

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

## Restricted Activity Directions (Victoria) (No 12)

*Public Health and Wellbeing Act 2008* (Vic)

Section 200

I, Dr Clare Looker, 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 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 11)**.

### 2 Citation

These directions may be referred to as the **Restricted Activity Directions (Victoria) (No 12)**.

### 3 Revocation

The **Restricted Activity Directions (Victoria) (No 11)** are revoked at 11:59:00pm on 9 April 2021.

### 4 Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00pm on 9 April 2021 and ending at 11:59:00pm on 7 May 2021.

### 5 ~~Physical recreational facilities~~

- ~~(1) A person who owns, controls or operates a **physical recreational facility** in the State of 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*~~

~~dividing the total area of the indoor space or outdoor space accessible to members of the public (measured in square metres) by 2; and~~

- ~~(b) where the maximum capacity for the facility in accordance with these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's Internet site; and~~
- ~~(c) 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.~~

## 8 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) 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) 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 2; 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.
- (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.*

## 9 ~~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 **hairstyling 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 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) 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 2.~~

## **10 Pubs, bars, clubs, nightclubs and hotels**

- ~~(1) A person who owns, controls or operates a **licensed premises** in the State of 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** or a **club licence**.~~

- ~~(3) A person who owns, controls or operates a licensed premises in the State of Victoria may operate that premises for the purposes of:~~

- ~~(a) operating a **bottleshop**; or~~
- ~~(b) operating a retail betting venue in accordance with clause 7(12); or~~
- ~~(c) operating a gaming machine area in accordance with clause 7(13); or~~
- ~~(d) operating a sexually explicit entertainment venue in accordance with clause 7(14);~~
- ~~(e) operating a karaoke or nightclub facility in accordance with clause 7(16); or~~
- ~~(f) providing food or drink in accordance with clause 11; or~~
- ~~(g) providing accommodation in accordance with clause 12.~~

## **11 Food and drink facilities**

- (1) A person who owns, controls or operates a food and drink facility in the State of 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) For the purposes of this clause:
- (a) **communal or shared space** means toilets, separate hallways, separate foyers or playgrounds at the facility;
  - (b) **outdoor** means:
    - (i) a space with no **roof**; or
    - (ii) an open-air space designated for the consumption of food and/or beverages, which may have a roof so long as at least 2 sides of the space do not have **walls**;

*Examples: outdoor spaces may include a balcony, a veranda, a courtyard, a rooftop, a marquee, a street or footpath, or any similar outdoor space.*
  - (c) **roof** means any structure or device (whether temporary, fixed or movable) that prevents or significantly impedes upward airflow, including a ceiling or awning;
  - (d) **wall** means any structure (whether fixed or movable) that prevents or significantly impedes lateral airflow, notwithstanding if it has a window or door.

~~**Food and drink facility is a food court**~~

- ~~(4) A person who owns, controls or operates a food court may operate that food court for the purpose of permitting members of the public to consume food or drinks if the number of members of the public permitted in each indoor space or outdoor space at a food court at any one time is limited to 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 2.~~

**Food and drink facility is not a food court**

- (5) A person who owns, operates or controls a food and drink facility that is not located inside a food court may operate that facility if:
- (a) where 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 less than 50 square metres, the number of members of the public permitted in the facility at any one time is limited to (with any infant under one year of age not counting in this limit) 25; and
  - (b) where 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 50 square metres or more, the number of members of the public permitted in each indoor space or outdoor space at any one time is limited to (with any infant under one year of age not counting in this limit), the number calculated by dividing the total area of the indoor space or outdoor space accessible to members of the public (but excluding all communal or shared space) (measured in square metres) by 2.

*Note 1: the person must also comply with the conditions of any liquor licence or planning permit.*

*Note 2: 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.*

- ~~(6) Despite subclause (5), a person who operates a food and drink facility that is not located inside a food court 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.*~~

## **12 Accommodation facilities**

- ~~(1) A person who owns, controls or operates an **accommodation facility** in the State of Victoria may only operate that facility during the restricted activity period in accordance with these directions.~~
- ~~(2) For the purposes of this clause:~~
- ~~(a) **accommodation facility** includes, but is not limited to, any of the following, whether operated on a for profit or not for profit basis:~~
- ~~(i) a camping ground;~~
  - ~~(ii) a caravan park;~~
  - ~~(iii) a hotel;~~
  - ~~(iv) a hostel;~~
  - ~~(v) a Bed and Breakfast;~~
  - ~~(vi) a private holiday rental facility, including Airbnbs;~~
  - ~~(vii) a motel;~~
  - ~~(viii) a serviced apartment; and~~
- ~~(b) **communal or shared accommodation space** includes but is not limited to communal or shared toilets, bathrooms, laundries, kitchens and other cooking areas, hallways, foyers, decks, balconies, dining areas, recreation areas and storage areas.~~

## 16 ~~Creative arts facilities~~

- (1) ~~A person who owns, controls or operates a creative arts facility in the State of Victoria may only operate that facility during the restricted activity period in accordance with these directions.~~
- (2) ~~A **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;~~
  - ~~(d) a rehearsal room or studio;~~
- ~~but does not include:~~
- ~~(e) a physical recreation facility;~~
  - ~~(f) a community facility;~~
  - ~~(g) a place of worship.~~
- (3) ~~A person who owns, controls or operates a creative arts facility in the State of Victoria may operate that facility for use by members of public if 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) 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 2.~~
- (4) ~~Despite subclause (3), a person who operates a creative arts 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 the requirements in subclause (3).~~

~~*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 (3) apply.*~~

## 17 Electronic record-keeping requirements

- (1) A person to whom clauses 5 to 16 applies and who is also required to comply with clause 6(7) of the Workplace Directions (the **records requirement**) must:
- (a) comply with the records requirement by requiring all persons who attend the venue to record their visit to the venue using a **prescribed electronic record-keeping method** by means of a mobile phone or other device at the time the person enters the premises; and

*Note: a person will not be subject to a penalty pursuant to section 203 of the PHW Act for failing to comply with this clause provided that they comply with the records requirement.*

- (b) make reasonable efforts to ensure that persons required to record their visit in accordance with subclause (1)(a) can do so even where they

do not have access to a personal mobile phone or other device that enables them to do so.

*Note: compliance with subclause (1)(b) should include making a terminal (e.g. a tablet or other device) available for persons to register their contact details electronically and staff available to provide assistance to persons to register their contact details electronically.*

- ~~(2) Despite subclause (1), a person to whom clause 12 (accommodation facilities) applies is only required to comply with subclause (1) in respect of a person who:~~
- ~~(a) is a **visitor** to the accommodation facilities; and~~
  - ~~(b) spends more than 15 minutes in a communal or shared accommodation space.~~
- (3) If a person to whom subclause (1) applies is unable to comply with subclause (1) because of an **access issue** that prevents the prescribed electronic record-keeping method from operating, then the person must use an alternative record-keeping method to comply with the records requirement.

## **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):~~
      - ~~(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;~~