



Victoria Government Gazette

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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

Restricted Activity Directions (No. 8)

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

1 Preamble

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings in order to limit the spread of Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions replace the **Restricted Activity Directions (No. 7)**, and permit publicly accessible playgrounds, skateparks and outdoor communal gym equipment to operate.
- (3) These directions must be read together with the **Stay at Home Directions (No. 7)** given on 25 May 2020.

2 Revocation

The **Restricted Activity Directions (No. 7)** are revoked with effect from 11:59:00 pm on 25 May 2020.

3 Citation

- (1) These directions may be referred to as the **Restricted Activity Directions (No. 8)**.
- (2) A reference in any other direction to the **Restricted Activity Directions (No. 6)** or **Restricted Activity Directions (No. 7)** is taken to be a reference to these directions.

3A Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00 pm on 25 May 2020 and ending at 11:59:00 pm on 31 May 2020.

4 Definition of density quotient

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

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

5 Pubs, bars, clubs, nightclubs and hotels

- (1) A person who owns, controls or operates a **licensed premises** in Victoria must not operate that premises during the restricted activity period.
- (2) A **licensed premises** means a business characterised as a pub, bar, club, nightclub or hotel that supplies alcohol under a **general licence**, an **on-premises licence** or a **club licence**.
- (3) Despite subclause (1), a person who owns, controls or operates a licensed premises may operate that premises for the purposes of:
 - (a) operating a **bottleshop**;
 - (b) providing food or drink to be consumed off the premises; or
 - (c) providing accommodation.

SPECIAL

6 Physical recreational facilities

- (1) A person who owns, controls or operates a **physical recreational facility** in Victoria must not operate that facility during the restricted activity period.
- (2) A **physical recreational facility** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a facility used predominantly for indoor physical recreation;
Examples: a gymnasium, indoor swimming pool, health clubs, fitness centres, yoga studio, barre and spin facility, sauna, bathhouse, wellness centre and health studio.
 - (b) subject to subclause (6), an outdoor facility that is used for outdoor sport and recreation;
 - (c) a **personal training facility**; or
 - (d) a **play centre**.

Permitted operations – outdoor activities

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

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

Permitted operations – professional sport

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

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

Permitted operations – outdoor facilities

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

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

6A Community facilities

- (1) A person who owns, controls or operates a **community facility** may operate that facility during the restricted activity period only for the purpose of:
- (a) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise);
Examples: a food bank, a service for homeless persons.
 - (b) hosting a support group; or
Examples: for alcohol and drugs, family violence, and parenting.
 - (c) hosting a wedding or funeral.

Restrictions – support groups

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

Restrictions – weddings and funerals

- (3) A person who operates a facility under subclause (1)(c):
- (a) must not host a wedding or funeral, unless that wedding or funeral complies with the requirements of the **Stay at Home Directions (No. 7)**; and
Note: the Stay at Home Directions (No. 7) limit the number of people who may attend a wedding or funeral.
 - (b) must request that each person who attends the wedding or funeral provide:
 - (i) their first name; and
 - (ii) a contact phone number;and, if provided by the person, must keep a record of those details, and the date and time at which the person attended the facility.
- (4) A **community facility** means any of the following, whether operated on a for-profit or not-for-profit basis:
- (a) a community centre or community hall;
 - (b) a public library (including a toy library); or
 - (c) a youth centre.

7 Entertainment facilities

- (1) A person who owns, controls or operates an entertainment facility in Victoria must not operate that facility during the restricted activity period.
- (2) An entertainment facility means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a theatre;

- (b) a cinema;
- (c) a music hall, concert hall or auditorium;
- (ca) a gallery or a museum;
- (d) an arena, stadium or convention centre;
- (e) an arcade;
- (f) an amusement park;
- (g) a casino;
- (h) a premises, the predominant purpose of which is to allow a person to participate in an **approved betting competition** or place a wager on a **wagering event**;
- (i) an **approved venue**; or
- (j) a **brothel, sex on premises venue, strip club, escort agency** or other adult entertainment venue.

Permitted operations – broadcast

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

Permitted operations – professional sport

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

Note: physical recreational facilities located at an arena or stadium must comply with the requirements in clause 6(5).
 - (b) providing a venue for a professional sporting event.
- (6) A person who operates a facility under subclause (5) must:
 - (a) request that each person who attends provide:
 - (i) their first name; and
 - (ii) a contact phone number,

and, if provided by the person, must keep a record of those details, and the date and time at which the person attended the facility;
 - (b) only permit persons to attend the facility if necessary for the professional sporting event or training and the broadcasting of that event to occur; and

Note: Spectators are not necessary and not permitted for professional sporting events.
 - (c) use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

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

8 Places of worship

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

- (a) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise);
Examples: a food bank, a service for homeless persons.
- (b) hosting a support group;
Examples: for alcohol and drugs, family violence, and parenting.
- (c) conducting a ceremony (including if the ceremony is to be broadcast, live or otherwise, via electronic means) or permitting private worship; or
- (d) hosting a wedding or funeral.

Restrictions – support groups and ceremonies

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

Restrictions – ceremonies, weddings and funerals

- (3) A person who operates a place of worship under subclauses (1)(c) or (1)(d):
 - (a) must not host a wedding or funeral, unless that wedding or funeral complies with the requirements of the **Stay at Home Directions (No. 7)**; and
Note: the Stay at Home Directions (No. 7) limit the number of people who may attend a wedding or funeral.
 - (b) must request that each person who attends the wedding or funeral or ceremony provide:
 - (i) their first name; and
 - (ii) a contact phone number,and, if provided by the person, must keep a record of those details, and the date and time at which the person attended the place of worship.

9 **Restricted retail facilities**

- (1) A person who owns, controls or operates a **restricted retail facility** in Victoria must not operate that facility during the restricted activity period.
- (2) A **restricted retail facility** means the following:
 - (a) a **beauty and personal care facility**;
 - (b) an auction house; or
 - (c) a market stall.

Permitted operations – auction houses

- (3) Despite subclause (1), a person who owns, controls or operates an auction house may operate that auction house for the purpose of conducting an auction:
 - (a) to be attended remotely by members of the public; or
 - (b) at the premises of the auction house, to be attended in person by no more than 10 members of the public (whether or not also attended remotely by other members of the public), in addition to the person(s) reasonably required to conduct the auction.
- (4) A person who owns, controls or operates an auction house during the restricted activity period must request that each person attending the premises provide:

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

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

Permitted operations – market stalls and markets

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

Restrictions – density quotient

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

Restrictions – hairdressers

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

10 Food and drink facilities

- (1) A person who owns, controls or operates a **food and drink facility** in Victoria must not operate that facility during the restricted activity period.
- (2) A **food and drink facility** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a cafe;
 - (b) a restaurant;
 - (c) a fast-food store;
 - (d) a cafeteria;
 - (e) a canteen.

Permitted operations

- (3) Despite subclause (1), a person who owns, controls or operates a food and drink facility may operate that facility:
 - (a) for the purposes of providing food or drink to be consumed off the premises; or
Note: This paragraph permits both delivery and collection of takeaway food and drink.
 - (b) if the food and drink facility is located inside a **food court**, for the purpose of providing food or drink to be consumed outside a food court; or
 - (c) if the facility is located:
 - (i) on the premises of a hospital, if the facility is located within an area of the hospital that has been exempted from the operation of the **Hospital Visitors Directions (No. 3)** pursuant to clause 7 of those directions;

- (ii) on the premises of a residential aged care facility;
 - (iii) on the premises of a childcare centre, early childhood centre or school;
 - (iv) on the premises of a prison, correctional facility, youth justice centre or other place of custody;
 - (v) on land that is owned or held under lease by the Commonwealth and used, or intended for use, for the purposes of defence;
 - (vi) on premises that have a dedicated area for the purposes of providing food and drink to drivers of **fatigue-regulated heavy vehicles**; or
 - (vii) on the premises of a workplace, if the facility provides food or drink only to persons who work at the workplace; or
- (d) for the purposes of providing food or drink to homeless persons.
- (4) A person who owns, operates or controls a food or drink facility that is permitted to operate:
- (a) under subclause (3)(c)(vi), must not permit a person to remain in the dedicated area for longer than one hour at a time; or
 - (b) under subclause (3)(c)(vii), must not permit a person to remain in any dining area for longer than one hour at a time.

11 Accommodation facilities

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

Permitted operations

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

12 Swimming pools

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

Permitted operations – professional sport

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

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

13 Animal facilities

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

14 Real estate auctions and inspections

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

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

- (a) request that each person attending the premises provide:
 - (i) their first name; and
 - (ii) a contact phone number,and, if provided, must keep a record of those details, and the date and time at which the person attended the premises; and
- (b) not permit the number of people in a single undivided indoor space to exceed the density quotient.

15 Signage and cleaning requirements

Signage

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

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

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

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

Cleaning

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

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

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

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

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

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

16 Other definitions

For the purposes of these directions:

- (1) **accommodation facility** has the meaning in clause 11(2);
- (2) **approved betting competition** has the same meaning as in the **Gambling Regulation Act 2003**;

- (3) **approved venue** has the same meaning as in the **Gambling Regulation Act 2003**;
- (4) **a beauty and personal care facility** means the following:
 - (a) a beauty therapy salon, tanning salon, waxing salon or nail salon;
 - (b) a spa;
 - (c) a massage parlour;
 - (d) a tattoo or piercing parlour.
- (5) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (6) **bottleshop** means an area:
 - (a) that is physically attached to a licensed premises, as defined in clause 5(2); and
 - (b) where packaged alcohol is sold to be consumed off the premises;
- (7) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (8) **club license** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (9) **community facility** has the meaning in clause 6A(4);
- (10) **density quotient** has the meaning in clause 4;
- (11) **entertainment facility** has the meaning in clause 7(2);
- (12) **escort agency** has the same meaning as in the **Sex Work Act 1994**;
- (13) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (14) **fatigue-regulated heavy vehicle** has the same meaning as in the **Heavy Vehicle National Law (Victoria)**;
- (15) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (16) **food and drink facility** has the meaning in clause 10(2);
- (17) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (18) **hairdressing** has the same meaning as in the **PHW Act**;
- (19) **hospital** has the same meaning as in the **Hospital Visitors Directions (No. 3)**;
- (20) **personal training facility** means a business the predominant activity of which is to provide personal training services.
- (21) **indoor space** means an area, room or premises that is or are substantially enclosed by a roof and walls, regardless of whether the roof or walls or any part of them are –
 - (a) permanent or temporary; or
 - (b) open or closed;
- (22) **member of the public** does not include a person who is an employee of an operator of a facility, or any other person who attends the facility for the purpose of operating the facility or providing a service at the facility;
- (23) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (24) **open retail facility** means a retail facility that is not prohibited from operating by these directions, and includes a restricted retail facility to the extent that it is permitted to operate;
- (25) **outdoor space** means a space that is not an indoor space;
- (26) **premises** has the same meaning as in the **PHW Act**;
- (27) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (28) **play centre** means a premises, whether indoor or outdoor, that has play equipment to be used predominantly by children under the age of 12 years, but does not mean play equipment in a public park;

- (29) **physical recreational facility** has the meaning in clause 6(2);
- (30) **residential aged care facility** has the same meaning as in the **Care Facilities Directions (No. 3)**;
- (31) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (32) **restricted activity period** has the meaning in clause 3A;
- (33) **restricted retail facility** has the meaning in clause 9(2);
- (34) **retail facility** includes any facility that is used wholly or predominantly for:
 - (a) the sale or hire of goods by retail; or
 - (b) the retail provision of services;
- (35) **sex on premises venue** has the same meaning as in section 3B of the **Sex Work Act 1994**;
- (36) **wagering event** has the same meaning as in the **Gambling Regulation Act 2003**; or
- (37) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

17 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.
 - Penalty: In the case of a natural person, 120 penalty units.
 - In the case of a body corporate, 600 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.

Dated 24 May 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 PHW Act

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****Stay at Home Directions (No. 7)**

I, Dr Annaliese van Diemen, Deputy Chief Health Officer (Communicable Disease), consider it reasonably necessary to protect public health to give the following directions pursuant to section 200(1)(b) and (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 address the serious public health risk posed to Victoria by Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions require everyone in Victoria to limit their interactions with others by:
 - (a) restricting the circumstances in which they may leave the premises where they ordinarily reside; and
 - (b) placing restrictions on gatherings.
- (3) These directions must be read together with the **Restricted Activity Directions (No. 8)**, the **Diagnosed Persons and Close Contacts Directions**, the **Hospital Visitor Directions (No. 3)** and the **Care Facilities Directions (No. 3)**.
- (4) These directions replace the **Stay at Home Directions (No. 6)**, and, amongst other things facilitate students returning to school or another educational facility.

2 Citation

- (1) These directions may be referred to as the **Stay at Home Directions (No. 7)**.
- (2) A reference in any other direction to the **Stay at Home Directions (No. 5)** and **Stay at Home Directions (No. 6)** is taken to be a reference to these directions.

3 Revocation

The **Stay at Home Directions (No. 6)** are revoked with effect from 11.59.00pm on 25 May 2020.

4 Stay at home period

For the purposes of these directions, the **stay at home period** is the period beginning at 11.59.00 pm on 25 May 2020 and ending at 11.59.00 pm on 31 May 2020.

PART 2 – STAY AT HOME**5 Direction – stay at home other than in specified circumstances***Requirement to stay at home*

- (1) A person who is in Victoria during the **stay at home period** must not leave the premises where the person ordinarily resides, other than for one or more of the reasons specified in:
 - (a) clause 6 (*necessary goods or services*);
 - (b) clause 7 (*care or other compassionate reasons*);
 - (c) clause 8 (*work or education*);
 - (d) clause 9 (*exercise or recreation*);
 - (e) clause 9A (*visiting family or friends*); or
 - (f) clause 10 (*other specified reasons*).

Note 1: a person may have more than one ordinary place of residence and, if so, is able to move freely between those places: see subclause (5) and clause 10(1)(i).

Note 2: a person may leave the premises at which they ordinarily reside using transport (public or private) to access a place for a permitted purpose, regardless of how many people are on the tram, train, or bus. A group of people from the same premises, or people from different premises, may travel together in a car to a place for a permitted purpose, subject to the restrictions on gatherings in clause 11.

Ordinary place of residence

- (2) Subject to subclause (3), subclause (1) does not apply to a person at any time during the stay at home period when the person:
 - (a) does not have an ordinary place of residence; or
 - (b) has an ordinary place of residence, but that place is temporarily unavailable or is unavailable because of a risk of harm (including harm relating to family violence or violence of another person at the premises).
- (3) If a suitable premises is made available for a person identified in subclause (2) to reside at for the stay at home period (or part thereof):
 - (a) that premises is taken to be the person's ordinary place of residence for the period (or part thereof); and
 - (b) subclause (1) applies accordingly.
- (4) If a person ordinarily resides outside Victoria, the premises where that person is temporarily residing in Victoria during the stay at home period (or part thereof) is taken to be the person's ordinary place of residence for the period (or part thereof).
- (5) If a person has more than one premises at which they ordinarily reside, including a child under a shared parenting arrangement, each such premises is taken to be the person's ordinary place of residence for the stay at home period.

Examples: a person works in the city during the week and resides at one premises during that time, but returns to a different premises at the weekend; a child who lives at different premises under a shared parenting arrangement.

- (6) If, during the stay at home period, a person moves from the premises at which they ordinarily reside to a new premises, the new premises is taken to be the premises at which the person ordinarily resides from midnight on the day that the person moves.

PART 3 – REASONS TO LEAVE PREMISES

6 Leaving premises to obtain necessary goods or services

- (1) A person may leave the premises to obtain:
 - (a) food or drink;
 - (b) goods and services for health or medical purposes; or
 - (c) other goods or services that the person believes are necessary including, but not limited to, goods or services provided by:
 - (i) a financial institution;
 - (ii) a government body or government agency;
 - (iii) a post office;
 - (iv) a **pharmacy**;
 - (v) a hardware store;
 - (vi) a petrol station;
 - (vii) a pet store or veterinary clinic; or
 - (viii) an **open retail facility**.
- (2) A person may leave the premises for purposes relating to, or associated with, **dealing in residential property**.

*Example: a person may leave their premises to attend an inspection or auction conducted in accordance with the **Restricted Activity Directions (No. 8)**. This can be for rental or sales of property.*

7 Leaving premises for care or other compassionate reasons

- (1) A person may leave the premises:
- (a) to meet obligations in relation to shared parenting arrangements, whether the arrangements are under a court order or otherwise;
 - (b) if the person is a parent or guardian of a child:
 - (i) to visit the child if the child is in detention, or in the care of another person;
 - (ii) to meet any obligations in relation to care and support for that child;
 - (iii) to take the child to:
 - (A) another person's premises for the purpose of that other person providing child-minding assistance (whether on a paid or voluntary basis); or
 - (B) a childcare facility or an early childhood educational facility; so that the parent or guardian can:
 - (C) do one of the things specified in clauses 6 (necessary goods or services), 7 (care), 8 (work or education), 9 (exercise or recreation), 9A (visiting family or friends) or 10 (other specified reasons); or
 - (D) work, or obtain educational services, from their own premises;
 - (c) to take the child to school or an educational facility;
 - (d) to provide childcare, early childhood education or schooling to a child or young person, including a child or young person who is vulnerable because the child or young person:
 - (i) resides in the care of the State; or
 - (ii) is deemed vulnerable by a government agency, or funded family or family violence service, and is assessed as requiring education and care outside the family home;
 - (e) to provide care and support to a relative or other person:
 - (i) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or
 - (ii) because of matters relating to the relative or other person's health (including mental health or pregnancy);
 - (f) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions (No. 3)**, including for a care and support visit;
 - (g) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions (No. 3)**, including for a **care and support visit**;
 - (h) to attend a funeral or wedding, if that funeral or wedding complies with the requirements in clause 11;
 - (i) to donate blood;
 - (j) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises;
 - (k) visit a person with whom they are in an intimate personal relationship;
 - (l) to provide child-minding assistance (whether on a paid or voluntary basis), so that the parent or guardian of a child can:

- (i) leave their own premises for one of the purposes specified in clauses 6 (necessary goods or services), 7 (care), 8 (work or education), 9 (exercise or recreation), 9A (visiting family or friends) or 10 (other specified reasons); or
- (ii) work, or obtain educational services, from their own premises; or
- (m) to visit a cemetery.

8 Leaving premises to attend work or education

- (1) Subject to subclause (2), a person may leave the premises to:
 - (a) attend work (whether paid or voluntary, including for charitable or religious purposes); or
 - (b) obtain educational services (which includes going to school or another educational facility); or
 - (c) do anything necessary to attend work or obtain educational services including, but not limited to taking a child to:
 - (i) a place permitted by clause 7(1)(b)(iii); or
 - (ii) a school or other educational facility; or
 - (d) attend a lesson to operate a **vehicle**, or to practise for the purposes of obtaining a licence to operate a vehicle.
- (2) A person may leave the premises under subclause 8(1)(a) to (c) only if it is not reasonably practicable for the person:
 - (a) to work from the premises; or
 - (b) to obtain the educational services from the premises.

Note: If a school has resumed on-site schooling for a particular level, then in most cases it is not reasonably practicable for:

- (a) a child enrolled at that school in that particular level to obtain those educational services; or
- (b) a teacher at that school teaching that particular level to work, from the premises where they ordinarily reside, so they may leave those premises for these purposes.

9 Leaving premises for exercise or recreation activity

- (1) A person may leave the premises to visit an open public place for:
 - (a) exercise, including participating in a sporting activity; or
Note: exercise under this clause does not include professional sport.
 - (b) a recreational purpose.
Examples: visiting a local park for relaxing or a picnic; fishing, boating, hiking, hunting, prospecting, diving, etc.
Note: subclause (2) imposes some restrictions on these activities.

Restrictions

- (2) A person who leaves the premises for a purpose specified in subclause (1) must:
 - (a) comply with the restrictions on gatherings in clause 11;
 - (b) take reasonable steps to maintain a distance of 1.5 metres from all other persons;
 - (c) where participation (including travelling to a place to participate) is for an unreasonable period of time;
Note: travelling to a place for exercise or recreation should involve a day trip only, not an overnight stay.
 - (d) not participate in any exercise (including a sporting activity):

- (i) in an **indoor space**;
- (ii) as part of an organised competition;
- (iii) that requires participants to come within 1.5 metres of each other.

Note: a person can still exercise at the premises at which they ordinarily reside.

- (3) Nothing in subclause (2) prevents a person from walking within 1.5 metres of another person or persons for the purposes of exercise.

Note: the limit on the number of people who may gather together outside is in clause 11(2). If attending an exercise class, the people reasonably required to perform the class are additional.

9A Leaving premises to visit family or friends

A person may leave the premises to visit the premises of family or friends.

Note 1: the limit on the number of people who may visit a premises is in clause 11(1)(g).

Note 2: travelling to visit family or friends should involve a day trip only, not an overnight stay.

10 Leaving premises for other reasons

- (1) A person may leave the premises in the following circumstances:
- (a) for emergency purposes;
 - (b) as required or authorised by law;
 - (ba) for purposes relating to the administration of justice, including, but not limited to, attending:
 - (i) a police station;
 - (ii) a court or other premises for purposes relating to the justice or law enforcement system;
 - (c) if the premises at which the person ordinarily resides is no longer available for the person to reside at or is no longer suitable for the person to reside at;
 - (d) to attend a **place of worship**, if, if that place of worship is operating in accordance with the **Restricted Activity Directions (No. 8)**;
 - (e) to attend a **community facility**, if that facility is operating in accordance with the **Restricted Activity Directions (No. 8)**;
 - (f) for the purposes of moving to a new premises at which the person will ordinarily reside;
 - (g) if the person ordinarily resides outside Victoria, for the purposes of leaving Victoria;
 - (h) if the person is permitted to leave Australia, for the purposes of leaving Australia;
 - (i) if the person ordinarily resides at more than one premises, for the purposes of moving between those premises; or
 - (j) for the purposes of **national security**.

PART 4 – GATHERINGS

11 Restrictions on gatherings

Private gatherings

- (1) During the stay at home period, a person must not permit another person to enter the premises at which they ordinarily reside, unless:
- (a) the other person also ordinarily resides at the premises;
 - (b) the person is residing at the premises in accordance with the **Diagnosed Persons and Close Contacts Directions**;

- (c) it is necessary for the other person to enter the premises for one or more of the purposes specified in clauses 7 (care) or 8 (work or education);

Examples: a tradesperson for the purpose of carrying out repairs; a nanny or relative for the purpose of providing childminding assistance.

- (d) it is necessary for the other person to enter for the purposes of attending an inspection of the premises, organised in accordance with the **Restricted Activity Directions (No. 8)**;
- (e) it is necessary for the other person to enter for medical or emergency purposes;
- (f) the entry is required or authorised by law; or
- (g) the entry is for a purpose specified in clause 7(1)(h), 7(1)(k) or clause 9A (visiting family or friends) but only if:
- (i) at the time of entry, no more than four other persons (who do not ordinarily reside at the premises) are at the premises for a purpose specified in clauses 7(1)(h), 7(1)(k), or 9A (visiting family or friends); and
 - (ii) the entry is not for the purposes of exercise (including a sporting activity) or recreation.

Note: under clause 11(1)(g) the limit on the number of people who may visit a premises (at which they do not ordinarily reside) at any one time is five.

Public gatherings

- (2) During the stay at home period, a person must not arrange to meet with more than nine other persons at an open public place, except:

Note: under clause 11(2) the limit on the number of people who may meet in an open public place at any one time is ten.

- (a) where each other person ordinarily resides at the same premises;
- (b) for the purpose of attending a wedding that complies with the requirements in subclause (3);
- (c) for the purpose of attending a funeral that complies with the requirements in subclause (4); or
- (d) if it is necessary to arrange a meeting for one or more of the purposes specified in clauses 7 (care), 8 (work and education) or 10 (other specified reasons).

*Example: work includes operating a bootcamp: see clause 6(3) of the **Restricted Activity Directions (No. 8)**.*

Weddings and funerals

- (3) The requirements for a wedding are that:

- (a) it involves only:
 - (i) the two persons being married; and
 - (ii) the **authorised celebrant**; and
 - (iii) no more than 10 other guests including two persons witnessing the marriage for the purposes of section 44 of the **Marriage Act 1961** of the Commonwealth; and
- (b) in any case, if the wedding is held in a single undivided indoor space, the total number of persons present at the same time in the space must not exceed the **density quotient**.

- (4) The requirements for a funeral are that:

- (a) it involves no more than:
 - (i) 30 persons if held in an **outdoor space**; or

- (ii) 20 persons if held in an indoor space, (excluding persons reasonably necessary for the conduct of the funeral); and
- (b) in any case, if the funeral is held in a single undivided indoor space, the total number of persons present at the same time in the space must not exceed the density quotient.

PART 5 – OTHER PROVISIONS

12 Relationship with other Directions

- (1) If there is any inconsistency between Parts 2 and 3 of these directions and the **Diagnosed Persons and Close Contacts Directions** Parts 2 and 3 of these directions are inoperative 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.

13 Definitions

For the purposes of these directions:

- (1) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (2) **care facility** has the same meaning as in the **Care Facilities Directions (No. 3)**;
- (3) **care and support visit** means a visit of no longer than 2 hours made to a patient of a hospital, or a resident of a care facility, by one person, or two persons together, for the purposes of providing care and support to the patient or resident, as the case requires;
- (4) **community facility** has the same meaning as in the **Restricted Activity Directions (No. 8)**;
- (5) **dealing** with residential property of a person includes:
 - (a) creating, acquiring, disposing of or assigning an interest in the property;
 - (b) receiving or making a gift of the property;
 - (c) using the property to obtain or extend credit; and
 - (d) using credit secured against the property;
- (6) **density quotient** of a single undivided indoor space is the number calculated by dividing the total area of the space (measured in square metres) by 4;

Note: If an indoor space is 8.5 metres long and 4.5 metres wide, its total area is 38.25 square metres. Its density quotient is 9.56, so no more than 9 people would be permitted to be in the indoor space at one time.
- (7) **Direction and Detention Notice** means a notice given to a person who has arrived in Victoria from overseas, requiring the person to be detained for a specified period;
- (8) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 3)**;
- (9) **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;
- (10) **interest**, in relation to residential property, means:
 - (a) a legal or equitable estate or interest in the property; or
 - (b) a right, power or privilege over, or in connection with, the property;
- (11) **national security** has the meaning that **security** has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (12) **open retail facility** has the same meaning as **Restricted Activity Directions (No. 8)**;

- (13) **outdoor space** has the same meaning as in the **Restricted Activity Directions (No. 8)**;
- (14) **patient** has the same meaning as in the **Hospital Visitor Directions (No. 3)**;
- (15) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (16) **place of worship** has the same meaning as in the **Restricted Activity Directions (No. 8)**;
- (17) **premises** means:
 - (a) a building, or part of a building; and
 - (b) any land on which the building is located, other than land that is available for communal use;
- (18) **residential property** has the same meaning as in the **Estate Agents Act 1980**; and
- (19) **vehicle** has the same meaning as in the **PHW Act**.

14 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.
Penalty: In the case of a natural person, 120 penalty units.
In the case of a body corporate, 600 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.

Dated 24 May 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 PHW Act

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