

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

Restricted Activity Directions (Melbourne)

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)(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 **Restricted Area** to address the serious public health risk posed to Victoria by Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Restricted Activity Directions (Restricted Areas) (No 14)** restricting activities in areas of Victoria, and provide for circumstances in which:
 - (a) a **physical recreational facility** is permitted to operate for outdoor sport and physical recreation; and
 - (b) an indoor religious gathering or ceremony is permitted; and
 - (c) a **community facility** is permitted to operate; and
 - (d) outdoor community sport is permitted; and
 - (e) a **beauty and personal care facility** is permitted to operate; and
 - (f) a **food and drink facility** is permitted to provide limited indoor and outdoor service; and
 - (g) a **food court** is permitted to operate; and
 - (h) a live music performance is permitted in an **outdoor space** of a food and drink facility; and
 - (i) an **animal facility** is permitted to operate; and
 - (j) **licensed tourism operators** are permitted provide **licensed tourism services** in outdoor spaces.

2 Citation

These directions may be referred to as the **Restricted Activity Directions (Melbourne)**.

3 Revocation

The **Restricted Activity Directions (Restricted Area) (No 14)** are revoked at 11:59:00pm on 27 October 2020.

4 Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00pm on 27 October 2020 and ending at 11:59:00pm on 8 November 2020.

5 Pubs, bars, clubs, nightclubs and hotels

- (1) A person who owns, controls or operates a **licensed premises** in the Restricted Area must not operate that **premises** during the restricted activity period.
- (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** or a **club licence**.
- (3) Despite subclause (1), a person who owns, controls or operates a licensed premises in the Restricted Area may operate that premises for the purposes of:
 - (a) operating a **bottleshop**; or
 - (b) providing food or drink in accordance with clause 12; or
 - (c) providing accommodation in accordance with clause 13.

Permitted operations — retail betting venues

- (4) Despite subclause (1), a person who owns, controls or operates a **retail betting venue** may operate the venue if the retail betting venue is wholly contained within a licensed premises if:
 - (a) the number of members of the public permitted in the venue is limited to the number permitted by the **density quotient**; and
 - (b) members of the public at the premises are served on a seated service basis, and otherwise in accordance with the requirements of clauses 11 (**restricted retail facilities**), 12 (**food and drink facilities**) and this clause; and
 - (c) the person complies with:
 - (i) the **signage requirement** within the licensed premises; and
 - (ii) the **records requirement** within the licensed premises; and
 - (iii) the **cleaning requirement**.

Permitted operations — drive-in cinemas

- (13) Despite subclause (1), a person who owns, controls or operates a drive-in cinema may operate that venue if:
- (a) the cinema is in an outdoor space accessed by **vehicles**; and
 - (b) persons are not permitted to be seated outside of their vehicles; and
 - (c) no access is permitted to an indoor space in the facility, except for toilet facilities or to permit access to an outdoor space or for the purposes of operations under subclause (3) or (5); and
 - (d) a COVIDSafe Plan is in place for the facility; and
 - (e) where the maximum capacity for the facility is 500 or more, a COVIDSafe Plan for the facility is published on the facility's Internet site prior to the first opening of the facility; and
 - (f) any food and drink facility operates in accordance with clause 12; and
 - (g) the person complies with the cleaning requirement; and
 - (h) the person uses all reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

10 Places of worship

- (1) A person who owns, controls or operates a **place of worship** in the Restricted Area must not operate that place of worship during the restricted activity period.

Permitted operations

- (2) Despite subclause (1), a person who owns, controls or operates a place of worship in the Restricted Area may operate that place of worship for the purpose of:
- (a) hosting a wedding or funeral, if that wedding or funeral complies with the requirements of the **Stay Safe Directions (Melbourne)**; or
*Note: the **Stay Safe Directions (Melbourne)** limit the number of people who may attend a wedding at non-residential premises located in the Restricted Area to 10 people (plus the marrying couple, the celebrant and a photographer) and a funeral at non-residential premises located in the Restricted Area to 20 people plus those required to conduct the funeral.*
 - (b) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise); or
Examples: a food bank or service for homeless persons.
 - (c) hosting an essential support group; or
Examples: for alcohol and drugs, family violence, and parenting.
 - (d) conducting outdoor religious gatherings or ceremonies; or
Examples: mass, Eucharist, blessings.
 - (e) conducting indoor religious gatherings or ceremonies.

Examples: mass, Eucharist, blessings.

- (3) A person who operates a place of worship under subclause (2)(c) must limit the number of members of the public in each indoor space to the lesser of:
 - (a) the number permitted by the density quotient; and
 - (b) 10.
- (4) If a religious gathering or ceremony is to be held outdoors under subclause (2)(d) then:
 - (a) up to a maximum of 20 members of the public are permitted to attend each religious gathering or ceremony; and
 - (b) in addition to the maximum of 20 members of the public, one **religious practitioner** employed or otherwise engaged by a **religious institution** must attend in order to lead the religious gathering or ceremony; and
 - (c) no food, drink, crockery, utensils, vessels or other equipment are permitted to be shared by participants; and
 - (d) the gathering or ceremony must be held in an open space proximate to the place of worship; and
 - (e) no wedding or funeral is to be held indoors or outdoors under clause 2(a) at or proximate to the place of worship at the same time; and
 - (f) no religious gathering or ceremony is to be held indoors at the place of worship under subclause (2)(e) at the same time.
- (5) If a place of worship is to hold one or more religious gatherings or ceremonies indoors under subclause (2)(e) then:
 - (a) the number of members of the public permitted in the place of worship at any one time is limited to the lesser of:
 - (i) the aggregate number permitted by the density quotient at the place of worship; and
 - (ii) 10; and
 - (b) the number of members of the public permitted for each group attending a religious gathering or ceremony in an indoor space must be limited to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 10,

and each group must maintain a distance of at least 10 metres from each other group or be in a separate indoor space at all times; and

Note: up to 10 members of the public in multiple groups may attend a religious gathering or ceremony in a single indoor space of a place of worship, provided that the indoor space is suitable to meet the density quotient for the number of people in attendance and each group is able to maintain a distance of at least 10 metres from each other.

- (c) in addition to the maximum number of members of the public permitted to attend a religious gathering or ceremony under paragraph (b):
 - (i) if there is only one group of members of the public in an indoor space at which a religious gathering or ceremony is being held, one religious practitioner employed or otherwise engaged by a religious institution must be present at the indoor space in order to lead the religious gathering or ceremony; and
 - (ii) if there is more than one group of members of the public in any one indoor space at which a religious gathering or ceremony is being held, in addition to the religious practitioner required to be present under subparagraph (i), one religious practitioner employed or otherwise engaged by a religious institution may be present in the indoor space in order to lead the religious gathering or ceremony in respect of each group; and
 - (iii) if there is more than one indoor space at which a religious gathering or ceremony is being held, one religious practitioner employed or otherwise engaged by a religious institution must be present in each indoor space in order to lead the religious gathering or ceremony in respect of each group in each indoor space; and
 - (d) each religious gathering or ceremony must be limited to 90 minutes; and
 - (e) no food, drink, crockery, utensils, vessels or other equipment are permitted to be shared by participants; and
 - (f) no wedding or funeral is to be held indoors or outdoors under clause 2(a) at the place of worship at the same time; and
 - (g) no religious gathering or ceremony is to be held outdoors under subclause (2)(d) at or proximate to the place of worship at the same time.
- (6) A person who owns, operates or controls a place of worship under subclause (2) must comply with:
- (a) the signage requirement for each:
 - (i) indoor space; and
 - (ii) outdoor space; and
 - (b) the cleaning requirement; and
 - (c) the records requirement, except in relation to private worship and essential support groups, if confidentiality is typically required.

~~11 Restricted retail facilities~~

- (1) A person who owns, controls or operates an ~~open retail facility~~, including a **restricted retail facility**, in the ~~Restricted Area~~ may only operate that facility during the ~~restricted activity period~~ to the extent permitted or required by these directions.