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Public Health and Wellbeing Act 2008

EXTENSION OF DECLARATION OF A STATE OF EMERGENCY

(Section 198(7)(c))

On 16 March 2020, under section 198(1) of the **Public Health and Wellbeing Act 2008** (Act), I made a declaration of a state of emergency throughout the State of Victoria arising out of the serious risk to public health in Victoria from Novel Coronavirus 2019 (2019-nCoV) (Declaration).

I extended the Declaration under section 198(7)(c) of the Act on:

- 12 April 2020 (effective midnight on 13 April 2020); and
- 11 May 2020 (effective midnight on 11 May 2020).

Now, under section 198(7)(c) of the Act, I, the Hon. Jenny Mikakos, Minister for Health, on the further advice of the Chief Health Officer and after further consultation with the Minister and the Emergency Management Commissioner under the **Emergency Management Act 2013**, extend the Declaration due to the ongoing serious risk to public health throughout Victoria from 2019-nCoV.

This extension takes effect at 11:59:00 pm on 31 May 2020 and remains in force until 11:59:00 pm on 21 June 2020.

Dated 31 May 2020

JENNY MIKAKOS MP
Minister for Health

SPECIAL

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****Care Facilities Directions (No. 4)**

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**):

1 Preamble

- (1) The purpose of these directions is to make provision for restricted access to care facilities in order to limit the spread of Novel Coronavirus 2019 (**2019-nCoV**) within a particularly vulnerable population.
- (2) These directions replace the **Care Facilities Directions (No. 3)**, and permit a resident of a care facility to have up to 2 care and support visits each day, provided the total duration of such visits is no longer than 2 hours and the total number of visitors is no more than 2.

2 Revocation

The **Care Facilities Directions (No. 3)** are revoked at 11:59:00 pm on 31 May 2020.

3 Citation

- (1) These directions may be referred to as the **Care Facilities Directions (No. 4)**.
- (2) A reference in any other direction to the **Care Facilities Directions (No. 3)** is taken to be a reference to these directions.

4 Definition of care facility

A **care facility** is a facility in Victoria that is:

- (1) an **alcohol and drug residential service**;
- (2) a **homelessness residential service**;
- (3) a **residential aged care facility**;
- (4) a **disability residential service**;
- (5) an **eligible SDA enrolled dwelling**;
- (6) a **secure welfare service**;
- (7) a **short-term accommodation and assistance dwelling**;
- (8) a **supported residential service**;
- (9) the **Thomas Embling Hospital**.

5 Prohibition on entry

- (1) A person must not enter, or remain on, the premises of a **care facility** between (and including) 11:59:00 pm on 31 May 2020 and 11:59:00 pm on 21 June 2020 unless:
 - (a) the person is a **resident** of the facility; or
 - (b) the person is a **worker** in relation to the facility, as defined in clause 6; or
 - (c) the person is a **visitor** in relation to the facility, as defined in clause 7.

Excluded persons

- (2) Despite subclause (1), a person who is a worker or a visitor in relation to a care facility must not enter, or remain on, the premises of the facility between (and including) 11:59:00 pm on 31 May 2020 and 11:59:00 pm on 21 June 2020 if:

- (a) the person has been diagnosed with 2019-nCov, and has not yet been given, or taken to have been given, clearance from self-isolation under the **Diagnosed Persons and Close Contacts Directions (No. 2)**; or
 - (b) during the 14 days immediately preceding the entry, the person arrived in Australia from a place outside Australia; or
 - (c) during the 14 days immediately preceding the entry, the person had known contact with a person who has been diagnosed with 2019-nCoV; or
- Note: a person who has had known contact with a person who has been diagnosed with 2019-nCoV may also be required to self-quarantine under the Diagnosed Persons and Close Contacts Directions (No. 2).*
- (d) the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection; or
 - (e) if the facility is a residential aged care facility – the person does not have an up to date vaccination against influenza, if such a vaccination is available to the person; or
 - (f) the person is aged under 16 years, other than:
 - (i) in circumstances where the person’s presence at the premises is for the purposes of end of life support for a resident of the facility; or
 - (ii) if the facility is a secure welfare service or a supported residential service and the person is accompanied by an adult; or
 - (iii) if the facility is an alcohol and drug residential service and the person is accompanied by an adult.

6 Definition of worker

- (1) A person is a **worker** in relation to a care facility if:
 - (a) the person is the **operator** of the facility or an **employee or contractor** in relation to the facility; or
 - (b) the person’s presence at the premises of the facility is for the purposes of providing goods or services that are necessary for the effective operation of the facility, whether the goods or services are provided for consideration or on a voluntary basis; or
 - (c) the person’s presence at the premises of the facility is for the purposes of providing any of the following goods or services to a resident of the facility, whether the goods or services are provided for consideration or on a voluntary basis:
 - (i) health, medical, or pharmaceutical goods or services;
 - (ii) behavioural support services;
 - (iii) other support services; or
 - (d) in the case of a disability residential service or an eligible SDA enrolled dwelling – the person’s presence at the premises of the facility is for the purposes of providing treatment under a **treatment plan** to a resident of the facility, whether the treatment is provided for consideration or on a voluntary basis; or
 - (e) in the case of a secure welfare service – the person’s presence at the premises of the facility is for the purposes of providing educational services to a resident of the facility, whether the goods or services are provided for consideration or on a voluntary basis; or
 - (f) the person’s presence at the premises of the facility is authorised or required for the purposes of emergency management, law enforcement, or the performance of a duty, function or power under a law.

7 Definition of visitor

- (1) A person is a **visitor** in relation to a care facility if the person's presence at the premises of the facility is:
 - (a) for the purposes of a **care and support visit** to a resident of the facility; or
 - (b) for the purposes of providing end of life support to a resident of the facility; or
 - (c) in the person's capacity as a prospective resident of the facility (if applicable); or
 - (d) for the purposes of accompanying a prospective resident (provided there are no more than 2 persons accompanying the prospective resident).
- (2) **Care and support visit** means a visit of no longer than 2 hours made to a resident of a care facility by one person, or 2 persons together, for the purposes of providing care and support to the resident.
- (3) A resident may have up to 2 care and support visits each day, provided:
 - (a) the total duration of a resident's care and support visits each day does not exceed 2 hours; and
 - (b) a resident receives care and support visits from no more than 2 persons in total each day.

8 Operator to take all reasonable steps

The operator of a care facility in Victoria must take all reasonable steps to ensure that a person does not enter or remain on the premises of the facility if the person is prohibited from doing so by clause 5.

9 Definitions

For the purposes of these directions:

- (1) **alcohol and drug residential service** means any of the following:
 - (a) a treatment centre within the meaning of the **Severe Substance Dependence Treatment Act 2010**;
 - (b) a residential treatment service (however described) that provides drug or alcohol withdrawal or rehabilitation services in a residential setting to people dependent on alcohol or other drugs;
 - (c) a service that provides supported accommodation to a person after the person has received residential treatment services of the kind referred to in paragraph (b);
- (2) **disability residential service** means a residential service within the meaning of the **Disability Act 2006** and to avoid doubt, includes the facility called the Intensive Residential Treatment Program of the Statewide Forensic Service;

Note: the Intensive Residential Treatment Program of the Statewide Forensic Service is often referred to as 'DFATS'.
- (3) **eligible SDA enrolled dwelling** means an SDA enrolled dwelling that is provided under an SDA residency agreement within the meaning of section 498B of the **Residential Tenancies Act 1997**;
- (4) **employee or contractor**, in relation to a care facility, means a person employed or engaged as a contractor by the operator of the facility, and includes a person who **provides labour hire services** to the operator of the facility;
- (5) **flexible care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (6) **homelessness residential service** means a service that is funded by government to provide a staffed residential service to people who are homeless or at risk of being homeless;

- (7) **operator** of a care facility means:
- (a) for an **alcohol and drug treatment facility** – the operator of the facility;
 - (b) for a **homelessness residential service** – the entity that receives government funding to provide the service;
 - (c) for a **residential aged care facility** – the operator of the facility;
 - (d) for a **disability residential service** – the **disability service provider** that operates the service;
 - (e) for an **eligible SDA enrolled dwelling** – the **disability service provider** or the **registered NDIS provider** that operates the service;
 - (f) for a **short-term accommodation and assistance dwelling** – the **registered NDIS provider** or the **disability service provider** that operates the service;
 - (g) for a **secure welfare service** – the Secretary to the Department of Health and Human Services;
 - (h) for a **supported residential service** – the **proprietor** of the supported residential service;
 - (i) for the **Thomas Embling Hospital** – the **Victorian Institute of Forensic Mental Health**;
- (8) **proprietor** of a supported residential service has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (9) **provides labour hire services** has the same meaning as in the **Labour Hire Licensing Act 2018**;
- (10) **registered NDIS provider** has the same meaning as in the **National Disability Insurance Scheme Act 2013** of the Commonwealth;
- (11) **resident** of a care facility includes a patient of the care facility;
- (12) **residential aged care facility** means a premises 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;
- (13) **residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (14) **secure welfare service** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (15) **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (16) **Thomas Embling Hospital** means the hospital of that name operated by the **Victorian Institute of Forensic Mental Health**;
- (17) the following expressions have the same meaning as they have in the **Disability Act 2006**:
- (a) disability service provider;
 - (b) SDA enrolled dwelling;
 - (c) SDA provider;
 - (d) short-term accommodation and assistance dwelling;
 - (e) treatment plan;
- (18) **Victorian Institute of Forensic Mental Health** has the same meaning as in the **Mental Health Act 2014**.

10 Relationship with other Directions

If there is any inconsistency between these directions and the **Hospital Visitor Directions (No. 4)**, these directions are inoperative to the extent of the inconsistency.

11 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 31 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****Hospital Visitor Directions (No. 4)**

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**):

1 Preamble

- (1) The purpose of these directions is to prohibit non-essential visits to hospitals in order to limit the spread of Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions replace the **Hospital Visitor Directions (No. 3)** given on 11 May 2020, and:
 - (a) permit hospitals to determine circumstances in which certain visitors who have been in close contact with a person who has been diagnosed with 2019-nCoV will be permitted to visit a patient;
 - (b) allow a disability worker to enter or remain at a hospital for the purpose of providing a disability service to a patient with a disability; and
 - (c) allow a patient to have up to 2 care and support visits each day, provided the total duration of such visits is no longer than 2 hours and the total number of visitors is no more than 2.

2 Revocation

The **Hospital Visitor Directions (No. 3)** are revoked at 11:59:00 pm on 31 May 2020.

3 Citation

- (1) These directions may be referred to as the **Hospital Visitor Directions (No. 4)**.
- (2) A reference in any other direction to the **Hospital Visitor Directions (No. 3)** is taken to be a reference to these directions.

4 Prohibition on entry

- (1) A person must not enter, or remain at, a **hospital** in Victoria between (and including) 11:59:00 pm on 31 May 2020 and 11:59:00 pm on 21 June 2020 unless:
 - (a) the person is a **patient** of the hospital; or
 - (b) the person is a **worker** in relation to the hospital, as defined in clause 5; or
 - (c) the person is a **visitor** in relation to a patient of the hospital, as defined in clause 6; or
 - (d) the person is present in an area of the hospital in respect of which an exemption under clause 7 is in force.

Excluded persons

- (2) Despite subclause (1), a worker or a visitor or a person referred to in subclause (1)(d) must not enter or remain at a hospital in Victoria between (and including) 11:59:00 pm on 31 May 2020 and 11:59:00 pm on 21 June 2020 if:
 - (a) the person has been diagnosed with 2019-nCoV, and has not yet been given, or taken to have been given, clearance from self-isolation under the **Diagnosed Persons and Close Contacts Directions (No. 2)**; or
 - (b) during the 14 days immediately preceding the entry, the person arrived in Australia from a place outside Australia; or

- (c) during the 14 days immediately preceding the entry, the person had known contact with a person who has been diagnosed with 2019-nCoV; or

Note: a person who has had known contact with a person who has been diagnosed with 2019-nCoV may also be required to self-quarantine under the Diagnosed Persons and Close Contacts Directions (No. 2).

- (d) the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection.

Hospital may permit certain excluded persons to visit

- (3) Despite subclause (2), a person referred to in subclause (2)(c) may enter or remain at a hospital if:

- (a) the person is:

- (i) a visitor in relation to a patient under clause 6(1)(a), and is the parent or guardian of the patient or has temporary care of the patient; or
- (ii) a visitor in relation to a patient under clause 6(1)(c), and the purpose of the visit is to attend the birth of the patient's child; or
- (iii) a visitor in relation to a patient under clause 6(1)(f); and

- (b) the person is authorised to enter or remain at the hospital by an officer of the hospital with the position of Executive Director Nursing and Midwifery or equivalent.

Note: a hospital may determine whether it will allow persons who have been in close contact with a person who has been diagnosed with 2019-nCoV to visit the hospital, and what conditions it will impose on such visits. A hospital may make such allowance only in relation to parents, guardians or temporary carers visiting their child, partners or support persons of pregnant patients attending the birth of a child, and end-of-life scenarios.

- (4) Only one visitor referred to in subclause (3)(a)(ii) may be authorised under subclause (3)(b) in relation to a particular patient.

Note: a pregnant patient may still have 2 visitors attend the birth, provided only one of them requires authorisation under subclause (3)(b): see clause 6(4).

- (5) A person permitted to enter or remain at a hospital under subclause (3) must comply with any direction in relation to their visit given to them by the officer of the hospital who authorised their visit under subclause (3)(b).

- (6) An officer of the hospital referred to in subclause (3)(b) must keep, in relation to each person to whom they give authorisation under that subclause, a record of:

- (a) the contact details of the person; and
- (b) the date and time at which that person entered and left the hospital; for at least 28 days from the day the authorisation is given.

5 Definition of worker

- (1) A person is a **worker** in relation to a hospital if:

- (a) the person is an employee or contractor of the hospital or a student under the supervision of an employee or contractor of the hospital; or
- (b) the person's presence at the hospital is for the purposes of providing health, medical or pharmaceutical goods or services to a patient of the hospital, whether the goods or services are provided for consideration or on a voluntary basis; or
- (c) the person is a **disability worker** and the person's presence at the hospital is for the purposes of providing a **disability service** to a patient with a **disability**; or

- (d) the person's presence at the hospital is for the purposes of providing goods or services that are necessary for the effective operation of the hospital, whether the goods or services are provided for consideration or on a voluntary basis; or
Note: union and employer representatives are covered by this paragraph.
- (e) the person's presence at the hospital is authorised or required for the purposes of emergency management, law enforcement, or the performance of a duty, function or power under a law.

6 Definition of visitor

- (1) A person is a **visitor** in relation to a patient of a hospital if:
 - (a) in the case of a patient of the hospital aged under 18 years – the person is the parent or guardian of the patient or has temporary care of the patient; or
 - (b) in the case of a patient of the hospital with a **disability** – the person is the carer of the patient; or
 - (c) in the case of a pregnant patient of the hospital whose status as a patient relates to the pregnancy – the person is the patient's partner or support person; or
 - (d) in the case of a patient of the hospital attending at the hospital's emergency department – the person is accompanying the patient; or
 - (e) in the case of a patient of the hospital attending an outpatient appointment – the person is accompanying the patient; or
 - (f) the person's presence at the hospital is for the purposes of end of life support for a patient of the hospital; or
 - (g) the person's presence at the hospital is for the purposes of a **care and support visit** to a patient of the hospital on a particular day.

Note: aside from a care and support visit under paragraph (g), these directions do not impose any time limit on the period that a visitor within paragraphs (a) to (f) may attend a hospital. However, all visitors will remain subject to each hospital's local operating procedure.

- (2) **Care and support visit** means a visit of no longer than 2 hours made to a patient by one person, or 2 persons together, for the purposes of providing care and support to the patient.
- (3) A patient may have up to 2 care and support visits each day, provided:
 - (a) the total duration of a patient's care and support visits each day does not exceed 2 hours; and
 - (b) a patient receives care and support visits from no more than 2 persons in total each day.
- (4) No more than 2 **visitors** may visit a patient at one time.

7 Exemption power

The Chief Health Officer or the Deputy Chief Health Officer may, in writing, grant an exemption from these directions in respect of a specified area of a hospital if the Chief Health Officer or the Deputy Chief Health Officer, as the case requires, is satisfied, having regard to the need to limit the spread of 2019-nCoV, that an exemption is appropriate due to:

- (1) the nature of the area; or
- (2) the existing limits on the number of people that may be present in the area (whether because of the operation of a direction under the PHW Act, or otherwise).

8 Operator to take all reasonable steps

The **operator** of a hospital in Victoria must take all reasonable steps to ensure that a person does not enter or remain on the premises of the hospital if the person is prohibited from doing so by clause 4.

9 Other Definitions

For the purposes of these directions:

- (1) **hospital** means:
 - (a) a public hospital; or
 - (b) a denominational hospital; or
 - (c) a multi-purpose service; or
 - (d) a private hospital; or
 - (e) a day procedure centre;
- (2) **operator** of a hospital means a person who owns, controls or operates the hospital;
- (3) **patient** of a hospital means a person who requests or is being provided with health, medical or pharmaceutical services by the hospital;
- (4) the following expressions have the same meaning that they have in the **Disability Service Safeguards Act 2018**:
 - (a) disability;
 - (b) disability service;
 - (c) disability worker;
- (5) the following expressions have the same meanings as they have in the **Health Services Act 1988**:
 - (a) day procedure centre;
 - (b) denominational hospital;
 - (c) multi-purpose service;
 - (d) public hospital;
 - (e) private hospital.

10 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 31 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 **Public Health and Wellbeing Act 2008** (Vic.).

Public Health and Wellbeing Act 2008

Section 200

**DIRECTION FROM DEPUTY CHIEF HEALTH OFFICER (COMMUNICABLE DISEASE)
IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM
DECLARED STATE OF EMERGENCY****Diagnosed Persons and Close Contacts 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 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 require persons:
 - (a) diagnosed with Novel Coronavirus 2019 (**2019-nCoV**) to self-isolate;
 - (b) who are living with a diagnosed person, or who have been in close contact with a diagnosed person, to self-quarantine;in order to limit the spread of 2019-nCoV.
- (2) These directions replace the **Diagnosed Persons and Close Contacts Directions** given on 11 May 2020, and amend the requirements of self-isolation and self-quarantine to:
 - (a) allow a person who is required to self-quarantine to visit a patient in a hospital if permitted to do so under the **Hospital Visitor Directions (No. 4)**; and
 - (b) allow a person who is required to self-isolate or self-quarantine to receive assistance with personal care or household assistance if needed by reason of the person's age, disability or chronic health condition.

2 Citation

- (1) These directions may be referred to as the **Diagnosed Persons and Close Contacts Directions (No. 2)**.
- (2) A reference in any other direction to the **Diagnosed Persons and Close Contacts Directions** is taken to be a reference to these directions.

3 Commencement and revocation

- (1) These directions commence at 11:59:00 pm on 31 May 2020.
- (2) The **Diagnosed Persons and Close Contacts Directions** are revoked at 11:59:00 pm on 31 May 2020.

4 Self-isolation for diagnosed persons

Who is a diagnosed person?

- (1) A person is a **diagnosed person** if the person:
 - (a) at any time between midnight on 25 March 2020 and 11:59:00 pm on 21 June 2020 has been informed that they have been diagnosed with 2019-nCoV; and
 - (b) has not been given, or is not taken to have been given, **clearance from self-isolation** under clause 5.

Requirement to self-isolate

- (2) A diagnosed person must **self-isolate** under these directions:
 - (a) if the diagnosis is communicated to the person on or after the commencement of these directions; or
 - (b) if the diagnosis was communicated to the person before the commencement of these directions.

Note: the requirements of self-isolation are specified in clause 9. A diagnosed person can still leave the premises at which they are self-isolating to obtain medical care.

Location of self-isolation

- (3) A diagnosed person must self-isolate:
- (a) if subclause (2)(a) applies, at the **premises** chosen by the person under subclause (4); or
 - (b) if subclause (2)(b) applies, at the premises at which the person was required to reside under a **Revoked Isolation Direction**.
- (4) For the purposes of subclause (3)(a), the diagnosed person may choose to self-isolate at:
- (a) a premises at which they ordinarily reside; or
 - (b) another premises that is suitable for the person to reside in for the purpose of self-isolation.

Note 1: a person can decide to self-isolate at a hotel or other suitable location, instead of self-isolating at their ordinary place of residence.

Note 2: once a person has chosen the premises at which to self-isolate, the person must reside at that premises for the entirety of the period of self-isolation: see clause 9(2)(a).

- (5) If a diagnosed person who has chosen a premises under subclause (4) is not at the premises at the time when the choice is made, the person must immediately and directly travel to that premises, unless the person is admitted to a **hospital** or other facility for the purposes of receiving medical care.

Self-isolation period

- (6) The period of self-isolation begins:
- (a) if subclause (2)(a) applies, when the diagnosis is communicated to the person; or
 - (b) if subclause (2)(b) applies, upon the commencement of these directions.
- (7) For the purposes of subclause (2), the period of self-isolation ends when the person is given **clearance from self-isolation** under clause 5.

Notifications by the diagnosed person

- (8) Immediately after choosing a premises under subclause (4), the diagnosed person must:
- (a) if any other person is residing at the premises chosen by the diagnosed person, notify the other person that:
 - (i) the diagnosed person has been diagnosed with 2019-nCoV; and
 - (ii) the diagnosed person has chosen to self-isolate at the premises; and
 - (b) notify the **Department** of:
 - (i) the address of the premises chosen by the diagnosed person; and
 - (ii) the name of any other person who is residing at the premises chosen by the diagnosed person.
- (9) If, during the period that a diagnosed person is self-isolating at a premises for the purposes of clause 4, another person informs the diagnosed person that they intend to commence residing at the premises chosen by the diagnosed person, the diagnosed person must inform the other person of their diagnosis.

5 Clearance from self-isolation

- (1) A diagnosed person is given **clearance from self-isolation** if:
- (a) an officer of the Department makes a determination under subclause (2) in relation to the person; and
 - (b) the person is given notice of the determination in accordance with subclause (3).

- (2) For the purposes of subclause (1)(a), an officer of the Department may make a determination in relation to a person if the officer is satisfied that the person meets the criteria for discharge from self-isolation under existing **Departmental Requirements**.
- (3) For the purposes of subclause (1)(b), the notice must be in writing but is not required to be in a particular form.
- (4) A person who has been given clearance from self-isolation, however expressed, under a Revoked Isolation Direction is taken to have been given clearance from self-isolation under this clause.

6 Self-quarantine for persons residing with diagnosed person

Requirement to self-quarantine

- (1) A person must **self-quarantine** at a premises if between the commencement of these directions and 11:59:00 pm on 21 June 2020:
 - (a) a diagnosed person begins self-isolating under clause 4 at the premises at which the person is residing; or
 - (b) the person begins to reside at a premises at which a diagnosed person is self-isolating for the purpose of clause 4.

Example: a person may begin to reside at a new premises because they move to a new ordinary place of residence, including for the purpose of providing care and support to a diagnosed person.
- (2) For the purposes of subclause (1)(a), if the person is not at the premises at the time the diagnosed person begins self-isolating there, the person must immediately and directly travel to that premises.

Note: the requirements of self-quarantine are specified in clause 9.

Continued self-quarantine – persons subject to a Revoked Isolation Direction

- (3) A person must **self-quarantine** at a premises under these directions if:
 - (b) the person was required to self-quarantine at that premises under clause 6 of a Revoked Isolation Direction; and
 - (c) the person's period of self-quarantine under the Revoked Isolation Direction had not ended before the commencement of these directions.

Note 1: the requirements of self-quarantine are specified in clause 9.

Note 2: if a person was required to self-quarantine under a Revoked Isolation Direction because they were residing with a diagnosed person, they will have to continue to self-quarantine under these directions, unless their period of self-quarantine had ended before the commencement of these directions. Their continued period of self-quarantine is provided for in subclauses (4) and (5).

End of self-quarantine period

- (4) For the purposes of this clause, the period of self-quarantine ends:
 - (a) if one diagnosed person is self-isolating at the premises – 14 days after clearance from self-isolation is given to the diagnosed person under clause 5; or
 - (b) if more than one diagnosed person is self-isolating at the premises – 14 days after clearance from self-isolation is given to the last remaining diagnosed person at the premises under clause 5; or
 - (c) if a diagnosed person who is self-isolating at the premises is admitted to hospital or other facility for the purposes of receiving medical care – 14 days from the admission, except if during that 14 day period:
 - (i) the diagnosed person returns to the premises without having received clearance from self-isolation under clause 5; or
 - (ii) there is another diagnosed person residing at the premises; or

- (d) if the person becomes a diagnosed person following a test for 2019-nCoV – when the diagnosis is communicated to the person.

Note: a person who becomes a diagnosed person will then be required to self-isolate under clause 4, for a period ending when the person is given clearance from self-isolation under clause 5.

- (5) In the case of a person who is required to self-quarantine under subclause (3), a reference in subclause (4) to:

- (a) a diagnosed person includes a person who was a diagnosed person under a Revoked Isolation Direction but had been given clearance from self-isolation before the commencement of these directions; and
- (b) the present tense is taken to include a reference to the past tense.

Note: by operation of this paragraph, the word 'is' in subclause (4) can be read as 'was'.

Example: if a person had been a diagnosed person under a Revoked Isolation Direction and had been given clearance from self-isolation 8 days before these directions commenced, a person residing with them will be required to continue to self-quarantine under these directions for a further 6 days: see subclauses (3), (4) and (5).

Exception – previous clearance

- (6) A person is not required to self-quarantine under this clause if, before the time specified in subclause (4), the person has been given, or is taken to have been given, clearance from self-isolation under clause 5.

7 Self-quarantine for close contacts

Who is a close contact?

- (1) For the purposes of this clause, a person is a **close contact** if:
- (a) an officer of the Department has made a determination under subclause (2) in relation to the person; and
- (b) between midnight on 11 May 2020 and 11:59:00 pm on 21 June 2020, the person has been given notice of the determination in accordance with subclause (3).
- (2) For the purposes of subclause (1)(a), an officer of the Department may make a determination in relation to a person if the officer is satisfied, having regard to Departmental Requirements, that the person has had close contact with another person who:
- (a) since the time of last contact, has become a diagnosed person; or
- (b) at the time of last contact, was a diagnosed person.

Note: under the Departmental Requirements, a person is generally considered to have had close contact if, in the period extending from 48 hours before onset of symptoms in the diagnosed person:

- *they have had face-to-face contact in any setting with the diagnosed person for more than a total of 15 minutes over the course of a week; or*
- *they have shared of a closed space with a diagnosed person for a prolonged period (for example, more than 2 hours).*

- (3) For the purposes of subclause (1)(b), the notice:
- (a) must specify the time at which the person will no longer be required to self-quarantine, having regard to Departmental Requirements; and
- (b) may be given orally or in writing, and, if given orally, must be confirmed in writing as soon as reasonably practicable; and
- (c) is not required to be in a particular form.
- (4) If a person was a close contact under clause 7 of a Revoked Isolation Direction:
- (a) a determination in relation to the person made under clause 7(2) of the Revoked Isolation Direction is taken to be a determination made under subclause (2); and

- (b) a notice given to the person under clause 7(1)(b) of the Revoked Isolation Direction is taken to be a notice given under subclause (1)(b).

Requirement to self-quarantine

- (5) A **close contact** must **self-quarantine** at the premises at which they ordinarily reside.
Note: the requirements of self-quarantine are specified in clause 9.
- (6) If, at the time a person is given a notice under subclause (1)(b), the person is not at the premises at which they ordinarily reside, the person must immediately and directly travel to that premises.

End of self-quarantine period

- (7) For the purposes of this clause, the period of self-quarantine ends:
 - (a) subject to paragraph (b), at the time specified in the notice given under subclause (1)(b); or
 - (b) if the person becomes a diagnosed person following a test for 2019-nCoV – when the diagnosis is communicated to the person.

Note: a close contact who becomes a diagnosed person will then be required to self-isolate under clause 4, for a period ending when the person is given clearance from self-isolation under clause 5.

Exception – persons residing with diagnosed person

- (8) A person is not required to self-quarantine under this clause if the person is required to self-quarantine under clause 6.

Exception – previous clearance

- (9) A person is not required to self-quarantine under this clause if, before the time that notice is given under subclause (1)(b), the person has been given, or is taken to have been given, clearance from self-isolation under clause 5.

8 Testing of persons in self-quarantine

- (1) If a person is required to self-quarantine under clause 6 or 7 and, during the period of self-quarantine, the person:
 - (a) is tested for 2019-nCoV; and
 - (b) the period for which the person is required to self-quarantine under clause 6 or 7, as the case requires, expires during the period in which the person is awaiting the result of that test;

the period of self-quarantine is extended until the person receives the result of the test.

Note: persons who are in self-quarantine and experience a temperature higher than 37.5 degrees or symptoms of acute respiratory infection are encouraged to get tested. In certain circumstances, a person may be required to comply with an order that they undergo a medical test: PHW Act, section 113(3).

- (2) If a person is required to self-quarantine under clause 6 or 7 and, during the period of self-quarantine, the person receives a test result stating that they have been diagnosed with 2019-nCoV, the person becomes a diagnosed person and must self-isolate under clause 4.
- (3) If a person is required to self-quarantine under clause 6 or 7 and, during the period of self-quarantine, the person receives a test result stating that they have not been diagnosed with 2019-nCoV:
 - (a) if the period for which the person is required to self-quarantine under clause 6 or 7, as the case requires, has not expired – must continue to self-quarantine under that clause for the remainder of that period; or
 - (b) if the period of self-quarantine was extended under subclause (1) – may cease self-quarantining.

9 Requirements of self-isolation and self-quarantine

- (1) This clause applies to a person who is required to:
 - (a) **self-isolate** at a premises under clause 4; or
 - (b) **self-quarantine** at a premises under clause 6 or 7.
- (2) The person identified in subclause (1):
 - (a) must reside at that premises for the entirety of the period of self-isolation or self-quarantine, as the case requires, except for any period that the person is admitted to a hospital or other facility for the purposes of receiving medical care; and
 - (b) must not leave the premises, except:
 - (i) for the purposes of obtaining medical care or medical supplies; or
 - (ii) in any emergency situation; or
 - (iii) for the purposes of exercise, but only if the person:
 - (A) takes reasonable steps to maintain a distance of 1.5 metres from any other person, unless the other person is required to self-isolate or self-quarantine at the same premises; and
 - (B) does not enter any other building; or
 - (iv) if required to do so by law; or
 - (v) for the purposes of visiting a patient in hospital if permitted to do so under the **Hospital Visitor Directions (No. 4)**; and
 - (c) must not permit any other person to enter the premises unless:
 - (i) that other person:
 - (A) ordinarily resides at the premises; or
 - (B) is required to self-isolate or self-quarantine at the premises under these directions; or
 - (ii) it is necessary for the other person to enter for medical or emergency purposes; or
 - (iii) the other person is a **disability worker**, and it is necessary for the disability worker to enter for the purpose of providing a **disability service** to a person with a **disability**;
 - (iv) it is necessary for the other person to enter for the purpose of providing personal care or household assistance to the person as a result of that person's age, disability or chronic health condition; or
 Example: personal care includes assistance with showering, toileting, eating; household assistance includes help with cooking, house cleaning, laundry and gardening.
 - (v) the entry is otherwise required or authorised by law.
- (3) Subclause (2)(c) does not apply to a person who is a **resident** of a **care facility**.

*Note: the **Care Facilities Directions (No. 4)** govern who can enter a care facility.*

10 Definitions

In these directions:

- (1) **care facility** has the same meaning as in the **Care Facilities Directions (No. 4)**;
- (2) **Department** means the Victorian Department of Health and Human Services;
- (3) **hospital** has the same meaning as in the **Hospital Visitors Directions (No. 4)**;

- (4) **Departmental Requirements** means the document titled ‘COVID-19 Pandemic Plan for the Victorian Health Sector’, as amended from time to time;
*Note: the Departmental Requirements are available at:
<https://www2.health.vic.gov.au/about/publications/ResearchAndReports/covid-19-pandemic-plan-for-vic>*
- (5) **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;
- (6) **resident** of a care facility has the same meaning as in the **Care Facilities Directions (No. 4)**;
- (7) **Revoked Isolation Direction** means the following directions:
- (a) **Isolation (Diagnosis) Direction**, given on 25 March 2020;
 - (b) **Isolation (Diagnosis) Direction (No. 2)**, given on 13 April 2020;
 - (c) **Diagnosed Persons and Close Contacts Directions**, given on 11 May 2020;
- (8) the following expressions have the same meaning that they have in the **Disability Service Safeguards Act 2018**:
- (a) disability;
 - (b) disability service;
 - (c) disability worker.

11 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 31 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**

Restricted Activity Directions (No. 9)

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. 8)**, and now permit:
 - (a) up to 20 people to gather for certain activities;
 - (b) limited dine in services for food and drink facilities;
 - (c) accommodation facilities to operate for tourism where there is no use of shared cooking or bathroom facilities;
 - (d) limited operation of swimming pools;
 - (e) limited operation of community facilities;
 - (f) limited operation of beauty and personal care facilities;
 - (g) limited community sport and recreation;
 - (h) limited operation of entertainment facilities; and
 - (i) limited operation of animal facilities.
- (3) These directions must be read together with the **Stay Safe Directions** given on 31 May 2020.

2 Revocation

The **Restricted Activity Directions (No. 8)** are revoked at 11:59:00 pm on 31 May 2020.

3 Citation

These directions may be referred to as the **Restricted Activity Directions (No. 9)**.

3A Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00 pm on 31 May 2020 and ending at 11:59:00 pm on 21 June 2020.

4 Definition of density quotient

The **density quotient** limits the **members of the public** that are permitted in a space at any one time to the number calculated by dividing the total publicly accessible space (measured in square metres) by 4 and:

- (a) for an **indoor space** applies to each single undivided space permitted to operate under these directions; and
- (b) for an **outdoor space**, applies to the total space permitted to operate under these directions.

Example:

A: 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 members of the public would be permitted to be in the indoor space at the same time.

B: if an indoor space is 15 metres long and 10 metres wide, its total area is 150 square metres. Its density quotient is 37.5, however if there is also a 20 person cap on the space, no more than 20 members of the public would be permitted to be in the indoor space at the same time.

Note: the density quotient, also referred to as the '4 metre square rule' is to be calculated by measuring the area which the members of the public can access, such as the table area in a restaurant, but the food preparation area or in a store room.

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**, a **late night 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 and drink in accordance with clause 10; or
 - (c) providing accommodation in accordance with clause 11.

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, if open to the public:
 - (a) a facility used predominantly for indoor physical recreation;
Examples: a gymnasium, health clubs, fitness centres, yoga studio, barre and spin facility, sauna, bathhouse, wellness centre and health studio.
 - (b) a facility that is used for outdoor sport and recreation;
Examples: golf club or tennis club.
 - (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 used predominantly 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 members of the public to whom its services are provided is:
 - (i) not more than 20 in any group; or
 - (ii) more than 20 in a group, if all persons have the same ordinary place of residence;
 - (c) the activity is reasonably capable of being done with people maintaining a distance of 1.5 metres from each other; and
 - (d) by a person complying with the **records requirement**.

Note: subclause (3) is not intended to limit 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 for the exclusive use of a single professional sporting team at any one time and for training purposes by that team.
- (5) A person who operates a facility under subclause (4) must use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations — outdoor facilities

- (6) Despite subclause (1), a person who owns, controls or operates a facility listed in subclause (2)(b) (facility 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 unless otherwise permitted under these directions.

Examples: a golf club or tennis club may operate to permit outdoor golf or tennis, although club rooms, change facilities and showers are to remain closed. These facilities can also permit multiple groups of up to 20 members of the public to use the facility at any time.

Note 1: food and drink facilities and accommodation facilities that are part of a physical recreation facility may operate under clauses 10 and 11.

Note 2: this clause is not intended to restrict physical recreational facilities that are not open to the public, such as schools, workplaces or onsite rehabilitation facilities.

6A Community facilities

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

- (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) members of the public in accordance with subclause (2); or

- (c) hosting a wedding or funeral in accordance with subclause (3).

Restrictions — limited members of the public

- (2) A person who operates a facility under subclause (b) must:

- (a) not permit a toy library to operate except to the extent necessary to facilitate collection and return of pre-booked toys or home delivery;

- (b) limit the number of members of the public in each indoor space to the lesser of:

- (i) the number permitted by the density quotient; and

- (ii) 20; and

- (c) comply with the:

- (i) **signage requirement** for each indoor space;

- (ii) **cleaning requirement**; and

- (iii) records requirement, except in relation to support groups if confidentiality is typically required.

Example: support groups for alcohol and drugs or family violence typically require confidentiality.

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 Safe Directions**; and

- (b) must comply with the:

- (i) signage requirement for each indoor space and **enclosed outdoor space**;

- (ii) cleaning requirement; and

- (iii) records requirement.

- (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.

6B Community sport and recreation

- (1) A person must not arrange or participate in a community sport or a community recreation activity in an indoor space.

Example: dance or gymnastics classes.

- (2) A person may arrange or participate in a community sport or community recreation activity in an outdoor space if:

- (a) no more than 20 members of the public are participating in a group unless all persons have the same ordinary place of residence;
- (b) the activity is reasonably capable of being done with participants maintaining a distance of 1.5 metres from other participants; and

Note: this subclause is not intended to apply to members of the same household, or a parent or carer supporting a person with disability to participate in community sport or recreation, whether or not they live in the same ordinary place of residence.

- (c) the activity does not involve organised competition.

Note: this requirement is not intended to apply to professional sports.

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**, except to the extent of:
- (i) providing food and drink in accordance with clause 10; or
- (ii) providing accommodation in accordance with clause 11;
- (h) a premises, or part of 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) the area of an **approved venue** in which electronic gaming machines are installed; 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.

Note: spectators are not necessary and not permitted for broadcasts.

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) only permit those persons to attend the facility who are 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.

- (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.

Permitted operations – gallery or a museum

(7) Despite subclause (1), a person who owns, controls or operates a gallery or a museum may operate that venue if that person:

- (a) limits the number of members of the public:
- (i) for each indoor space to the lesser of:
 - (A) the number permitted by the density quotient; and
 - (B) 20; and
 - (ii) for each enclosed outdoor space, to the number permitted by the density quotient;
- (b) complies with the:
- (i) signage requirement for each indoor space and enclosed outdoor space accessible to members of the public;
 - (ii) cleaning requirement; and
 - (iii) records requirement; and
- (c) uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations – outdoor arcades and amusement parks

(8) Despite subclause (1), a person who owns, controls or operates an arcade or amusement park may operate that venue if that person:

- (a) ensures it is in an outdoor space only;
- (b) ensures no access is permitted to an indoor space for the members of the public, except for toilet facilities;
- (c) limits the number of members of the public in the venue to the lesser of:
- (i) the number permitted in the outdoor space by the density quotient; and
 - (ii) 20;
- (d) complies with the:
- (i) signage requirement for an enclosed outdoor space;
 - (ii) cleaning requirement; and
 - (iii) records requirement; and

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

Permitted operations – drive-in cinemas

- (9) Despite subclause (1), a person who owns, controls or operates a drive-in cinema may operate that venue if:
 - (a) that cinema is in an outdoor space;
 - (b) persons are not permitted to be seated outside of their vehicles; and
 - (c) the person complies with the cleaning requirement.

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 for:
 - (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 limited group of members of the public;
Examples: support groups 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 – limited groups and ceremonies

- (2) A person who operates a place of worship under subclause (1)(b) or (1)(c) must limit the number of members of the public in each indoor space to the lesser of:
 - (a) the number permitted by the density quotient; or
 - (b) 20.

Restrictions – weddings and funerals

- (3) A person who operates a place of worship under subclause (1)(d) must not host a wedding or funeral unless that wedding or funeral complies with the requirements of the **Stay Safe Directions**.

Restrictions – signage and cleaning requirements

- (4) A person who owns, operates or controls a place of worship during the restricted activity period must comply with the:
 - (a) signage requirement for each:
 - (i) indoor space; and
 - (ii) enclosed outdoor space if hosting a wedding or funeral under subclause (1)(d);
 - (b) cleaning requirement; and
 - (c) records requirement (except in relation to private worship, and in relation to support groups if confidentiality is typically required).

9 Retail facilities

- (1) A person who owns, controls or operates an **open retail facility**, including a **restricted retail facility**, in Victoria may operate that facility only to the extent permitted or required by these directions.
- (2) A **restricted retail facility** means the following:
 - (a) a **beauty and personal care facility**;
 - (b) a **hairdressing** facility;

- (c) an auction house; or
- (d) a market.

Permitted operations – auction houses

- (3) 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 20 members of the public (whether or not also attended remotely by other members of the public).
- (4) A person who owns, controls or operates an auction house during the restricted activity period must comply with the records requirement in respect of the members of the public that attend in person at the auction house.

Permitted operations – markets

- (5) A person who owns, controls or operates a market may operate that market if it is in an:
 - (a) outdoor space; or
 - (b) indoor space.

Permitted operations – hairdressers

- (6) A person who owns, controls or operates a hairdressing facility may operate that facility provided that the person complies with the records requirement.

Permitted operations – beauty and personal care facility

- (7) A person who owns, controls or operates a beauty and personal care facility may operate that beauty and personal care facility provided that the person:
 - (a) limits the number of members of the public in the venue to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 20; and
 - (b) complies with the records requirement.

Restrictions – density quotient, signage and cleaning requirements for open retail facilities

- (8) A person who owns, operates or controls an open retail facility during the restricted activity period must comply with the:
 - (a) density quotient for each indoor space;
 - (b) signage requirement for each indoor space; and
 - (c) cleaning requirement.

10 Food and drink facilities

- (1) A person who owns, controls or operates a **food and drink facility** in Victoria may operate that facility during the restricted activity period only to the extent permitted by these directions.
- (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; and
 - (f) a licensed premises under clause 5.

Permitted operations of food and drink facilities

- (3) A person who owns, operates or controls a food and drink facility that is not a **food court** may operate that facility for dine-in service if that person:
- (a) uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility;
 - (b) ensures that no more than 6 people are permitted to sit at a table;
 - (c) maintains a distance between tables at all times so that members of the public are at least 1.5 metres from other members of the public on different tables when seated;
 - (d) permits service of food and drinks only to persons who are seated;
 - (e) does not permit alcohol to be served to a person if the person has not also ordered a **meal**;
 - (f) limits the number of members of the public:
 - (i) for a wedding or a funeral, to the limits imposed by the **Stay Safe Directions**; and
 - (ii) at all other times for each indoor space and each outdoor space to the lesser of:
 - (A) the number permitted by the density quotient; and
 - (B) 20; and
 - (g) complies with the:
 - (i) signage requirement for each indoor space and outdoor space accessible to members of the public;
 - (ii) cleaning requirement; and
 - (iii) records requirement.

Permitted operations of food and drink facilities – other

- (4) 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;
 - (b) if the food and drink facility is located inside a food court, for the purpose of providing food or drink to be consumed off the premises;
 - (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. 4)** 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.

11 Accommodation facilities

- (1) A person who owns, controls or operates an **accommodation facility** in Victoria may only operate that facility in accordance with these directions 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;
 - (b) a caravan park;
 - (c) a hotel;
 - (d) a hostel; or
 - (e) a private holiday rental facility including Bed and Breakfasts and AirBnBs.

Permitted operations – tourism

- (3) A person who owns, controls or operates an accommodation facility may operate that facility for the purposes of tourism if the person:
 - (a) ensures that if the accommodation facility includes cooking and bathroom facilities, the facility is only operated where exclusive access to cooking and bathroom facilities for each group of members of the public is available;

Note: for example, self-contained cabins are permitted if they have private bathrooms and cooking facilities. Camping without facilities is permitted.
 - (b) ensures not more than 20 members of the public are permitted in the facility per group booking;
 - (c) ensures surfaces accessible in the accommodation facility exclusively to a particular group, including a hotel room or cabin, are cleaned between groups; and
 - (d) complies with the:
 - (i) records requirement; and
 - (ii) cleaning requirement for areas of the accommodation facility that are not for the exclusive use of a particular group, including reception areas.

Permitted operations – purposes other than tourism

- (4) Despite subclause (3), a person who owns, controls or operates an accommodation facility may operate that facility for the purposes of providing accommodation to a person:
 - (a) whose place of residence is the accommodation facility;
 - (b) who is ordinarily a resident of Victoria but has no permanent place of residence in Victoria;
 - (c) who requires emergency accommodation, including in relation to family violence and other vulnerable groups; or
 - (d) who requires accommodation for work purposes.

12 Swimming pools

- (1) A person who owns, controls or operates premises in Victoria at which there is a swimming pool must only operate the swimming pool in accordance with these directions.

Permitted operations – private swimming pools

- (2) A person is permitted to use a swimming pool if it is at the person's private residence and the swimming pool is not available for use by the public.

Permitted operations – professional sport

- (3) A person who owns, controls or operates a swimming pool at a non-residential premises in Victoria 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.
- (4) A person who operates a facility under subclause (3) must use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations – limited to 20 members of the public

- (5) A person who owns, controls or operates a swimming pool at a non-residential premises in Victoria may permit members of the public to use the swimming pool if that person ensures that:
 - (a) no more than the following number of members of the public are permitted at any one time:
 - (i) 20 in a swimming pool;
 - (ii) 3 in each lane in each swimming pool; and
 - (iii) in respect of the non-water parts of the pool facility, the number permitted by the density quotient;
 - (b) no access is permitted to communal showers and change rooms, except for toilet facilities; and
 - (c) no access is permitted to saunas and spas within the facility.

Records, signage and cleaning requirements

- (6) A person who operates a facility under subclause (5) must comply with the:
 - (a) signage requirement for each indoor space and outdoor space;
 - (b) cleaning requirement; and
 - (c) records requirement.

Permitted operations – non-residential swimming pools

- (7) A person who owns, controls or operates a swimming pool at a non-residential premises in Victoria may operate that facility if it is not open to the public.

Note: subclause (7) is intended to permit facilities to operate that are not open to the public, such as schools, workplaces or onsite rehabilitation facilities.

13 Animal facilities

- (1) A person who owns, controls or operates an **animal facility** in Victoria may operate that facility in accordance with these directions 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) 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; or
 - (c) maintaining the facility.

Permitted operations – limited groups

- (4) A person who owns, operates or controls an animal facility may operate that facility if that person:
- (a) limits the number of members of the public:
 - (i) for each indoor space to the lesser of:
 - (A) the number permitted by the density quotient; and
 - (B) 20; and
 - (ii) for each outdoor space, to the number permitted by the density quotient;
 - (b) complies with the:
 - (i) signage requirement for each indoor space and outdoor space accessible to members of the public;
 - (ii) cleaning requirement; and
 - (iii) records requirement; and
 - (c) uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of 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 20 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;
- (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 20 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; and
- (3) an estate agent that arranges an auction or inspection in accordance with subclauses (1) or (2) during the restricted activity period must:
 - (a) comply with the records requirement; and
 - (b) not permit the number of members of the public in an indoor space to exceed the number permitted by the density quotient.

15 Signage, cleaning and records requirements*Signage requirement (signage requirement)*

- (1) A person who owns, controls or operates:
 - (a) an open retail facility;
 - (b) a community facility operating in accordance with clause 6A;
 - (c) a place of worship;
 - (d) an **open entertainment facility**, except for a drive-in cinema;
 - (e) a food or drink facility operating under clause 10(3);
 - (f) a swimming pool operating under clause 12(5); or
 - (g) an animal facility in accordance with clause 13(4);

which involves members of the public entering, 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 members of the public 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 area is 8.5 metres long and 4.5 metres wide, its total space is 38.25 square metres. Its density quotient is 9.56. The sign should state that the maximum number of members of the public that may be present in the space at a single time is 9.

Cleaning requirement (cleaning requirement)

- (2) A person who owns, controls or operates:
- (a) an open retail facility;
 - (b) a community facility operating in accordance with clause 6A;
 - (c) a place of worship;
 - (d) an open entertainment facility;
 - (e) a food and drink facility operating under clause 10(3);
 - (f) an accommodation facility operating under clause 11(3);
 - (g) a swimming pool operating under clause 12(5); or
 - (h) an animal facility operating under clause 13(4);
- must during the restricted activity period take all reasonable steps to ensure that:
- (i) frequently touched surfaces accessible to members of the public, including toilets and handrails, are **cleaned** at least twice on any given day;
 - (j) surfaces are cleaned when visibly soiled;
 - (k) 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;
 - (l) surfaces accessible to a particular group, including the surface of a restaurant table, are cleaned between groups; and
 - (m) surfaces are cleaned immediately after a spill on the surface.
- (3) To **clean** for the purposes of this direction, 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.

Records requirement (records requirement)

- (4) A person who owns, controls or operates:
- (a) a physical recreation facility in accordance with clause 6(3);
 - (b) a community facility operating in accordance with clause 6A;
 - (c) a place of worship;
 - (d) an open entertainment facility;
 - (e) a hairdressing facility;
 - (f) a beauty and personal care facility;
 - (g) an auction house;
 - (h) a food and drink facility operating under clause 10(3);
 - (i) a swimming pool operating under clause 12(5);
 - (j) an animal facility operating under clause 13(4); or

an estate agent who organises or conducts an auction or inspection under clause 14, must request that each person who attends the facility or venue for longer than 15 minutes in the circumstances listed in the relevant clause provide:

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

and, if provided by the person, must keep a record of those details for 28 days, together with the following details:

- (m) the date and time at which the person attended the facility or venue; and
- (n) if there are multiple indoor spaces, the indoor space(s) which the person visited.

Note: the records requirement applies to all persons that attend the facility or venue for longer than 15 minutes, which may include staff, customers, maintenance and delivery workers.

- (5) A person that obtains contact details in accordance with this clause must:
 - (a) use reasonable endeavours to protect the personal information from use or disclosure other than as requested by an authorised officer under the PHW Act; and
 - (b) destroy the information as soon as **reasonably practicable** following 28 days after the visit, unless another statutory requirement permits or requires the personal information to be retained.

16 Employers to require employees work from home

An employer must not permit an employee to perform work at the employer's premises where it is reasonably practicable for the employee to work at the employee's place of residence or another suitable premises which is not the employer's premises.

*Note: clause 6(1) of the **Stay Safe Directions** permits a person to leave the premises where they ordinarily reside to attend work only if it is not reasonably practicable to work from their premises or another suitable premises which is not the employer's premises.*

17 Other definitions

For the purposes of these directions:

- (1) **accommodation facility** has the meaning in clause 11(2);
- (2) **animal facility** has the meaning in clause 13(2);
- (3) **approved betting competition** has the same meaning as in the **Gambling Regulation Act 2003**;
- (4) **approved venue** has the same meaning as in the **Gambling Regulation Act 2003**;
- (5) **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; or
 - (d) a tattoo or piercing parlour;
- (6) **bottleshop** means an area:
 - (a) that is physically attached to a licensed premises; and
 - (b) where packaged alcohol is sold to be consumed off the premises;
- (7) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (8) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (9) **clean** has the meaning in clause 15(3);
- (10) **cleaning requirement** has the meaning in clause 15(2);
- (11) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;

- (12) **community facility** has the meaning in clause 6A(iii);
- (13) **density quotient** has the meaning in clause 4;
- (14) **enclosed outdoor space** has the same meaning as in the **Stay Safe Directions**;
- (15) **entertainment facility** has the meaning in clause 7(2);
- (16) **escort agency** has the same meaning as in the **Sex Work Act 1994**;
- (17) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (18) **fatigue-regulated heavy vehicle** has the same meaning as in the **Heavy Vehicle National Law (Victoria)**;
- (19) **food and drink facility** has the meaning in clause 10(2);
- (20) **food court** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (21) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (22) **hairdressing** has the same meaning as in the PHW Act;
- (23) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 4)**;
- (24) **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 open or closed;
- (25) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (26) **licensed premises** has the meaning in clause 5(2);
- (27) **meal** includes food but does not include a drink or a **snack**, unless those items are ordered with other food;
- (28) **member of the public** is a person but does not include a:
 - (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;
- (29) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (30) **open entertainment facility** means an entertainment facility that is permitted to operate under these directions;
- (31) **open retail facility** means a **retail facility** that is permitted to operate under these directions, and includes a restricted retail facility to the extent that it is permitted to operate;
- (32) **outdoor space** means a space that is not an indoor space;
- (33) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (34) **physical recreational facility** has the meaning in clause 6(2);
- (35) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (36) **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;
- (37) **premises** has the same meaning as in the PHW Act;
- (38) **reasonably practicable** is to have its ordinary and common sense meaning;
- (39) **records requirement** has the meaning in clause 15(4);
- (40) **residential aged care facility** has the same meaning as in the **Care Facilities Directions (No. 4)**;
- (41) **residential property** has the same meaning as in the **Estate Agents Act 1980**;

- (42) **restricted activity period** has the meaning in clause 3A;
- (43) **restricted retail facility** has the meaning in clause 9(2);
- (44) **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;
- (45) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (46) **signage requirement** has the meaning in clause 15(1);
- (47) **snack** has the same meaning as in the **Tobacco Act 1987**;
- (48) **wagering event** has the same meaning as in the **Gambling Regulation Act 2003**;
- (49) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

18 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 31 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 Safe Directions**

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 placing restrictions on gatherings and the return to workplaces.
- (3) These directions must be read together with the **Directions currently in force**, being the **Restricted Activity Directions (No. 9)**, the **Diagnosed Persons and Close Contacts Directions (No. 2)**, the **Hospital Visitor Directions (No. 4)** and the **Care Facilities Directions (No. 4)**.
- (4) These directions replace the **Stay at Home Directions (No. 7)**, and, amongst other things, subject to some restrictions:
 - (a) permit a group of up to 20 people to gather in a person's home;
 - (b) permit a group of up to 20 people to gather in an open public place; and
 - (c) increase the number of people that can attend a wedding or a funeral.

2 Citation

These directions may be referred to as the **Stay Safe Directions**.

3 Revocation

The **Stay at Home Directions (No. 7)** are revoked at 11.59.00pm on 31 May 2020.

4 Stay safe period

For the purposes of these directions, the **stay safe period** is the period beginning at 11.59.00pm on 31 May 2020 and ending at 11.59.00pm on 21 June 2020.

PART 2 – STAY SAFE**5 Direction — staying safe while leaving the home***Leaving the home*

- (1) A person who is in Victoria during the stay safe period may leave the **premises** where they ordinarily reside for any reason subject to subclause (2).
- (2) When leaving their premises, a person:
 - (a) must comply with the restrictions on gatherings in clause 7;
 - (b) must comply with the Directions currently in force, including (without limitation) by:
 - (i) not engaging in an activity that is not permitted under the **Restricted Activity Directions (No. 9)**; and
 - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (No. 9)** in accordance with any requirements set out in those Directions; and

- (c) if leaving the premises where they ordinarily reside for work or higher education purposes, must only do so if in accordance with clause 6.

Note 1: a person should take reasonable steps to maintain a distance of 1.5 metres from all other persons (except those people with whom they ordinarily reside), when leaving their premises and should practise hand hygiene in accordance with the Department of Health and Human Services' guidelines as updated from time to time.

*Note 2: if a person experiences a temperature higher than 37.5 degrees or symptoms of acute respiratory infection, they are strongly encouraged to get a test for 2019-nCoV and remain at their ordinary place of residence until they obtain their test result. If they are diagnosed with 2019-nCoV, they must self-isolate in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 2)**.*

Ordinary place of residence

- (3) In these directions:

- (a) if a person ordinarily resides outside Victoria, the premises where that person is temporarily residing in Victoria during the stay safe period (or part thereof) is taken to be the person's ordinary place of residence for the period (or part thereof); and
- (b) if, during the stay safe period, a person moves from the premises at which they ordinarily reside to a new premises, the new premises is taken to be the person's ordinary place of residence from midnight on the day that the person moves.

Note: a person may have more than one ordinary place of residence and, if so, is able to move freely between those places.

PART 3 – WORK AND HIGHER EDUCATION

6 Leaving premises to attend work or higher education

Leaving for work

- (1) A person may leave the premises where they ordinarily reside to attend work only if it is not reasonably practicable to work from their premises or another suitable premises which is not the employer's premises.

Note 1: under clause 16 of the Restricted Activity Directions (No. 9) an employer must not permit an employee to perform work at the employer's premises where it is reasonably practicable for the employee to work at the employee's place of residence or another suitable premises which is not the employer's premises.

Note 2: 'reasonably practicable' is to have its ordinary common sense meaning.

Example: if a school has resumed on-site schooling, then other than in special circumstances, it is not reasonably practicable for a person employed or contracted to work in a registered school or to provide on-site support services to that school, to work from the premises where they ordinarily reside.

Leaving for higher education

- (2) A person may leave the premises where they ordinarily reside to obtain **higher education services** only if it is not reasonably practicable to obtain higher education services from their premises.

Note: 'reasonably practicable' is to have its ordinary common sense meaning.

PART 4 – GATHERINGS

7 Restrictions on gatherings

Private gatherings

- (1) During the stay safe period, subject to subclause (2), a person must not permit another person to enter the premises at which they ordinarily reside (whether or not entering any building on the premises), unless at the time of entry, no more than 19 other persons (including those who ordinarily reside at the premises) are at the premises.

Note: clause 7(1) limits the number of people who may gather at a residential premises to 20. This does not apply if more than 20 people ordinarily reside at a residential premises, but any visitors will not be permitted, except for the exceptions specified in clause 7(2).

- (2) Subclause (1) does not operate to prevent:
- (a) if more than 20 people ordinarily reside at the same premises, those people who ordinarily reside at the premises continuing to reside there; or
 - (b) any person entering the premises:
 - (i) if permitted under, and provided they comply with the requirements of, the Directions currently in force; or
 - (ii) to attend or undertake work or obtain education services in accordance with clause 6; or
 - (iii) to provide childcare, child-minding, early childhood education, schooling or education services (whether paid or on a voluntary basis); or
 - (iv) if that person is a parent, guardian or relative of a child who ordinarily resides at the premises, to visit that child; or
 - (v) to provide care and support to a relative or other person who ordinarily resides at the premises and:
 - (A) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or
 - (B) because of matters relating to the relative or other person's health (including mental health or pregnancy); or
 - (vi) to visit someone who ordinarily resides at those premises and with whom they are in an intimate personal relationship; or
 - (vii) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
 - (viii) for emergency purposes; or
 - (ix) as required or authorised by law; or
 - (x) for purposes relating to the administration of justice.

Example: if a child ordinarily resides at a boarding school during the school term, and there are more than 20 staff and students who also ordinarily reside at the boarding school during the school term, then that child's parent, guardian or relative may still visit them.

*Note: clause 7 does not apply to a care facility, as defined in the **Care Facilities Directions (No. 4)**. Access and visits to care facilities are regulated by those directions.*

Public gatherings

- (3) During the stay safe period, a person must not arrange to meet with more than 19 other persons at an open public place, except:
- Note: under clause 7(3) the limit on the number of people who may meet in an open public place at any one time is 20.*
- (a) where each other person ordinarily resides at the same premises; or
 - (b) for the purpose of attending a wedding that complies with the requirements in subclause (4); or
 - (c) for the purpose of attending a funeral that complies with the requirements in subclause (5); or
 - (d) if it is necessary to arrange a meeting for one or more of the following purposes:
 - (i) engaging in an activity permitted under, and provided they comply with any requirements of, the **Restricted Activity Directions (No. 9)**;
 - (ii) work;
 - (iii) education;
 - (iv) emergency purposes;

- (v) purposes as required or authorised by law;
- (vi) purposes relating to the administration of justice.

Note: a person may leave the premises at which they ordinarily reside using transport (public or private) 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 vehicle, other than a public transport vehicle, subject to the restrictions on gatherings in clause 7.

Weddings and funerals

- (4) 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 20 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 (other than at a person's ordinary place of residence), the total number of **members of the public** present at the same time in the space must not exceed the **density quotient**; and
 - (c) if held at a person's ordinary place of residence, it must comply with the gatherings restriction in clause 7(1).

Note: record keeping requirements apply to weddings as set out in the Restricted Activity Directions (No. 9).

- (5) The requirements for a funeral are that:
- (a) it involves no more than 50 **members of the public** regardless of whether it is held in an **outdoor space** or **indoor space**; and
 - (b) in any case (other than at a person's ordinary place of residence), the total number of members of the public present at the same time in the space must not exceed the density quotient; and
 - (c) if held at a person's ordinary place of residence, it must comply with the gatherings requirement in clause 7(1).

Note: record keeping requirements apply to funerals as set out in the Restricted Activity Directions (No. 9).

PART 5 – OTHER PROVISIONS

8 Relationship with other directions

- (1) If there is any inconsistency between Parts 2, 3 and 4 of these directions and the **Diagnosed Persons and Close Contacts Directions (No. 2)**, Parts 2, 3 and 4 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.
- (3) If there is any inconsistency between these directions and a direction or other requirement contained in the **Care Facilities Directions (No. 4)**, these directions are inoperative to the extent of the inconsistency.

9 Definitions

For the purposes of these directions:

- (1) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (2) **density quotient** limits the members of the public that are permitted in a space at any one time to the number calculated by dividing the total publicly accessible space (measured in square metres) by 4 and:

- (a) for an indoor space applies to each single undivided area; and
- (b) for an **enclosed outdoor space** applies to the total area.

Example: if a publicly accessible 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 members of the public would be permitted to be in the area at the same time.

Note: the density quotient, also referred to as the '4 metre square rule', is to be calculated by measuring the area which the members of the public can access, such as the table area in a restaurant, but not the food preparation area or in a store room.

- (3) **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;
- (4) **Directions currently in force** means the **Restricted Activity Directions (No. 9)**, the **Diagnosed Persons and Close Contacts Directions (No. 2)**, the **Hospital Visitor Directions (No. 4)** and the **Care Facilities Directions (No. 4)**;
- (5) **enclosed outdoor space** means an outdoor space (or part of an outdoor space) that is substantially enclosed by either a roof or walls, regardless of whether the roof or walls or any part of them are open or closed;
- (6) **higher education services** means university, vocational education and training, technical and further education (TAFE), adult community and further education, and other post-compulsory education and training;
- (7) **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 open or closed.
- (8) **members of the public** means a person but does not include:
 - (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;
- (9) **outdoor space** means a space that is not an indoor space; and
- (10) **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.
- (11) **stay safe period** has the meaning in clause 4.

10 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 31 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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