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Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY

Stay at Home Directions (Restricted Areas) (No. 5)

I, Dr Finn Romanes, Public Health Commander, 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 who ordinarily resides in the **Restricted Area** to limit their interactions with others by:
 - (a) restricting the circumstances in which they may leave the **premises** where they ordinarily reside and the **Restricted Area**; and
 - (b) placing restrictions on gatherings, including prohibiting private gatherings (no visitors to another person's home other than in very limited circumstances).
- (3) These directions must be read together with the **Restricted Activity Directions (Restricted Areas) (No. 3)**, the **Area Directions (No. 5)**, the **Stay Safe Directions (No. 8)**, the **Diagnosed Persons and Close Contacts Directions (No. 7)**, the **Hospital Visitor Directions (No. 9)** and the **Care Facilities Directions (No. 8)**.
- (4) These directions replace the **Stay at Home Directions (Restricted Areas) (No. 4)**.

2 Citation

These directions may be referred to as the **Stay at Home Directions (Restricted Areas) (No. 5)**.

3 Revocation

The **Stay at Home Directions (Restricted Areas) (No. 4)** are revoked at 11:59:00 pm on 30 July 2020.

4 Stay at home period

For the purposes of these directions, the **stay at home period** is the period beginning at 11:59:00 pm on 30 July 2020 and ending at 11:59:00 pm on 16 August 2020.

PART 2 – STAY AT HOME

5 Direction – stay at home other than in specified circumstances

Requirement to stay at home

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

Note: a person may have more than one ordinary place of residence but is only permitted to move between those places in accordance with subclause (1D).

SPECIAL

- (1A) A person may only leave their premises under subclause (1) where it does not involve unreasonable travel or travelling to a place for an unreasonable period of time.

Note 1: unreasonable travel would include travel within or outside the Restricted Area to obtain goods or services that can be obtained closer to home.

Note 2: unreasonable travel would include travel within the Restricted Area for exercise or outdoor recreation where that can be done closer to home. Travelling to an area outside the Restricted Area for exercise or outdoor recreation is prohibited under these directions.

Requirement to stay in the Restricted Area

- (1B) Subject to subclauses (1C) and (1D), a person who ordinarily resides in the Restricted Area during the stay at home period must not leave the Restricted Area other than for one or more of the reasons specified in:

- (a) clause 6 (**necessary goods or services**);
- (b) clause 7 (**care or other compassionate reasons**);
- (c) clause 8 (**work or education**);
- (d) clause 10 (**other specified reasons**).

- (1C) If a person who ordinarily resides in the Restricted Area leaves the Restricted Area in accordance with subclause (1B) or (1D), these directions and the **Restricted Activity Directions (Restricted Areas) (No. 3)** apply to that person when outside of the Restricted Area as if they were in the Restricted Area.

Principal place of residence

- (1D) If a person has more than one ordinary place of residence, the person must choose one of these residences to be their principal place of residence for the duration of the stay at home period. If the person's chosen principal place of residence is:

- (a) within the Restricted Area, they must not leave to go to any other ordinary place of residence (regardless of whether it is within or outside the Restricted Area); or
- (b) outside the Restricted Area, they must not leave to go to any other ordinary place of residence within the Restricted Area,

except:

- (c) for the purposes of (and provided they comply with) clause 8 (**work or education**); or
- (d) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
- (e) for necessary maintenance of the other residence; or
- (f) for emergency purposes; or
- (g) as required or authorised by law.

Example: a person has an ordinary place of residence in the CBD, another elsewhere in the Restricted Area and another in the country outside the Restricted Area. This person must choose a principal place of residence. If they choose the CBD residence, they cannot go to their other residences in the Restricted Area or the country outside the Restricted Area, except in accordance with subclause (1D).

Ordinary place of residence

- (2) Subject to subclause (3) and (3A), subclause (1) and (1D) do not apply to a person at any time during the stay at home period when the person:

- (a) does not have an ordinary place of residence or a principal place of residence (as applicable); or

- (b) has an ordinary place of residence or principal place of residence (as applicable), but that place is temporarily unavailable or is unavailable because of a risk of harm (including harm relating to family violence or violence of another person at the premises).
- (3) If a suitable premises is made available for a person identified in subclause (2) to reside at for the stay at home period (or part thereof):
 - (a) that premises is taken to be the person's ordinary place of residence for the period (or part thereof); and
 - (b) subclause (1) applies accordingly.
- (3A) If a person has more than one ordinary place of residence and can choose another such residence to be their principal place of residence for the duration of the stay at home period (or part thereof), that residence is taken to be the person's principal place of residence and subclause (1D) applies accordingly.
- (4) If a person's ordinary place of residence is outside Victoria, the premises where that person is temporarily residing in Victoria during the stay at home period (or part thereof) is taken to be the person's ordinary place of residence for the period (or part thereof).
- (5) If, during the stay at home period, a person moves from the premises at which they ordinarily reside to a new premises, the new premises is taken to be the premises at which the person ordinarily resides from midnight on the day that the person moves.

Example: subclause (5) applies if a person sells their ordinary place of residence, buys a new ordinary place of residence and wishes to move between them. Otherwise, movement between multiple ordinary places of residence is regulated by subclause (1D).

Face covering requirement

- (6) A person may only leave the premises under subclause (1), (1B) and (1D) if they:
 - (a) wear a face covering at all times; and
 - (b) if subclause (7) (other than subclause (7)(a) or (c)) applies, carry a face covering at all other times.

Note: a face covering includes a face mask or face shield designed or made to be worn over the nose and mouth to provide the wearer protection against infection. Please refer to the Department of Health and Human Services' guidelines for further information.

- (7) Subclause (6)(a) does not apply if:
 - (a) the person is an infant or a child under the age of 12 years; or
 - (b) the person is a student while onsite at a primary school in the Restricted Area or at a school they attend outside the Restricted Area; or
 - (c) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or

Examples: persons who have obstructed breathing, a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.

- (d) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (e) the nature of a person's work means that wearing a face covering creates a risk to their health and safety; or
- (f) the nature of a person's work means that clear enunciation or visibility of the mouth is essential; or

Examples: teaching, lecturing, broadcasting.

- (g) the person is a professional sportsperson when training or competing; or
- (h) the person is engaged in any strenuous physical exercise; or

Examples: jogging, running.

- (i) the person is travelling in a **vehicle** by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (j) the person is riding a bicycle or motorcycle; or
- (k) the person is consuming food, drink or medicine; or
- (l) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (m) the person is asked to remove the face covering to ascertain identity; or
Examples: a person may be asked by police, security, bank or post office staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.
- (n) for emergency purposes; or
- (o) required or authorised by law; or
- (p) doing so is not safe in all the circumstances.

PART 3 – REASONS TO LEAVE PREMISES

6 Leaving premises to obtain necessary goods or services

- (1) A person who ordinarily resides in the Restricted Area may leave the premises to obtain:
 - (a) take away food or drink; or
Note: a person who ordinarily resides in the Restricted Area may not leave their premises to have a dine-in meal at any location.
 - (b) goods and services for health or medical purposes; or
 - (c) other necessary goods or services including, but not limited to, goods or services provided by:
 - (i) a financial institution;
 - (ii) a government body or government agency;
 - (iii) a post office;
 - (iv) a **pharmacy**;
 - (v) a hardware store;
 - (vi) a petrol station;
 - (vii) a pet store or veterinary clinic;
 - (viii) a **retail facility** that is not prohibited from operating by the **Restricted Activity Directions (Restricted Areas) (No. 3)**, regardless of whether that retail facility is within the Restricted Area or not.
Note: a person who ordinarily resides in the Restricted Area may only visit retail facilities to obtain necessary goods or services outside the Restricted Area in accordance with clause 5(1B) and (1C) and if such retail facilities are permitted to operate in the Restricted Area.
*Example: as beauty salons are not open under the **Restricted Activity Directions (Restricted Areas) (No. 3)**, a person may not leave their premises to attend a beauty salon in any location.*

7 Leaving premises for care or other compassionate reasons

- (1) A person who ordinarily resides in the Restricted Area may leave the premises:
 - (a) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
 - (b) if the person is a parent or guardian of a child (with or without that child):
 - (i) to visit the child if the child is in detention, or in the care of another person; or
 - (ii) to meet any obligations in relation to care and support for that child; or

- (iii) to take the child to another person's premises for the purpose of that other person providing child-minding assistance (whether on a paid or voluntary basis), so that the parent or guardian can:
 - (A) do one of the things specified in clauses 6 (necessary goods or services), 7 (care or other compassionate reasons), 8 (work or education), 9 (exercise or outdoor recreation) or 10 (other specified reasons); or
 - (B) work, or obtain educational services, from their own premises; or
 - (c) to provide childcare, early childhood education or schooling to a child or young person who is vulnerable because the child or young person:
 - (i) resides in the care of the State; or
 - (ii) is deemed vulnerable by a government agency, or funded family or family violence service, and is assessed as requiring education and care outside the family home; or
 - (d) to provide care and support to a relative or other person:
 - (i) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or
 - (ii) because of matters relating to the relative or other person's health (including mental health or pregnancy); or
 - (e) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions (No. 8)**; or
 - (f) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions (No. 9)**; or
 - (g) to attend a funeral or wedding, if that funeral or wedding complies with the requirements in clause 11; or
 - (h) to donate blood; or
 - (i) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises; or
 - (j) to visit a person with whom they are in an intimate personal relationship; or
 - (k) to attend a cemetery or other memorial for a deceased person to pay respects to a deceased person; or
- Note: the reference to a memorial is to a physical place (for example, a place of interment such as a grave, crypt or cremation niche), not an event. Clause 7(1)(k) does not permit a person to attend an event in a person's home.*
- (l) to provide child-minding assistance (whether on a paid or voluntary basis), so that the parent or guardian of a child can:
 - (i) leave their own premises for one of the purposes specified in clauses 6 (necessary goods or services), 7 (care or other compassionate reasons), 8 (work or education), 9 (exercise or outdoor recreation) or 10 (other specified reasons); or
 - (ii) work, or obtain educational services, from their own premises.

8 Leaving premises to attend work or education

- (1) Subject to subclause (2), a person who ordinarily resides in the Restricted Area may leave the premises to:
 - (a) attend work (whether paid or voluntary, including for charitable or religious purposes); or
 - (b) obtain educational services (which includes going to school or another educational facility or institution); or

- (c) do anything necessary to attend that work or obtain those educational services including, but not limited to, taking a child to:
 - (i) childcare, an early childhood educational facility, a school or another educational facility or institution; or
 - (ii) another person's premises for child-minding under clause 7(1)(b)(iii).
- (2) A person may leave the premises under subclause (1) only if it is not reasonably practicable for the person:
 - (a) to work from the premises; or
 - (b) to obtain education services from the premises.

Note: if a school is providing 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.

9 Leaving premises for exercise or outdoor recreation

- (1) A person who ordinarily resides in the Restricted Area may leave the premises to exercise or to participate in outdoor recreation, but must:
 - (a) only participate in a sport or physical recreation activity, or only exercise at a facility, that is not prohibited by the **Restricted Activity Directions (Restricted Areas) (No. 3)**, regardless of whether that activity or facility is within the Restricted Area or not; and

Note: community sport cannot take place in the Restricted Area, nor can a person who ordinarily resides in the Restricted Area participate in any community sport in any location.

*Example: as swimming pools are not open under the **Restricted Activity Directions (Restricted Areas) (No. 3)**, a person may not leave their premises to swim in a pool in any location.*

- (b) comply with the restrictions on gatherings in clause 11; and
- (c) take reasonable steps to maintain a distance of 1.5 metres from all other persons.

Note 1: the effect of clause 11 is that a person can only exercise or participate in outdoor recreation with people that live at the same premises; or alternatively, with one other person with whom they do not ordinarily reside.

Examples: outdoor recreation includes sitting in a park, hiking, boating, fishing and recreational driving.

Note 2: in accordance with clause 11(3)(b), if a person is a parent or guardian of a child, and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can exercise with one other person with whom they do not ordinarily reside, then the child may accompany the person when exercising with that other person.

- (2) Subclause (1)(c) does not prevent a person from walking with another person or persons for the purposes of exercise.

10 Leaving premises for other reasons

- (1) A person who ordinarily resides in the Restricted Area may leave the premises in the following circumstances:
 - (a) for emergency purposes; or
 - (b) as required or authorised by law; or
 - (c) for purposes relating to the administration of justice, including, but not limited to, attending:
 - (i) a police station; or
 - (ii) a court or other premises for purposes relating to the justice or law enforcement system; or

- (d) to attend a **place of worship**, if that place of worship is operating in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 3)**, regardless of whether that place of worship is within the Restricted Area or not; or
- (e) to attend a **community facility**, if that facility is operating in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 3)**, regardless of whether that community facility is within the Restricted Area or not; or
- (f) if the premises in which the person ordinarily resides is no longer available for the person to reside in or is no longer suitable for the person to reside in; or
- (g) for purposes relating to, or associated with, **dealing in residential property**, including attending a private inspection of a residential property organised in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 3)** and the **Restricted Activity Directions (No. 15)**; or
- (h) to attend a lesson to operate a vehicle, or to practise for the purposes of obtaining a licence to operate a vehicle, with another person who ordinarily resides at the same premises or with an instructor; or
- (i) for the purposes of moving to a new premises at which the person will ordinarily reside; or
- (j) if the person ordinarily resides outside Victoria, for the purposes of leaving Victoria; or
- (k) if the person is permitted to leave Australia, for the purposes of leaving Australia; or
- (l) for the purposes of **national security**.

PART 4 – GATHERINGS

11 Restrictions on gatherings

Private gatherings

- (1) During the stay at home period, a person must not enter a premises (at which they do not ordinarily reside) in the Restricted Area, except for one or more of the purposes specified in (and provided they comply with) clauses 6 (necessary goods or services), 7 (care or other compassionate reasons), 8 (work or education) or 10 (other specified reasons).
- (2) During the stay at home period, a person who ordinarily resides in the Restricted Area must not permit another person to enter the premises at which they ordinarily reside (whether or not entering any building on the premises), unless:
 - (a) the other person also ordinarily resides at the premises; or
 - (b) the person is residing at the premises in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 7)**; or
 - (c) it is necessary for the other person to enter the premises for one or more of the purposes specified in clauses 7 (care or other compassionate reasons) or 8 (work or education); or

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

 - (d) it is necessary for the other person to enter for the purposes of attending a private inspection of the premises, organised in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 3)**; or
 - (e) it is necessary for the other person to enter for medical or emergency purposes; or
 - (f) the entry is otherwise required or authorised by law.

Public gatherings

- (3) During the stay at home period, a person in the Restricted Area must not arrange to meet, or organise or intentionally attend a gathering of, more than one other person for a common purpose at a public place, except:

Note: clause 11(3) does not prevent a person attending a public place (for example, a shopping centre) for a purpose (for example, shopping), where other people are also likely to be attending that public place for a similar purpose. It prevents people from attending a public place intending to gather with other people for a common purpose (for example, meeting family or friends at the shopping centre).

- (a) where each other person ordinarily resides at the same premises; or
- (b) if the person is a parent or guardian of a child, and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can leave the premises without the child, then the child may accompany the person when gathering with one other person; or
- (c) for the purpose of attending a wedding in a Restricted Area that complies with the requirements in subclause (4); or

Note: a person who ordinarily resides in the Restricted Area must not attend a wedding outside the Restricted Area, except as a celebrant who may leave the Restricted Area under clause 5(1B)(c).
- (d) for the purpose of attending a funeral that complies with the requirements in subclause (5); or
- (e) it is necessary to arrange a meeting or organise a gathering for one or more of the purposes specified in clauses 7 (care or other compassionate reasons), 8 (work or education) or 10 (other specified reasons).

Weddings and funerals

- (4) The requirements for a wedding held in the Restricted Area are that:

- (a) it involves only 5 persons:
 - (i) the two persons being married; and
 - (ii) the **authorised celebrant**; and
 - (iii) 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 gathering restriction in clause 11(1).

Note 1: a wedding held at a person's ordinary place of residence is limited to those persons who ordinarily live at that residence and the celebrant who can enter the premises under clause 11(2)(c) (work).

*Note 2: record keeping requirements apply to weddings as set out in the **Restricted Activity Directions (Restricted Areas) (No. 3)**.*

*Note 3: the requirements for a wedding held in an area other than in the Restricted Area are set out in the **Stay Safe Directions (No. 8)**.*

- (5) The requirements for a funeral held in the Restricted Area are that:

- (a) it involves no more than 10 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 gathering restriction in clause 11(1).

Note 1: a funeral held at a person's ordinary place of residence is limited to those persons who ordinarily live at that residence and the persons reasonably necessary for the conduct of the funeral who can enter the premises under clause 11(2)(c) (work).

*Note 2: record keeping requirements apply to funerals as set out in the **Restricted Activity Directions (Restricted Areas) (No. 3)**.*

*Note 3: the requirements for a funeral held in an area other than in the Restricted Area are set out in the **Stay Safe Directions (No. 8)**.*

PART 5 – OTHER PROVISIONS

12 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. 7)**, Parts 2, 3 and 4 of these directions are inoperative to the extent of any 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. 8)**, these directions are inoperative to the extent of the inconsistency.
- (4) A reference in any other **Directions currently in force** or any **Direction and Detention Notice** to the **Stay at Home Directions (Restricted Areas) (No. 4)** is taken to be a reference to these directions.

13 Definitions

For the purposes of these directions:

- (1) **Area Directions (No. 5)** means the directions issued by the Public Health Commander, setting out Restricted Areas, as amended from time to time;
- (2) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (3) **care facility** has the same meaning as in the **Care Facilities Directions (No. 8)**;
- (4) **community facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas) (No. 3)**;
- (5) **dealing** with residential property of a person includes:
 - (a) creating, acquiring, disposing of or assigning an interest in the property;
 - (b) receiving or making a gift of the property;
 - (c) using the property to obtain or extend credit; and
 - (d) using credit secured against the property;
- (6) **density quotient** 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.
- (7) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;

- (8) **Directions currently in force** means the **Restricted Activity Directions (No. 15)**, the **Restricted Activity Directions (Restricted Areas) (No. 3)**, the **Stay Safe Directions (No. 8)**, the **Area Directions (No. 5)**, the **Diagnosed Persons and Close Contacts Directions (No. 7)**, the **Hospital Visitor Directions (No. 9)** and the **Care Facilities Directions (No. 8)**;
- (9) **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;
- (10) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 9)**;
- (11) **indoor space** means an area, room or premises that is or are substantially enclosed by a roof and walls, regardless of whether the roof or walls or any part of them are open or closed;
- (12) **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;
- (13) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (14) **outdoor space** means a space that is not an indoor space;
- (15) **patient** has the same meaning as in the **Hospital Visitor Directions (No. 9)**;
- (16) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (17) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (18) **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;
- (19) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (20) **Restricted Area** has the same meaning as in the **Area Directions (No. 5)**;
- (21) **retail facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas) (No. 3)**;
- (22) **stay at home period** has the meaning in clause 4;
- (23) **vehicle** has the same meaning as in the PHW Act.

14 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

Dated 30 July 2020

DR FINN ROMANES
Public Health Commander,
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 PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**

Area Directions (No. 5)

I, Dr Finn Romanes, Public Health Commander, 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 address the serious public health risk posed to Victoria by Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions identify areas within Victoria which have a higher prevalence of, or risk of exposure to, 2019-nCoV and which are subject to specific directions which are reasonably necessary to protect public health.
- (3) These directions must be read together with the **Directions currently in force**.

2 Citation

These directions may be referred to as the **Area Directions (No. 5)**.

3 Commencement and revocation

- (1) These directions apply beginning at 11:59:00 pm on 30 July 2020 and ending at 11:59:00 pm on 16 August 2020.
- (2) The **Area Directions (No. 4)** are revoked at 11:59:00 pm on 30 July 2020.

4 Restricted Area

For the purposes of the Directions currently in force, the **Restricted Area** means the aggregate area consisting of the **municipal districts**, suburbs, localities and addresses within **greater Melbourne** and the **Shire of Mitchell**.

5 Safety Area

For the purposes of the Directions currently in force, the **Safety Area** means the aggregate area consisting of the municipal districts under the local government of:

- (1) Colac Otway Shire Council;
- (2) Golden Plains Shire Council;
- (3) City of Greater Geelong Council;
- (4) Moorabool Shire Council;
- (5) Borough of Queenscliffe Council; and
- (6) Surf Coast Shire Council.

6 Addition or exclusion power

- (1) The Chief Health Officer or Deputy Chief Health Officer may add to or exclude from the Restricted Area or the Safety Area any municipal district, suburb, locality, address or other identified area, if satisfied that such an addition or exclusion is appropriate, having regard to the:
 - (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the PHW Act, as appropriate.
- (2) An addition or exclusion under subclause (1) must:
 - (a) be in writing and published on the website of the Department of Health and Human Services; and
 - (b) specify the relevant municipal district, suburb, locality, address or other identified area with sufficient particularity.

- (3) An addition or exclusion under subclause (1) does not prevent an **authorised officer** from exercising an emergency power to give a person a different direction or impose a different requirement on the person.

7 Relationship with other directions

- (1) If there is any inconsistency between any Directions currently in force (or a provision of such a direction) that applies generally to the State of Victoria and an equivalent Direction currently in force (or a provision of such a direction) that applies specifically to the Restricted Area (or the Safety Area), then the direction that applies to the Restricted Area (or the Safety Area, as applicable) prevails to the extent of the inconsistency.

Example: if the Stay Safe Directions (No. 8) permits gatherings in public places in Victoria of up to 10 people, but the Stay At Home Directions (Restricted Areas) (No. 5) permits gatherings in public places in the Restricted Area of only up to 2 people, then the Stay At Home Directions (Restricted Areas) (No. 5) provision on gatherings in public places prevails in the Restricted Area to the extent of the inconsistency.

Note: the Stay at Home Directions (Restricted Areas) (No. 5) regulates when a person may leave the Restricted Area and, together with the Restricted Activity Directions (Restricted Areas) (No. 2), regulates what a person from the Restricted Area may do outside the Restricted Area.

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

8 Definitions

In these directions:

- (1) **authorised officer** has the same meaning as in the PHW Act;
- (2) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (3) **Directions currently in force** means the **Restricted Activity Directions (Restricted Areas) (No. 3)**, the **Restricted Activity Directions (No. 15)**, the **Stay at Home Directions (Restricted Areas) (No. 5)**, the **Stay Safe Directions (No. 8)**, the **Diagnosed Persons and Close Contacts Directions (No. 7)**, the **Hospital Visitor Directions (No. 9)** and the **Care Facilities Directions (No. 8)**;
- (4) **greater Melbourne** means the **municipal districts** under the local government of:
- (a) Banyule City Council;
 - (b) Bayside City Council;
 - (c) Boroondara City Council;
 - (d) Brimbank City Council;
 - (e) Cardinia Shire Council;
 - (f) Casey City Council;
 - (g) Darebin City Council;
 - (h) Frankston City Council;
 - (i) Glen Eira City Council;
 - (j) Greater Dandenong City Council;
 - (k) Hobsons Bay City Council;
 - (l) Hume City Council;
 - (m) Kingston City Council;
 - (n) Knox City Council;
 - (o) Manningham City Council;
 - (p) Maribyrnong City Council;

- (q) Maroondah City Council;
 - (r) Melbourne City Council;
 - (s) Melton City Council;
 - (t) Monash City Council;
 - (u) Moonee Valley City Council;
 - (v) Moreland City Council;
 - (w) Mornington Peninsula Shire Council;
 - (x) Nillumbik Shire Council;
 - (y) Port Phillip City Council;
 - (z) Stonnington City Council;
 - (aa) Whitehorse City Council;
 - (bb) Whittlesea City Council;
 - (cc) Wyndham City Council;
 - (dd) Yarra City Council; and
 - (ee) Yarra Ranges Shire Council;
- (5) **municipal district** has the same meaning as in the **Local Government Act 1989**;
- (6) **Restricted Area** has the meaning in clause 4;
- (7) **Safety Area** has the meaning in clause 5;
- (8) **Shire of Mitchell** means the municipal district under the local government of Mitchell Shire Council.

9 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 30 July 2020

DR FINN ROMANES
Public Health Commander,
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 PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Restricted Activity Directions (No. 15)**

I, Dr Finn Romanes, Public Health Commander, 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 Victoria other than in **Restricted Areas** in order to limit the spread of Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions replace the **Restricted Activity Directions (No. 14)**, and now impose an obligation on certain facilities and accommodation providers to use reasonable endeavours to ascertain that the principal place of residence of customers is not in a **Restricted Area**.
- (3) These directions must be read together with the **Area Directions (No. 5)** and the **Stay Safe Directions (No. 8)**, and as amended or replaced from time to time.

2 Revocation

The **Restricted Activity Directions (No. 14)** are revoked at 11:59:00 pm on 30 July 2020.

3 Citation

- (1) These directions may be referred to as the **Restricted Activity Directions (No. 15)**.
- (2) A reference in any other Directions currently in force or any Direction and Detention Notice to the **Restricted Activity Directions (No. 14)** are taken to be a reference to these directions.

3A Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 11:59:00 pm on 30 July 2020 and ending at 11:59:00 pm on 16 August 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:

- (1) for an **indoor space** applies to each single undivided space permitted to operate under these directions; and
- (2) for an **indoor zone** applies to each indoor zone within an indoor space permitted to operate under these directions; and
- (3) for an **outdoor space, market or retail shopping centre**, 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 'four square metre 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.

5 Pubs, bars, clubs, nightclubs and hotels

- (1) A person who owns, controls or operates a **licensed premises** outside the **Restricted Area** may operate that **premises** during the restricted activity period only to the extent permitted by these directions.
- (2) A **licensed premises** means a business characterised as a pub, bar, club, nightclub or hotel that supplies liquor under a **general licence**, an **on-premises licence**, a **late night licence**, a **producer's licence** or a **club licence**.

Permitted operations of licensed premises

- (3) A person who owns, operates or controls a licensed premises outside the Restricted Area may operate that premises for the purposes of:
 - (a) operating a **bottleshop**;
 - (b) providing food or drink in accordance with clause 10;
 - (c) providing accommodation in accordance with clause 11; or
 - (d) the operation of a **retail betting venue** wholly contained within the licensed premises in accordance with clause 7(13)(b).

Note: under this direction a nightclub is prohibited from operating a dancefloor. A dancefloor or similar structure may only be used for seated drink or food service in accordance with this direction.

6 Physical recreational facilities

- (1) A person who owns, controls or operates a **physical recreational facility** outside the Restricted Area may operate that facility during the restricted activity period only to the extent permitted by these directions.
- (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 or sport;
Examples: gymnasium, health club, fitness centre, yoga studio, barre and spin facility, basketball court, indoor climbing facility, squash court, table tennis centre.
 - (b) a facility used predominantly for outdoor sport or physical recreation;
Examples: golf club, tennis club.
 - (c) a **personal training facility**;
 - (d) a **play centre**;
 - (e) a trampolining centre.

Permitted operations – indoor activities

- (3) A person who owns, controls or operates a facility listed in subclause (2)(a) (facility used predominantly for indoor physical recreation or sport) or 2(c) (personal training facility) outside the Restricted Area may operate that facility if in providing its services in an indoor space:
 - (a) except in relation to **community sport** which is subject to paragraph (b), the number of members of the public in each indoor zone or each indoor space not consisting of any indoor zones:
 - (i) to whom the services are provided is limited to the lesser of:
 - (A) the number permitted by the density quotient; and
 - (B) 20; and
 - (ii) participating in a group that includes at least one member of the public aged 19 years or over is limited to the lesser of:
 - (A) the number permitted by the density quotient; and
 - (B) 10; and

Examples: a group activity includes a fitness class, a yoga class, a Pilates class.

- (b) the activity is undertaken in compliance with the directions on community sport and physical recreation under clause 6B and any Victorian Government guidance on community sport in indoor facilities; and
- (c) no access is permitted to a sauna or spa within the facility; and
- (d) the person complies with:
 - (i) the **records requirement**; and
 - (ii) the **signage requirement** for each indoor zone or each indoor space not consisting of any indoor zones; and
 - (iii) the **cleaning requirement**; and
 - (iv) the **restricted area requirement**.

Note 1: the limits on members of the public in subclause (3) apply for each indoor zone (being a delineated space bigger than 200 square metres) or indoor space without indoor zones. Different limits apply to individual and group activities, and for adult and children groups.

Example: a Pilates studio with four rooms may concurrently run four classes of up to:

- a) 10 participants where at least one participant in a class is aged 19 years or over, subject to the density quotient; and
- b) 20 participants, where all participants in a class are aged 18 years or under, subject to the density quotient.

Note 2: subclause (3) is not intended to limit professional sports teams training in accordance with subclauses (5) and (6) below.

Permitted operations – outdoor activities

- (4) A person who owns, controls or operates a facility listed in subclause (2)(a) (facility used predominantly for indoor physical recreation or sport) or (2)(c) (personal training facility) outside the Restricted Area may operate that facility if in providing its services in an outdoor space:
 - (a) the activity is undertaken in compliance with the directions on community sport and physical recreation under clause 6B; and
 - (b) the person complies with:
 - (i) the records requirement; and
 - (ii) the restricted area requirement.

Note: subclause (4) is not intended to limit professional sports teams training in accordance with subclauses (5) and (6) below.

Permitted operations – professional sport

- (5) Despite subclauses (3) and (4), a person who owns, controls or operates a physical recreational facility outside the Restricted Area 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.
- (6) A person who operates a facility under subclause (5) 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

- (7) A person who owns, controls or operates a facility listed in subclause (2)(b) (facility used predominantly for outdoor sport or physical recreation) outside the Restricted Area may operate that facility for the purposes of outdoor sport or physical recreation if:
 - (a) in respect of an indoor space of the facility that is not a **food and drink facility**, the person limits the number of members of the public in the indoor space to the number permitted by the density quotient; and
 - (b) in respect of an indoor space of the facility that is a food and drink facility, the person complies with the restrictions on a food and drink facility under clause 10; and

- (c) the activity is undertaken in compliance with the directions on community sport and physical recreation under clause 6B; and
- (d) the person does not permit access to a sauna or spa within the facility; and

Examples: a golf club or tennis club may operate to permit outdoor golf or tennis and allow access to change facilities and club rooms.

Note: restrictions apply under clause 12 to a swimming pool of a facility used for outdoor sport or physical recreation.

- (e) the person complies with:
 - (i) the records requirement; and
 - (ii) the signage requirement; and
 - (iii) the cleaning requirement; and
 - (iv) the restricted area requirement.

Permitted operations – play centres and trampolining centres

- (8) A person who owns, controls or operates a facility listed in subclause (2)(d) (play centre) or (2)(e) (trampolining centre) outside the Restricted Area may operate that facility if in providing its services:

- (a) the number of members of the public to whom the services are provided is limited in each space to the lesser of:
 - (i) the number permitted in the space by the density quotient; and
 - (ii) 20; and
- (b) the number of members of the public in a group consisting of at least one member of the public aged 19 years or over is limited to the lesser of:
 - (i) the number permitted in the space by the density quotient; and
 - (ii) 10; and

Note: the limits on members of the public under paragraphs (a) and (b) apply for each indoor zone (being a delineated space bigger than 200 square metres), indoor space without an indoor zone and enclosed outdoor spaces. Different limits apply to individual and group activities, and for adult and children groups.

- (c) the person complies with:
 - (i) the signage requirement for each indoor zone, indoor space not consisting of any indoor zones and **enclosed outdoor space** accessible to members of the public; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement; and
 - (iv) the restricted area requirement; and
- (d) the person 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 – educational purposes

- (9) A person who owns, controls or operates a physical recreational facility outside the Restricted Area may operate that facility if it is operated for the exclusive use of a single school at any one time for educational purposes.

*Note 1: spectators (which do not include referees or trainers) are limited by the public gatherings restrictions under clause 7(3) of the **Stay Safe Directions (No. 8)**.*

Note 2: food and drink facilities and accommodation facilities that are part of a physical recreation facility may operate under clauses 10 and 11 irrespective of whether the predominate purpose is that of a physical recreation facility.

Note 3: this clause is not intended to restrict the operation of physical recreational facilities that are not open to the public, such as physical recreational facilities located within schools, workplaces or onsite rehabilitation facilities.

6A Community facilities

- (1) A person who owns, controls or operates a **community facility** outside the Restricted Area may operate that facility during the restricted activity period only for the purpose of:
- (a) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise); or
Examples: a food bank, a service for homeless persons.
 - (b) for members of the public in accordance with subclause (3); or
 - (c) hosting a wedding or funeral in accordance with subclause (4); or
 - (d) providing an exclusive venue for a single school at any one time for educational purposes.
- (2) A **community facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a community centre or community hall;
 - (b) a public library (including a toy library);
 - (c) a youth centre.

Restrictions – limited members of the public

- (3) A person who operates a facility under subclause (1)(b) must:
- (a) 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
 - (b) comply with:
 - (i) the signage requirement for each indoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the restricted area requirement, except in relation to support groups if confidentiality is typically required; and
 - (iv) the 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

- (4) 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 (No. 8)**; and
 - (b) must comply with:
 - (i) the signage requirement for each indoor space and enclosed outdoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement.

Permitted operations – broadcast

- (5) Despite subclause (1), a person who owns, controls or operates a community facility in a Restricted Area 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.
- (6) If a performance is held at a facility for the purposes of subclause (5), the only persons permitted to attend the facility are those necessary for the performance and the broadcasting of that performance to occur.

6B Community sport and physical recreation*Persons aged 19 years or over*

- (1) A member of the public aged 19 years or over may only participate in a community sport or a physical recreation activity if:
- (a) it is outside the Restricted Area; and
 - (b) it is **non-contact**; and
 - (c) it does not involve a participant who ordinarily resides in a Restricted Area; and
 - (d) for community sport, no more than the minimum number of members of the public required to conduct the sport participate in the activity; and
 - (e) for a physical recreation activity:
 - (i) no more than 20 members of the public are participating in a group; or
 - (ii) more than 20 members of the public are participating in a group if all persons have the same ordinary place of residence.

Persons aged 18 years or under

- (2) A member of the public aged 18 years or under may participate in a community sport or physical recreation activity if:
- (a) all members of the public participating in a group are aged 18 years or under; and
 - (b) it does not involve a participant who ordinarily resides in a Restricted Area; and
 - (c) it is outside the Restricted Area.
- (3) A member of the public aged 18 years or under may only participate in a community sport or physical recreation activity that involves at least one participant aged 19 years or over if:
- (a) it is outside the Restricted Area; and
 - (d) it is non-contact; and
 - (c) it does not involve a participant who ordinarily resides in a Restricted Area; and
 - (d) for community sport, no more than the minimum number of members of the public required to conduct the sport participate in the activity; and
 - (e) for a physical recreation activity:
 - (i) no more than 20 members of the public are participating in a group; or
 - (ii) more than 20 members of the public are participating in a group if all persons have the same ordinary place of residence.

*Note: physical recreation activities that do not take place in a physical recreation facility (for example, bush walking), are subject to the public gatherings restrictions in clause 7(3) of the **Stay Safe Directions (No. 8)**.*

Interaction with restrictions on indoor spaces

- (4) A member of the public who participates in a community sport or a physical recreation activity under subclause (1), (2) or (3) in an indoor space must participate in that activity in a way that complies, as the case applies, with the restrictions on:
- (a) indoor activities that apply under clause 6(3) to that indoor space; and
 - (b) a community facility that apply under clause 6A to that indoor space of a community facility.

Note 1: a reference in this clause to members of the public participating is not intended to apply to a referee or trainer.

*Note 2: spectators (which do not include those referred to in Note 1 above) are limited in accordance with the public gatherings restrictions in clause 7(3) of the **Stay Safe Directions (No. 8)**.*

7 Entertainment facilities

- (1) A person who owns, controls or operates an **entertainment facility** outside the Restricted Area 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;
 - (d) a gallery or a museum;
 - (e) an arena, stadium or convention centre;
 - (f) an arcade;
 - (g) an amusement park;
 - (h) 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;
 - (i) a retail betting venue;
 - (j) a **gaming machine area**;
 - (k) a **brothel, sex on premises venue** or **sexually explicit entertainment venue**;
 - (l) a **bingo centre**;
 - (m) an escape room.

Permitted operations – broadcast

- (3) Despite subclause (1), a person who owns, controls or operates an entertainment facility outside the Restricted Area 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.

Permitted operations – professional sport

- (4) Despite subclause (1), a person who owns, controls or operates an arena or stadium outside the Restricted Area 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) and (6).
 - (b) providing a venue for a professional sporting event.
- (5) A person who operates a facility under subclause (4) must:
 - (a) only permit to attend the facility a person who is necessary for the management of the facility, professional sporting event, training or the broadcasting of such an event to occur; and

Examples: coaching staff of a professional sports team, and persons employed or engaged in the management or maintenance of the facility are necessary attendees.

Note: spectators are not necessary and not permitted for professional sporting events.
 - (b) not permit a food and drink facility to operate at the arena or stadium, other than to the extent necessary to provide food and drink to persons permitted to attend the arena or stadium under subclause (5)(a); and
 - (c) use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations – community sport and educational purposes

- (6) Despite subclause (1), a person who owns, controls or operates an arena or stadium outside the Restricted Area may operate that facility for the purpose of:
- (a) providing a venue for community sport undertaken in compliance with the directions on community sport and physical recreation under clause 6B; or
 - (b) providing an exclusive venue for a single school at any one time for educational purposes.
- (7) A person who operates a facility under subclause (6) must:
- (a) only permit those persons to attend the facility who are necessary for the provision of the facility as a venue for community sport or as an exclusive venue for a single school; and
- Examples: instructors, trainers, coaches and teachers are necessary attendees, as are the minimum number of supporters required for a participant – such as a parent or carer in the case of a child or a person with disability.*
- (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 museum

- (8) Despite subclause (1), a person who owns, controls or operates a gallery or a museum outside the Restricted Area 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; and
 - (b) complies with:
 - (i) the signage requirement for each indoor space and enclosed outdoor space accessible to members of the public; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement; and
 - (iv) the restricted area 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 or amusement parks

- (9) Despite subclause (1), a person who owns, controls or operates an arcade or amusement park outside the Restricted Area may operate that venue if:
- (a) the venue is predominantly an outdoor venue; and
 - (b) the person limits the number of members of the public in an indoor space at the venue to the lesser of:
 - (i) the number permitted in the indoor space by the density quotient; and
 - (ii) 20; and
 - (c) the person limits the number of members of the public in an outdoor space at the venue to the number permitted in the outdoor space by the density quotient; and

- (d) the person complies with:
 - (i) the signage requirement for each indoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement; and
 - (iv) restricted area requirement; and
- (e) the person uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Note: an arcade located indoors at an outdoor venue is not permitted to be operated.

Permitted operations – drive-in cinemas

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

Permitted operations – cinema venues

- (11) Despite subclause (1), a person who owns, controls or operates a cinema venue outside the Restricted Area that is not a drive-in cinema may operate that venue if:
 - (a) the number of members of the public permitted in each cinema is limited to the lesser of:
 - (i) the number permitted in the indoor space or enclosed outdoor space by the density quotient; and
 - (ii) 20; and
 - (b) in each cinema a member of the public is required to be seated at least 1.5 metres away from all members of the public who are not from the same group; and
 - (c) the person complies with:
 - (i) the signage requirement for each indoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement; and
 - (iv) the restricted area requirement; and
 - (d) the person uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the venue.

Permitted operations – theatres, music halls, concert halls and auditoriums

- (12) Despite subclause (1), a person who owns, controls or operates a theatre, music hall, concert hall or auditorium outside the Restricted Area may operate that venue if:
 - (a) the number of members of the public permitted in each seating tier in the venue is limited to the lesser of:
 - (i) the number permitted in the indoor space by the density quotient; and
 - (ii) 20; and

Note: a seating tier is a level of seating at a venue, such as the stalls on a ground level, the dress circle on a first level and the gallery on a second level, with an entry point distinct from an entry points for another level.

 - (b) in the venue a member of the public is required to be seated at least 1.5 metres away from all members of the public who are not from the same group; and

- (c) the person complies with:
 - (i) the signage requirement for each indoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement; and
 - (iv) the restricted area requirement; and
- (d) the person uses reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the venue.

Permitted operations – retail betting venues

- (13) Despite subclause (1), a person who owns, controls or operates a retail betting venue outside the Restricted Area may operate the venue:
 - (a) if the retail betting venue is not wholly contained within a licensed premises operating as a food and drink facility in accordance with clause 5(3)(b), if:
 - (i) the number of members of the public permitted in the venue is limited to the number permitted by the density quotient; and
 - (ii) the person complies with:
 - (A) the signage requirement for each indoor space; and
 - (B) the cleaning requirement; or
 - (b) if the retail betting venue is wholly contained within a licensed premises operating as a food and drink facility in accordance with clause 5(3)(b).

Note: the restrictions that apply to a licensed premises operating as a food and drink facility in accordance with clause 5(3)(b) apply to the retail betting venue as a part of the licensed premises, including restrictions that apply under clauses 5(3)(b) and 10(3) on numbers of members of the public, group sizes, the signage requirement, the cleaning requirement, the records requirement and the restricted area requirement.

Permitted operations – sexually explicit entertainment venue

- (14) Despite subclause (1), a person who owns, controls or operates a premises that is a sexually explicit entertainment venue outside the Restricted Area may operate the premises if the person:
 - (a) limits the number of members of the public in each indoor space to the lesser of:
 - (i) the number permitted in the indoor space by the density quotient; and
 - (ii) 20; and
 - (b) ensures not more than 10 members of the public are permitted in the facility per group booking; and
 - (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; and
 - (d) permits service of food and drinks only to persons who are seated; and
 - (e) complies with:
 - (i) the signage requirement for each indoor space; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement; and
 - (iv) the restricted area requirement.

8 Places of worship

- (1) A person who owns, controls or operates a **place of worship** outside the Restricted Area may operate that place of worship during the restricted activity period for the purpose of:
- (a) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise); or
Examples: a food bank, a service for homeless persons.
 - (b) hosting a limited group of members of the public; or
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; and
 - (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 (No. 8)**.

Restrictions – signage, cleaning, records and restricted area requirements

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

9 Retail facilities

- (1) A person who owns, controls or operates an **open retail facility**, including a **restricted retail facility**, outside the Restricted Area 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;
 - (d) a market stall, whether indoor or outdoor, other than a market stall the predominant business of which is the provision of food and drink for consumption off the premises of the market.

Permitted operations – beauty and personal care facility

- (3) A person who owns, controls or operates a beauty and personal care facility outside the Restricted Area 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) does not permit access to a sauna or spa within the facility; and
 - (c) complies with:
 - (i) the records requirement; and
 - (ii) the restricted area requirement.

Permitted operations – hairdressers

- (4) A person who owns, controls or operates a hairdressing facility outside the Restricted Area may operate that facility provided that the person complies with:
- (a) the records requirement; and
 - (b) the restricted area requirement.

Permitted operations – auction houses

- (5) A person who owns, controls or operates an auction house outside the Restricted Area 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).
- (6) A person who owns, controls or operates an auction house outside the Restricted Area during the restricted activity period must comply with:
- (a) the records requirement; and
 - (b) the restricted area requirement,
- in respect of the members of the public that attend in person at the auction house.

Permitted operations – requirements for market stalls, markets and retail shopping centres

- (7) A person who owns, operates or controls a market stall, market or retail shopping centre outside a Restricted Area during the restricted activity period must:
- (a) limit the number of members of the public permitted by the density quotient as it applies respectively to the market stall, market or the retail shopping centre; and
 - (b) comply with the cleaning requirement respectively for the market stall, market or the **common areas** of the retail shopping centre; and
 - (c) use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations – requirements for other open retail facilities

- (8) A person who owns, operates or controls an open retail facility that is not a market stall, market or retail shopping centre outside a Restricted Area during the restricted activity period must comply with:
- (a) the density quotient for each indoor space; and
 - (b) the signage requirement for each indoor space; and
 - (c) the cleaning requirement.

10 Food and drink facilities

- (1) A person who owns, controls or operates a food and drink facility outside the Restricted Area 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;
 - (f) a licensed premises.

Permitted operations of food and drink facilities – dine-in service

- (3) A person who owns, operates or controls a food and drink facility outside the Restricted Area that is not located inside 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; and
 - (b) ensures not more than 10 members of the public are permitted in the facility per group booking; and
 - (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; and
 - (d) permits service of food or drinks only to members of the public who are seated; and
 - (e) maintains the closure of any gaming machine area, **lucky envelope vending machines** or bingo centre on the premises; and

Note: a retail gambling venue, such as TAB facilities located at a licensed premises, is permitted to operate under clause 7(13).
 - (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 (No. 8)**; 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

Note: the limits in subclause (3)(f) include dine-in patrons and those waiting for take away.

- (g) complies with:
 - (i) the signage requirement for each indoor space and outdoor space accessible to members of the public; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement; and
 - (iv) the restricted area requirement.

Note: a food and drink facility may serve take away to all customers, without needing to comply with the restricted area requirement.

Permitted operations of food and drink facilities – other

- (4) A person who owns, controls or operates a food and drink facility outside the Restricted Area may operate that facility:
- (a) for the purposes of providing food or drink to be consumed off the premises; or
 - (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; or
 - (c) if the facility is located:
 - (i) on the premises of a **hospital**, if the facility is located within an area of the hospital that has been exempted from the operation of the **Hospital Visitor Directions (No. 9)** pursuant to clause 7 of those directions; or
 - (ii) on the premises of a **residential aged care facility**; or
 - (iii) on the premises of a childcare centre, early childhood centre or school; or
 - (iv) on the premises of a prison, correctional facility, youth justice centre or other place of custody; or
 - (v) on land that is owned or held under lease by the Commonwealth and used, or intended for use, for the purposes of defence; or
 - (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** outside the Restricted Area 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** includes, but is not limited to, any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a camping ground;
 - (b) a caravan park;
 - (c) a hotel;
 - (d) a hostel;
 - (e) a Bed and Breakfast;
 - (f) a private holiday rental facility, including AirBnBs;
 - (g) a motel;
 - (h) a serviced apartment.

Permitted operations – tourism

- (3) A person who owns, controls or operates an accommodation facility outside the Restricted Area may operate that facility for the purposes of tourism if the person:
- (a) in relation to an accommodation facility in subclause (2)(f) or (h), ensures that only members of the public who have the same principal place of residence and no more than 5 other members of the public (excluding persons whose principal place of residence is in a Safety Area) are permitted in the facility per group booking;

Note: accommodation bookings for members of the public whose principal place of residence is in a Safety Area are set out in subclause (4) below.

- (b) in relation to an accommodation facility other than a facility in subclause 2(f) or (h), ensures:
 - (i) not more than 20 members of the public are permitted in the facility per group booking; and
 - (ii) surfaces accessible in the accommodation facility exclusively to a particular group, including a hotel room or cabin, are **cleaned** between groups; and
- (c) complies with:
 - (i) the records requirement;
 - (ii) the restricted area requirement; and

Note: the effect of sub-clause (8) below means that a person who owns, controls or operates an accommodation facility may provide accommodation to members of the public whose principal place of residence is in a Restricted Area or a Safety Area where that member of the public requires accommodation for care or other compassionate reasons, or work and education reasons.
 - (iii) the safety area requirement set out in subclause (4); and
 - (iv) the cleaning requirement for areas of the accommodation facility that are not for the exclusive use of a particular group, including reception areas.

Safety area requirement

- (4) A person who owns, controls or operates an accommodation facility outside the Restricted Area must:
 - (a) use reasonable endeavours to ascertain that the principal place of residence of each member of the public before taking a booking from the member of the public; and
 - (b) if the member of the public's principal place of residence is in a Safety Area, only provide service or access to the facility to that member of the public and persons who ordinarily reside in the same premises or are in a personal intimate relationship with each other; and
 - (c) not allow other members of the public to visit the members of a group booking under subclause (4)(b).

Permitted operations – alpine resort tourism

- (5) In addition to the requirements set out in subclause (3), a person who owns, controls or operates an accommodation facility with shared kitchen or bathroom facilities located at an **alpine resort**, may operate that facility for the purposes of tourism if the person ensures that:
 - (a) members of separately booked groups do not share bedrooms at the facility; and
 - (b) if a bedroom of the facility has an area of less than 12 square metres, the following people may be booked to stay in that bedroom:
 - (i) persons who ordinarily reside in the same premises or are in a personal intimate relationship with each other; or
 - (ii) one person; and
 - (c) if a bedroom of the facility has an area of 12 square metres or more only the following are permitted to be booked to stay in that bedroom:
 - (i) persons who ordinarily reside in the same premises or are in a personal intimate relationship with each other; or
 - (ii) up to 2 persons of the same booked group who do not ordinarily reside in the same premises, and one additional person of the same booked group per additional 4 square metres beyond 12; and

- (d) they use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility; and
- (e) not more than 20 members of the public are permitted to stay in the facility at any time.

Permitted operations – alpine resort employees

- (6) A person who owns, controls or operates an accommodation facility located at an alpine resort outside the Restricted Area may operate that facility for the purposes of providing accommodation to persons who are employees of businesses located within an alpine resort if the person ensures that:
 - (a) if a bedroom of the facility has an area of less than 12 square metres, only the following are permitted to be booked to stay in that bedroom:
 - (i) persons who ordinarily reside in the same premises or are in a personal intimate relationship with each other; or
 - (ii) one person; and
 - (b) if a bedroom of the facility has an area of 12 square metres or more, only the following are permitted to be booked to stay in that bedroom:
 - (i) persons who ordinarily reside in the same premises or are in a personal intimate relationship with each other; or
 - (ii) up to 2 persons, and one additional person per additional 4 square metres beyond 12.

Permitted operations – other purposes

- (7) A person who owns, controls or operates an accommodation facility outside the Restricted Area may operate that facility for the purposes of providing accommodation to a member of the public:
 - (a) attending the facility in connection with a school camp; or
 - (b) whose place of residence is the accommodation facility; or
 - (c) who is ordinarily a resident of Victoria but has no permanent place of residence in Victoria; or
 - (d) who requires emergency accommodation, including in relation to family violence and other vulnerable groups; or
 - (e) who requires accommodation for work or education purposes other than as addressed in subclause (5); and
 - (f) who requires accommodation for care or other compassionate reasons.
- (8) A member of the public whose principal place of residence is in a Restricted Area may receive accommodation services under subclause 7(d), (e) or (f) where they comply with the requirements of the **Stay at Home Directions (Restricted Areas) (No. 5)**.

12 Swimming pools

- (1) A person who owns, controls or operates premises outside the Restricted Area 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 outside the Restricted Area 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 outside the Restricted Area 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 – community sport and educational purposes

- (5) A person who owns, controls or operates a swimming pool at a non-residential premises outside the Restricted Area may permit a person to use a swimming pool if the pool is only available for the exclusive use of:
 - (a) members of the public participating in community sport undertaken in compliance with the directions on community sport and physical recreation under clause 6B; or
 - (b) a single school at any one time for educational purposes.

Note: participation in a community sport includes training for an organised competition.

- (6) A person who operates a facility under subclause (5) must:
 - (a) not permit the admission of spectators to the facility; and
Note: persons required to facilitate the activity at the swimming pool, including teachers, instructors, trainers, coaches and umpires, as well as parents and carers attending to support participation of a child or a person with disability, are permitted to attend the facility. General spectators are not permitted.
 - (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 – limited to 20 members of the public

- (7) A person who owns, controls or operates a swimming pool at a non-residential premises outside the Restricted Area 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; and
 - (ii) in respect of the non-water parts of the pool facility, the number permitted by the density quotient; and
 - (b) no access is permitted to saunas and spas within the facility.

Records, signage and cleaning requirements

- (8) A person who operates a facility under subclause (7) must comply with:
 - (a) the signage requirement for each indoor space and outdoor space; and
 - (b) the cleaning requirement; and
 - (c) the records requirement; and
 - (d) the restricted area requirement.

Permitted operations – non-residential swimming pools

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

Note: subclause (9) 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** outside the Restricted Area 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;
 - (e) an animal farm that is not for the purpose of producing food.
- (3) A person who owns, controls or operates an animal facility outside the Restricted Area may continue to operate the facility for the purposes of:
 - (a) treating or caring for animals; or
 - (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 outside the Restricted Area 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; and
 - (b) complies with:
 - (i) the signage requirement for each indoor space and outdoor space accessible to members of the public; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement; and
 - (iv) the restricted area 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

- (1) An **estate agent** may organise:
 - (a) an auction to take place for the sale of a **residential property** outside the Restricted Area, 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; or
 - (b) an inspection of a residential property outside the Restricted Area 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.

- (2) An estate agent that arranges an auction or inspection in accordance with subclause (1) 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.
- (3) A real estate agent must not organise an inspection by members of the public whose principal place of residence is in a Restricted Area of a residential property during the restricted activity period for the purposes of a prospective sale or rental of the property, other than by private appointment, such private appointment to comply with the restrictions on public gatherings in the **Stay at Home Directions (Restricted Areas) (No. 5)**.

15 Signage, cleaning, records and restricted area requirements

Signage requirement (signage requirement)

- (1) A person who is required to comply with the signage requirement must during the restricted activity period display a sign at each public entry to each such space that includes a statement specifying the maximum number of members of the public that may be present in the space at a single time, being the number permitted by 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 is required to comply with the cleaning requirement must during the restricted activity period take all reasonable steps to ensure that:
 - (a) frequently touched surfaces accessible to members of the public, including toilets and handrails, are cleaned at least twice on any given day; and
 - (b) surfaces are cleaned when visibly soiled; and
 - (c) if an event is to occur, a reasonable period of time has elapsed since the conclusion of any earlier event to allow for cleaning in between the events; and
 - (d) surfaces accessible to a particular group, including the surface of a restaurant table, are cleaned between groups; and
 - (e) surfaces are cleaned immediately after a spill on the surface.
- (3) To ensure a surface is **cleaned** 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 is required to comply with the records requirement 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:
 - (a) their first name; and
 - (b) 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:
 - (c) the date and time at which the person attended the facility or venue; and

- (d) 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.

Restricted area requirement (restricted area requirement)

- (6) A person who is required to comply with the restricted area requirement in the circumstances listed in the relevant clause, must use reasonable endeavours to ascertain that the principal place of residence of each member of the public is not in a Restricted Area, before providing service to the member of the public.

Note 1: Under this clause, 'reasonable endeavours' does not require a business or undertaking to employ additional staff to meet this requirement.

Example: for unstaffed facilities (or times when facilities are unstaffed), such as 24 hour gyms, reasonable endeavours does not require extra staff on site, but instead the restricted area requirement could be met by different means such as a sign, email or enquiry at time of booking.

*Note 2: members of the public whose ordinary place of residence is in a Restricted Area are still permitted to travel outside of the Restricted Area for a reason set out in clause 5(1B) of the **Stay at Home Directions (Restricted Areas) (No. 5)**.*

Example: a person can travel to an area outside of a Restricted Area for work (such as delivering food to a food and drink facility) or education, or for care or compassionate reasons (such as visiting their child).

16 Employers to require employees work from home

- (1) An employer must not permit an employee to perform work at the employer's premises outside the Restricted Area 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.
- (2) An employer must comply with the requirements of clause 16(2) of the **Restricted Activity Directions (Restricted Areas) (No. 3)** in respect of any employee whose ordinary place of residence is in a Restricted Area.

17 Other definitions

For the purposes of these directions:

- (1) **accommodation facility** has the meaning in clause 11(2);
- (2) **alpine resort** means any of the following:
 - (a) Falls Creek Alpine Resort;
 - (b) Lake Mountain Alpine Resort;
 - (c) Mount Baw Baw Alpine Resort;
 - (d) Mount Buller Alpine Resort;
 - (e) Mount Hotham Alpine Resort;
 - (f) Mount Stirling Alpine Resort;
- (3) **animal facility** has the meaning in clause 13(2);
- (4) **Area Directions (No. 5)** means the directions issued by the Public Health Commander, setting out Restricted Areas, as amended or replaced from time to time;

- (5) **beauty and personal care facility** means the following:
 - (a) a beauty therapy salon, tanning salon, waxing salon or nail salon;
 - (b) a wellness spa;
 - (c) a massage parlour;
 - (d) a tattoo or piercing parlour;
- (6) **bingo centre** means a facility that:
 - (a) is operated by a bingo centre operator or community or charitable organisation under Chapter 8 of the **Gambling Regulation Act 2003**, that offers bingo or any similar game; or
 - (b) conducts bingo which is open to members of the public;
- (7) **bottleshop** means an area:
 - (a) that is physically attached to a licensed premises; and
 - (b) where packaged liquor is sold to be consumed off the premises;
- (8) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (9) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (10) **cleaned** has the meaning in clause 15(3);
- (11) **cleaning requirement** has the meaning in clause 15(2);
- (12) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (13) **common areas** of a retail shopping centre has the same meaning as in the **Retail Leases Act 2003**;
- (14) **community facility** has the meaning in clause 6A(2);
- (15) **community sport** means competitions and training sanctioned by a state sporting association or equivalent governing body;
- (16) **density quotient** has the meaning in clause 4;
- (17) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period and includes a Detention Direction;
- (18) **Directions** currently in force means the **Stay Safe Directions (No. 8)**, the **Restricted Activity Directions (Restricted Areas) (No. 3)**, the **Stay at Home Directions (Restricted Areas) (No. 5)**, the **Areas Directions (No. 5)**, the **Diagnosed Persons and Close Contacts Directions (No. 7)**, the **Hospital Visitor Directions (No. 8)** and the **Care Facilities Directions (No. 7)**;
- (19) **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;
- (20) **entertainment facility** has the meaning in clause 7(2);
- (21) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (22) **fatigue-regulated heavy vehicle** has the same meaning as in the **Heavy Vehicle National Law (Victoria)**;
- (23) **food and drink facility** has the meaning in clause 10(2);
- (24) **food court** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (25) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (26) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (27) **hairdressing** has the same meaning as in the PHW Act;
- (28) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 9)**;

- (29) **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;
- (30) **indoor zone** means a section of an indoor space that:
- (a) is of at least 200 square metres in area; and
 - (b) is designated by the person who owns, controls or operates the indoor space as being for the exclusive use of specified members of the public; and
 - (c) is delineated by landmarks or visible markings;
- (31) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (32) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (33) **licensed premises** has the meaning in clause 5(2);
- (34) **lucky envelope vending machine** has the same meaning as in section 8.1.2 of the **Gambling Regulation Act 2003**;
- (35) **market** means a public market, whether indoor or outdoor, including a food market;
- (36) **member of the public** is 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;
- (37) **non-contact**, in relation to an activity, a community sport or a physical recreation activity, means an activity, a community sport or a physical recreation activity that is reasonably capable of being done with participants maintaining a distance of 1.5 metres from each other;
- (38) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (39) **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;
- (40) **outdoor space** means a space that is not an indoor space;
- (41) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (42) **physical recreational facility** has the meaning in clause 6(2);
- (43) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (44) **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;
- (45) **premises** has the same meaning as in the PHW Act;
- (46) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (47) **reasonably practicable** is to have its ordinary and common sense meaning;
- (48) **records requirement** has the meaning in clause 15(4);
- (49) **residential aged care facility** has the same meaning as in the **Care Facilities Directions (No. 8)**;
- (50) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (51) **restricted activity period** has the meaning in clause 3A;
- (52) **Restricted Area** has the same meaning as in the **Area Directions (No. 5)** as amended or replaced from time to time;
- (53) **restricted area requirement** has the meaning in clause 15(6);

- (54) **restricted retail facility** has the meaning in clause 9(2);
- (55) **retail betting venue** means a premises, or part of a premises, operated by the **wagering and betting licensee**, the **keno licensee** or an agent of the wagering and betting licensee or keno licensee;
- (56) **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;
- (57) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (58) **Safety Area** has the same meaning as in the **Area Directions (No. 5)**;
- (59) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (60) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (61) **sexually explicit entertainment venue** means a venue at which **sexually explicit entertainment** is provided;
- (62) **signage requirement** has the meaning in clause 15(1);
- (63) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (64) **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 30 July 2020

DR FINN ROMANES
Public Health Commander,
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 PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Stay Safe Directions (No. 8)**

I, Dr Finn Romanes, Public Health Commander, 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 who ordinarily resides in Victoria, other than in the **Restricted Area**, to limit their interactions with others by placing restrictions on gatherings and the return to workplaces. More specific directions apply to those people who ordinarily reside in the Restricted Area.
- (3) These directions must be read together with the **Directions currently in force**, being the **Restricted Activity Directions (No. 15)**, the **Restricted Activity Directions (Restricted Areas) (No. 3)**, the **Stay at Home Directions (Restricted Areas) (No. 5)**, the **Area Directions (No. 5)**, the **Diagnosed Persons and Close Contacts Directions (No. 7)**, the **Hospital Visitor Directions (No. 9)** and the **Care Facilities Directions (No. 8)**.
- (4) These directions replace the **Stay Safe Directions (No. 7)** and, amongst other things, restrict visitors to the home in (and by those living in) the **Safety Area**.

2 Citation

These directions may be referred to as the **Stay Safe Directions (No. 8)**.

3 Revocation

The **Stay Safe Directions (No. 7)** are revoked at 11:59:00 pm on 30 July 2020.

4 Stay safe period

For the purposes of these directions, the **stay safe period** is the period beginning at 11:59:00 pm on 30 July 2020 and ending at 11:59:00 pm on 16 August 2020.

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

- (1) During the stay safe period, a person who ordinarily resides in Victoria, other than in the Restricted Area, 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; and
 - (b) must comply with the Directions currently in force, including (without limitation) by:
 - (i) not engaging in an activity that is prohibited under the **Restricted Activity Directions (No. 15)**; and
 - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (No. 15)** 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; and
- (d) if leaving the premises where they ordinarily reside to travel to the Restricted Area, must not enter the Restricted Area other than for one or more of the reasons specified in:
 - (i) clause 6 (*necessary goods or services*);
 - (ii) clause 7 (*care or other compassionate reasons*);
 - (iii) clause 8 (*work or education*);
 - (iv) clause 10 (*other specified reasons*),

of, and provided they comply with the requirements set out in, the **Stay at Home Directions (Restricted Areas) (No. 5)**.

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. 7)**.*

*Note 3: if a person who ordinarily resides outside the Restricted Area enters the Restricted Area in accordance with subclause 2(d), that person may engage in any activity permitted in the Restricted Area under, and provided they comply with, the **Stay at Home Directions (Restricted Areas) (No. 5)** and the **Restricted Activity Directions (Restricted Areas) (No. 3)**.*

*Note 4: for the avoidance of doubt, compliance with the requirements set out in the **Stay at Home Directions (Restricted Areas) (No. 5)** includes the face covering requirements.*

Example: if a person from regional Victoria (outside the Restricted Area) goes to the Melbourne CBD (inside the Restricted Area) for the purpose of work, they are permitted to exercise or participate in outdoor recreation while they are in the CBD. While in the Melbourne CBD, the person must comply with the face covering requirements.

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: if a person ordinarily resides at and has their principal place of residence outside the Restricted Area, but also resides at a premises in the Restricted Area, the person must not leave their principal place of residence to go to that other premises in the Restricted Area, except in accordance with subclause (2)(d).

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. 15)** 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

- (8) 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 outside Restricted Area and Safety Area

- (1) During the stay safe period, a person who ordinarily resides in Victoria (other than in the Restricted Area or the Safety Area) 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 four other persons (who do not ordinarily reside at the premises) are at the premises.

Note: clause 7(1) limits the number of people who may visit a residential premises (at which they do not ordinarily reside) at any one time to 5.

- (2) Subclause (1) does not operate to prevent any person entering the premises:
- (a) if permitted under, and provided they comply with the requirements of, the Directions currently in force (including the **Restricted Activity Directions (No. 15)**); or
 - (b) to attend or undertake work or obtain higher education services in accordance with clause 6; or
 - (c) to provide childcare, child-minding, early childhood education, schooling or education services (whether paid or on a voluntary basis); or
 - (d) if that person is a parent, guardian or relative of a child who ordinarily resides at the premises, to visit that child; or
 - (e) to provide care and support to a relative or other person who ordinarily resides at the premises and:
 - (i) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or
 - (ii) because of matters relating to the relative or other person's health (including mental health or pregnancy); or
 - (f) to visit someone who ordinarily resides at those premises and with whom they are in an intimate personal relationship; or
 - (g) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
 - (h) for emergency purposes; or
 - (i) as required or authorised by law; or
 - (j) 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 5 or more visitors who do not 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(1) does not apply to a care facility, as defined in the **Care Facilities Directions (No. 8)**. Access and visits to care facilities are regulated by those directions.*

- (2A) During the stay safe period, a person who ordinarily resides in Victoria (other than in the Restricted Area or the Safety Area) must not permit another person from the Restricted Area or the Safety Area to enter the premises at which they ordinarily reside (whether or not entering any building on the premises) unless that other person is entering the premises for one or more of the reasons specified in:
- (a) clause 7 (*care or other compassionate reasons*);
 - (b) clause 8 (*work or education*);
 - (c) clause 10 (*other specified reasons*),
- of, and provided they comply with the requirements set out in, the **Stay at Home Directions (Restricted Areas) (No. 5)**.

Private gatherings in Safety Area

- (2B) During the stay safe period, a person must not enter a premises (at which they do not ordinarily reside) in the Safety Area except for one or more of the purposes specified in clauses 6 (necessary goods or services), 7 (care or other compassionate reasons), 8 (work or education) or 10 (other specified reasons) of, and provided they comply with the requirements set out in, the **Stay at Home Directions (Restricted Areas) (No. 5)**.
- (2C) During the stay safe period, a person who ordinarily resides in the Safety Area must not permit another person to enter the premises at which they ordinarily reside (whether or not entering any building on the premises), unless:
- (a) the other person also ordinarily resides at the premises; or
 - (b) the person is residing at the premises in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 7)**; or
 - (c) it is necessary for the other person to enter the premises for one or more of the purposes specified in clauses 7 (care or other compassionate reasons) or 8 (work or education) of, and provided they comply with the requirements set out in, the **Stay at Home Directions (Restricted Areas) (No. 5)**; or
Examples: a tradesperson for the purpose of carrying out repairs; a nanny or relative for the purpose of providing childminding assistance.
 - (d) it is necessary for the other person to enter for the purposes of attending a private inspection of the premises, organised in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 3)**; or
 - (e) it is necessary for the other person to enter for medical or emergency purposes; or
 - (f) the entry is otherwise required or authorised by law.

- (2D) During the stay safe period, a person who ordinarily resides in the Safety Area must not enter a premises (at which they do not ordinarily reside) outside the Safety Area except for one or more of the purposes specified in clauses 7 (care or other compassionate reasons), 8 (work or education) or 10 (other specified reasons) of, and provided they comply with the requirements set out in, the **Stay at Home Directions (Restricted Areas) (No. 5)**.

Public gatherings

- (3) During the stay safe period, a person who ordinarily resides in Victoria, other than in the Restricted Area, must not arrange to meet, or organise or intentionally attend a gathering of, more than 9 other persons for a common purpose at a public place, except:

Note 1: under clause 7(3) the limit on the number of people who may meet in a public place at any one time is 10.

Note 2: two or more groups of 10 cannot meet for a common purpose at a public place. In addition, a group in a public place must take reasonable steps to maintain a distance of at least 100 metres from any other groups in that public place.

Note 3: clause 7(3) does not prevent a person attending a public place (for example, a shopping centre) for a purpose (for example, shopping), where other people are also likely to be attending that public place for a similar purpose. It prevents people from attending a public place intending to gather with other people for a common purpose (for example, meeting family or friends at the shopping centre).

- (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 or organise a gathering 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. 15)**;

*Note 1: under the **Restricted Activity Directions (No. 15)**, a person who owns, controls or operates some entertainment facilities or a food and drink facility (each as defined in the **Restricted Activity Directions (No. 15)**) may in some circumstances permit up to 20 members of the public in each indoor or outdoor space.*

Example: a restaurant may in some circumstances permit up to 20 members of the public in each indoor or outdoor space, but a person attending the restaurant may only arrange for a group of up to 9 other people to attend with them.

*Note 2: spectators, where allowed under the **Restricted Activity Directions (No. 15)**, are limited to a group of 10 in accordance with the public gathering restriction in clause 7(3).*

- (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 or in the vehicle. 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.

- (3A) A person who arranges or organises a gathering under subclause (3) must take reasonable steps to ensure that those attending the gathering maintain a distance of at least 100 metres from all other gatherings, except in the circumstances set out in subclauses (3)(a), (b), (c) and (d).

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 gathering restriction in subclause (1) or (2C) (as applicable).

Note 1: a wedding held at a person's ordinary place of residence outside the Restricted Area and the Safety Area is limited to those persons who ordinarily live at that residence and 5 visitors, including the two persons being married and two persons witnessing the marriage. A wedding held at a person's ordinary place of residence in the Safety Area is limited to those who ordinarily live at that residence without visitors. If the two persons being married and the two persons witnessing the marriage ordinarily live at that residence, they are not counted as visitors. In all events, the celebrant is not counted as a visitor as the celebrant can enter the premises under clause 7(2)(b) (work).

*Note 2: record keeping requirements apply to weddings as set out in the **Restricted Activity Directions (No. 15)**.*

- (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 gathering restriction in subclause (1) or (2C) (as applicable).

Note 1: a funeral held at a person's ordinary place of residence outside the Restricted Area and the Safety Area is limited to those persons who ordinarily live at that residence and 5 visitors. A funeral held at a person's ordinary place of residence in the Safety Area is limited to those who ordinarily live at that residence without visitors. The persons reasonably necessary for the conduct of the funeral are not counted as visitors as they can enter the premises under clause 7(2)(b) (work).

*Note 2: record keeping requirements apply to funerals as set out in the **Restricted Activity Directions (No. 15)**.*

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. 7)**, 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. 8)**, these directions are inoperative to the extent of the inconsistency.
- (4) A reference in any other Directions currently in force or any Direction and Detention Notice to the **Stay Safe Directions (No. 7)** is taken to be a reference to these directions.

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 requiring the person to be detained for a specified period;
- (4) **Directions currently in force** means the **Restricted Activity Directions (No. 15)**, the **Restricted Activity Directions (Restricted Areas) (No. 3)**, the **Stay at Home Directions (Restricted Areas) (No. 5)**, the **Area Directions (No. 5)**, the **Diagnosed Persons and Close Contacts Directions (No. 7)**, the **Hospital Visitor Directions (No. 9)** and the **Care Facilities Directions (No. 8)**;
- (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;
- (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) **Restricted Area** has the same meaning as in the **Area Directions (No. 5)**;
- (12) **Safety Area** has the same meaning as in the **Area Directions (No. 5)**;
- (13) **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 30 July 2020

DR FINN ROMANES
Public Health Commander,
as authorised to exercise emergency powers by the Chief Health Officer
under section 199(2)(a) of the PHW Act

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