

Directions from Deputy Chief Health Officer (Communicable Disease) in accordance with emergency powers arising from declared state of emergency

Restricted Activity Directions (No 7)

Public Health and Wellbeing Act 2008 (Vic)

Section 200

I, Dr Annaliese van Diemen, Deputy Chief Health Officer (Communicable Disease), consider it 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 order to limit the spread of Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions replace the **Restricted Activity Directions (No 6)**, and:
 - (a) permit 10 members of the public to gather for religious purposes (in addition to the people reasonably required to facilitate the ceremony);
 - (b) require various operators to keep a record of members of the public who attend certain facilities to support contact tracing, if required;
 - (c) permit 10 members of the public to attend auction houses, real estate auctions and residential property inspections (in addition to the people reasonably required to facilitate the auction or inspection);
 - (d) permit 10 members of the public to attend support groups (in addition to the people reasonably required to facilitate the event);
 - (e) permit limited outdoor sport to occur; and
 - (f) permit professional sporting organisations to train and engage in professional sporting events at certain facilities.
- (3) These directions must be read together with the **Stay at Home Directions (No 6)** given on 12 May 2020.

2 Revocation

The **Restricted Activity Directions (No 6)** are revoked with effect from 11:59:00pm on 12 May 2020.

3 Citation

- (1) These directions may be referred to as the **Restricted Activity Directions (No 7)**.

- (2) A reference in any other direction to the **Restricted Activity Directions (No 6)** is taken to be a reference to these directions.

3A Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00pm on 12 May 2020 and ending at 11:59:00pm on 31 May 2020.

4 Definition of density quotient

The **density quotient** of a single undivided **indoor space** is the number calculated by dividing the total area of the space (measured in square metres) by 4.

Example: if an indoor space is 8.5 metres long and 4.5 metres wide, its total area is 38.25 square metres. Its density quotient is 9.56, so no more than 9 people would be permitted to be in the indoor space at the same time.

5 Pubs, bars, clubs, nightclubs and hotels

- (1) A person who owns, controls or operates a **licensed premises** in Victoria 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** or a **club licence**.
- (3) Despite subclause (1), a person who owns, controls or operates a licensed premises may operate that premises for the purposes of:
- (a) operating a **bottleshop**;
 - (b) providing food or drink to be consumed off the premises; or
 - (c) providing accommodation.

6 Physical recreational facilities

- (1) A person who owns, controls or operates a **physical recreational facility** in Victoria must not operate that facility during the restricted activity period.
- (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 physical recreation;

Examples: a gymnasium, indoor swimming pool, health clubs, fitness centres, yoga studio, barre and spin facility, sauna, bathhouse, wellness centre and health studio.

- (b) subject to subclause (6), an outdoor facility that is used for outdoor sport and recreation;
- (c) a **personal training facility**;
- (d) a **play centre** or publicly accessible playground;
- (e) a skatepark; or

- (f) outdoor communal gym equipment.

Permitted operations — outdoor activities

- (3) Despite subclause (1), a person who owns, controls or operates a facility listed in subclauses (2)(a) (facility for indoor physical recreation) or (2)(c) (personal training facility) may operate that facility if its services are provided:
 - (a) in an **outdoor space**;
 - (b) the number of persons to whom its services are provided is:
 - (i) not more than 10 in any group; or
 - (ii) more than 10 in a group, if all persons have the same ordinary place of residence; and
 - (iii) the space available is suitable to accommodate groups with appropriate physical distancing; and
 - (c) by an operator that requests that each person who attends provide:
 - (i) their first name; and
 - (ii) a contact phone number,and, if provided by the person, must keep a record of those details, and the date and time at which the person attended the facility.

Note: This limit is not intended to apply to professional sports teams training in accordance with subclauses 4 and 5 below.

Permitted operations — professional sport

- (4) Despite subclauses (1) and (3), a person who owns, controls or operates a physical recreational facility may operate that facility if it is operated:
 - (a) for the exclusive use of a single professional sporting team at any one time; and
 - (b) for the training purposes of that team.
- (5) A person who operates a facility under subclause (4) must:
 - (a) request that each person who attends provide:
 - (i) their first name; and
 - (ii) a contact phone number,and, if provided by the person, must keep a record of those details, and the date and time at which the person attended the facility; and
 - (b) use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Note: Recommendations may be based on the AIS Framework for Rebooting Sport in a COVID-19 Environment.

Permitted operations – outdoor facilities

- (6) Despite subclause (1), a person who owns, controls or operates an outdoor facility that is used for outdoor sport and recreation may operate that facility for the purposes of outdoor sport and recreation, however must not permit use of the indoor facilities, other than toilet facilities.

Examples: a golf or tennis club may operate to permit outside golf or tennis, although club rooms, indoor sitting areas, change facilities and showers are to remain closed. These facilities can also permit multiple groups of up to 10 members of the public per facility.

6A Community facilities

- (1) A person who owns, controls or operates a **community facility** may operate that facility during the restricted activity period only for the purpose of:

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

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

- (b) hosting a support group; or

Examples: for alcohol and drugs, family violence, and parenting.

- (c) hosting a wedding or funeral.

Restrictions — support groups

- (2) A person who operates a facility under subclause (1)(b) must not permit:

- (a) more than 10 **members of the public** to be present, in addition to the person(s) reasonably required to host the support group, in a single undivided indoor space at a single time; and

- (b) in any case, the number of people in a single undivided indoor space to exceed the density quotient.

Restrictions — weddings and funerals

- (3) A person who operates a facility under subclause (1)(c):

- (a) must not host a wedding or funeral, unless that wedding or funeral complies with the requirements of the **Stay at Home Directions (No 6)**; and

Note: the Stay at Home Directions (No 6) limit the number of people who may attend a wedding or funeral.

- (b) must request that each person who attends the wedding or funeral provide:

- (i) their first name; and
(ii) a contact phone number;

and, if provided by the person, must keep a record of those details, and the date and time at which the person attended the facility.

- (4) 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); or
- (c) a youth centre.

7 Entertainment facilities

- (1) A person who owns, controls or operates an **entertainment facility** in Victoria must not operate that facility during the restricted activity period.
- (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;
 - (c) a music hall, concert hall or auditorium;
 - (ca) a gallery or a museum;
 - (d) an arena, stadium or convention centre;
 - (e) an arcade;
 - (f) an amusement park;
 - (g) a casino;
 - (h) a premises, the predominant purpose of which is to allow a person to participate in an **approved betting competition** or place a wager on a **wagering event**;
 - (i) an **approved venue**; or
 - (j) a **brothel, sex on premises venue, strip club, escort agency** or other adult entertainment venue.

Permitted operations — broadcast

- (3) Despite subclause (1), a person who owns, controls or operates an entertainment facility may operate that facility for the purpose of allowing a performance to occur at the premises, if that performance is to be broadcast (live or otherwise) via electronic means.
- (4) If a performance is held at a facility for the purposes of subclause (3), the only persons permitted to attend the facility are those necessary for the performance and the broadcasting of that performance to occur.

Permitted operations — professional sport

- (5) Despite subclause (1), a person who owns, controls or operates an arena or stadium may operate that facility for the purpose of:
 - (a) providing an exclusive training venue for a single professional sporting team at any one time; or

Note: physical recreational facilities located at an arena or stadium must comply with the requirements in clause 6(5).

- (b) providing a venue for a professional sporting event.
- (6) A person who operates a facility under subclause (5) must:
 - (a) request that each person who attends provide:
 - (i) their first name; and
 - (ii) a contact phone number,and, if provided by the person, must keep a record of those details, and the date and time at which the person attended the facility;
 - (b) only permit persons to attend the facility if necessary for the professional sporting event or training and the broadcasting of that event to occur; and

Note: Spectators are not necessary and not permitted for professional sporting events.

- (c) use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Note: Recommendations may be based on the AIS Framework for Rebooting Sport in a COVID-19 Environment.

8 Places of worship

- (1) A person who owns, controls or operates a **place of worship** in Victoria may operate that place of worship during the restricted activity period only for the purpose of:
 - (a) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise);

Examples: a food bank, a service for homeless persons.
 - (b) hosting a support group;

Examples: for alcohol and drugs, family violence, and parenting.
 - (c) conducting a ceremony (including if the ceremony is to be broadcast, live or otherwise, via electronic means) or permitting private worship;
or
 - (d) hosting a wedding or funeral.

Restrictions — support groups and ceremonies

- (2) A person who operates a place of worship under subclause (1)(b) or (1)(c) must not permit:
 - (a) more than 10 members of the public to be present, in addition to the person(s) reasonably required to host the support group or conduct the ceremony, in a single undivided indoor space at any one time; and
 - (b) in any case, the number of persons in a single undivided indoor space to exceed the density quotient.

Restrictions — ceremonies, weddings and funerals

(3) A person who operates a place of worship under subclauses (1)(c) or (1)(d):

- (a) must not host a wedding or funeral, unless that wedding or funeral complies with the requirements of the **Stay at Home Directions (No 6)**; and

Note: the Stay at Home Directions (No 6) limit the number of people who may attend a wedding or funeral.

- (b) must request that each person who attends the wedding or funeral or ceremony provide:

- (i) their first name; and
(ii) a contact phone number,

and, if provided by the person, must keep a record of those details, and the date and time at which the person attended the place of worship.

9 Restricted retail facilities

(1) A person who owns, controls or operates a **restricted retail facility** in Victoria must not operate that facility during the restricted activity period.

(2) A **restricted retail facility** means the following:

- (a) a **beauty and personal care facility**;
(b) an auction house; or
(c) a market stall.

Permitted operations — auction houses

(3) Despite subclause (1), a person who owns, controls or operates an auction house may operate that auction house for the purpose of conducting an auction:

- (a) to be attended remotely by members of the public; or
(b) at the premises of the auction house, to be attended in person by no more than 10 members of the public (whether or not also attended remotely by other members of the public), in addition to the person(s) reasonably required to conduct the auction.

(4) A person who owns, controls or operates an auction house during the restricted activity period must request that each person attending the premises provide:

- (a) their first name; and
(b) a contact phone number,

and, if provided, must keep a record of those details, and the date and time at which the person attended the facility.

Permitted operations — market stalls and markets

- (5) Despite subclause (1), a person who owns, controls or operates a market stall (whether indoor or outdoor) may operate that stall if its predominant business is the provision of food and drink for consumption off the premises of the market.
- (6) A person who owns, operates or controls a market (including a food market) must not allow a gathering of persons for the purpose of the business of the market during the restricted activity period, unless the total number of persons present at the market does not exceed the number calculated by dividing the total area occupied by the market (measured in square metres) by 4.

Restrictions — density quotient

- (7) A person who owns, operates or controls an **open retail facility** during the restricted activity period must not permit the number of people in a single undivided indoor space to exceed the density quotient.

Restrictions — hairdressers

- (8) A person who owns, controls or operates a **hairdressing** facility must request that each person who receives a service at the facility during the restricted activity period provide:
 - (a) their first name; and
 - (b) a contact phone number,and, if provided, must keep a record of those details, and the date and time at which the person attended the facility.

10 Food and drink facilities

- (1) A person who owns, controls or operates a **food and drink facility** in Victoria must not operate that facility during the restricted activity period.
- (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.

Permitted operations

- (3) Despite subclause (1), a person who owns, controls or operates a food and drink facility may operate that facility:
 - (a) for the purposes of providing food or drink to be consumed off the premises; or

Note: This paragraph permits both delivery and collection of takeaway food and drink.

- (b) if the food and drink facility is located inside a **food court**, for the purpose of providing food or drink to be consumed outside a food court; or
- (c) if the facility is located:
 - (i) on the premises of a hospital, if the facility is located within an area of the hospital that has been exempted from the operation of the **Hospital Visitors Directions (No 3)** pursuant to clause 7 of those directions;
 - (ii) on the premises of a residential aged care facility;
 - (iii) on the premises of a childcare centre, early childhood centre or school;
 - (iv) on the premises of a prison, correctional facility, youth justice centre or other place of custody;
 - (v) on land that is owned or held under lease by the Commonwealth and used, or intended for use, for the purposes of defence;
 - (vi) on premises that have a dedicated area for the purposes of providing food and drink to drivers of **fatigue-regulated heavy vehicles**; or
 - (vii) on the premises of a workplace, if the facility provides food or drink only to persons who work at the workplace; or
- (d) for the purposes of providing food or drink to homeless persons.
- (4) A person who owns, operates or controls a food or drink facility that is permitted to operate:
 - (a) under subclause (3)(c)(vi), must not permit a person to remain in the dedicated area for longer than one hour at a time; or
 - (b) under subclause (3)(c)(vii), must not permit a person to remain in any dining area for longer than one hour at a time.

11 Accommodation facilities

- (1) A person who owns, controls or operates an **accommodation facility** in Victoria must not operate that facility during the restricted activity period.
- (2) For the purposes of this clause, an **accommodation facility** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a camping ground; or
 - (b) a caravan park.

Permitted operations

- (3) Despite subclause (1), a person who owns, controls or operates an accommodation facility may operate that facility for the purposes of providing accommodation to:
- (a) a person whose place of residence is the accommodation facility;
 - (b) a person who is ordinarily a resident of Victoria but has no permanent place of residence in Victoria;
 - (c) a person who has a permanent place of residence in Victoria, but that place is temporarily unavailable;
 - (d) a person, on a temporary basis, who has travelled to Victoria for work purposes;
 - (e) a person who was a temporary guest of the accommodation facility on the date that these directions were given;
 - (f) a person who requires emergency accommodation, including in relation to family violence and other vulnerable groups; or
 - (g) a person who requires accommodation for work purposes, where their work is for the purposes of responding to the state of emergency in existence under the PHW Act.

12 Swimming pools

- (1) A person who owns, controls or operates premises in Victoria at which there is a swimming pool must not permit any person to use the swimming pool, unless the pool is at the person's private residence and not available for communal use.

Permitted operations — professional sport

- (2) Despite subclause (1), a person may permit a person to use a swimming pool if the pool is only available for the exclusive use of a single professional sporting team at any one time.
- (3) A person who operates a facility under subclause (2) must:
- (a) request that each person who attends provide:
 - (i) their first name; and
 - (ii) a contact phone number,and, if provided by the person, must keep a record of those details, and the date and time at which the person attended the facility; and
 - (b) use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Note: Recommendations may be based on the AIS Framework for Rebooting Sport in a COVID-19 Environment.

13 Animal facilities

- (1) A person who owns, controls or operates an **animal facility** in Victoria must not operate that facility for the purposes of allowing members of the public to visit that facility during the restricted activity period.
- (2) An **animal facility** means the following:
 - (a) a zoological park;
 - (b) a wildlife centre;
 - (c) a petting zoo;
 - (d) an aquarium; or
 - (e) an animal farm that is not for the purpose of producing food.
- (3) Despite subclause (1), a person who owns, controls or operates an animal facility may continue to operate the facility for the purposes of:
 - (a) treating or caring for animals;
 - (b) performing an animal rescue function; and
 - (c) maintaining the facility.

14 Real estate auctions and inspections

An **estate agent** in Victoria may organise:

- (1) an auction to take place for the sale of a **residential property**, during the restricted activity period, only if that auction is to be attended in person by no more than 10 members of the public (excluding the owners or residents of the property and any person(s) reasonably required to facilitate the auction), whether or not other members of the public also attend remotely; and
- (2) an inspection of a residential property during the restricted activity period for the purposes of a prospective sale or rental of the property, only if the estate agent does not permit more than 10 members of the public (excluding the owners or residents of the property and any person(s) reasonably required to facilitate the inspection) to enter the premises at any one time.

Note: these restrictions do not apply to dealings with property other than residential property.

- (3) An estate agent that arranges an auction or inspection in accordance with subclauses (1) or (2) during the restricted activity period must:
 - (a) request that each person attending the premises provide:
 - (i) their first name; and
 - (ii) a contact phone number,and, if provided, must keep a record of those details, and the date and time at which the person attended the premises; and
 - (b) not permit the number of people in a single undivided indoor space to exceed the density quotient.

15 Signage and cleaning requirements

Signage

(1) A person who owns, controls or operates:

- (a) an open retail facility;
- (b) a community facility;
- (c) a place of worship; or
- (d) an auction house;

which involves members of the public entering any single undivided indoor space, must during the restricted activity period display a sign at each public entry to each such space that includes a statement that the maximum number of people that may be present in the space at a single time is the density quotient, rounded down to the nearest whole number.

Example: if an indoor space is 8.5 metres long and 4.5 metres wide, its total area is 38.25 square metres. Its density quotient is 9.56. The sign should state that the maximum number of people that may be present in the space at a single time is 9.

Cleaning

(2) A person who owns, controls or operates:

- (a) an open retail facility;
- (b) a community facility;
- (c) a place of worship; or
- (d) an auction house;

must during the restricted activity period take all reasonable steps to ensure that:

- (e) frequently touched surfaces are **cleaned** at least twice on any given day;
- (f) surfaces are cleaned when visibly soiled;
- (g) if an event is to occur, a reasonable period of time has elapsed since the conclusion of any earlier event to allow for cleaning in between the events; and
- (h) surfaces are cleaned immediately after a spill on the surface.

(3) To **clean** for the purposes of this clause, a person must wipe the surface with a disinfectant:

- (a) the label of which states a claim by the manufacturer that the disinfectant has anti-viral properties; or
- (b) made by a person according to instructions issued by the Department of Health and Human Services.

16 Other definitions

For the purposes of these directions:

- (1) **accommodation facility** has the meaning in clause 11(2);
- (2) **approved betting competition** has the same meaning as in the **Gambling Regulation Act 2003**;
- (3) **approved venue** has the same meaning as in the **Gambling Regulation Act 2003**;
- (4) a **beauty and personal care facility** means the following:
 - (a) a beauty therapy salon, tanning salon, waxing salon or nail salon;
 - (b) a spa;
 - (c) a massage parlour;
 - (d) a tattoo or piercing parlour.
- (5) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (6) **bottleshop** means an area:
 - (a) that is physically attached to a licensed premises, as defined in clause 5(2); and
 - (b) where packaged alcohol is sold to be consumed off the premises;
- (7) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (8) **club license** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (9) **community facility** has the meaning in clause 6A(4);
- (10) **density quotient** has the meaning in clause 4;
- (11) **entertainment facility** has the meaning in clause 7(2);
- (12) **escort agency** has the same meaning as in the **Sex Work Act 1994**;
- (13) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (14) **fatigue-regulated heavy vehicle** has the same meaning as in the **Heavy Vehicle National Law (Victoria)**;
- (15) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (16) **food and drink facility** has the meaning in clause 10(2);
- (17) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (18) **hairdressing** has the same meaning as in the **PHW Act**;
- (19) **hospital** has the same meaning as in the **Hospital Visitors Directions (No 3)**;
- (20) **personal training facility** means a business the predominant activity of which is to provide personal training services.

- (21) **indoor space** means an area, room or premises that is or are substantially enclosed by a roof and walls, regardless of whether the roof or walls or any part of them are—
- (a) permanent or temporary; or
 - (b) open or closed;
- (22) **member of the public** does not include a person who is an employee of an operator of a facility, or any other person who attends the facility for the purpose of operating the facility or providing a service at the facility;
- (23) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (24) **open retail facility** means a retail facility that is not prohibited from operating by these directions, and includes a restricted retail facility to the extent that it is permitted to operate;
- (25) **outdoor space** means a space that is not an indoor space;
- (26) **premises** has the same meaning as in the PHW Act;
- (27) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (28) **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 play equipment in a public park;
- (29) **physical recreational facility** has the meaning in clause 6(2);
- (30) **residential aged care facility** has the same meaning as in the **Care Facilities Directions (No 2)**;
- (31) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (32) **restricted activity period** has the meaning in clause 3A;
- (33) **restricted retail facility** has the meaning in clause 9(2);
- (34) **retail facility** includes any facility that is used wholly or predominantly for:
- (a) the sale or hire of goods by retail; or
 - (b) the retail provision of services;
- (35) **sex on premises venue** has the same meaning as in section 3B of the **Sex Work Act 1994**;
- (36) **wagering event** has the same meaning as in the **Gambling Regulation Act 2003**; or
- (37) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

17 Penalties

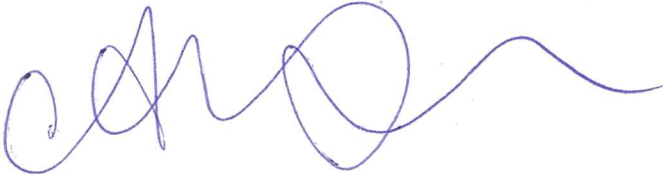
Section 203 of the PHW Act provides:

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.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke at the end.

Dr Annaliese van Diemen

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

11 May 2020

