



Victoria Government Gazette

No. S 142 Sunday 22 March 2020
By Authority of Victorian Government Printer

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM DEPUTY CHIEF HEALTH OFFICER (COMMUNICABLE DISEASE) IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY

Mass Gatherings Directions (No. 2)

I, Dr Annaliese van Diemen, Deputy Chief Health Officer (Communicable Disease), consider it reasonably necessary to protect public health to give the following directions pursuant to sections 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.):

Preamble

1. These directions replace the **Mass Gatherings Directions** made on 18 March 2020.
2. The purpose of these directions is to prohibit non-essential mass gatherings in order to limit the spread of Novel Coronavirus 2019 (2019-nCoV).

Revocation

3. The Mass Gatherings Directions given on 18 March 2020 pursuant to sections 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.) are revoked.

Citation

4. These directions may be referred to as the **Mass Gatherings Directions (No. 2)**.

Direction

5. A person who owns, controls or operates **premises** in the State of Victoria must not allow a **mass gathering** to occur on the premises between midnight on 21 March 2020 and midnight on 13 April 2020.
6. A person must not organise a mass gathering on premises in the State of Victoria between midnight on 21 March 2020 and midnight on 13 April 2020.
7. A person must not attend a mass gathering on premises in the State of Victoria between midnight on 21 March 2020 and midnight on 13 April 2020.

Definition of mass gathering

8. Subject to paragraph 9 below, a **mass gathering** means:
 - a. a gathering of five hundred (500) or more persons in a single undivided **outdoor space** at the same time; or
 - b. a gathering of one hundred (100) or more persons in a single undivided **indoor space** at the same time; or
 - c. for the purposes of paragraphs 5 and 6 only, a gathering of fewer than 100 persons in a single undivided indoor space, unless:
 - i. the total number of persons present in the indoor space at the same time does not exceed the number calculated by dividing the total area (measured in square metres) of the indoor space by 4; or
 - ii. the gathering is at a person's private residence; or
 - iii. the gathering is in a private vehicle, or a commercial passenger vehicle within the meaning of the **Commercial Passenger Vehicle Industry Act 2017**.

SPECIAL

9. A **mass gathering** does **not** include a gathering:
- a. at an airport that is necessary for the normal business of the airport; or
 - b. for the purposes of or related to public transportation, including in vehicles or at public transportation facilities such as stations, platforms and stops; or
 - c. at a medical or health service facility that is necessary for the normal business of the facilities; or
 - d. for the purposes of emergency services; or
 - e. at a disability or aged care facility that is necessary for the normal business of the facility; or
 - f. at a prison, correctional facility, youth justice centre or other place of custody; or
 - g. at a court or tribunal; or
 - h. at Parliament for the purpose of its normal operations; or
 - i. at a food market, supermarket, grocery store, retail store or shopping centre that is necessary for the normal business of those premises; or
 - j. at an office building, factory, mining site or construction site that is necessary for the normal operation of those premises; or
 - k. at a school, university, educational institution or childcare facility that is necessary for the normal business of the facility; or
 - l. at a hotel, motel or other accommodation facility that is necessary for the normal operation of accommodation services; or
 - m. at an outdoor place where five hundred (500) or more persons may be present for the purposes of transiting through the place; or
Example: Federation Square or Bourke Street Mall.
 - n. specified as exempt from these directions by the Chief Health Officer or a Deputy Chief Health Officer in writing; or
 - o. delivered by an operator who has a social distancing policy approved in writing by the Chief Health Officer or a Deputy Chief Health Officer.
10. For the purposes of paragraph 9(k), a school event that involves members of the community in addition to staff and students is deemed not necessary for the normal business of the facility.

Note: The intended effect of this paragraph is that a school event that involves members of the community in addition to staff and students will be a mass gathering if it involves a gathering of five hundred (500) or more persons in a single undivided outdoor space at the same time, a gathering of one hundred (100) or more persons in a single undivided indoor space at the same time, or a gathering of fewer than 100 persons that does not meet the density requirement. School events include assemblies, sporting events or parent-teacher events.

Note: the exclusions identified in paragraph 9 will be reviewed on a day to day basis and further directions are expected to be issued to remove some of the current exclusions.

Other definitions

11. **Indoor space** means an area, room or premises that is or are substantially enclosed by a roof and walls, regardless of whether the roof or walls or any part of them are –
 - a. permanent or temporary; or
 - b. open or closed.
12. **Outdoor space** means a space that is not an indoor space.
13. **Premises** has the same meaning as in section 3 of the **Public Health and Wellbeing Act 2008** (Vic.).

Prior exemptions and approvals cease to have effect

14. An exemption under paragraph 7(p) of the Mass Gatherings Directions made on 18 March 2020 ceases to have effect when those directions are revoked.
15. An approval of a social distancing policy given under paragraph 7(p) of the Mass Gatherings Directions made on 18 March 2020 does not have effect as an approval for the purposes of paragraph 9(o) of these directions.

PENALTIES

Section 203 of the **Public Health and Wellbeing Act 2008** (Vic.) 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.

Dated 21 March 2020

DR ANNALIESE VAN DIEMEN
Deputy Chief Health Officer (Communicable Disease)
as authorised to exercise emergency powers by the Chief Health Officer
under section 199(2)(a) of the **Public Health and Wellbeing Act 2008** (Vic.).

Public Health and Wellbeing Act 2008

Section 200

**DIRECTIONS FROM DEPUTY CHIEF HEALTH OFFICER (COMMUNICABLE DISEASE)
IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM
DECLARED STATE OF EMERGENCY****Visitors to Residential Aged Care Facilities**

I, Dr Annaliese van Diemen, Deputy Chief Health Officer (Communicable Disease), consider it reasonably necessary to protect public health to give the following directions pursuant to sections 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.):

Preamble

1. The purpose of these directions is to make provision for restricted access to residential aged care facilities in order to limit the spread of Novel Coronavirus 2019 (2019-nCoV) within a particularly vulnerable population.

Citation

2. These directions may be referred to as the **Aged Care Facilities Directions**.

Directions

3. A person must not enter, or remain on, the premises of a **residential aged care facility** in the State of Victoria between 6 pm on 21 March 2020 and midnight on 13 April 2020 unless:
 - a. the person is an employee or contractor of the residential aged care facility; or
 - b. the person's presence at the premises is for the purposes of providing goods or services that are necessary for the effective operation of the residential aged care facility, whether the goods or services are provided for consideration or on a voluntary basis; or
 - c. the person's presence at the premises is for the purposes of providing health, medical or pharmaceutical goods or services to a resident of the residential aged care facility, whether the goods or services are provided for consideration or on a voluntary basis; or
 - d. the person's presence at the premises is for the purposes of a **care and support visit** to a resident of the residential aged care facility on a particular day, and is the only care and support visit made to the resident on that day; or
 - e. the person's presence at the premises is for the purposes of end of life support for a resident of the residential aged care facility; or
 - f. the person's presence at the premises is required for the purposes of emergency management or law enforcement; or
 - g. the person's presence at the premises is in the person's capacity as a prospective resident of the residential aged care facility, or the person is accompanying a prospective resident (provided there are no more than two persons accompanying the prospective resident).
4. Despite paragraph 3, a person referred to in paragraph 3(a), (b), (c), (d), (e), (f) or (g) must not enter or remain on the premises of a residential aged care facility in the State of Victoria between noon on 18 March 2020 and midnight on 13 April 2020 if:
 - a. during the 14 days immediately preceding the entry, the person arrived in Australia from a place outside Australia; or
 - b. during the 14 days immediately preceding the entry, the person had known contact with a person who has a confirmed case of 2019-nCoV; or
 - c. the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection; or

- d. the person does not have an up to date vaccination against influenza, if such a vaccination is available to the person; or
 - e. the person is aged under 16 years, other than in circumstances where the person's presence at the premises is for the purposes of end of life support for a resident of the residential aged care facility.
5. The operator of a residential aged care facility in the State of Victoria must take all reasonable steps to ensure that a person does not enter or remain on the premises of the residential aged care facility if the person is prohibited from doing so under paragraph 3 or 4.
 6. Nothing in paragraph 3, 4 or 5 is to be taken to prevent a resident of a residential aged care facility from entering or remaining upon the premises of the residential aged care facility.

Definitions

For the purposes of these directions:

7. **Care and support visit**, in relation to a resident of a residential aged care facility, means a visit of no longer than 2 hours made to the resident by one person, or two persons together, for the purposes of providing care and support to the resident;
8. **Flexible care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth.
9. **Operator** of a residential aged care facility means a person who owns, controls or operates the residential aged care facility.
10. **Residential aged care facility** means a facility at which accommodation, and personal care or nursing care or both, are provided to a person in respect of whom a residential care subsidy or a flexible care subsidy is payable under the **Aged Care Act 1997** of the Commonwealth.
11. **Residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth.

PENALTIES

Section 203 of the **Public Health and Wellbeing Act 2008** (Vic.) 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.

Dated 21 March 2020

DR ANNALIESE VAN DIEMEN
Deputy Chief Health Officer (Communicable Disease)
as authorised to exercise emergency powers by the Chief Health Officer
under section 199(2)(a) of the **Public Health and Wellbeing Act 2008** (Vic.).

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