

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

## Open Premises Directions (No 7)

*Public Health and Wellbeing Act 2008 (Vic)*

Section 200

I, Professor Benjamin Cowie, Acting Chief Health Officer, 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)**:

### PART 1 PRELIMINARY

#### 1 Preamble

- (1) The purpose of these directions is to impose obligations upon:
  - (a) **operators** of certain **open premises** in the State of Victoria; and
  - (b) patrons that attend those premises,in relation to vaccination against COVID-19 and other requirements, in order to address the serious public health risk posed to Victoria by severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) Parts 2, 3 and 4 govern open premises, which are specified in Schedule 1:
  - (a) Part 2 contains vaccination requirements;
  - (b) Part 3 contains additional requirements and exceptions;
  - (c) Part 4 contains further requirements and exceptions for specific open premises.
- (3) Part 5 contains definitions:
  - (a) key definitions are contained in clause 32;
  - (b) premises-specific definitions are contained in clause 33;
  - (c) other definitions are contained in clause 34.
- (4) These directions must be read together with the **Directions currently in force**.
- (5) These directions replace the **Open Premises Directions (No 6)**.

#### 2 Citation

These directions may be referred to as the **Open Premises Directions (No 7)**.

### 3 Commencement and revocation

- (1) These directions commence at 06:00:00pm on 25 November 2021 and end at 11:59:00pm on 15 December 2021.
- (2) The **Open Premises Directions (No 6)** are revoked at 06:00:00pm on 25 November 2021.

## PART 2 OPEN PREMISES — VACCINATION REQUIREMENTS

### 4 Open premises

The operator of an open premises must operate the premises in accordance with:

- (1) the obligations in this Part;
- (2) any additional obligations in Part 3; and
- (3) any premises-specific obligations in Part 4.

### 5 Provision of vaccination information

*Operator obligations — maintenance of system*

- (1) The operator of an open premises must maintain a system that requires a **patron** (except a patron under 12 years and 2 months of age) that attends the premises either:
  - (a) on each occasion they attend, to show a person working at the premises **acceptable evidence** that they are either:
    - (i) **fully vaccinated**; or
    - (ii) an **excepted person**; or
  - (b) once prior to their first attendance after 6:00:00pm on 29 October 2021, if the patron is a **pre-registration patron** and they attend a **pre-registration premises**, to provide the operator with acceptable evidence that they are either:
    - (i) fully vaccinated; or
    - (ii) an excepted person.

*Note: an operator must require patrons to check-in to their premises under the **Workplace Directions**.*

- (2) The system maintained under subclause (1) must include:
  - (a) the placement, at each entrance to the premises that is accessible by patrons, a **worker**:
    - (i) who is designated as a **COVID Check-in Marshal**; and
    - (ii) who requests each patron attending the premises to either:
      - (A) do the things specified in subclause (1)(a); or

- (B) confirm that the patron has completed the things specified in subclause (1)(b).
- (3) If an operator of a pre-registration premises maintains a system under subclause (1)(b), the operator must collect, record and hold **vaccination information** about the pre-registration patron.

*Patron obligation — patrons must use system*

- (4) A patron (except a patron under 12 years and 2 months of age) who attends an open premises must comply with the requirements of the system maintained under subclause (1).
- (5) A patron who is a dependant of another patron is deemed to have complied with subclause (4) if the other patron, on behalf of the dependant, complies with the requirements of the system maintained under subclause (1).

## **6 No entry of patrons who are not fully vaccinated or excepted persons**

*Operator obligation — exclusion of persons*

- (1) The operator of an open premises must take all reasonable steps to ensure that a patron who:
  - (a) is not fully vaccinated; and
  - (b) is not an excepted person; or
  - (c) does not comply with the requirements of the system maintained by the operator under clause 5(1),does not enter, or remain on, the premises.

*Note: this obligation does not apply in relation to patrons who are fully vaccinated or excepted persons (which includes children under 12 years and 2 months of age) and have provided acceptable evidence.*

- (2) For the purposes of complying with subclause (1), the operator is authorised to use any information about a patron that it has been provided under the system maintained under clause 5.

*Patron obligation — no entry unless fully vaccinated or an excepted person*

- (3) A patron who is not:
  - (a) fully vaccinated; or
  - (b) an excepted person,must not enter, or remain on, an open premises.

## **7 Worker requirements**

*Workers must be fully vaccinated*

- (1) The operator of an open premises must not permit any person to work at the premises unless the person is:

- (a) fully vaccinated; or
  - (b) an excepted person; or
  - (c) if the worker is at the open premises when no patrons are or may be present at the same time, **partially vaccinated**.
- (2) The operator must collect, record and hold vaccination information about each fully vaccinated person and each excepted person who works at the premises.
- (3) For the purposes of complying with subclause (1), an operator is authorised to use any information about a worker that it holds under subclause (2).

*Information held under Mandatory Vaccination (Workers) Directions*

- (4) If an operator is the employer of a fully vaccinated person or an excepted person who works at the premises:
- (a) the operator is deemed to have complied with subclause (2) if they hold vaccination information about the person under the **COVID-19 Mandatory Vaccination (Workers) Directions** or the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**; and
  - (b) the operator is authorised to use that information for the purposes of complying with subclause (1).

*Disclosure to employer or contractor*

- (5) If the operator is obliged to comply with clause 6(1) in relation to a worker and the operator is not:
- (a) the employer of the worker; or
  - (b) the person who engaged the worker to work at the premises,
- the operator is authorised to disclose to the employer or person who engaged the worker that the operator is obliged to comply with clause 6(1) in relation to the worker.

*Exceptional circumstances*

- (6) An operator of an open premises is not required to comply with this clause 7 if one or more of the exceptional circumstances specified in subclause (7) applies.
- (7) The exceptional circumstances are:
- (a) a worker is required to perform work or duties that is or are necessary to provide for urgent specialist clinical or medical care due to an **emergency situation** or a **critical unforeseen circumstance**; or
  - (b) a worker is required to fill a vacancy to provide urgent care, to maintain quality of care and/or to continue essential operations due to an emergency situation or a critical unforeseen circumstance; or

*Example 1: a large number of workers furloughed due to exposure at a Tier 1 site.*

- (c) a worker is required to respond to an emergency; or
  - (d) a worker is required to perform urgent and essential work to protect the health and safety of workers or members of the public, or to protect assets and infrastructure.
- (8) If a circumstance specified in subclause (7) applies, the operator must take all reasonable steps to ensure that the worker does not work outside the worker's ordinary place of residence for any longer than the period of time necessary to respond to the exceptional circumstance.

## **8 Patron limits**

- (1) The operator of an open premises must not permit the number of patrons:
- (a) in all **indoor spaces** combined—to exceed the number specified for the premises in Column 2 in Schedule 1; and
  - (b) in all **outdoor spaces** combined—to exceed the number specified for the premises in Column 3 in Schedule 1.

*Note: "patron" is defined in clause 32(1) and does not include a person under 1 year of age.*

## **PART 3 OTHER REQUIREMENTS AND EXCEPTIONS FOR OPEN PREMISES**

### ***Division 1 — Other requirements***

#### **9 COVID Check-in Marshal for check-in**

The operator of an open premises must place a person designated as a COVID Check-in Marshal at each entrance to the premises that is accessible by patrons and who requests each patron to record their attendance at the premises in accordance with the **Workplace Directions**.

### ***Division 2 — Exceptions***

#### **10 Access to bathrooms**

The patron limits specified in clause 8 and the requirements in Part 4 do not prevent an operator from permitting a patron to access a bathroom.

#### **11 Severe weather**

The patron limits specified in clause 8 and the requirements in Part 4 do not prevent an operator from permitting a patron in an outdoor space at the open premises from entering an indoor space in the event of severe weather.

## 12 Education and childcare services

The obligations in Part 2 and the patron limits in Part 4 do not apply in relation to patrons who are enrolled in an **education and childcare service** and attend an open premises for the purpose of an activity including an excursion organised by the operator of that education and childcare service.

*Note: the obligations in Part 2 and patron limits in Part 4 still apply to staff, parents and other persons who are not enrolled with the education and childcare service and attend the open premises for the activity.*

## 13 Weddings

- (1) The obligations in Part 2 do not apply in relation to an open premises being operated for the purpose of conducting a wedding if the operator does not permit the number of patrons at the whole of the premises to exceed the lesser of:
  - (a) 50; and
  - (b) **density quotient (4 sq metres)**.
- (2) If an open premises is being operated for the purpose of conducting a wedding, the following patrons are not to be counted for the purpose of any patron limits specified in clause 8 or this clause 13:
  - (a) the two persons being married;
  - (b) the authorised celebrant;
  - (c) a photographer.

## 14 Funerals

- (1) The obligations in Part 2 do not apply in relation to an open premises being operated for the purpose of conducting a funeral if the operator does not permit the number of patrons at the whole of the premises to exceed the lesser of:
  - (a) 50; and
  - (b) density quotient (4 sq metres).
- (2) If an open premises is being operated for the purpose of conducting a funeral, the minimum number of persons reasonably necessary to conduct the funeral are not to be counted for the purpose of the patron limits specified in clause 8 or this clause 14.

## 15 Senior Secondary examinations

If an open premises is being operated only for the purpose of conducting **Senior Secondary examinations**, the obligations in Part 2, clause 9 (COVID Check-in Marshal) and any patron limits in Part 4 do not apply.

## 16 Public Event Framework

- (1) If an open premises is being operated only for the purpose of conducting an **exempt public event**, the obligations in Part 2 and the patron limits in Part 4 do not apply.
- (2) 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.
- (3) An exemption:
  - (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.
- (4) An exemption 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 (including any conditions on an exemption); or
    - (ii) the requirements of all other Directions currently in force.

### *Transitional provisions*

- (5) Any exemption granted for an exempt public event under any **revoked Open Premises Directions** continues to have effect.
- (6) Any application for an exemption for an eligible public event made under any revoked Restricted Activity Directions continues to have effect.

*Note: a person who has made an application for an exemption under previous directions will be contacted to confirm whether or not the application for exemption is still required.*

## 17 Emergency use and operations

Nothing in these directions is intended to prevent or otherwise affect the operation of a premises 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**.

## PART 4 ADDITIONAL REQUIREMENTS AND EXCEPTIONS FOR SPECIFIC PREMISES

### 18 Accommodation premises

- (1) The obligations in Part 2 and clause 9 (COVID Check-in Marshal) do not apply to an **accommodation premises**.
- (2) An operator of an accommodation premises may operate that premises for the purpose of providing accommodation only if:
  - (a) all surfaces in the premises that are used exclusively by a particular group, including a hotel room or cabin, are cleaned between each booking; and
  - (b) the operator operates any **food and drink premises** within the accommodation premises in accordance with the requirements of these directions applicable to a food and drink premises; and
  - (c) the operator operates any **physical recreation premises** within the accommodation premises in accordance with the requirements of these directions applicable to a physical recreation premises; and
  - (d) the operator operates any **entertainment and function premises** within the accommodation premises in accordance with the requirements of these directions applicable to an entertainment and function premises.

#### *Exception for school use*

- (3) Subclause (2) does not apply if an accommodation premises is being operated only for the purpose of one or more schools using the premises exclusively.

### 19 Adult education or higher education premises

- (1) Clauses 8 (Patron limits) and 9 (COVID Check-in Marshal) do not apply to an **adult education or higher education premises**.
- (2) The obligations in Part 2 do not apply to the operator of an adult education or higher education premises in relation to patrons and workers attending the premises for the purpose of receiving or providing **higher education services**, that:
  - (a) cannot be conducted remotely, including attending assessments and classes; or
  - (b) involve secondary school subjects.

## 20 Community premises

### *Exception for contactless collection or delivery*

- (1) The obligations in Part 2 and clause 9 (COVID Check-in Marshal) do not apply in relation to an indoor space or an outdoor space at a **community premises** if that indoor space or outdoor space at the premises is operated only for the purposes of contactless collection or delivery of pre-ordered goods.

*Example: a library is permitted to operate for the purpose of a 'click and collect' service to facilitate the loaning of and/or returning of books, toys and other similar goods without complying with the requirements in Part 2.*

### *Exception for essential public support group services*

- (2) If a community premises is being operated for the purpose of providing essential public support group services in an indoor space or an outdoor space, the obligations in Part 2 and clause 9 (COVID Check-In Marshal) do not apply in relation to that indoor space or outdoor space if the operator does not permit the number of patrons in the space to exceed the lesser of:
  - (a) density quotient (4 sq metres); and
  - (b) 50.

*Examples: support groups for people with alcohol or drug addictions.*

### *Exception for essential public support services and essential public health services*

- (3) If an indoor space or an outdoor space at a community premises is being operated for the purpose of providing essential public support services or essential public health services, the obligations in Part 2 and clause 9 (COVID Check-In Marshal) do not apply in relation to that indoor space or outdoor space.
- (4) If a community premises is being operated pursuant to subclause (3), the operator may only permit the minimum number of persons required to conduct and/or facilitate the essential public support service or essential public health service to access the indoor space or outdoor space.

*Examples: immunisation services (including for non-COVID-19 vaccines), maternal child health services, a food bank or a service for homeless persons (including the provision of food or drink), providing access to shelter or amenities.*

*Note: support groups do not fall within this exception and the operator must comply with applicable patron limits.*

### *Exception for essential local government services*

- (5) If an indoor space or an outdoor space at a community premises is being operated only for the purpose of:
  - (a) providing access to essential local government services; or

*Examples: to pay council levy rates and charges, to register a pet, to obtain a permit or to view a planning scheme.*

- (b) conducting an essential local council meeting where attendance of patrons through remote electronic means is not reasonably practicable,

the obligations in Part 2 and clause 9 (COVID Check-In Marshal) do not apply in relation to that indoor space or outdoor space.

- (6) If a community premises is being operated pursuant to subclause (5), the operator may only permit the minimum number of persons required to conduct and/or facilitate the essential local government service or essential local council meeting to access the indoor space or outdoor space.

*Exception for use by mandatory vaccination workers*

- (7) The obligations in Part 2 do not apply in relation to **mandatory vaccination workers** attending a community premises to perform work or participate in essential training in an indoor space or outdoor space if:
  - (a) the community premises is not the mandatory vaccination worker's usual place of work; and
  - (b) the operator only permits the minimum number of persons necessary to access the indoor space or outdoor space for that purpose.

*Exception for playgrounds, skateparks and outdoor communal exercise equipment*

- (8) If the community premises is a premises that has:
  - (a) a playground; or
  - (b) a skatepark in an outdoor space; or
  - (c) outdoor communal exercise equipment,the obligations in Part 2 and clause 9 (COVID Check-in Marshal) do not apply to those parts of the premises.

## **21 Creative arts premises**

*Requirement to clean equipment*

- (1) The operator of a **creative arts premises** must ensure that any equipment used in an activity is cleaned between users.

## **22 Drive-in cinemas**

- (1) The obligations in Part 2 do not apply to a drive-in cinema.
- (2) An operator of a drive-in cinema may only operate the premises if:
  - (a) the drive-in cinema is in an outdoor space accessed by vehicles; and

- (b) the operator operates any food and drink premises within the premises in accordance with the requirements of these directions applicable to a food and drink premises.

## 23 Entertainment and function premises

### *Additional requirement for large events*

- (1) The operator of an entertainment and function premises which operates primarily in outdoor spaces must publish a COVID Safe event plan online if the number of patrons attending the premises at any one time is or is expected to be more than 30,000.

### *Exception for broadcasting*

- (2) The obligations in Part 2 do not apply in relation to an entertainment and function premises, if the operator:
  - (a) only operates the entertainment and function premises for the purposes of broadcasting a performance;
  - (b) only permits the minimum number of persons required to conduct and broadcast the performance to be present at the premises; and
  - (c) does not permit the number of persons in an indoor space or an outdoor space to exceed 5.

## 24 Food and drink premises

### *Exception for food courts*

- (1) The obligations in Part 2 and clause 9 (COVID Check-in Marshal) do not apply to a food and drink premises if it is part of a **food court**.

### *Exception for take-away only*

- (2) If a food and drink premises is being operated only for the purposes of providing take-away goods or delivery of pre-ordered goods, the obligations in Part 2 and clause 9 (COVID Check-in Marshal) do not apply.

### *Exception for take-away and dine-in service*

- (3) If a food and drink premises is being operated for the purposes of both:
  - (a) providing take-away goods or delivery of pre-ordered goods; and
  - (b) indoor dine-in service or outdoor dine-in service,

the obligations in Part 2 do not apply in relation to a patron who attends only to collect take-away goods.

*Note: a food and drink premises can operate a take-away and a dine-in service at the same time. The obligations in Part 2 do not apply in relation to patrons that are purchasing take-away goods or delivery of pre-ordered goods but does apply in relation to patrons who attend the premises for a dine-in service and to staff at the premises.*

*Exception for food and drink premises*

(4) The obligations in clause 5(2)(a) and clause 9 (COVID Check-in Marshal) do not apply in relation to a food and drink premises that has a total area of all indoor spaces and outdoor spaces accessible to patrons of less than 100 square metres if:

(a) a person working at the premises requests that each patron (except patrons under 12 years and 2 months of age) show acceptable evidence that they are either:

- (i) fully vaccinated; or
- (ii) an excepted person;

at an entrance to the premises or at the first point of service.

*Note: the first point of service is when a worker first interacts with a customer during their attendance at the premises, for example when greeting a customer once they have entered the premises.*

## **25 Funeral parlours and crematoriums**

*Lower patron limits for unvaccinated operations*

The obligations in Part 2 and clause 9 (COVID Check-in Marshal) do not apply in relation to a funeral parlour or crematorium, if the operator of the premises:

- (1) does not permit the number of patrons in an indoor space or outdoor to exceed the density quotient (4 sq metres); and
- (2) does not permit the total number of patrons at the whole of the premises at any time to exceed the lesser of:
  - (a) the density quotient (4 sq metres); or
  - (b) 50.

## **26 General retail premises**

*Exception for general retail premises*

(1) The obligations in clause 9 do not apply in relation to a **general retail premises** that is not a **small general retail premises**.

*Note 1: the operator of a general retail premises must request each patron who attends the premises record their attendance in accordance with the **Workplace Directions**.*

*Note 2: the operator of a general retail premises (other than a small general retail premises) is required to designate a person as a COVID Check-in Marshal to check a patron's vaccination status in accordance with clause 5(2)(a).*

*Exception for small general retail premises*

(2) The obligations in clause 5(2)(a) and clause 9 (COVID Check-in Marshal) do not apply in relation to a small general retail premises if a

person working at the premises requests that each patron (except patrons under 12 years and 2 months years of age) show acceptable evidence that they are either:

- (a) fully vaccinated; or
- (b) an excepted person,

at the entrance to the premises or the first point of service.

*Note: the first point of service is when a worker first interacts with a customer during their attendance at the premises, for example when greeting a customer once they have entered the premises.*

## 27 Physical recreation premises

### *Shared equipment*

- (1) The operator of a **physical recreation premises** must ensure that any shared equipment is cleaned between users.

### *Exception for community sport*

- (2) The obligations in Part 2 do not apply in relation to any indoor space or outdoor space in a physical recreation premises if that space is being operated only for the purpose of conducting a community sport activity.

### *Exception for professional or high performance sport*

- (3) The obligations in Part 2 do not apply to an operator of a physical recreation premises if:
  - (a) the physical recreation premises is used exclusively for training by **professional or high-performance sports persons**; and
  - (b) the operator does not permit any person to enter or remain at the premises unless the person is necessary for the conduct of the activity being undertaken by the professional or high-performance sports persons.

### *Exception for broadcasting*

- (4) The obligations in Part 2 do not apply in relation to a physical recreation premises if the operator:
  - (a) uses the premises only for the purpose of broadcasting an online class from the physical recreation premises; and
  - (b) does not permit the total number of persons at the premises for the purpose of broadcasting the online class to exceed 5.

*Exception for unstaffed gymnasiums, fitness centres and outdoor physical recreation premises*

- (5) Clauses 5(2) and 9 (COVID Check-in Marshal) do not apply to unstaffed gymnasiums or fitness centres.
- (6) The obligations in Part 2 and clause 9 (COVID Check-in Marshal) do not apply to unstaffed outdoor physical recreation premises.

*Exception for physical recreation premises within an accommodation premises*

- (7) The obligations in clause 9 (COVID Check-in Marshal) do not apply to a physical recreation premises located within an accommodation premises.

*Exception for use by mandatory vaccination workers*

- (8) The obligations in Part 2 do not apply in relation to mandatory vaccination workers attending a physical recreation premises to perform work or participate in essential training in an indoor space or outdoor space if:
  - (a) the physical recreation premises is not the mandatory vaccination worker's usual place of work; and
  - (b) the operator only permits the minimum number of persons necessary to access the indoor space or outdoor space for that purpose.

*Exception for hydrotherapy services*

- (9) The obligations in Part 2 do not apply in relation to patrons that attend a swimming pool or a **hydrotherapy pool** at a physical recreation premises for the purpose of obtaining hydrotherapy services (**hydrotherapy patrons**) if the operator complies with the requirements in subclause (10).
- (10) The requirements are that the operator:
  - (a) ensures that each hydrotherapy patron accessing hydrotherapy services is accompanied by:
    - (i) a health worker; or
    - (ii) a carer, parent or guardian (if required); and
  - (b) does not permit the hydrotherapy patrons to participate in group hydrotherapy services; and
  - (c) does not permit the number of hydrotherapy patrons at any one time to exceed 10 in any pool; and
  - (d) takes all reasonable steps to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the premises.

*Exception for swimming lessons*

- (11) The obligations in Part 2 do not apply in relation to patrons who attend a physical recreation premises:
- (a) for the purpose of participating in a swimming lesson conducted by a person with a current **Swimming and Water Safety Teacher Accreditation**; or
  - (b) to accompany a patron referred to in subclause (a) and who is the parent, guardian or carer of that patron.

## 28 Places of worship

### *Exception for broadcasting*

- (1) The obligations in Part 2 do not apply in relation to a place of worship, if the operator of the place of worship:
- (a) only operates the place of worship for the purposes of broadcasting (live or otherwise) a religious ceremony via electronic means; and
  - (b) only permits the minimum number of persons required to conduct and broadcast the religious ceremony to be present at the premises; and
  - (c) does not permit the number of persons in an indoor space or an outdoor space to exceed 5.

### *Lower patron limits for unvaccinated operations*

- (2) The obligations in Part 2 do not apply in relation to a place of worship if the operator of the place of worship does not permit the number of patrons at the whole of the premises to exceed the lesser of:
- (a) the density quotient (4 sq metres); or
  - (b) 50.

## 29 Real estate

### *Inspections*

- (1) The obligations in Part 2 do not apply in relation to an inspection of a real estate premises if:
- (a) the inspection by patrons is arranged by private appointment; and
  - (b) the patrons who attend the inspection are from a single household and the estate agent does not enter the premises during the inspection.

### 30 Restricted retail premises

#### *Exception for restricted retail premises*

- (1) The obligations in clauses 5(2) and 9 (COVID Check-in Marshal) do not apply in relation to a restricted retail premises if:
  - (a) a person working at the premises requests that each patron (except patrons under 12 years and 2 months of age) show acceptable evidence that they are either:
    - (i) fully vaccinated; or
    - (ii) an excepted person,at an entrance to the premises or at the first point of service; and
  - (b) the total area of all indoor spaces and outdoor spaces accessible to patrons at the premises does not exceed 100 square metres.

*Note: the first point of service is when a worker first interacts with a customer during their attendance at the premises, for example when greeting a customer once they have entered the premises.*

### 31 Tours and transport

#### *No shared equipment*

- (1) An operator of a premises used for **tourism services** must ensure any shared equipment used is cleaned between users.

#### *Exception — tour transport*

- (2) Clause 8 (Patron limits) does not apply to an operator of a premises used for **tourism services** if the tourism services are provided in:
  - (a) a vehicle or aircraft; or
  - (b) a cruise ship, if the operator does not permit the total number of patrons on the vessel to exceed 99.

## PART 5 DEFINITIONS

### 32 Key definitions

#### *Patrons, operators and workers*

- (1) For the purpose of these directions:
  - (a) **excluded worker** means:
    - (i) a **Commonwealth employee**;
    - (ii) a **judge** or **judicial registrar**;
    - (iii) a person who works in connection with proceedings in a **court**, where that work cannot be done from the person's ordinary place of residence;

- (iv) a person who is a member of the staff of Court Services Victoria within the meaning of the **Court Services Victoria Act 2014**;
  - (v) a person employed or engaged by the Chief Executive Officer of the Victorian Civil and Administrative Tribunal;
  - (vi) a member of State Parliament;
  - (vii) the Clerk of the Legislative Assembly;
  - (viii) the Clerk of the Legislative Council;
  - (ix) an electorate officer within the meaning of the **Parliamentary Administration Act 2004**;
  - (x) a parliamentary officer within the meaning of the **Parliamentary Administration Act 2004**;
  - (xi) a person who works at or in connection with a **place of worship** and:
    - (A) conducts services of public worship and acknowledgments of faith; or
    - (B) performs marriages, funerals and special memorial services according to tradition and ecclesiastical and civil law; or
    - (C) visits members of the community in their homes, hospitals and other institutions to provide advice and religious comfort for the purpose of end of life faith reasons;
  - (xii) a person identified in Article 1 of the Vienna Convention on Diplomatic Relations, as set out in the Schedule to the **Diplomatic Privileges and Immunities Act 1967** of the Commonwealth;
  - (xiii) a person identified in Article 1 of the Vienna Convention on Consular Relations, as set out in the Schedule to the *Consular Privileges and Immunities Act 1972* of the Commonwealth;
  - (xiv) the Governor and the Lieutenant Governor;
- (b) **operator** means the operator of an **open premises** or where an **indoor space** or **outdoor space** at an open premises has been leased or hired for use for a period of time, the person to whom that space has been leased or hired for that period of time;
- (c) **patron** means any person who attends a **premises**, except:
- (i) a person under 1 year of age;
  - (ii) a **worker**;
  - (iii) a person who attends the premises in connection with an emergency;

- (d) **pre-registration patron** means:
  - (i) in relation to an **adult education or higher education premises**, a **patron** that is a student undertaking studies in a regular class or lecture room at the premises;
  - (ii) in relation to a **place of worship**, a patron that is prohibited for religious reasons from complying with the obligation to provide **acceptable evidence** that they are **fully vaccinated** or an **excepted person** to the operator on each occasion that they attend the place of worship; or
  - (iii) in relation to an unstaffed gymnasium or fitness centre, any **patron**;
  - (iv) in relation to a **physical recreation premises** located within an **accommodation premises**, any patron;
- (e) **worker** means any person engaged or employed by the operator of an **open premises** to work at the open premises but does not include an **excluded worker**.

#### *Types of premises*

- (2) For the purpose of these directions:
  - (a) **open premises** means a premises specified in Column 1 of Schedule 1;
  - (b) **pre-registration premises** means:
    - (i) an **adult education or higher education premises**;
    - (ii) a **place of worship** to the extent, and only during the periods of time during which, that place of worship conducts religious ceremonies; or
    - (iii) an unstaffed gymnasium or fitness centre;
    - (iv) a **physical recreation premises** located within an **accommodation premises**;
  - (c) **specified facility** has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
  - (d) **work premises** means a **premises** on which work is undertaken, including any vehicle whilst being used for work purposes, but excludes a person's ordinary place of residence.

#### *Indoor and outdoor spaces*

- (3) For the purpose of these directions:
  - (a) **density quotient (2 sq metres)** in relation to an **indoor space** or an **outdoor space** that is accessible to **patrons** is the number calculated by dividing the total area of the space (measured in square metres) by 2, rounded down to the nearest whole number;

*Example: if an area is 8.5 metres long and 4.5 metres wide, its total space is 38.25 square metres. Its density quotient is 19.13. The*

*maximum number of patrons that may be present in the space at a single time is 19.*

- (b) **density quotient (4 sq metres)** in relation to an **indoor space** or an **outdoor space** that is accessible to **patrons** is the number calculated by dividing the total area of the space (measured in square metres) by 4, rounded down to the nearest whole number;

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

- (c) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are either floor to ceiling high or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are:
- (i) permanent or temporary;
  - (ii) open or closed;
- (d) **outdoor space** means an area, room or **premises** that is not an **indoor space**.

#### *Vaccination status*

- (4) A person's **vaccination status** is one of the following:
- (a) **fully vaccinated**;
  - (b) **partially vaccinated**; or
  - (c) **excepted person**.
- (5) A person is **fully vaccinated** if the person has received either one dose of a **one dose COVID-19 vaccine** or two doses of a **two dose COVID-19 vaccine**, including a dose of two different types of a two dose COVID-19 vaccine.
- (6) A person is **partially vaccinated** if the person has received one dose of a **two dose COVID-19 vaccine** and is not an **excepted person**.
- (7) A person is an **excepted person** if:
- (a) the person holds **acceptable certification** that the person is unable to receive a dose, or a further dose, of any **COVID-19 vaccine** that is available in Australia due to:
    - (i) a **medical contraindication**; or
    - (ii) an acute medical illness (including where the person has been diagnosed with SARS-CoV-2); or
  - (b) the person is under 12 years and 2 months of age.
- (8) An **acceptable certification** for the purpose of subclause (7)(a) and subclause (9)(a)(i)(D) is:

- (a) a COVID-19 digital certificate issued by Services Australia and displayed through the Medicare App, Service Victoria App or equivalent smartphone wallet that states that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia; or
- (b) a printed version of the COVID-19 digital certificate referred to in paragraph (a).

*Vaccination information and acceptable evidence*

- (9) For the purposes of these directions:
  - (a) **acceptable evidence** means:
    - (i) in relation to a person who is **fully vaccinated** and ordinarily resides in Australia:
      - (A) successful completion of a Service Victoria QR check-in that includes confirmation that the person is fully vaccinated displayed through the Service Victoria App; or
      - (B) a COVID-19 digital certificate displayed through the Medicare App, the Service Victoria App or equivalent smartphone wallet; or
      - (C) a printed version of the COVID-19 digital certificate or immunisation history statement issued by the vaccination provider, a **medical practitioner** or the Australian Immunisation Register;
      - (D) in relation to an **excepted person**, an **acceptable certification**;
    - (ii) in relation to a person who is **fully vaccinated** and ordinarily resides outside Australia:
      - (A) a copy of the evidence that has been sighted by the Commonwealth Government as proof of vaccination for the purposes of entry to Australia consisting of either the Australian Traveller Declaration or the COVID-19 Vaccination and Testing Declaration for travel to Australia; and
      - (B) a copy of a paper or digital certificate issued by an overseas government authority or an accredited overseas government vaccination provider that shows the person is fully vaccinated with a vaccine approved or recognised by the Therapeutic Goods Administration, is written in English or accompanied by a certified translation, and contains:
        - 1. the person's name as it appears in their passport;
        - 2. the person's date of birth or passport number;
        - 3. the vaccine brand name, and

4. the date of each dose or the date on which a full course of immunisation was completed; or
  - (C) an Australian International COVID-19 Vaccination Certificate; and
- (b) **vaccination information** is information about a person's **vaccination status** and includes information that is derived from a record of information that was made under, or in accordance with, the **Australian Immunisation Register Act 2015** of the Commonwealth.

*Note: vaccination information may be recorded in a variety of documents, a certificate of immunisation or an immunisation history statement obtained from the Australian Immunisation Register. For overseas travellers, it may be recorded in an Australian International COVID-19 Vaccination Certificate or vaccination certificates issued by an overseas government authority, accompanied by the Australian Traveller Declaration or COVID-19 Vaccination and Testing Declaration for travel to Australia.*

#### *Public events*

(10) For the purpose of these directions:

- (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 **premises**, 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 premises, 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; or

- (iv) an ad hoc or routine public gathering in a premises, venue, indoor space or outdoor space which forms part of the ad hoc or routine operations, use, activities or services of the premises, venue, indoor space or outdoor space; or
  - (v) a private gathering; or
  - (vi) a wedding, funeral or end of life activity; or
  - (vii) a routine religious gathering or ceremony,
- to which these directions and the **Stay Safe Directions (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 clause 16 or the equivalent subclause in any **revoked Open Premises Directions**; and
  - (c) **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.

### 33 Premises-specific definitions

#### *Accommodation premises*

- (1) For the purposes of these directions:
  - (a) **accommodation premises** means any of the following:
    - (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; or
    - (ix) a **licensed premises** to the extent that it is operated as a **premises** specified in paragraphs (i) to (viii).

#### *Adult education or higher education premises*

- (2) For the purposes of these directions:
  - (a) **adult education or higher education premises** means a **premises** that operates for the purpose of providing **higher education services**; and

- (b) **higher education services** means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, and other post-compulsory education or training.

*Community premises*

- (3) For the purposes of these directions:
- (a) **community premises** means any of the following, whether operated on a for profit or not-for-profit basis:
- (i) a community centre or community hall;
  - (ii) a public library (including a toy library, but not the **State Library**);
  - (iii) a youth centre;
  - (iv) a playground;
  - (v) a skatepark in an outdoor space; or
  - (vi) a **premises** that has outdoor communal exercise equipment, but does not include:
    - (vii) a **creative arts premises**;
    - (viii) a **physical recreation premises**; or a premises that has a swimming pool, **hydrotherapy pool**, spa, sauna, steam room or **spring**.

*Creative arts premises*

- (4) For the purposes of these directions:
- (a) **creative arts premises** means any of the following, whether operated on a for profit or not-for-profit basis:
- (i) an art studio;
  - (ii) a ceramics studio;
  - (iii) a music room or studio;
  - (iv) a rehearsal room or studio;
  - (v) any other **premises** that is used for creative art, but does not include:
    - (vi) a **physical recreation premises**;
    - (vii) a **community premises**; or
    - (viii) a **place of worship**.

*Entertainment and function premises*

- (5) For the purposes of these directions:
- (a) **animal premises** means any of the following:

- (i) a **zoological park**;
  - (ii) a wildlife centre;
  - (iii) a petting zoo;
  - (iv) an aquarium;
  - (v) an animal farm that is not being operated for the purpose of producing food; and
- (b) **entertainment and function premises** means any of the following, whether operated on a for profit or not-for-profit basis:
- (i) a theatre;
  - (ii) a cinema;
  - (iii) a music hall, concert hall or auditorium;
  - (iv) a gallery or a museum;
  - (v) the **State Library**;
  - (vi) an arena or stadium;
  - (vii) an arcade;
  - (viii) an amusement park;
  - (ix) a **gaming machine premises**;
  - (x) a brothel, sex on premises venue or sexually explicit entertainment venue;
  - (xi) a bingo centre;
  - (xii) a karaoke premises;
  - (xiii) a **nightclub**;
  - (xiv) an **animal premises**;
  - (xv) a **function premises**;
  - (xvi) a convention centre;
  - (xvii) a **licensed premises** to the extent that it is operated as a premises specified in paragraphs (i) to (xvi); and
- (c) **function premises** means a building, room or space that is used for the purpose of holding events, functions, conferences or receptions; and
- (d) **National Performing Arts Company** means an organisation funded through the National Performing Arts Partnership Framework; and
- (e) **nightclub** means a **premises**:
- (i) to which a **late night licence** applies; and
  - (ii) with a dancefloor; and
- (f) **State Library** means the State Library Victoria; and

- (g) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

*Food and drink premises*

- (6) For the purposes of these directions:
- (a) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
  - (b) **food court** has the same meaning as in the **Liquor Control Reform Act 1998**; and
  - (c) **food and drink premises** means:
    - (i) a cafe;
    - (ii) a restaurant;
    - (iii) a fast-food store;
    - (iv) a cafeteria;
    - (v) a canteen;
    - (vi) a winery;
    - (vii) a food court;
    - (viii) a **licensed premises** to the extent it operates as a premises specified in paragraphs (i) to (vii); and
  - (d) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
  - (e) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
  - (f) **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**; and
  - (g) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
  - (h) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
  - (i) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
  - (j) **small food and drink premises** means a **food and drink premises** with a total area of all spaces accessible to members of the public of less than 100 square metres.

*Gaming machine premises*

- (7) For the purposes of these directions:

- (a) **gaming machine** has the same meaning as in the **Gambling Regulation Act 2003**; and
- (b) **gaming machine premises** has the same meaning as "gaming machine area" in the **Gambling Regulation Act 2003**.

*General retail premises*

(8) For the purposes of these directions:

- (a) **bottle shop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the premises; and
- (b) **essential retail premises** means:
  - (i) a market;
  - (ii) a supermarket;
  - (iii) a bottle shop;
  - (iv) a petrol station;
  - (v) a newsagent;
  - (vi) a post office;
  - (vii) a grocery store;
  - (viii) a bakery;
  - (ix) a butcher;
  - (x) a fruit and vegetable store;
  - (xi) a fishmonger;
  - (xii) a pharmacy;
  - (xiii) a premises on which vehicle and mechanical repair services are conducted;
  - (xiv) a pet store;
  - (xv) a car wash that can operate in a fully contactless manner;
  - (xvi) a laundry;
  - (xvii) a premises that is used wholly or predominantly for the sale of clothing or supplies, for children, maternity and newborns;
  - (xviii) a dry cleaners;
  - (xix) communal spaces in a retail shopping centre but does not include a retail store that is not a premises referred to in paragraphs (i) to (xviii)(xviii); and
- (c) **general retail premises** means a premises that is used wholly or predominantly for the sale or hire of goods by retail, or the retail provision of services, and includes:
  - (i) an auction house; or
  - (ii) a **retail betting premises**,

but does not include:

- (iii) an **essential retail premises**; or
- (iv) a **restricted retail premises**; and

*Note: financial and banking retail outlets and premises that are used wholly or predominantly for the provision of health services (including allied or remedial services such as myotherapy), government services, employment services (such as a recruitment or temporary labour hire office) and professional services (such as architecture firms, law firms and accounting firms) are not considered **general retail premises** and the obligations in Part 2 do not apply in relation to patrons who attend these premises.*

- (d) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**; and
- (e) **retail betting premises** 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; and
- (f) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**; and
- (g) **small general retail premises** means a **general retail premises** where the total of all indoor spaces accessible to members of the public is less than 2000 square metres; and
- (h) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**.

#### *Physical recreation premises*

- (9) For the purposes of these directions:
  - (a) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes; and
  - (b) **physical recreation premises** means any of the following, whether operated on a for profit or not-for-profit basis:
    - (i) a **premises** used predominantly for indoor sport or physical recreation;  
*Examples: gymnasium, health club, fitness centre, yoga studio, pilates studio, barre studio, dance studio, spin premises, indoor basketball court, indoor climbing premises, squash court, table tennis centre.*
    - (ii) a premises used predominantly for outdoor sport or physical recreation;  
*Examples: golf club, tennis club, outdoor basketball courts, go kart track, rifle range, equestrian centre, mini golf, paint ball, lawn bowling, water skiing.*

- (iii) a cardio or strength training premises;

*Examples: a cardio or strength premises 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 premises may be a stand-alone premises or part of another premises (such as a gymnasium, health club or fitness centre).*

- (iv) a skatepark in an indoor space;
- (v) a trampolining centre;
- (vi) a premises that has a swimming pool, **hydrotherapy pool**, spa, sauna, steam room or **spring**;
- (vii) a premises specified in paragraphs (i) to (vi) that is located within an **accommodation premises**,

but does not include:

- (viii) a premises that has a skatepark in an outdoor space; or
- (ix) a premises that has outdoor communal exercise equipment; and

- (c) a creative arts premises; and

*Note: a skatepark in an outdoor space and outdoor communal exercise equipment are part of the definition of 'community premises'.*

- (d) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer.

#### *Places of worship*

(10) For the purposes of these directions:

- (a) **place of worship** has the same meaning as in the **Heritage Act 2017**.

#### *Real estate*

(11) For the purposes of these directions:

- (a) **estate agent** has the same meaning as in the **Estate Agents Act 1980**; and
- (b) **real estate** has the same meaning as in the **Estate Agents Act 1980**.

#### *Restricted retail premises*

(12) For the purposes of these directions:

- (a) **beauty therapy premises** means a premises at which beauty therapy and personal care services are provided; and
- (b) **beauty therapy** has the same meaning as in the **PHW Act**; and

- (c) **hairdressing premises** means a premises at which hairdressing services are provided; and
- (d) **hairdressing** has the same meaning as in the **PHW Act**; and
- (e) **restricted retail premises** means:
  - (i) a **beauty therapy premises**; or
  - (ii) a **hairdressing premises**.

*Tours and tourism*

(13) For the purposes of these directions:

- (a) **licensed tourism operator** means a person:
  - (i) 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**; or
  - (ii) providing a tour of an **entertainment and function premises**; and
- (b) **tourism services** means an activity, guided tour or recreation programme conducted or coordinated by an employee or officer of a **licensed tourism operator** that is undertaken for profit for tourism purposes including, but not limited to, ballooning, a walking tour or bushwalking tour, a bicycle tour, abseiling, rock climbing, canoeing, kayaking, white water rafting, diving, snorkelling, horse trail riding, marine based tours and surfing, or a guided tour of a museum or gallery.

### 34 Other definitions

For the purposes of these directions:

- (1) **ATAGI** means the Australian Technical Advisory Group on Immunisation;
- (2) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (3) **Commonwealth employee** has the same meaning as in the **Sex Discrimination Act 1984** of the Commonwealth;
- (4) **court** means:
  - (a) the Supreme Court;
  - (b) the County Court;
  - (c) the Magistrates' Court;
  - (d) the Children's Court;

- (e) any Federal Court;
- (5) **COVID-19 Mandatory Vaccination (Specified Facilities) Directions** means the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No 13)** as amended or replaced from time to time;
- (6) **COVID-19 Mandatory Vaccination (Workers) Directions** means the **COVID-19 Mandatory Vaccination (Workers) Directions (No 8)** as amended or replaced from time to time;
- (7) **COVID-19 vaccine** means a vaccine to protect a person against SARS-CoV-2 that:
  - (a) has been registered, provisionally registered or recognised by the Therapeutic Goods Administration; or
  - (b) has been approved by a comparable overseas regulator, as determined by the Therapeutic Goods Administration under regulation 16DA(3) of the **Therapeutic Goods Regulation 1990** of the Commonwealth;
- (8) **COVID Check-in Marshal** means a person designated to perform the duty specified in clause 5(2)(a)(ii) and in clause 9;
- (9) **critical unforeseen circumstance** means a circumstance that the operator could not reasonably have foreseen nor planned for which results in a critical need for staff;
- (10) **Directions currently** in force has the same meaning as in the **Workplace Directions** as amended or replaced from time to time;
- (11) **education and childcare service** means:
  - (a) school education at a registered school as defined in the **Education and Training Reform Act 2006**;
  - (b) onsite early childhood education and care services or children's services provided under the:
    - (i) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care service, early childhood intervention services, and mobile services, but not including school holiday care programs; or
    - (ii) **Education and Care Services National Law Act 2010** and the **Education and Care Services national Regulations 2011** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services;
- (12) **emergency situation** means a situation where it is reasonably apparent to an employer that medical treatment is necessary, as a matter of urgency to:
  - (a) save a person's life; or
  - (b) prevent serious damage to a person's health; or

- (c) prevent a person from suffering or continuing to suffer significant pain or distress;
- (13) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection (but does not include a face shield);
- (14) **judge** has the same meaning as **judicial officer** in the **Judicial Entitlements Act 2015**, but does not include the Deputy State Coroner or a reserve coroner;
- (15) **judicial registrar** has the same meaning as **judicial registrar** in **Judicial Entitlements Act 2015**, but does not include a judicial registrar within the meaning of the **Coroners Act 2008**;
- (16) **mandatory vaccination worker** means:
  - (a) a person who is a **worker** within the meaning of the **COVID-19 Mandatory Vaccination (Workers) Directions**;
  - (b) a person who is a **worker** in relation to a **specified facility** within the meaning of the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**; and
  - (c) an **excluded worker**;
- (17) **medical contraindication** means one of the following contraindications to the administration of a **COVID-19 vaccine**:
  - (a) anaphylaxis after a previous dose;
  - (b) anaphylaxis to any component of the vaccine, including polysorbate or polyethylene glycol;
  - (c) in relation to AstraZeneca:
    - (i) history of capillary leak syndrome; or
    - (ii) thrombosis with thrombocytopenia occurring after a previous dose;
  - (d) in relation to Comirnaty or Spikevax:
    - (i) myocarditis or pericarditis attributed to a previous dose of either Comirnaty or Spikevax; or
  - (e) the occurrence of any other serious adverse event that has:
    - (i) been attributed to a previous dose of a COVID-19 vaccine by an experienced immunisation provider or medical specialist (and not attributed to any another identifiable cause); and
    - (ii) been reported to State adverse event programs and/or the Therapeutic Goods Administration;
- (18) **medical practitioner** means:
  - (a) a general practice registrar on an approved 3GA training placement; or

- (b) a public health physician; or
  - (c) an infectious disease physician; or
  - (d) a clinical immunologist; or
  - (e) a general practitioner who is vocationally registered; or
  - (f) a general practitioner who is a fellow of the Royal Australian College of General Practitioners (RACGP); or
  - (g) a general practitioner who is a fellow of the Australian College of Rural and Remote Medicine (ACRRM); or
  - (h) a paediatrician; or
  - (i) a medical practitioner who is a fellow of the Royal Australasian College of Physicians;
- (19) **one dose COVID-19 vaccine** means a **COVID-19 vaccine** called 'COVID-19 Vaccine Janssen' (Jansen-Cilag);
- (20) **premises** has the same meaning as in the **PHW Act**;
- (21) **revoked Open Premises Directions** means any of the **Restricted Activity Directions (Victoria)**, the **Restricted Activity Directions (Regional Victoria)**, the **Restricted Activity Directions (Metropolitan Melbourne)** or **Open Premises Directions** that came into effect on or after 27 May 2021 and are no longer in force;
- (22) **Senior Secondary examination** means an examination relating to a senior secondary certificate;
- (23) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No 30)** as amended or replaced from time to time;
- (24) **Swimming and Water Safety Teacher Accreditation** means an accreditation earned following the successful completion of an SISS001122 course, or accreditation earned following the completion of an equivalent course;
- (25) **two dose COVID-19 vaccine** means any of the following **COVID-19 vaccines**:
- (a) Vaxzevria (AstraZeneca);
  - (b) Comirnaty (Pfizer);
  - (c) Spikevax (Moderna);
  - (d) Coronvac (Sinovac);
  - (e) Covishield (Astrazeneca/Serum Institute of India);
  - (f) Covaxin (Bharat Biotech); or
  - (g) BBIP-CorV (Sinopharm);
- (26) **Workplace Directions** means the **Workplace Directions (No 57)** as amended or replaced from time to time.

## PART 7 — MISCELLANEOUS

### 35 Disclosure to Authorised Officers

- (1) An Authorised Officer may request an operator or its workers to produce to the Authorised Officer any vaccination information held by the operator in accordance with these directions.
- (2) If an Authorised Officer makes a request to a person under subclause (1), the person must comply with the request.

*Note: Authorised Officers may also be authorised to exercise the public health risk power in section 190(1)(d) of the PHW Act to require the provision of any information needed to investigate, eliminate or reduce the risk to public health.*

### 36 Penalties

- (1) 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.*

- (2) Section 210 of the PHW Act provides:

#### **False or misleading information**

- (1) A person must not—
  - (a) give information that is false or misleading in a material particular; or
  - (b) make a statement that is false or misleading in a material particular;  
or
  - (c) produce a document that is false or misleading in a material particular—

to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

Penalty:            In the case of a natural person, 60 penalty units;  
                          In the case of a body corporate, 300 penalty units.

- (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading.

Penalty: In the case of a natural person, 60 penalty units;

In the case of a body corporate, 300 penalty units.

- (3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the charge for the accused to prove that at the time at which the offence is alleged to have been committed, the accused believed on reasonable grounds that the information, statement or document was true or was not misleading.



**Professor Benjamin Cowie**

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

25 November 2021

## SCHEDULE 1 — OPEN PREMISES

Row	Open premises (Column 1)	Vaccinated patron limit for all indoor spaces (Column 2)	Vaccinated patron limit for all outdoor spaces (Column 3)	Additional reqs and exceptions	Premises- specific definitions
1.	accommodation premises	Not applicable	Not applicable	Clause 18	Clause 33(1)
2.	adult education or higher education premises	No limits	No limits	Clause 19	Clause 33(2)
3.	amusement parks	No limits	No limits	Not applicable	Not applicable
4.	arcades, escape rooms, bingo centres	No limits	No limits	Not applicable	Not applicable
5.	casino	No limits	No limits	Not applicable	Not applicable
6.	community premises	No limits	No limits	Clause 20	Clause 33(3)
7.	creative arts premises	No limits	No limits	Clause 21	Clause 33(4)
8.	drive-in cinemas	Not applicable	Not applicable	Clause 22	Clause 33(5)
9.	entertainment and function premises that are not specified elsewhere in this Column 1	30,000	No limits	Clause 23	Clause 33(5)
10.	food and drink premises	No limits	No limits	Clause 24	Clause 33(6)
11.	funeral parlours and crematoriums	No limits	No limits	Clause 25	Not applicable
12.	gaming machine premises	No limits	No limits	Not applicable	Clause 33(7)

13.	<b>general retail premises</b>	No limits	No limits	Clause 26	Clause 33(8)
14.	<b>karaoke and nightclubs</b>	No limits	No limits	Not applicable	Clause 33(5)
15.	<b>physical recreation premises</b>	No limits	No limits	Clause 27	Clause 33(9)
16.	<b>places of worship</b>	No limits	No limits	Clause 28	Clause 33(10)
17.	<b>real estate premises</b>	No limits	No limits	Clause 29	Clause 33(11)
18.	<b>restricted retail premises</b>	No limits	No limits	Not applicable	Clause 33(12)
19.	<b>sex on premises, brothels and sexually explicit venues</b>	No limits	No limits	Not applicable	Clause 33(5)
20.	<b>swimming pools, spas, saunas, steam rooms and springs</b>	No limits	No limits	Clause 27	Clause 33(9)
21.	<b>tours</b>	No limits	No limits	Clause 31	Clause 33(13)
22.	premises used for <b>tourism services</b>	No limits	No limits	Clause 31	Clause 33(13)