restrictions on the operation of businesses and undertakings in Victoria.

2 Citation

These directions may be referred to as the **Restricted Activity Directions (Victoria) (No 3)**.

3 Revocation

The **Restricted Activity Directions (Victoria) (No 2)** are revoked at 11:59:00pm on 6 December 2020.

4 Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00pm on 6 December 2020 and ending at 11:59:00pm on 3 January 2021.

~~(d) any dancefloor is operated in accordance with clause 18.~~

9 Places of worship

- (1) A person who owns, controls or operates a **place of worship** in the State of 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 the State of Victoria may operate the place of worship if:
- (a) subject to paragraph (d), the number of persons permitted in each indoor space or outdoor space at any one time is limited to (with infants under one year of age not counting towards this limit):
 - (i) if the person uses electronic record-keeping, the number permitted by the density quotient; and
 - (ii) if the person does not use electronic record-keeping, the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 4; and
 - (b) where the place of worship operates for the purpose of conducting a religious gathering or ceremony, the religious gathering or ceremony is conducted either at the place of worship or at an outdoor space proximate to the place of worship; and
 - (c) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by participants; and
 - (d) any dancefloor is operated in accordance with clause 18.
- (3) Despite subclause (2), a person who operates a place of worship for the purpose of hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise) is not required to comply with the limits in subclause (2)(a).

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

10 Restricted retail facilities

- ~~(1) A person who owns, controls or operates a **restricted retail facility** in the State of 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**; and~~
 - ~~(b) a **hairdressing facility**.~~
- ~~(3) A person who owns, controls or operates a restricted retail facility in the State of Victoria may operate that facility if the number of persons permitted in~~

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

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

(v) a private gathering;

(vi) a wedding, funeral or end of life activity;

(vii) a routine religious gathering or ceremony,

to which these directions and the **Stay Safe Directions (Victoria) (No 4)** otherwise continue to apply.

(b) **exempt public event** means an eligible public event which, subject to the process described in the **Public Event Framework**, the Chief Health Officer or Deputy Chief Health Officer has exempted from a requirement in the Directions currently in force in accordance with subclause (3); and

- (c) **Public Event Framework** means the Public Event Framework available at www.coronavirus.vic.gov.au/public-events, as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer.
- (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 an **eligible public event** (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; and
 - (c) must specify each requirement in the Directions currently in force to which, subject to paragraph (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.

20 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**.