

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

Restricted Activity Directions (Metropolitan Melbourne) (No 6)

Public Health and Wellbeing Act 2008 (Vic)

Section 200

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, consider it reasonably necessary to eliminate or reduce the risk to public health — and reasonably necessary to protect public health — to give the following directions pursuant to section 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008 (Vic) (PHW Act)**:

1 Preamble

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings in **Metropolitan Melbourne** to address the serious public health risk posed to Victoria by severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Restricted Activity Directions (Metropolitan Melbourne)**.

2 Citation

These directions may be referred to as the **Restricted Activity Directions (Metropolitan Melbourne) (No 6)**.

3 Revocation

The **Restricted Activity Directions (Metropolitan Melbourne) (No 5)** are revoked at 11:59:00pm on 1 July 2021.

4 Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00pm on 1 July 2021 and ending at 11:59:00pm on 29 July 2021.

5 Meaning of Metropolitan Melbourne and Regional Victoria

- (1) For the purposes of the Directions currently in force, **Metropolitan Melbourne** means the aggregate area consisting of the **municipal districts**, suburbs, localities and addresses under the local government of:
 - (a) Banyule City Council;

- (b) Bayside City Council;
 - (c) Boroondara City Council;
 - (d) Brimbank City Council;
 - (e) Cardinia Shire Council;
 - (f) Casey City Council;
 - (g) Darebin City Council;
 - (h) Frankston City Council;
 - (i) Glen Eira City Council;
 - (j) Greater Dandenong City Council;
 - (k) Hobsons Bay City Council;
 - (l) Hume City Council;
 - (m) Kingston City Council;
 - (n) Knox City Council;
 - (o) Manningham City Council;
 - (p) Maribyrnong City Council;
 - (q) Maroondah City Council;
 - (r) Melbourne City Council;
 - (s) Melton City Council;
 - (t) Monash City Council;
 - (u) Moonee Valley City Council;
 - (v) Moreland City Council;
 - (w) Mornington Peninsula Shire Council;
 - (x) Nillumbik Shire Council;
 - (y) Port Phillip City Council;
 - (z) Stonnington City Council;
 - (aa) Whitehorse City Council;
 - (bb) Whittlesea City Council;
 - (cc) Wyndham City Council, except **Little River**;
 - (dd) Yarra City Council; and
 - (ee) Yarra Ranges Shire Council.
- (2) For the purposes of the Directions currently in force, **Regional Victoria** means the aggregate area consisting of the municipal districts, suburbs, localities and addresses under the local governments in the State of Victoria that are not listed in subclause (1).

6 Addition or exclusion power

- (1) The Chief Health Officer or Deputy Chief Health Officer may add to or exclude from Metropolitan Melbourne any municipal district, suburb, locality, address or other identified area, if satisfied that such an addition or exclusion is appropriate, having regard to the:
 - (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the PHW Act, as appropriate.
- (2) An addition or exclusion under subclause (1) must:
 - (a) be in writing and published on the website of the Department of Health; and
 - (b) specify the relevant municipal district, suburb, locality, address or other identified area with sufficient particularity.
- (3) An addition or exclusion under subclause (1) does not prevent an **authorised officer** from exercising an emergency power to give a person a different direction or impose a different requirement on the person.

7 Relationship with other directions

- (1) If there is any inconsistency between any Directions currently in force (or a provision of such a direction) that applies generally to the State of Victoria and an equivalent Direction currently in force (or a provision of such a direction) that applies specifically to Metropolitan Melbourne, then the direction that applies to Metropolitan Melbourne prevails to the extent of the inconsistency.
- (2) If there is any inconsistency between these directions and a direction or other requirement contained in a **Direction and Detention Notice**, these directions are inoperative to the extent of the inconsistency.

8 Physical recreational facilities

- (1) A person who owns, controls or operates a **physical recreational facility** in Metropolitan Melbourne may only operate that facility during the restricted activity period in accordance with these directions.

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (2) A **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 sport or physical recreation;
Examples: gymnasium, health club, fitness centre, yoga studio, pilates studio, barre studio, dance studio, spin facility, indoor basketball court, indoor climbing facility, squash court, table tennis centre.
 - (b) a facility used predominantly for outdoor sport or physical recreation;

Examples: golf club, tennis club, basketball centre, go kart track, rifle range, equestrian centre, mini golf, paint ball, lawn bowling, water skiing.

- (c) a **personal training facility**;
- (d) a **cardio or strength training facility**;

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

- (e) a **play centre**;
- (f) an indoor skatepark;
- (g) a trampolining centre;
- (h) a swimming pool, **hydrotherapy pool**, spa, sauna, steam room or **spring** facility;

but does not include:

- (i) a skatepark in an **outdoor space**;
- (j) outdoor communal exercise equipment;
- (k) a **creative arts facility**.

Note: a skatepark in an outdoor space and outdoor communal exercise equipment can be used.

Physical recreation and community sport

- (3) A person who owns, controls or operates a physical recreational facility in Metropolitan Melbourne may only operate that facility for the purpose of physical recreation or community sport by **members of the public** if:
 - (a) the number of members of the public permitted in any **non-seated indoor space** or **non-seated outdoor space** at any one time is limited to the **density quotient**; and
 - (b) the number of members of the public in each indoor space (whether seated or non-seated) at the facility at any one time is limited to 300 (with infants under one year old not counting towards this limit); and
 - (c) the number of members of the public in each **discrete outdoor space** at the facility at any one time is limited to 1,000 (with infants under one year old not counting towards this limit); and

Note: A person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 17.

- (d) the number of members of the public in each **seated indoor space** or **seated outdoor space** is limited to 75 per cent of the maximum seated capacity for that space (with infants under one year old not counting towards this limit); and

- (e) the number of members of the public in a group at any one time is limited to 50 (with infants under one year of age not counting towards this limit); and

Note 1: any persons not participating in an activity at the physical recreation facility, such as teachers, instructors, trainers, spectators, officials or coaches, as well as carers, parents and guardians attending to support participation of a child or a person with disability are not included for the purpose of calculating the group limit on the number of members of the public referred to in subclause (3(e)).

Note 2: any person employed by the physical recreation facility is not included for the purpose of calculating the limits on the number of members of the public referred to in this subclause (3).

- (f) where the maximum capacity for the facility in accordance with these directions is 500 persons or more, a **COVIDSafe Plan** for the facility is published on the facility's internet site; and
- (g) any shared equipment is cleaned between users; and
- (h) any **food and drink facility** within the physical recreational facility operates in accordance with the requirements of clause 15 (**food and drink facilities**); and
- (i) any **retail facility** within the physical recreational facility operates in accordance with the requirements of clause 14 (**retail facilities**).

Exception – professional or high-performance sports persons

- (4) Despite subclause (3), a person who owns, controls or operates a physical recreational facility (including all indoor spaces) in Metropolitan Melbourne is not required to comply with the requirement in subclause (3)(a) (density quotient) for the purpose of the exclusive use for **professional or high-performance sports persons**, provided that only persons who are necessary for the conduct of the activity (including the broadcasting of the activity) are permitted to be in the relevant space.

Exception – community sport

- (5) Despite subclause (3), a person who owns, controls or operates a physical recreational facility in Metropolitan Melbourne may operate that facility for the purpose of community sport by members of the public and is not required to comply with the requirement in subclause (3)(e) (group limit), but must comply with all other requirements in subclause (3).

Exception – school or educational swimming purposes

- (6) A person who owns, controls or operates a physical recreational facility may operate that facility for the purpose of:
 - (a) providing the facility for the exclusive use by a single **school** at any one time for use for educational purposes and is not required to comply with subclause (3); or

Note: a physical recreational facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if people other than students and staff are permitted to attend. If other guests attend, then the limits in subclause (3) apply.

- (b) providing the facility for swimming or water safety lessons and is not required to comply with the subclauses (3)(a) and (e).

Note: the operation of the physical recreational facility for swimming or water safety lessons must comply with all other requirements of subclause (3), including the facility limit in subclause (b) to (d).

9 Community facilities

- (1) A person who owns, controls or operates a community facility in Metropolitan Melbourne may only operate that facility during the restricted activity period in accordance with these directions.

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (2) A **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, but not the **State Library**);
- (c) a youth centre;
- (d) a **playground**;
- (e) a skatepark in an outdoor space;
- (f) outdoor communal exercise equipment;

but does not include:

- (g) a creative arts facility;
- (h) a physical recreational facility;
- (i) a swimming pool facility, hydrotherapy pool, spa, sauna, steam room or spring.

- (3) A person who owns, controls or operates a community facility in Metropolitan Melbourne may only operate that facility for members of the public if:

- (a) the number of members of the public permitted in each indoor space or outdoor space at any one time is limited to the density quotient; and
- (b) the total number of members of the public at the facility at any time does not exceed 300 (with infants under one year of age not counting towards this limit); and

Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.

- (c) any wedding or funeral held at the facility complies with the requirements of the **Stay Safe Directions (Victoria)**.

Exception – small community facilities

- (4) Despite subclause (3), a person who owns, controls or operates a community facility in Metropolitan Melbourne that has a total area of all indoor spaces and outdoor spaces accessible to members of the public (excluding all **communal or shared space**) of less than 600 square metres is not required to comply with the requirement in subclause (3)(a) if:
- (a) the number of members of the public permitted at the facility at any one time (with infants under one year of age not counting towards these limits) is limited to the lesser of:
 - (i) the number calculated by dividing the total area of the facility accessible to members of the public (measured in square metres) by 2; and
 - (ii) 150; and
 - (b) the facility has a **COVID Check-in Marshal** at all entrances to the facility open to members of the public whenever the facility is operational.

Note: the persons conducting an activity are not included for the purpose of calculating the limit on the number of members of the public referred to in subclauses (3) or (4)(a).

Exceptions – essential public support service and exclusive use by a single school

- (5) Despite subclause (3), a person who owns, controls or operates a community facility in Metropolitan Melbourne is not required to comply with the requirements in subclauses (3)(a) to (b) if they operate the facility for the purpose of:
- (a) holding an essential public support service other than support groups (whether that service is provided on a voluntary basis or otherwise); or
Examples: a food bank or a service for homeless persons.
Note 1: support groups do not fall within this exception and must comply with the restrictions in subclause (3).
Note 2: only members of the public receiving this service and those conducting it can be present.
 - (b) providing an exclusive venue for the exclusive use of a single school at any one time for educational or school gathering purposes.

Note: a community facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if people other than students and staff are permitted to attend. If other guests attend, then the limits in subclause (3) apply.

Playgrounds, outdoor skatepark or outdoor communal exercise equipment

- (6) Despite subclause (3), a person who owns, controls or operates an outdoor **playground**, skatepark in an outdoor space or outdoor communal exercise equipment may operate that facility for its ordinary purpose for use by members of the public and is not required to comply with the requirements in subclause (3).

10 Creative arts facility

- (1) A person who owns, controls or operates a **creative arts facility** in Metropolitan Melbourne may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A person who owns, controls or operates a creative arts facility in Metropolitan Melbourne may only operate the facility if:
 - (a) the number of members of the public permitted in any indoor space or outdoor space at any one time is limited to the density quotient; and
 - (b) the total number of members of the public at the facility at any time does not exceed 300 (with infants under one year of age not counting towards this limit); and
 - (c) any equipment used in an activity is cleaned between users.

Exception – small creative arts facilities

- (3) Despite subclause (2), a person who owns, controls or operates a creative arts facility in Metropolitan Melbourne that has a total area of all indoor spaces and outdoor spaces accessible to members of the public (excluding all communal or shared space) of less than 600 square metres is not required to comply with the requirement in subclause (2)(a) if:
 - (a) the number of members of the public permitted at the facility at any one time (with infants under one year of age not counting towards these limits) is limited to the lesser of:
 - (i) the number calculated by dividing the total area of the facility accessible to members of the public (measured in square metres) by 2; and
 - (ii) 150; and
 - (b) the facility has a COVID Check-in Marshal at all entrances to the facility open to members of the public whenever the facility is operational.

Note: the persons conducting an activity are not included for the purpose of calculating the limit on the number of members of the public referred to in subclauses (2) or (3)(a).

Exception – single school

- (4) Despite subclause (2), a person who operates a facility described in subclause (2) may operate that facility for the purpose of providing an exclusive venue for the exclusive use of a single school at any one time for educational or school gathering purposes and is not required to comply with the requirements in subclauses (2)(a) to (b).

Note: a creative arts facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if people other than students and staff are permitted to attend. If other guests attend, then the limits in subclause (3) apply.

11 Entertainment facilities

- (1) A person who owns, controls or operates an entertainment facility in Metropolitan Melbourne may only operate that facility during the restricted activity period in accordance with these directions.

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (2) 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 including a drive-in cinema;
 - (c) a music hall, concert hall or auditorium;
 - (d) a gallery or a museum;
 - (e) the State Library;
 - (f) an arena or stadium;
 - (g) an arcade;
 - (h) an amusement park;
 - (i) a casino;
 - (j) a **retail betting venue**;
 - (k) a **gaming machine area**;
 - (l) a **brothel, sex on premises venue** or **sexually explicit entertainment venue**;
 - (m) a bingo centre;
 - (n) an escape room;
 - (o) an **animal facility**;
 - (p) a **karaoke facility**;
 - (q) a **nightclub**; and
 - (r) a convention centre.

General entertainment facilities

- (3) A person who owns, controls or operates a facility in subclause (2)(a) (theatre), (2)(b) (cinema), (2)(c) (music hall, concert hall or auditorium), (2)(d) (gallery or museum), (2)(e) (State Library), (2)(f) (arena or stadium), (2)(h) (amusement park), (2)(o) (animal facility) or (2)(r) (convention centre), in Metropolitan Melbourne may only operate the facility if:
- (a) the number of members of the public permitted in each non-seated outdoor space or non-seated indoor space at any one time is limited to the density quotient; and

- (b) the number of members of the public permitted in each seated space at any one time is limited to 75 per cent of the maximum seated capacity for that space (with infants under one year of age not counting towards this limit); and
- (c) the number of members of the public in each indoor space (whether seated or non-seated) at any one time does not exceed 300 (with infants under one year of age not counting towards this limit); and
- (d) the number of members of the public in each discrete outdoor space does not exceed 1,000 (with infants under one year of age not counting towards this limit); and

Note: a person who owns, controls or operates a facility for any activity or event proposed to exceed the limits in subclauses (a) to (d) above should have regard to the Public Event Framework and exemption process for 'eligible public events' described in clause 19.

- (e) where the maximum capacity for the facility in accordance with these directions is 500 persons or more, a COVIDSafe Plan for the facility is published on the facility's internet site; and
- (f) any food and drink facility within the entertainment facility operates in accordance with the requirements of clause 15 (**food and drink facilities**); and
- (g) any retail facility within the entertainment facility operates in accordance with the requirements of clause 14 (**retail facilities**).

Exception – exclusive use by a single school

- (4) Despite subclause (3), a person who operates a facility described in subclause (3) for the purpose of providing an exclusive venue for the exclusive use of a single school at any one time for educational or school gathering purposes is not required to comply with the requirements in subclause (3).

Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if people other than students and staff are permitted to attend. If other guests attend, then the limits in subclause (3) apply.

Retail betting venue

- (5) A person who owns, controls or operates a retail betting venue in Metropolitan Melbourne may only operate the venue during the restricted activity period if:
 - (a) the number of members of the public permitted in each indoor space or outdoor space is limited to the density quotient; and
 - (b) the total number of members of the public at the facility at any time does not exceed 300 (with infants under one year of age not counting towards this limit); and
 - (c) where the retail betting venue is within a larger facility that is subject to restrictions under these directions, the number of members of the

public in the retail betting venue at any time is included within the cap that is applicable to that larger facility.

Example: a retail betting venue within a food and drink facility.

Arcades, escape rooms and bingo centres

- (6) A person who owns, controls or operates a facility in subclause (2)(g) (an arcade), (2)(n) (escape room) or (2)(m) (bingo centre) in Metropolitan Melbourne may only operate the facility during the restricted activity period if:
- (a) the number of members of the public permitted in each outdoor space or indoor space at any one time is limited to the density quotient; and
 - (b) the total number of members of the public permitted at the facility at any one time does not exceed 300 (with infants under one year of age not counting towards this limit).

Casinos

- (7) A person who owns, controls or operates a facility in subclause (2)(i) (a casino) in Metropolitan Melbourne may only operate that facility during the restricted activity period if:
- (a) the number of members of the public permitted in each indoor space at any one time is limited to 300 (with infants under one year of age not counting towards this limit); and
 - (b) each **gaming machine** is either spaced at least 1.5 metres apart or every second gaming machine is closed; and
 - (c) the person:
 - (i) requires **workers** to complete an online COVID-19 training package arranged by the person that addresses personal hygiene, physical distancing and symptom awareness; and
 - (ii) retains security camera footage for at least 14 days after it is recorded; and
 - (d) a COVIDSafe Plan for the facility is published on the facility's internet site; and
 - (e) an employee or employees of the operator have been designated as a **COVID Marshal**.

Gaming machine area

- (8) A person who owns, controls or operates a facility in subclause (2)(k) (gaming machine area) in Metropolitan Melbourne may only operate the facility during the restricted activity period if:
- (a) each gaming machine is either spaced at least 1.5 metres apart or every second gaming machine is closed; and
 - (b) an employee or employees of the operator have been designated as a COVID Marshal; and

- (c) the number of members of the public permitted in each outdoor space or indoor space at any one time is limited to the density quotient; and
- (d) the total number of members of the public permitted in the gaming machine area at any time does not exceed 300 (with infants under one year of age not counting towards this limit); and
- (e) where the gaming machine area is within a larger facility that is subject to restrictions under these directions, the number of members of the public in the gaming machine area at any time is included within the cap that is applicable to that larger facility.

Example: a gaming machine area within a food and drink facility.

Sex on premises, brothels and sexually explicit entertainment venues

- (9) A person who owns, controls or operates a facility in subclause (2)(l) (sex on premises venue, brothel or a sexually explicit entertainment venue) in Metropolitan Melbourne may only operate the facility during the restricted activity period if:
 - (a) the number of members of the public permitted in each outdoor space or indoor space at any one time is limited to the density quotient; and
 - (b) the total number of members of the public at the facility at any time does not exceed 300.

Note 1: the person must also comply with the conditions of any licence held for the purposes of operating a brothel or sex on premises venue, liquor licence or planning permit.

Note 2: all members of the public in any public or private area of a brothel or sex on premises venue are included in these limits.

Karaoke facilities and nightclubs

- (10) A person who owns, controls or operates a facility in subclause (2)(p) (karaoke facility) or subclause (2)(q) (a nightclub) in Metropolitan Melbourne may only operate the facility during the restricted activity period if:
 - (a) the number of members of the public permitted in each outdoor space or indoor space at any one time is limited to the density quotient; and
 - (b) the total number of members of the public at the facility at any time does not exceed 300 (with infants under one year of age not counting towards this limit); and
 - (c) members of the public at the facility remain seated except when ordering food or drink, using toilets or entering and leaving the facility; and
 - (d) any dancefloors in the facility are closed at all times.

12 Places of Worship

- (1) A person who owns, controls or operates a **place of worship** in Metropolitan Melbourne may only operate that place of worship during the restricted activity period in accordance with these directions.

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (2) A person who owns, controls or operates a place of worship in Metropolitan Melbourne may only operate that facility if:
- (a) the number of members of the public in any indoor space or outdoor space is limited to the density quotient; and
 - (b) the total number of members of the public at the facility at any time does not exceed 300 (with infants under one year of age not counting towards this limit); and
 - (c) any weddings and funerals held at the facility comply with the requirements of the **Stay Safe Directions (Victoria)**; and
 - (d) any religious gatherings or ceremonies are conducted at either the place of worship or an outdoor space proximate to the place of worship; and
 - (e) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by any members of the public.

Exceptions

- (3) Despite subclause (2), a person may operate a place of worship without complying with subclause (2) if it is for the purpose of:
- (a) hosting an essential public support service other than support groups (whether that service is provided on a voluntary basis or otherwise); and

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

Note 1: support groups do not fall within this exception and must comply with the restrictions in subclause (2).

Note 2: only members of the public receiving this service and those conducting it can be present.

- (b) providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes at any one time.

Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if people other than students and staff are permitted to attend. If other guests attend, then the limits in subclause (2) apply.

- (4) Despite subclause (2), a person who owns, controls or operates a place of worship in Metropolitan Melbourne that has a total area of all indoor spaces and outdoor spaces accessible to members of the public (excluding all **communal or shared space**) of less than 600 square metres is not required to comply with the requirement in subclause (2)(a) if:
- (a) the number of members of the public permitted at the place of worship at any one time (with infants under one year of age not counting towards these limits) is limited to the lesser of:
 - (iii) the number calculated by dividing the total area of the place

of worship accessible to members of the public (measured in square metres) by 2; and

(iv) 150; and

- (b) the place of worship has a **COVID Check-in Marshal** at all entrances to the place of worship open to members of the public whenever the place of worship is operational.

Note: the persons conducting an activity are not included for the purpose of calculating the limit on the number of members of the public referred to in subclauses (2)(a) to (c) or subclause (4)(a).

13 Funeral providers and crematoriums

- (1) A person who owns, controls or operates a funeral home or crematorium in Metropolitan Melbourne may only do so during the restricted activity period if:
- (a) any funeral conducted is compliant with the requirements of the **Stay Safe Directions (Victoria)**; and
 - (b) the number of members of the public in each indoor space or outdoor space is limited to the density quotient; and
 - (c) the total number of members of the public at the facility at any time does not exceed 300 (with infants under one year of age not counting towards this limit); and
 - (d) no food, drink, crockery, utensils, vessels or other equipment is permitted to be shared by any members of the public.

14 Retail facility

- (1) A person who owns, controls or operates a **retail facility**, including a **restricted retail facility** and auction house, in Metropolitan Melbourne may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A **restricted retail facility** means the following:
- (a) a beauty and personal care facility; and
 - (b) a **hairdressing facility**.
- (3) A person who owns, controls or operates a retail facility, including a restricted retail facility and auction house, may only operate that facility if the number of members of the public in each indoor space or outdoor space is limited to the density quotient.

Exception – small retail facilities

- (4) Despite subclause (3), a person who owns, controls or operates a retail facility, including a restricted retail facility and auction house, in Metropolitan Melbourne is not required to comply with the density quotient requirement in subclause (3) if:

- (a) the total area of all indoor spaces and outdoor spaces accessible to members of the public (excluding all **communal or shared spaces**) is less than 100 square metres; and
- (b) the number of members of the public permitted at the retail facility at any one time is limited to 25 (with infants under one year of age not counting towards this limit).

Restricted retail facilities

- (5) In addition to the requirements in subclause (3), a person who operates a restricted retail facility may only operate that facility if a client wears a **face covering** for the duration of the service or procedure, other than:
 - (a) when the client is receiving services or undertaking procedures that require the removal of the face covering; or
 - (b) where the client is exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Victoria)**.

Example 1: services such as facials, face waxing and beard trimming around the mouth, nose or cheeks do not require the client to wear a face covering because such services could not be provided if a face covering were worn during the service or procedure.

Example 2: a person under the age of 12 years and a person who has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable, are not required to wear a face covering.

Licensed premises

- (6) A person who owns, controls or operates a **licensed premises** in Metropolitan Melbourne may only operate that **premises** during the restricted activity period in accordance with these directions.
- (7) A person who owns, controls or operates a licensed premises in Metropolitan Melbourne may operate those premises only for the purposes of:
 - (a) operating as a **bottleshop**; or
 - (b) providing food or drink in accordance with clause 15; or
 - (c) providing accommodation in accordance with clause 16; or
 - (d) operating a retail betting venue in accordance with subclause 11(5); or
 - (e) operating a gaming machine area in accordance with subclause 11(8); or
 - (f) operating a sexually explicit entertainment venue in accordance with subclause 11(9); or
 - (g) operating a karaoke facility or nightclub in accordance with subclause 11(10).

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (8) A **licensed premises** means a business characterised as a pub, bar, club or hotel that supplies alcohol under a **general licence**, an **on-premises licence**, a **late night licence**, a **producer's licence**, a **packaged liquor licence** or a **club licence**.

15 Food and drink facilities

- (1) A person who owns, controls or operates a **food and drink facility** in Metropolitan Melbourne may only operate that facility during the restricted activity period in accordance with these directions.

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (2) A **food and drink facility** means any of the following, whether operated on a for profit or not-for-profit basis:

- (a) a cafe;
- (b) a restaurant;
- (c) a fast-food store;
- (d) a cafeteria;
- (e) a canteen;
- (f) a winery;
- (g) a **food court**.

Note: a food and drink facility includes a food and drink facility at a stadium or arena.

- (3) A person who owns, controls or operates a food and drink facility in Metropolitan Melbourne may only operate that facility if:

- (a) the number of members of the public permitted in any indoor space or outdoor space is limited to the density quotient; and

*Note: members of the public at an outdoor space of a food and drink facility are permitted to shelter indoors when unable to attain protection in the outdoor space from severe weather, provided they wear a face covering (other than where they are exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Victoria)**).*

- (b) the total number of members of the public at the facility at any time does not exceed 300 (with infants under one year of age not counting towards this limit); and

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

Note 2: members of the public in a retail betting venue or gaming machine area in an indoor space of the food and drink facility are included in this limit.

- (c) members of the public at the premises remain seated except when ordering food or drink, using toilets or entering or leaving the facility; and
- (d) any dancefloors in the facility are closed at all times; and
- (e) any weddings held at the facility comply with the **Stay Safe Directions (Victoria)**.

Exception – small food and drink facilities

- (4) Despite subclause (3), a person who owns, controls or operates a food and drink facility in Metropolitan Melbourne is not required to comply with the requirement in subclause (3)(a) if the total area of all indoor spaces and outdoor spaces accessible to members of the public (but excluding all communal or shared spaces) at the facility is:
 - (a) less than 100 square metres, provided that the total number of members of the public at the facility at any time does not exceed 25; and
 - (b) between 50 and 600 square metres and the operator elects to have a COVID Check-in Marshal at the facility, provided that:
 - (i) the facility has a COVID Check-in Marshal at all entrances to the facility open to members of the public whenever the facility is operational; and
 - (ii) the total number of members of the public at the facility at any time does not exceed the lesser of:
 - (A) the number calculated by dividing the total area of the facility accessible to members of the public (measured in square metres) by 2; and
 - (B) 150.

Exception – exclusive use by a single school

- (5) Despite subclause (3), a person who operates a food and drink facility in Metropolitan Melbourne for the purpose of providing an exclusive venue for the exclusive use of a single school at any one time for educational or school gathering purposes is not required to comply with the requirements in subclause (3).

Note: a facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if people other than students and staff are permitted to attend. If other guests attend, then the limits in subclause (3) apply.

Exception – food court

- (6) Despite subclause (3), a person who operates a food court in Metropolitan Melbourne is not required to comply with the requirement in subclause (3)(b).

16 Accommodation facilities

- (1) A person who owns, controls or operates an **accommodation facility** in Metropolitan Melbourne may only operate that facility during the restricted activity period in accordance with these directions.
- (2) An accommodation facility includes, but is not limited to, any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a camping ground;
 - (b) a caravan park;
 - (c) a hotel;
 - (d) a hostel;
 - (e) a bed and breakfast;
 - (f) a private holiday rental facility, including Airbnbs;
 - (g) a motel;
 - (h) a serviced apartment.
- (3) A person who owns, controls or operates an accommodation facility in Metropolitan Melbourne may operate that facility for the purposes of providing accommodation only if:
 - (a) the number of members of the public in any communal indoor space or outdoor space is limited to the density quotient; and
 - (b) each booking consists only of (with any infant under one year of age not counting in this limit):
 - (i) members of the one household or the intimate partners of the members in that household; and
 - (ii) up to 15 other people; and
 - (c) in respect of any person or group staying at an accommodation facility, the person or group do not have more than 15 **visitors** per day, calculated in accordance with subclause (4); and
 - (d) members of the public under different bookings do not share any bedrooms; and
 - (e) all surfaces in the facility that are used exclusively by a particular group, including a hotel room or cabin, are cleaned between each booking.

Visitors to any person or group in a booking

- (4) For the purposes of calculating the number of permitted visitors per day to a person or group in each booking:
 - (a) any person who is part of the group staying at the accommodation facility should be included as a visitor if that person:
 - (i) does not ordinarily reside with the person who made the booking;or

- (ii) is not in an intimate personal relationship with the person who made the booking or with a person who ordinarily resides with a person who made the booking who is also staying at the accommodation facility; and
- (b) any person who is not part of the group staying at the accommodation facility should be excluded from the visitor cap if that person:
 - (i) ordinarily resides with the person who made the booking; or
 - (ii) is in an intimate personal relationship with the person who made the booking or with a person who ordinarily resides with a person who made the booking who is also staying at the accommodation facility; or
 - (iii) is an infant under one year of age.

Example: if a person books accommodation in for themselves, their intimate partner, their four housemates, and one additional person, the additional person is considered a visitor and fourteen further members of the public can visit the group at the accommodation facility per day.

Exceptions

- (5) Despite subclause (3) and (4), a person who owns, controls or operates an accommodation facility in Metropolitan Melbourne is not required to comply with the requirements in subclause (3) or (4) if they operate that facility:
 - (a) for the purposes of providing emergency accommodation, refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**; or
 - (b) as an exclusive facility for a single school at any one time for educational or school gathering purposes.

Note: facility is not operated for the purpose of providing an exclusive venue for the exclusive use of a single school for educational or school gathering purposes if people other than students or staff are permitted to attend. If other guests attend, then the limits in subclauses (3) and (4) apply.

17 Real estate auctions and inspections

- (1) During the restricted activity period, in Metropolitan Melbourne, an **estate agent** may only conduct an auction for the sale of **real estate** or an inspection by members of the public of real estate if the number of members of the public permitted to attend in person is limited to the density quotient.

18 Tours and transport

Licensed tourism operator

- (1) During the restricted activity period in Metropolitan Melbourne, a **licensed tourism operator** may only organise or operate licensed tourism services that involve members of the public being transported in a **vehicle** if:

- (a) no more than 50 members of the public are transported in a vehicle at any one time; and
- (b) the number of people present to conduct any licensed tourism services does not exceed the minimum number of persons required for that purpose.

Note: the minimum number of persons required to operate a tour is in addition to the limit in subclause (a).

*Note: tourism services conducted in a facility or workplace must comply with the relevant requirements in the **Restricted Activity Directions (Metropolitan Melbourne)** and the **Workplace Directions**. If people participate in tourism services in a public place, they must comply with the public gathering limits in the **Stay Safe Directions (Victoria)**.*

19 Public Events

(1) For the purpose of this clause:

- (a) **eligible public event** means an organised public gathering for a common purpose on a for profit or not-for-profit basis which is:
 - (i) an event (or a series of events):
 - (A) conducted on a one-off or periodic basis; and
 - (B) open to members of the public; and
 - (C) which may be subject to specific licences, approvals or permits; and

Note: the person must continue to apply for and comply with all required licences, approvals and permits.

- (D) publicly announced or advertised; and
 - (E) which may be in a facility, venue, 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 facility, 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;
- (iv) an ad hoc or routine public gathering in a facility, venue, indoor space or outdoor space which forms part of the ad hoc or routine operations, use, activities or services of the facility, venue, indoor space or outdoor space;

Note: most public gatherings in a facility, venue or space (including any indoor space or outdoor space) are expected to remain subject to the requirements in these directions, including clause 15 (food and drink facilities).

- (v) a private gathering;
 - (vi) a wedding, funeral or end of life activity;
 - (vii) a routine religious gathering or ceremony,
- to which these directions and the **Stay Safe Directions (Victoria)** 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 subclause (3) or the equivalent subclause in any **revoked Restricted Activity Direction**.
- (2) A person who arranges to meet, or organises or intentionally attends a public gathering for a common purpose in a public place is not required to comply with the requirements of the Directions currently in force in respect of such a public gathering:
- (a) if the public gathering is an exempt public event; and
 - (b) to the extent of an **exemption** granted in respect of that exempt public event (including any conditions on an exemption).
- (3) 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.
- (4) An exemption:
- (a) must be given in writing; and
 - (b) must be published at www.coronavirus.vic.gov.au/public-events, as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer; 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.
- (5) 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) an exemption (including any conditions on an exemption); or
 - (ii) the requirements of all other Directions currently in force.

Transitional provisions

- (6) Any exemption granted under any revoked Restricted Activity Direction continues to have effect.
- (7) Any application for an exemption made under any revoked Restricted Activity Direction 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.

20 Emergency use and operations

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

21 Relationship with other directions

If there is any inconsistency between these directions and a direction or other requirement contained in a **Direction and Detention Notice**, these directions are inoperative to the extent of the inconsistency.

22 Other definitions

For the purposes of these directions:

- (1) **accommodation facility** has the meaning in clause 16(2);
- (2) **animal facility** means the following:
 - (a) a **zoological park**;
 - (b) a wildlife centre;
 - (c) a petting zoo;
 - (d) an aquarium;
 - (e) an animal farm that is not being operated for the purpose of producing food;
- (3) **authorised officer** has the same meaning as in the PHW Act;
- (4) **bottleshop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the **premises**;
- (5) **brothel** has the same meaning as in the **Sex Work Act 1994**;

- (6) **cardio or strength training facility** means a facility used predominantly for cardio, weight or strength training, including any cardio or strength training facility located wholly or partly within any other facility (including a **physical recreational facility**);
- (7) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (8) **communal or shared space** means toilets, separate hallways, separate foyers or playgrounds at the facility;
- (9) **community facility** has the meaning in clause 9(2);
- (10) **COVID Check-in Marshal** means an employee, or employees, of a facility who monitors compliance with the **records requirement** at all entrances to the facility open to members of the public by checking whether patrons have provided their details prior to entry;
- (11) **COVID Marshal** means an employee or employees of the operator of a facility that have been designated as a COVID Marshal:
 - (a) whose role is to monitor compliance with these directions; and
 - (b) who has successfully completed training provided by the operator that is in accordance with guidance from the **Department**; and
 - (c) who is present at the facility whenever it is operational;
- (12) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (13) **creative arts facility** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) an art studio;
 - (b) a ceramics studio;
 - (c) a music room or studio;
 - (d) a rehearsal room or studio;but does not include:
 - (e) a **physical recreational facility**;
 - (f) a **community facility**;
 - (g) a **place of worship**.
- (14) **density quotient** means the number of members of the public in **an indoor space** and/or **outdoor space** is limited (with infants under one year of age not counting towards this limit) to the number calculated by dividing the total area of the relevant space accessible to members of the public (measured in square metres) by 4;
- (15) **Department** means the Department of Health;
- (16) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No 24)** as amended or replaced from time to time;
- (17) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;

- (18) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (19) **discrete outdoor space** means an **outdoor space** (whether a seated space, non-seated space or a combination of seated and non-seated) where crowding or congregation of people may occur and where either:
- (a) people are attending to participate in a shared purpose or activity; or
Example: an area for participating in a competition
 - (b) people are attending as the audience of the same activity or entertainment;
Example: an area where an audience views a performance on an outdoor stage or watches an outdoor cinema screen.
- (20) **disinfectant** means 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**;
- (21) **eligible public event** has the meaning in clause 19(1)(a);
- (22) **entertainment facility** has the meaning in clause 11(2);
- (23) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (24) **exemption** means an exemption granted by the Chief Health Officer or the Deputy Chief Health Officer for an **eligible public event** or class of eligible public events under clause 19(3) of these directions or the equivalent provision in any **revoked Restricted Activity Direction**;
- (25) **face covering** has the same meaning as in the **Workplace Directions**;
- (26) **food and drink facility** has the meaning in clause 15(2);
- (27) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (28) **gaming machine** has the same meaning as in the **Gambling Regulation Act 2003**;
- (29) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (30) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (31) **hairdressing** has the same meaning as in the **PHW Act**;
- (32) **hairdressing facility** means a business that is registered as a business of **hairdressing** under the **PHW Act**;
- (33) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (34) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a **roof** and **walls** that are temporary (in a **physical recreational facility** or **food and drink facility** only) or permanent structures rising either

from floor to ceiling or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are open or closed;

- (35) **karaoke facility** means a facility used predominately for karaoke by **members of the public**;

Example: a facility with private rooms for use by members of the public for karaoke is a karaoke facility. A bar with one open karaoke stage is not a karaoke facility.

- (36) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;

- (37) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;

- (38) **licensed premises** has the meaning in clause 14(7);

- (39) **licensed tourism operator** means a person:

- (a) granted a tour operator licence under:
 - (i) section 21B of the **Crown Land (Reserves) Act 1978**; or
 - (ii) section 57F of the **Forests Act 1958**; or
 - (iii) section 140I of the **Land Act 1958**; or
 - (iv) section 27D of the **National Parks Act 1975**; or
 - (v) section 21B of the **Wildlife Act 1975**; or
- (b) providing a tour of an entertainment facility.

- (40) **Little River** means the registered locality known as “Little River” to the extent that it is within the **municipal district** under the local government of the Wyndham City Council;

Note: VICNAMES identifies the registered locality known as “Little River” at: www.maps.land.vic.gov.au/lssi/VicnamesUI.jsp.

- (41) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;

- (42) **member of the public**, in relation to a facility or venue, means a person other than:

- (a) a person who is an employee of an operator of the facility or venue; or
- (b) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;

- (43) **Metropolitan Melbourne** has the meaning in clause 5(1) ;

- (44) **municipal district** has the same meaning as in the **Local Government Act 1989**;

- (45) **nightclub** means a facility:

- (a) to which a **late night licence** applies; and
- (b) with a dancefloor; and

- (c) which does not serve food prepared at the facility for consumption on the **premises**;
- (46) **non-seated indoor space** means an **indoor space** that is not a **seated indoor space**;
- (47) **non-seated outdoor space** means an **outdoor space** that is not a **seated outdoor space**;
- (48) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (49) **outdoor space** means a space that is not an **indoor space**;
- (50) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (51) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (52) **physical recreational facility** has the meaning in clause 8(2);
- (53) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (54) **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 a **playground**;
- (55) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**;
- (56) **premises** has the same meaning as in the **PHW Act**;
- (57) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (58) **professional or high-performance sports person** means an individual who meets one or more of the following criteria:
- (a) perform a sporting activity in an open-aged national or international competition (at the highest level as identified by the recognised national body); or
 - (b) employed to perform a sporting activity as their primary source of income (e.g. employed by a professional club or recognised national body); or
 - (c) a National Institute Network Scholarship holder or equivalent level national categorised athlete;
- (59) **Public Event Framework** means the Public Event Framework available at www.coronavirus.vic.gov.au/public-events, as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer;
- (60) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (61) **records requirement** has the same meaning as in the **Workplace Directions**;
- (62) **Regional Victoria** has the meaning in clause 5(2);

- (63) **Restricted Activities Directions (Regional Victoria)** means the **Restricted Activities Directions (Regional Victoria) (No 6)** as amended from time to time;
- (64) **Restricted Activities Directions (Victoria)** means the **Restricted Activities Directions (Victoria) (No 17)** that came into force on 27 May 2021, as amended from time to time;
- (65) **restricted activity period** has the meaning in clause 4;
- (66) **retail betting venue** 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;
- (67) **retail facility** means a **premises**, or part of a premises, at which a business operates to provide for the sale or hire of goods by retail, or the retail provision of services and includes a **market**, **retail shopping centre** and supermarkets;
- (68) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (69) **revoked Restricted Activity Directions** means any of the **Restricted Activity Directions (Victoria)** the **Restricted Activity Directions (Regional Victoria)** or the **Restricted Activity Directions (Metropolitan Melbourne)**, that came into effect on or after 27 May 2021;
- (70) **roof** means any structure or device (whether temporary, fixed or movable) that prevents or significantly impedes upward airflow, including a ceiling or awning;
- (71) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (72) **seated indoor space** means an **indoor space** with fixed seating;
- (73) **seated outdoor space** means an **outdoor space** with fixed seating;
- (74) **seated space** means a **seated indoor space** or a **seated outdoor space**;
- (75) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (76) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (77) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (78) **staffed**, in relation to a facility or venue, means when a **worker** of the facility or venue is present in their capacity as a worker during the operating hours of the facility;
- (79) **State Library** means the State Library Victoria;
- (80) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No 23)** as amended or replaced from time to time;



Adjunct Clinical Professor Brett Sutton

Chief Health Officer, as authorised to exercise emergency powers under sections 20A and 199(2)(a) of the PHW Act.

1 July 2021