



Victoria Government Gazette

No. S 397 Thursday 6 August 2020
By Authority of Victorian Government Printer

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 (Restricted Areas) (No. 6)

I, Dr Finn Romanes, Public Health Commander, consider it necessary to eliminate or reduce the risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to section 200(1)(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 the **Restricted Area** in order to limit the spread of Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions replace the **Restricted Activity Directions (Restricted Areas) (No. 5)** and restrict activities in areas of Victoria.
- (3) These directions must be read together with the **Area Directions (No. 6)**, the **Stay at Home Directions (Restricted Areas) (No. 8)**, the **Workplace Directions** and the **Permitted Worker Permit Scheme Directions**, as amended or replaced from time to time.

2 Revocation

The **Restricted Activity Directions (Restricted Areas) (No. 5)** are revoked at 11:59:00 pm on 5 August 2020.

3 Citation

- (1) These directions may be referred to as the **Restricted Activity Directions (Restricted Areas) (No. 6)**.
- (2) A reference in any other **Directions currently in force** or any **Direction and Detention Notice** to the **Restricted Activity Directions (Restricted Areas) (No. 5)** are taken to be a reference to these directions.

4 Relationship with other directions

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

5 Restricted activity period

The restricted activity period is the period beginning at 11:59:00 pm on 5 August 2020 and ending at 11:59:00 pm on 16 August 2020.

6 Permitted Work Premises

- (1) A person who owns, controls or operates a **Permitted Work Premises** in the **Restricted Area** may operate that premises during the restricted activity period to the extent permitted by the Directions currently in force.

Note: the restrictions on Permitted Work Premises include the relevant restrictions listed in the 'Stage 4 Restrictions – Permitted Work Premises' on the webpage www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government and the Permitted Worker Permit Scheme Directions and the Workplace Directions which include requirements for Work Premises including record keeping, density quotient, signage and cleaning requirements.

SPECIAL

- (2) Despite subclause (1), a person who owns, controls or operates a Permitted Work Premises in the Restricted Area may operate that premises:
 - (a) for the purpose of **essential maintenance**; or
 - (b) by permitting employees to work from the place where they ordinarily reside; or
 - (c) as required or authorised by law; or
 - (d) in an emergency; or
 - (e) as otherwise permitted by the Directions currently in force.
- (3) If a Work Premises includes a number of functions and only part of the functions undertaken at the premises are a Permitted Work Premises, only those permitted functions may operate.
Example: A book publishing business may operate the warehouse to deliver goods to consumers.
- (4) Where there is any inconsistency between the general obligations and the specific obligations set out in the Directions currently in force, the specific obligations will prevail.

7 Closed Work Premises

- (1) A person who owns, controls or operates a **Closed Work Premises** in the Restricted Area must not permit persons to attend that premises during the restricted activity period.
- (2) Despite subclause (1), a person who owns, controls or operates a Closed Work Premises in the Restricted Area may permit persons to attend that premises or operate the premises:
 - (a) for the purpose of essential maintenance; or
 - (b) to ensure that the premises is closed safely for the duration of the restricted activity period; or
 - (c) by permitting employees to work from the place where they ordinarily reside to operate the premises; or
 - (d) as required or authorised by law; or
 - (e) in an emergency; or
 - (f) as otherwise permitted by these Directions.
- (3) Despite subclause (1), a person who owns, controls or operates a Closed Work Premises in the Restricted Area, which is a school, early childhood service, institution at which higher educational services are provided or other research facility, may permit persons to attend that premises during the restricted activity period to perform a permitted activity.

8 Exceptions

Permitted operations – professional sport

- (1) A person who owns, controls or operates a **physical recreational facility** in the Restricted Area may operate that facility if it is operated for the exclusive use of training of professional and high-performance sports persons only.
- (2) A person who owns, controls or operates an arena or stadium in the Restricted Area may operate that facility for the purpose of providing an exclusive training venue for professional and high-performance sports persons at any one time.
- (3) A person who operates a facility under subclause (2) must:
 - (a) only permit to attend the facility a person who is necessary for the management of the facility or professional sporting training; 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.

- (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 3(a).
- (4) A person who owns, controls or operates a swimming pool at a non-residential premises in the Restricted Area may permit a person to use a swimming pool and facilities if the pool is only available for the exclusive use of professional and high-performance sports persons at any one time.
- (5) A person who operates a facility under subclauses (1), (2) or (4) must use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations – Educational facilities

- (6) A person who owns, controls or operates a school or educational facility in the Restricted Area may only operate that facility during the restricted activity period in accordance with these directions.
- (7) A person who owns, controls or operates a school or educational facility in the Restricted Area may operate that facility for the purposes of providing services to the following persons:
 - (a) for school educational services (including at a school or non-school senior secondary provider), one or more of the following applies:
 - (i) the person is required to undertake essential Victorian Certificate of Education (VCE) or Victorian Certificate of Applied Learning (VCAL) assessments at a school or another educational facility or institution and it is not reasonably practicable for those assessments to be undertaken from the premises; or
 - (ii) the parents or guardians of the child or young person ordinarily reside in:
 - (A) the Restricted Area and are unable to work from the premises; or
 - (B) the Restricted Area and the parents or guardians are **permitted workers** and are not working from home; or
 - (iii) the person is a vulnerable child or young person; or
 - (iv) the person is enrolled in a specialist school in the Restricted Area; or
 - (b) for **higher education services**, it is not reasonably practicable for the person to obtain the higher educational services from the premises.

Permitted operations – Childcare facilities

- (8) A person who owns, controls or operates a childcare facility in the Restricted Area may only operate that facility during the restricted activity period in accordance with these directions.
- (9) A person who owns, controls or operates a childcare facility in the Restricted Area may operate that facility for the purposes of providing services to the following persons:
 - (a) a child or young person whose parents or guardians ordinarily reside in:
 - (i) the Restricted Area and are unable to work from the premises; or
 - (ii) the Restricted Area and the parents or guardians are permitted workers where no alternative care is available; or
 - (iii) the Restricted Area and the parents or guardians are attending a school or educational facility under subclause (7)(b); or
 - (b) the person is a vulnerable child or young person.

9 Other definitions

For the purposes of these directions:

- (1) **Closed Work Premises** means a Work Premises that is not a Permitted Work Premises;
- (2) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 8)** currently in force, as amended from time to time;
- (3) **Direction and Detention Notice** has the same meaning as in the **Stay at Home Directions (Restricted Areas) (No. 8)** as amended from time to time;
- (4) **Directions currently in force** means the **Stay at Home Directions (Non-Melbourne)**, the **Restricted Activity Directions (Non-Melbourne)**, the **Stay at Home Directions (Restricted Areas) (No. 8)**, the **Area Directions (No. 6)**, the **Diagnosed Persons and Close Contacts Directions (No. 7)**, the **Hospital Visitor Directions (No. 9)**, the **Care Facilities Directions (No. 9)**, the **Workplace Directions** and the **Permitted Worker Permit Scheme Directions**;
- (5) **essential maintenance** means:
 - (a) treating or caring for animals or performing an animal rescue function; or
 - (b) critical maintenance and safety works including to satisfy environmental obligations;
- (6) **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;
- (7) **higher education services** means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, and other post-compulsory education or training;
- (8) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (9) **physical recreational facility** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a facility used predominantly for indoor physical recreation or sport;
Examples: gymnasium, health club, fitness centre, yoga studio, barre and spin facility, indoor basketball court, indoor climbing facility, squash court, table tennis centre.
 - (b) a facility used predominantly for outdoor sport or physical recreation;
Examples: golf club, tennis club, basketball centre, go kart track, rifle range, equestrian centre, mini golf, paint ball, lawn bowling, outdoor swimming or water skiing.
 - (c) a **personal training facility**;
 - (d) a skatepark;
 - (e) outdoor communal gym equipment;
 - (f) a trampolining centre;
- (10) **permitted worker** means a person who received a Permitted Worker Permit;
- (11) **Permitted Worker Permit** has the same meaning as in the Permitted Worker Permit Scheme Directions;

- (12) **Permitted Work Premises** means Work Premises described as ‘PERMITTED WORK PREMISES’ in the ‘Stage 4 Restrictions – Permitted Work Premises’ on the webpage www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (13) **premises** has the same meaning as in the PHW Act;
- (14) **restricted activity period** has the meaning in clause 5;
- (15) **Restricted Area** has the same meaning as in the **Area Directions (No. 6)** as amended or replaced from time to time;
- (16) **Work Premises** means the premises of an employer in which work is undertaken, including any vehicle whilst being used for work purposes.

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 5 August 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 (Non-Melbourne)**

I, Dr Finn Romanes, Public Health Commander, consider it necessary to eliminate or reduce the risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to section 200(1)(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 in the **Relevant Area** in order to limit the spread of Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions replace the **Restricted Activity Directions (No. 16)** and restrict activities in areas of Victoria.
- (3) These directions must be read together with the **Area Directions (No. 6)** and the **Stay at Home Directions (Non-Melbourne)**, the **Workplace Directions** and the **Permitted Worker Permit Scheme Directions** as amended or replaced from time to time.

2 Revocation

The **Restricted Activity Directions (No. 16)** are revoked at 11:59:00 pm on 5 August 2020.

2A Relationship with other directions

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

3 Citation

- (1) These directions may be referred to as the **Restricted Activity Directions (Non-Melbourne)**.
- (2) A reference in any other Directions currently in force or any Direction and Detention Notice to the **Restricted Activity Directions (No. 16)** 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 5 August 2020 and ending at 11:59:00 pm on 16 August 2020.

4 Definition of density quotient

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

- (a) for an **indoor space** applies to each single undivided space permitted to operate under these directions; and
- (b) for an **outdoor space, 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** in the Relevant Area must not operate that **premises** during the restricted activity period.
- (2) A **licensed premises** means a business characterised as a pub, bar, club, nightclub or hotel that supplies alcohol under a **general licence**, an **on-premises licence**, a **late night licence**, a **producer's licence** or a **club licence**.
- (3) Despite subclause (1), a person who owns, controls or operates a licensed premises in the Relevant Area may operate that premises for the purposes of:
 - (a) operating a **bottleshop**; or
 - (b) providing food or drink to be consumed off the premises; or
 - (c) providing accommodation in accordance with clause 11.

6 Physical recreational facilities

- (1) A person who owns, controls or operates a **physical recreational facility** in the Relevant Area must not operate that facility during the restricted activity period.
- (2) A **physical recreational facility** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a facility used predominantly for indoor physical recreation or sport;
Examples: gymnasium, health club, fitness centre, yoga studio, barre and spin facility, indoor basketball court, indoor climbing facility, squash court, table tennis centre.
 - (b) a facility used predominantly for outdoor sport or physical recreation;
Examples: golf club, tennis club, basketball centre, go kart track, rifle range, equestrian centre, mini golf, paint ball, lawn bowling, outdoor swimming or water skiing.
 - (c) a **personal training facility**;
 - (d) a **play centre** or publicly accessible playground;
 - (e) a skatepark;
 - (f) outdoor communal gym equipment;
 - (g) a trampolining centre.

Permitted operations – outdoor activities

- (3) Despite subclause (1), a person who owns, controls or operates a facility under subclause (2)(b) (outdoor sport or physical recreation facility) or (2)(c) (personal training facility) in the Relevant Area may operate that facility if:
 - (a) its services are provided in an outdoor space; and
 - (b) the number of members of the public to whom its services are provided is:
 - (i) not more than 2 in any group; or
 - (ii) more than 2 in a group, if all persons have the same ordinary place of residence; and
 - (iii) not more than 10 in total at the facility at any one time, except where a distance of at least 100 metres between groups can be maintained at all times; and
 - (c) the space available is suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
 - (d) the person complies with the **records requirement**; and
 - (e) no equipment is made available by the facility for hire, or for communal or shared use.

Note: community sport cannot take place in Victoria regardless of whether it is in or outside the Relevant Area.

- (4) Despite subclause (3), a person who owns, controls or operates a facility under subclause (2)(b) (outdoor sport or physical recreation facility) may operate that facility for the purposes of outdoor sport or physical recreation, but must not permit use of the indoor facilities, other than toilet facilities.

Examples: a golf or tennis club may operate to permit outside golf or tennis, although club rooms, indoor sitting areas, change facilities and showers are to remain closed.

Permitted operations – professional sport

- (5) Despite subclauses (1) and (3), a person who owns, controls or operates a physical recreational facility in the Relevant Area may operate that facility if it is operated for the exclusive use of training for professional and high-performance sports persons only 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.

6A Community facilities

- (1) A person who owns, controls or operates a **community facility** in the Relevant 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) hosting an essential support group; or

Examples: for alcohol and drugs, family violence and parenting.

- (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; or

Note: this subclause is intended only to allow the students that are permitted to attend school to use these facilities.

- (e) a toy library to the extent necessary to facilitate collection and return of pre-booked toys or home delivery.

- (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 – essential support groups

- (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 records requirement, except in relation to essential 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 at Home Directions (Non-Melbourne)**; 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 the Relevant 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.

7 Entertainment facilities

- (1) A person who owns, controls or operates an **entertainment facility** in the Relevant 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 in the Relevant 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.
- (4) If a performance is held at a facility for the purposes of subclause (3), the only persons permitted to attend the facility are those necessary for the performance and the broadcasting of that performance to occur.

Permitted operations – professional sport

- (5) Despite subclause (1), a person who owns, controls or operates an arena or stadium in the Relevant Area may operate that facility for the purpose of:
- (a) providing an exclusive training venue for training for professional and high-performance sports persons only 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.
- (6) A person who operates a facility under subclause (5) 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 in accordance with clause 10 and to the extent necessary to provide food and drink to persons permitted to attend the arena or stadium under subclause 6(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.

8 Places of worship

- (1) A person who owns, controls or operates a **place of worship** in the Relevant Area must not operate that place of worship during the restricted activity period.

Permitted operations

- (2) Despite subclause (1), a person who owns, controls or operates a place of worship in the Relevant Area may operate that place of worship during the restricted activity period for the purpose of:
- (a) hosting a wedding or funeral, if that wedding or funeral complies with the requirements of the **Stay at Home Directions (Non-Melbourne)**; or
Note: the Stay at Home Directions (Non-Melbourne) limit the number of people who may attend a wedding at non-residential premises located in the Relevant Area to 5 people (inclusive of the marrying couple, 2 witnesses and the celebrant) and a funeral at non-residential premises located in the Relevant Area to 10 people plus those required to conduct the funeral.
 - (b) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise); or
Examples: a food bank or service for homeless persons.
 - (c) hosting an essential support group; or
Examples: for alcohol and drugs, family violence, and parenting.
 - (d) conducting a ceremony at the place of worship, if that ceremony is to be broadcast (live or otherwise) via electronic means.
- (3) A person who operates a place of worship under subclause (2)(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.
- (4) If a ceremony is held at a place of worship for the purposes of subclause (2)(d), the only persons permitted to attend the place of worship are those necessary for the ceremony and the broadcasting of that ceremony to occur, up to a maximum of 5 people.

- (5) A person who owns, operates or controls a place of worship under subclause (2) 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; and
 - (b) the cleaning requirement; and
 - (c) the records requirement, except in relation to essential support groups if confidentiality is typically required.

9 Restricted retail facilities

- (1) A person who owns, controls or operates an **open retail facility**, including a **restricted retail facility**, in the Relevant Area may only operate that facility during the restricted activity period 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.

Beauty and personal care facility

- (3) A person who owns, controls or operates a beauty and personal care facility in the Relevant Area must not operate that beauty and personal care facility.

Permitted operations – hairdressers

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

Permitted operations – auction houses

- (5) A person who owns, controls or operates an auction house in the Relevant Area may operate that auction house for the purpose of conducting an auction to be attended remotely by members of the public.

Permitted operations – market stalls

- (6) A person who owns, controls or operates a market stall (whether indoor or outdoor) in the Relevant Area may only operate that stall if its predominant business is the provision of food and drink for consumption off the premises of the market.

Note: a market is only permitted to consist of market stalls that provide food and drink for consumption off the premises of the market permitted to operate in accordance with subclause (7).

Restrictions – 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 in the Relevant 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.

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

Permitted operations

- (3) Despite subclause (1), a person who owns, controls or operates a food and drink facility in the Relevant Area may operate that facility:
- (a) for the purposes of providing food or drink to be consumed off the premises; or
Note: this paragraph permits both delivery and collection of takeaway food and drink.
 - (b) if the food and drink facility is located inside a **food court**, for the purpose of providing food or drink to be consumed outside a food court; or
 - (c) if the facility is located:
 - (i) on the premises of a **hospital**, if the facility is located within an area of the hospital that has been exempted from the operation of the **Hospital 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.
- (4) A person who owns, operates or controls a food or drink facility that is permitted to operate under subclause (3)(c)(vi) must use reasonable endeavours to ensure that a person does not remain in the dedicated area that is provided for the purposes of food and drink for longer than one hour at a time.

11 Accommodation facilities

- (1) A person who owns, controls or operates an **accommodation facility** in the Relevant Area must not operate that facility 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

- (3) Despite subclause (1), a person who owns, controls or operates an accommodation facility in the Relevant Area may operate that facility for the purposes of providing accommodation:
 - (a) to a person whose place of residence is the accommodation facility; or
 - (b) to a person who is ordinarily a resident of Victoria but has no permanent place of residence in Victoria; or
 - (c) to a person who has a permanent place of residence in Victoria, but that place is temporarily unavailable; or
 - (d) to a person, on a temporary basis, for work purposes; or
 - (e) to a person who was a temporary guest of the accommodation facility on the date that these directions were given; or
 - (f) to a person who requires emergency accommodation, including in relation to family violence and other vulnerable groups; or
 - (g) to a person who requires accommodation for work purposes, where their work is for the purposes of responding to the state of emergency in existence under the PHW Act; or
 - (h) to a person who is subject to a **Direction and Detention Notice** or the **Diagnosed Persons and Close Contacts Direction**; or
 - (i) as an exclusive venue for a single school at any one time for educational purposes.

12 Swimming pools

- (1) A person who owns, controls or operates premises in the Relevant Area at which there is a swimming pool may 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 in the Relevant Area if the swimming pool is not available for use by the public.

Permitted operations – professional sport

- (3) A person who owns, controls or operates a swimming pool at a non-residential premises in the Relevant Area may permit a person to use a swimming pool and facilities if the pool is only available for the exclusive use of training for professional and high-performance sports persons only 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.

13 Animal facilities

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

14 Real estate auctions and inspections

An **estate agent** must not organise:

- (1) any auction to take place for the sale of a **real estate** in the Relevant Area during the restricted activity period, unless that auction is to be conducted remotely; or
- (2) an inspection by members of the public of a real estate in the Relevant Area 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 (Non-Melbourne)**.

15 Education and childcare facilities

Educational facilities

- (1) A person who owns, controls or operates a school or educational facility in the Relevant Area may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A person who owns, controls or operates a school or educational facility in the Relevant Area may operate that facility for the purposes of providing services to the following persons:
 - (a) for school educational services (including at a school or non-school senior secondary provider), one or more of the following applies:
 - (i) the person is required to undertake essential Victorian Certificate of Education (VCE) or Victorian Certificate of Applied Learning (VCAL) assessments at a school or another educational facility or institution and it is not reasonably practicable for those assessments to be undertaken from the premises; or
 - (ii) the parents or guardians of the child or young person ordinarily reside in:
 - (A) the Relevant Area and are unable to work from the premises; or
 - (B) the Restricted Area and the parents or guardians are **permitted workers** and are not working from home; or

- (iii) the person is a vulnerable child or young person; or
- (iv) the person is enrolled in a specialist school in the Relevant Area; or
- (b) for **higher education services**, it is not reasonably practicable for the person to obtain the higher educational services from the premises.

Childcare facilities

- (3) A person who owns, controls or operates a childcare facility in the Relevant Area may only operate that facility during the restricted activity period in accordance with these directions.
- (4) A person who owns, controls or operates a childcare facility in the Relevant Area may operate that facility for the purposes of providing services to the following persons:
 - (a) a child or young person whose parents or guardians ordinarily reside in:
 - (i) the Relevant Area and are unable to work from the premises; or
 - (ii) the Restricted Area and the parents or guardians are permitted workers where no alternative care is available; or
 - (iii) the Relevant Area and the parents or guardians are attending a school or educational facility under subclause (2)(b); or
 - (b) the person is a vulnerable child or young person.

16 **Alpine resorts**

- (1) A person who owns, controls or operates a facility in an **alpine resort** must not operate that facility for the purposes of allowing members of the public to visit that facility during the restricted activity period.

Note: clause 17 applies to facilities such as accommodation facilities, food and drink facilities and retail facilities in alpine resorts.

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 as defined in the **Alpine Resorts (Management) Act 1997**:
 - (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. 6)** 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, as defined in clause 5(2); and
 - (b) where packaged alcohol 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 same meaning as in the **Workplace Directions**;
- (11) **cleaning requirement** has the same meaning as in the **Workplace Directions**;
- (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;
- (15) **density quotient** has the meaning in clause 4;
- (16) **Direction and Detention Notice** has the same meaning as in the **Stay at Home Directions (Restricted Areas) (No. 8)** as amended from time to time;
- (17) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 7)** currently in force, as amended from time to time;
- (18) **Directions currently in force** means the **Stay at Home Directions (Non-Melbourne)**, the **Restricted Activity Directions (Restricted Areas) (No. 6)**, the **Stay at Home Directions (Restricted Areas) (No. 8)**, the **Areas Directions (No. 6)**, the **Diagnosed Persons and Close Contacts Directions (No. 7)**, the **Hospital Visitor Directions (No. 10)** and the **Care Facilities Directions (No. 9)**;
- (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 Reform Control 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) **higher education services** means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, and other post-compulsory education or training;
- (29) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 9)**;

- (30) **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;
- (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) **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;
- (35) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (36) **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;
- (37) **outdoor space** means a space that is not an indoor space;
- (38) **permitted worker** means someone who received a Permitted Worker Permit;
- (39) **Permitted Worker Permit** has the same meaning as in the Permitted Worker Permit Scheme Directions;
- (40) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (41) **physical recreational facility** has the meaning in clause 6(2);
- (42) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (43) **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;
- (44) **premises** has the same meaning as in the PHW Act;
- (45) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (46) **reasonably practicable** is to have its ordinary and common sense meaning;
- (47) **records requirement** has the same meaning as in the **Workplace Directions**;
- (48) **Relevant Area** means the area of Victoria outside the Restricted Area;
- (49) **residential aged care facility** has the same meaning as in the **Care Facilities Directions (No. 8)**;
- (50) **real estate** 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. 6)** as amended or replaced from time to time;
- (53) **restricted retail facility** has the meaning in clause 9(2);
- (54) **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;
- (55) **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;
- (56) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;

- (57) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (58) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (59) **sexually explicit entertainment venue** means a venue at which sexually explicit entertainment is provided;
- (60) **signage requirement** has the same meaning as in the **Workplace Directions**;
- (61) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (62) **vehicle** has the same meaning as in the PHW Act;
- (63) **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 5 August 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 at Home Directions (Restricted Areas) (No. 8)**

I, Dr Finn Romanes, Public Health Commander, consider it necessary to eliminate or reduce the risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to section 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

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. 6)**, **Restricted Activity Directions (Non-Melbourne)**, the **Stay At Home Directions (Non-Melbourne)**, the **Area Directions (No. 6)**, the **Diagnosed Persons and Close Contacts Directions (No. 8)**, the **Hospital Visitor Directions (No. 9)**, the **Care Facilities Directions (No. 9)**, the **Workplace Directions** and the **Permitted Worker Permit Scheme Directions**.
- (4) These directions replace the **Stay at Home Directions (Restricted Areas) (No. 7)** and impose further travel restrictions when leaving home and update the face covering requirements.

2 Citation

These directions may be referred to as the **Stay at Home Directions (Restricted Areas) (No. 8)**.

3 Revocation

The **Stay at Home Directions (Restricted Areas) (No. 7)** are revoked at 11:59:00 pm on 5 August 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 5 August 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*);
- (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).

Travel restrictions

- (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: Travelling to an area outside the Restricted Area for exercise is prohibited under these directions.

- (1AA) A person must not travel in a **vehicle** with another person with whom they do not ordinarily reside unless it is not otherwise reasonably practicable for either person to leave their premises for a purpose permitted under these directions.

Example, a person who does not hold a driver's licence may travel in a vehicle with another person with whom they do not ordinarily reside for the purposes of attending a medical appointment or doing their grocery shopping if it is not reasonably practicable for them to get there another way.

- (1AB) A person who leaves their premises under either subclause (1)(a) (necessary goods or services) or (d) (exercise) must not:

- (a) travel further than 5 km from their premises; or
- (b) do so more than once per day.

Note: a person may leave their premises once per day under subclause (1)(a) and separately once per day under subclause (1)(d), but should seek to minimise separate trips as much as possible.

- (1AC) Where a person leaves their premises under subclause (1)(a) (necessary goods or services):

- (a) subclause (1AB)(b) does not apply if the person leaves the premises to obtain goods or services provided by a:
 - (i) financial institution under clause 6(1)(c)(i); or
 - (ii) government body or government agency under clause 6(1)(c)(ii); and
- (b) subclause (1AB) does not apply if:
 - (i) the person leaves the premises to obtain goods and services for health or medical purposes under clause 6(1)(b); or
 - (ii) as a consequence of those requirements, it is not reasonably practicable for the person to obtain necessary goods and services.

Note 1: if the closest necessary goods or services are more than 5 km from a person's ordinary place of residence, then it would not be reasonably practicable for that person to obtain goods and services within the travel limits imposed by subclause (1AB).

Note 2: where this subclause (1AC) applies, the person must not travel any further than is reasonably necessary to obtain necessary goods or services.

- (1AD) Only one person from a given residence per day may leave the premises under subclause (1)(a) (necessary goods or services), except where:

- (a) the person leaves the premises to obtain goods and services:
 - (i) for health or medical purposes under clause 6(1)(b); or
 - (ii) provided by a:
 - (A) financial institution under clause 6(1)(c)(i); or
 - (B) government body or government agency under clause 6(1)(c)(ii);
 or
- (b) 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; or

- (c) it is necessary for the person to provide, or the person requires, care and support due to:
 - (i) age, infirmity, disability, illness or a chronic health condition; or
 - (ii) matters relating to the relative or other person's health (including mental health or pregnancy).

(1AE) Where a person leaves the premises under subclause (1)(d) (exercise), the person must not:

- (a) leave their premises for a period longer than 1 hour; or
- (b) use a vehicle, except where it is not reasonably practicable for the person to undertake exercise without using a vehicle.

Note: if a person needs to access an area within 5 km of their premises for exercise, but can only do so due to mobility (such as a parent with a small child or a person with disability) or safety reasons (such as needing to exercise in an area with greater passive surveillance) by using a vehicle, then it would not be reasonably practicable for that person to undertake exercise without using a vehicle.

(1AF) A person must not leave their premises between 8:00:00 pm and 5:00:00 am during the stay at home period, except if:

- (a) they are leaving their premises (or their intimate partner's premises) for work in accordance with clause 8 (including travelling to and from work); or

Note: the curfew applies to a person when they are staying with a person with whom they are in an intimate personal relationship.

- (b) it is necessary:
 - (i) to obtain necessary goods and services:
 - (A) for health or medical purposes under clause 6(1)(b); or
 - (B) where the person is working between, or travelling to or from their premises from work), between 8:00:00 pm and 5:00:00 am; or
 - (ii) for the reasons set out in:
 - (A) clause 7(1)(b)(ii) (care and support of a child); or
 - (B) clause 7(1)(b)(iii) (take a child elsewhere for child-minding); or
 - (C) clause 7(1)(d) (care and support for a relative or other person); or
 - (D) clause 7(1)(i) (escape harm or the risk of harm); or
 - (E) clause 7(1)(l) (to provide child minding assistance); or
 - (F) clause 7(1)(m) (pet toilet break); or
 - (G) clause 10(1)(a) (emergency purposes, which includes, without limitation, seeking emergency medical assistance); or
 - (H) clause 10(1)(b) (as required or authorised by law); or
 - (I) clause 10(1)(c) (for purposes relating to the administration of justice, including attending a police station); or
 - (J) clause 10(1)(f) (driving a person as permitted under these directions); or
 - (K) clause 10(1)(g) (the premises in which the person ordinarily resides is no longer available); or
 - (L) clause 10(1)(j) (leaving Victoria); or
 - (M) clause 10(1)(k) (leaving Australia); or
 - (N) clause 10(1)(l) (for the purposes of national security).

Note: the curfew provisions in subclause (1AF) reflect the curfew provisions under the State of Disaster.

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*).

Note: a person who leaves the Restricted Area for necessary goods or services remains subject to subclauses (1AB) to (1AD), including not travelling further than 5 km from their premises, not doing so more than once per day and only one person from a given residence per day doing so, subject to the exceptions in those subclauses.

- (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. 6)** 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, their place of residence as at 11:59:00 pm on 1 August 2020 must remain 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 emergency maintenance of the other residence; or
 - (f) for emergency purposes; or
 - (g) as required or authorised by law.

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
 - (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 subclause (2) applies, 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), (c), (d) or (e)) 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; or
 - (c) the person is a **prisoner** in a **prison** (either in their cell or common areas), subject to any policies of that prison; or
 - (d) the person is detained in a **remand centre**, **youth residential centre** or **youth justice centre** (either in their room or common areas), subject to any policies of that centre; or
 - (e) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or
 - (f) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
 - (g) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
 - (h) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or
 - (i) the person is working by themselves in an enclosed **indoor space** (unless and until another person enters that indoor space); or
 - (j) the person is working by themselves in an **outdoor space**, provided no other person is also in the outdoor space (except a person who ordinarily resides at the same premises with them); 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.

Examples: teaching, lecturing, broadcasting.

Example: a person working by themselves in an office.

Example: a farmer working by themselves in a field or with their family who lives with them.

- (k) the person is one of two persons being married while in the process of being married; or
- (l) the person is a professional sportsperson when training or competing; or
- (m) the person is engaged in any strenuous physical exercise; or
Examples: jogging, running.
- (n) the person is travelling in a vehicle by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (o) the person is riding a bicycle or motorcycle; or
- (p) the person is consuming food, drink or medicine; or
- (q) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (r) 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
- (s) 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.
- (t) for emergency purposes; or
- (u) required or authorised by law; or
- (v) 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. 6)**, 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. 6)**, 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
 - (A) 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 work if the parent or guardian is a **permitted worker**, provided it is an existing in-home child-minding assistance arrangement (as no new arrangements are permitted); or
 - (iii) to take the child to a childcare or early childhood service, so that the parent or guardian can work if the parent or guardian is a permitted worker, provided there is no appropriate alternative care available; or
 - (iv) to take the child to a school, so that the parent or guardian can work if the parent or guardian is a permitted worker provided they are not working from home; or
 - (c) to obtain or provide childcare, early childhood education or schooling to a **vulnerable child or young person**; 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. 9)**; 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, provided that this does not involve travelling further than 5 km from the premises where the person ordinarily resides; or

Note 1: 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.

Note 2: for the avoidance of doubt, the 5 km travel limitation does not apply to funerals.

- (l) to provide child-minding assistance (whether on a paid or voluntary basis), so that the parent or guardian of a child can work if the parent or guardian is a permitted worker; or

Note: A person may continue to provide existing in-home child-minding assistance (whether on a paid or voluntary basis) in the Restricted Area, but no new arrangements are permitted and only one person may enter the premises for this purpose.

- (m) if the person has a pet at their premises and it is necessary to take the pet outdoors to urinate or defecate, if it is not reasonably practicable for the pet to do so at the person's premises.

Note: if a person takes their pet outdoors, the distance travelled and the time taken should be no more than is absolutely necessary.

8 Leaving premises to attend work or education

- (1) Subject to subclause (2) and (3), a person who ordinarily resides in the Restricted Area may leave the premises to:

- (a) attend work:
- (i) in the Restricted Area if the person is a permitted worker; or
 - (ii) outside the Restricted Area; or

*Note: a person who ordinarily resides in the Restricted Area, regardless of where they work, must hold a **Permitted Worker Permit** in accordance with, and comply with, the **Permitted Worker Permit Scheme Direction**.*

- (b) obtain educational services (which includes going to primary or secondary school).
- (2) A person may leave the premises under subclause (1)(a) only if it is not reasonably practicable for the person to work from the premises.
- (3) A person may leave the premises under subclause (1)(b) only if:
- (a) for **school** educational services (including at a school or non-school senior secondary provider), one or more of the following applies:
 - (i) the parents or guardians of the child or young person ordinarily reside in:
 - (A) the Restricted Area and the parents or guardians are permitted workers and are not working from home; or
 - (B) outside the Restricted Area and are unable to work from the premises; or
 - (ii) the person is a vulnerable child or young person; or
 - (iii) the person is enrolled in a specialist school outside the Restricted Area.

9 Leaving premises for exercise

- (1) A person who ordinarily resides in the Restricted Area may leave the premises to exercise, but must:

- (a) only exercise at a facility that is not prohibited by the **Restricted Activity Directions (Restricted Areas) (No. 6)**; 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. 6)**, 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 with one other person (regardless of whether they ordinarily reside with them or not) unless the exceptions of clause 11(3)(a) (care and support) or 11(3)(b) (child) apply.

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. 6)**; or
- (e) to attend a **community facility**, if that facility is operating in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 6)**; or
- (f) for the purpose or driving a person with whom they ordinarily reside where it is not otherwise reasonable practicable for that person to leave their premises for a purpose permitted under, and provided they comply with, these directions; or

Example: driving a household member who does not have a driver's licence to or from work, to obtain educational services, or to the ordinary place of residence of a person with whom they are in an intimate personal relationship.

- (g) 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
- (h) 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. 6)** and the **Restricted Activity Directions (Non-Melbourne)**; or

Note: if at the start of the stay at home period a person has a signed contract for a residential property which is scheduled to settled during the stay at home period, dealing with that residential property may continue. Similarly if a person is a residential tenant who lease is expiring during the stay at home period, dealing with residential property may continue.

- (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. 8)**; or
 - (c) it is necessary for the other person to enter the premises for one or more of the purposes specified in:
 - (i) clause 7 (care or other compassionate reasons); or
Note: those entering the premises for a care or other compassionate purpose should be no more than the minimum necessary to do so.
 - (ii) clause 8 (work or education), provided that the premises is where the work will take place and such work is urgent and essential; or
Examples: a tradesperson for the purpose of carrying out urgent and essential repairs; a disability support worker, a vet; a person for end-of-life faith reasons.
 - (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. 6)**; or
 - (e) it is necessary for the other person to enter for the purpose of moving to the premises as the place where they will ordinarily reside; or
 - (f) it is necessary for the other person to enter for medical or emergency purposes; or
 - (g) the entry is for purposes relating to the administration of justice; or
 - (h) the entry is otherwise required or authorised by law; or
 - (i) the entry is for the purposes of national security.
- (2A) During the stay at home period, a person who ordinarily resides in the Restricted Area must not enter a premises (at which they do not ordinarily reside) outside the Restricted 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).

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 it is necessary for the person to provide, or the person requires, care and support due to:
 - (ii) age, infirmity, disability, illness or a chronic health condition; or
 - (iii) matters relating to the relative or other person's health (including mental health or pregnancy); 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); or
- (f) where it is for one or more of the purposes specified in clause 6 (necessary goods or services) and the exceptions in clause 5(1AD) apply.

Weddings and funerals

- (4) The requirements for a wedding held in the Restricted Area are that:
 - (a) one or both of the two persons being married:
 - (i) are at the end of life; or
 - (ii) will be deported from Australia unless the marriage takes place; and
 - (b) 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
 - (c) 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
 - (d) 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. 6)**.*

*Note 3: the requirements for a wedding held in an area other than in the Restricted Area are set out in the **Stay At Home Directions (Non-Melbourne)**.*

- (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. 6)**.*

*Note 3: the requirements for a funeral held in an area other than in the Restricted Area are set out in the **Stay At Home Directions (Non-Melbourne)**.*

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. 8)**, 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. 9)**, 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. 5)**, the **Stay at Home Directions (Restricted Areas) (No. 6)** or the **Stay at Home Directions (Restricted Areas) (No. 7)** is taken to be a reference to these directions.

13 Definitions

For the purposes of these directions:

- (1) **Area Directions (No. 6)** 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. 9)**;
- (4) **community facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas) (No. 6)**;
- (5) **dealing** with residential property of a person includes:
 - (a) creating, acquiring, disposing of or assigning an interest in the property; and
 - (b) receiving or making a gift of the property; and
 - (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 (Restricted Area) (No. 6)**, the **Restricted Activity Directions (Non-Melbourne)**, the **Stay At Home Directions (Non-Melbourne)**, the **Area Directions (No. 6)**, the **Diagnosed Persons and Close Contacts Directions (No. 8)**, the **Hospital Visitor Directions (No. 9)**, the **Care Facilities Directions (No. 9)** the **Workplace Directions** and the **Permitted Worker Permit Scheme Directions**;
- (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. 10)**;

- (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) **permitted worker** means someone who received a **Permitted Worker Permit**;
- (16) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions**;
- (17) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (18) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (19) **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;
- (20) **prison** has the same meaning as in the **Corrections Act 1986**;
- (21) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (22) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (23) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (24) **Restricted Area** has the same meaning as in the **Area Directions (No. 6)**;
- (25) **retail facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas) (No. 6)**;
- (26) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (27) **stay at home period** has the meaning in clause 4;
- (28) **vehicle** has the same meaning as in the PHW Act;
- (29) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (30) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (31) **vulnerable child or young person** means a child or young person who:
 - (a) resides in the care of the State or in out-of-home care; or
 - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or
 - (c) identified by a school as vulnerable, including where the vulnerability is the result of severe family stress (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service).

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 5 August 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 at Home Directions (Non-Melbourne)**

I, Dr Finn Romanes, Public Health Commander, consider it necessary to eliminate or reduce the risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to section 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

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) For the purposes of these directions, the **Relevant Area** means the area of Victoria outside the **Restricted Area**. More specific directions apply to those people who ordinarily reside in the Restricted Area.
- (3) These directions require everyone who ordinarily resides in the Relevant 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 Relevant Area; and
 - (b) placing restrictions on gatherings, including prohibiting private gatherings (no visitors to another person's home other than in very limited circumstances).
- (4) These directions must be read together with the **Directions currently in force**, being the **Restricted Activity Directions (Non-Melbourne)**, the **Restricted Activity Directions (Restricted Areas) (No. 6)**, the **Stay at Home Directions (Restricted Areas) (No. 8)**, the **Area Directions (No. 6)**, the **Diagnosed Persons and Close Contacts Directions (No. 8)**, the **Hospital Visitor Directions (No. 9)**, the **Care Facilities Directions (No. 9)**, the **Workplace Directions** and the **Permitted Worker Permit Scheme Directions**.
- (5) These directions replace the **Stay Safe Directions (No. 9)**.

2 Citation

These directions may be referred to as the **Stay at Home Directions (Non-Melbourne)**.

3 Revocation

The **Stay Safe Directions (No. 9)** are revoked at 11:59:00 pm on 5 August 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 5 August 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 Relevant 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).

- (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 Relevant Area to obtain goods or services that can be obtained closer to home.

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

Requirement to stay outside the Restricted Area

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

- (a) clause 6 (*necessary goods or services*) provided that they must not:
 - (i) do so more than once per day; and
 - (ii) only one person from a given residence per day may do so, except where:
 - (iii) the person leaves the premises to obtain goods and services:
 - (A) for health or medical purposes; or
 - (B) provided by a:
 - 1. financial institution; or
 - 2. government body or government agency; or
 - (iv) 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; or
 - (v) it is necessary for the person to provide, or the person requires, care and support due to:
 - (A) age, infirmity, disability, illness or a chronic health condition; or
 - (B) matters relating to the relative or other person's health (including mental health or pregnancy);
- (b) clause 7 (*care or other compassionate reasons*);
- (c) clause 8 (*work or education*);
- (d) clause 10 (*other specified reasons*),

of, and provided they comply with the requirements set out in, the **Stay at Home Directions (Restricted Areas) (No. 8)**.

- (1C) If a person who ordinarily resides in the Relevant Area enters the Restricted Area in accordance with subclause (1B) or (1D), the **Stay at Home Directions (Restricted Areas) (No. 8)** and the **Restricted Activity Directions (Restricted Areas) (No. 6)** apply to that person when they are in the Restricted Area.

Note: If a person who ordinarily resides in the Relevant Area enters the Restricted Area, they must comply with the curfew which applies 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. Such a person must not leave to go to any other ordinary place of residence (regardless of whether it is within or outside the Relevant Area) except:

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

Example: a person has an ordinary place of residence in the Restricted Area and two other ordinary places of residence in the Relevant Area. This person must choose a principal place of residence. If they choose one of the places of residence in the Relevant Area, they cannot go to their other residence in the Restricted Area or the Relevant 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 stay at home period (or part thereof); and
 - (b) subclause (1) applies accordingly.
- (3A) If subclause (2) applies, 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), (c), (d) or (e)) 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; or
 - (c) the person is a **prisoner** in a **prison** (either in their cell or common areas), subject to any policies of that prison; or
 - (d) the person is detained in a **remand centre**, **youth residential centre** or **youth justice centre** (either in their room or common areas), subject to any policies of that centre; or
 - (e) 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.
 - (f) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
 - (g) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
 - (h) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or
Examples: teaching, lecturing, broadcasting.
 - (i) the person is working by themselves in an enclosed **indoor space** (unless and until another person enters that indoor space); or
Example: a person working by themselves in an office.
 - (j) the person is working by themselves in an **outdoor space**, provided no other person is also in the outdoor space (except a person who ordinarily resides at the same premises with them); or
Example: a farmer working by themselves in a field or with their family who lives with them.
 - (k) the person is one of two persons being married while in the process of being married; or
 - (l) the person is a professional sportsperson when training or competing; or
 - (m) the person is engaged in any strenuous physical exercise; or
Examples: jogging, running.
 - (n) the person is travelling in a **vehicle** by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
 - (o) the person is riding a bicycle or motorcycle; or
 - (p) the person is consuming food, drink or medicine; or
 - (q) the person is smoking or vaping (including e-cigarettes) while stationary; or
 - (r) 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
 - (s) 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.
 - (t) for emergency purposes; or
 - (u) required or authorised by law; or
 - (v) 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 Relevant Area may leave the premises to obtain:
- (a) take away food or drink; or
Note: a person who ordinarily resides in the Relevant 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 (Non-Melbourne)** or the **Restricted Activity Directions (Restricted Areas) (No. 6)** (as applicable).

Note: a person who ordinarily resides in the Relevant Area may only visit retail facilities to obtain necessary goods or services in the Restricted Area in accordance with clause 5(1B) and (1C).

7 Leaving premises for care or other compassionate reasons

- (1) A person who ordinarily resides in the Relevant 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 in the Relevant Area 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
 - (iv) to take the child to another person's premises in the Restricted Area 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 work if the parent or guardian is a **permitted worker**; or

Note: A person may continue to provide existing in-home child-minding assistance (whether on a paid or voluntary basis) in the Restricted Area, but no new arrangements are permitted and only one person may enter the premises for this purpose.

- (c) to obtain or provide childcare, early childhood education or schooling to a **vulnerable child or young person**; 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. 9)**; 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 a person who ordinarily resides in:
 - (i) the Relevant Area and is the parent or guardian of a child can:
 - (A) 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
 - (B) work, or obtain educational services, from their own premises; or
 - (ii) the Restricted Area and is the parent or guardian of a child can work if the parent or guardian is a permitted worker and no other responsible adult who ordinarily resides with them can care for that child.

8 Leaving premises to attend work or education

- (1) Subject to subclauses (2) and (3), a person who ordinarily resides in the Relevant Area may leave the premises to:
 - (a) attend work (whether paid or voluntary, including for charitable or religious purposes); or

*Note: a person who works in the Restricted Area must hold a **Permitted Worker Permit** in accordance with, and comply with, the **Permitted Worker Permit Scheme Direction**.*

 - (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) or (iv).

- (2) A person may leave the premises under subclause (1)(a) or (c) only if it is not reasonably practicable for the person to work or perform the other permitted activity from the premises.
- (3) A person may leave the premises under subclause (1)(b) only if:
 - (a) for school educational services (including at a school or non-school senior secondary provider), one or more of the following applies:
 - (i) the person is required to undertake essential Victorian Certificate of Education (VCE) or Victorian Certificate of Applied Learning (VCAL) assessments at a school or another educational facility or institution and it is not reasonable practicable for those assessments to be undertaken from the premises; or
 - (ii) the parents or guardians of the child or young person ordinarily reside in:
 - (A) the Relevant Area and are unable to work from the premises; or
 - (B) the Restricted Area and the parents or guardians are permitted workers and are not working from home; or
 - (iii) the person is a vulnerable child or young person; or
 - (iv) the person is enrolled in a specialist school in the Relevant Area; or
 - (b) for **higher education services**, it is not reasonably practicable for the person to obtain the higher educational services from the premises.

9 Leaving premises for exercise or outdoor recreation

- (1) A person who ordinarily resides in the Relevant 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 (Non-Melbourne)**; and
 - (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: community sport cannot take place in the Relevant Area.

*Example: as swimming pools are not open under the **Restricted Activity Directions (Non-Melbourne)**, a person may not leave their premises to swim in a pool in any location.*

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 Relevant 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 (Non-Melbourne)** or the **Restricted Activity Directions (Restricted Areas) (No. 6)** (as applicable); or
Example: attending an essential public support service (for example, a food bank, a service for homeless persons) or attending an essential support group (for example, for alcohol and drugs, family violence or parenting).
- (e) to attend a **community facility**, if that facility is operating in accordance with the **Restricted Activity Directions (Non-Melbourne)** or the **Restricted Activity Directions (Restricted Areas) (No. 6)** (as applicable); or
Example: attending an essential public support service (for example, a food bank, a service for homeless persons) or attending an essential support group (for example, for alcohol and drugs, family violence or parenting).
- (f) for the purpose of driving a person with whom they ordinarily reside where it is not otherwise reasonable practicable for that person to leave their premises for a purpose permitted under, and provided they comply with, these directions; or
Example: driving a household member who does not have a driver's licence to or from work, to obtain educational services, or to the ordinary place of residence of a person with whom they are in an intimate personal relationship.
- (g) 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
- (h) for purposes relating to, or associated with, **dealing with residential property**, including attending a private inspection of a residential property organised in accordance with the **Restricted Activity Directions (Non-Melbourne)** or the **Restricted Activity Directions (Restricted Areas) (No. 6)** (as applicable); or
- (i) 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
- (j) for the purposes of moving to a new premises at which the person will ordinarily reside; or
- (k) if the person ordinarily resides outside Victoria, for the purposes of leaving Victoria; or
- (l) if the person is permitted to leave Australia, for the purposes of leaving Australia; or
- (m) 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 Relevant 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 Relevant 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. 8)**; 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

Note: those entering the premises for a care or other compassionate purpose should be no more than the minimum necessary to do so.

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 (Non-Melbourne)**; or
 - (e) it is necessary for the other person to enter for the purpose of moving to the premises as the place where they will ordinarily reside; or
 - (f) it is necessary for the other person to enter for medical or emergency purposes; or
 - (g) the entry is for purposes relating to the administration of justice; or
 - (h) the entry is otherwise required or authorised by law; or
 - (i) the entry is for the purposes of national security.
- (2A) During the stay at home period, a person who ordinarily resides in the Relevant Area 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 clauses 7 (care or other compassionate reasons), 8 (work or education) or 10 (other specified reasons).

Public gatherings

- (3) During the stay at home period, a person in the Relevant 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) where it is necessary for the person to provide, or the person requires, care and support due to:
 - (i) age, infirmity, disability, illness or a chronic health condition; or
 - (ii) matters relating to the relative or other person's health (including mental health or pregnancy); or
- (c) 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
- (d) for the purpose of attending a wedding in the Relevant Area that complies with the requirements in subclause (4); or

Note: a person who ordinarily resides in the Relevant Area must not attend a wedding in the Restricted Area, except as a celebrant who may enter the Restricted Area under clause 5(1B)(c).

- (e) for the purpose of attending a funeral that complies with the requirements in subclause (5); or

- (f) 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 Relevant 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 (Non-Melbourne)**.*

*Note 3: the requirements for a wedding held in the Restricted Area are set out in the **Stay at Home Directions (Restricted Areas) (No. 8)**.*

- (5) The requirements for a funeral held in the Relevant 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 (Non-Melbourne)**.*

*Note 3: the requirements for a funeral held in the Restricted Area are set out in the **Stay at Home Directions (Restricted Areas) (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. 8)**, 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. 9)**, 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. 9)** is taken to be a reference to these directions.

13 Definitions

For the purposes of these directions:

- (1) **Area Directions (No. 6)** 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. 9)**;
- (4) **community facility** has the same meaning as in the **Restricted Activity Directions (Non-Melbourne)** or the **Restricted Activity Directions (Restricted Areas) (No. 6)** (as applicable);
- (5) **dealing** with residential property of a person includes:
 - (a) creating, acquiring, disposing of or assigning an interest in the property; and
 - (b) receiving or making a gift of the property; and
 - (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 (Non-Melbourne)**, the **Restricted Activity Directions (Restricted Areas) (No. 6)**, the **Stay at Home Directions (Restricted Areas) (No. 8)**, the **Area Directions (No. 6)**, the **Diagnosed Persons and Close Contacts Directions (No. 8)**, the **Hospital Visitor Directions (No. 9)**, the **Care Facilities Directions (No. 9)**, the **Workplace Directions and the Permitted Worker Permit Scheme Directions**;
- (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) **higher education services** means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, and other post-compulsory education or training;
- (11) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 9)**;
- (12) **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;

- (13) **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;
- (14) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (15) **outdoor space** means a space that is not an indoor space;
- (16) **permitted worker** means someone who received a **Permitted Worker Permit**;
- (17) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions**;
- (18) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (19) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (20) **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;
- (21) **prison** has the same meaning as in the **Corrections Act 1986**;
- (22) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (23) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (24) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (25) **Relevant Area** has the meaning in clause 1(2);
- (26) **Restricted Area** has the same meaning as in the **Area Directions (No. 6)**;
- (27) **retail facility** has the same meaning as in the **Restricted Activity Directions (Non-Melbourne)** or the **Restricted Activity Directions (Restricted Areas) (No. 6)** (as applicable);
- (28) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (29) **stay at home period** has the meaning in clause 4;
- (30) **vehicle** has the same meaning as in the PHW Act;
- (31) **vulnerable child or young person** means a child or young person who:
- (a) resides in the care of the State or in out-of-home care; or
 - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or
 - (c) identified by a school as vulnerable, including where the vulnerability is the result of severe family stress (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service);
- (32) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (33) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

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 5 August 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

Workplace Directions

I, Dr Finn Romanes, Public Health Commander, consider it necessary to eliminate or reduce the risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to section 200(1)(d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

1 Preamble

- (1) The presence of a person with a positive diagnosis of Novel Coronavirus 2019 (**2019-nCoV**) at a Work Premises is considered to pose an immediate risk of transmission to persons who attend, or may attend, the Work Premises.
- (2) The purpose of these directions is to limit the number of Victorians attending Work Premises to assist in reducing the frequency and scale of outbreaks of 2019-nCoV in Victorian workplaces and to establish more specific obligations on employers and workers in relation to managing the risk associated with 2019-nCoV.
- (3) These directions must be read together with the **Stay at Home Directions (Restricted Areas) (No. 7)**, the **Stay at Home Directions (Non-Melbourne)**, the **Restricted Activity Directions (Restricted Areas) (No. 6)**, the **Restricted Activity Directions (Non-Melbourne)**, the **Diagnosed Persons and Close Contacts Directions (No. 8)** and the **Permitted Worker Permit Scheme Directions**, as amended or replaced from time to time.
- (4) These directions are intended to supplement any obligation an employer may have under the OHS Act and are not intended to derogate from any such obligations.

2 Citation

These directions may be referred to as the **Workplace Directions**.

3 Relationship with other directions

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

4 Commencement

These directions commence at 11:59:00 pm on:

- (1) 5 August 2020 in relation to clauses 6(1) and 6(2) and 6(7)-(16), insofar as they apply to Work Premises that are permitted to operate under the **Restricted Activity Directions (Restricted Areas) (No. 6)**, or **Restricted Activity Directions (Non-Melbourne)**, and were specified under the **Restricted Activity Directions (Restricted Areas) (No. 5)**, or **Restricted Activity Directions (No. 16)**; and
- (2) otherwise, 7 August 2020.

5 Operation of a Work Premises

- (1) An employer must not permit a worker to perform work at the Work Premises where it is reasonably practicable for the worker to work at the worker's place of residence or another suitable premises which is not the Work Premises.

*Note: the **Stay at Home Directions (Non-Melbourne)** permits a person to leave the premises where they ordinarily reside to attend work only if it is not reasonably practicable to work from their premises.*

- (2) An employer must comply with the Permitted Worker Permit Scheme Directions where it applies to that employer.
- (3) Where an employer permits or requires work to be performed at a Work Premises, the employer must comply with clauses 6 to 8.

6 Preventative measures at Work Premises to reduce the risk of 2019-nCoV

Face coverings requirement

- (1) An employer must take reasonable steps to ensure the worker wears a face covering at all times when working at a Work Premises.

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.

- (2) Subclause 6(1) does not apply if:
- (a) the worker has a physical or mental health illness or condition or disability which makes wearing a face covering unsuitable; or
Examples: workers who have obstructed breathing or a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma;
 - (b) the worker is communicating with a person who is deaf or hard of hearing, where visibility of the mouth is essential for communication; or
 - (c) the nature of a worker's work means that wearing a face covering creates a risk to their health and safety; or
 - (d) the nature of a worker's work means that clear enunciation or visibility of the mouth is essential; or
Examples: teaching, lecturing, broadcasting.
 - (e) the worker is working by themselves in an enclosed **indoor space** (unless and until another person enters that indoor space); or
Example: a person working by themselves in an office.
 - (f) the worker is working by themselves in an **outdoor space**, provided no other person is also in the outdoor space (except a person who ordinarily resides at the same premises as the worker); or
Example: a farmer working by themselves in a field.
 - (g) the worker is a professional sportsperson when training or competing; or
 - (h) the worker is travelling in a **vehicle** for work purposes by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
 - (i) the worker is consuming food, drink or medicine; or
 - (j) the worker is asked to remove the face covering to ascertain identity; or
Examples: a worker may be asked by police, security or post office staff to remove a face covering to ascertain identity.
 - (k) for emergency purposes; or
 - (l) required or authorised by law; or
 - (m) doing so is not safe in all the circumstances.

Note: a worker is required to wear a face covering at all other times when the circumstances above do not apply.

Example: a worker must wear a face covering when using ingress and egress points to the employer's premises, or other facilities such as toilets.

COVID Safe Plan

- (3) Subject to sub-clause (5), an employer must:
- (a) have in place a COVID Safe Plan, which addresses the health and safety issues arising from 2019-nCoV, including but not limited to:
Note: employers can use the template plan accessible from the following website for guidance: <https://www.business.vic.gov.au/disputes-disasters-and-succession-planning/covid-safe-business/creating-a-covid-safe-workplace#yourcovidsafeplan>
 - (i) the employer's process for implementing the record-keeping obligation under sub-clause 6(7);

- (ii) the appropriate level of PPE to be worn at the Work Premises;
 - (iii) actions taken by the employer to mitigate the introduction of 2019-nCoV at the Work Premises;
For example: temperature testing, provision and training for PPE use, regular cleaning, specific cleaning requirements following an outbreak, physical distancing requirements (eg. closing or reconfiguring common areas such as lunchrooms to support workers remaining 1.5 m apart at all times);
 - (iv) the processes which the employer has put in place to respond to any suspected case and any confirmed case of 2019-nCoV at the Work Premises, taking into account the employer's obligations under these directions;
 - (v) an acknowledgement that the employer understands its responsibilities and obligations under these directions.
- (b) document and evidence, and require its managers to document and evidence, implementation of the COVID Safe Plan.
- (4) The employer and the employer's workers must comply with the COVID-Safe Plan.
- (5) An employer is not required to comply with sub-clause 6(3) if they have fewer than five workers working at a Work Premises.
- (6) An employer must:
- (a) comply with any direction given by an Authorised Officer or WorkSafe **inspector** to modify a COVID Safe Plan, including:
 - (i) following an outbreak of confirmed cases of 2019-nCoV at a Work Premises; or
 - (ii) if the Authorised Officer considers that the COVID Safe Plan is not fit for purpose; and
 - (b) implement any modifications required in accordance with sub-clause 6(6)(a).

Record-keeping obligations (records requirement)

- (7) Subject to clause 6(8), an employer must keep a record of all workers and all visitors who attend the Work Premises for longer than 15 minutes, which includes:
- (a) their first name; and
 - (b) a contact phone number; and
 - (c) the date and time at which the person attended the Work Premises; and
 - (d) the areas of the Work Premises which the person attended.
- 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.*
- (8) An employer is not required to comply with the record keeping requirement in sub-clause 6(7):
- (a) where they are operating a Work Premises which is a **market**, market stall, a **retail facility or retail shopping centre** with respect to customers who attend that Work Premises, where it is not practicable to do so; or
 - (b) in relation to essential support groups if confidentiality is typically required.
Example: support groups for alcohol and drugs or family violence typically require confidentiality.
- (9) In collecting the information outlined in sub-clause 6(7), an employer must:
- (a) use reasonable endeavours to protect the personal information from use or disclosure other than in accordance with a request made by an Authorised Officer; and
 - (b) destroy the information as soon as **reasonably practicable** following 28 days after the attendance at the Work Premises, unless another statutory requirement permits or requires the personal information to be retained.

Density quotient (Density quotient)

- (10) In any shared spaces (such as lunchrooms) and publicly accessible areas at the Work Premises, an employer must comply with the **density quotient** for each shared space and each publicly accessible area.
- (11) The **density quotient** for the purposes of sub-clause 6(10) limits:
- (a) the number of people who are permitted in a shared space; and
 - (b) the number of members of the public who are permitted in a publicly accessible space,
at any one time to the number calculated by dividing the total accessible space (measured in square metres) by 4 and:
 - (c) for an **indoor space** applies to each single undivided space permitted to operate under these directions; and
 - (d) for an **indoor zone** applies to each indoor zone within an indoor space permitted to operate under these directions; and
 - (e) in relation to a publicly accessible space, 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.

Signage requirement (signage requirement)

- (12) Where a Work Premises has a publicly accessible space, an employer must 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.*
- (13) A person who owns, operates or controls a market stall, market or retail shopping centre 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) use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Cleaning requirements (cleaning requirement)

- (14) An employer must take all reasonable steps to ensure that shared spaces at which work is performed and areas accessible to members of the public at any Work Premises are cleaned on a regular basis, including:
- (a) frequently touched surfaces, 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 are cleaned between groups; and
Example: cleaning surfaces between shifts of workers
 - (e) surfaces are cleaned immediately after a spill on the surface.
- (15) 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.
- (16) A person who owns, operates or controls a market stall, market or retail shopping centre must comply with the cleaning requirement respectively for the market stall, market or the **common areas** of the retail shopping centre.

Reducing work across multiple sites

- (17) Subject to clause 6(18), an employer must not require or permit a worker to perform work at more than one Work Premises of the employer.
- (18) Sub-clause 6(17) does not apply where it is not practicable to limit a worker to only one Work Premises.
Example: healthcare and social care workers, tradespeople performing essential repairs.
- (19) Where sub-clause 6(18) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of workers working across multiple Work Premises.
For example: rosters.
- (20) If a worker is working at more than one Work Premises for two or more different employers:
- (a) the worker must provide a written declaration to each employer to advise them that the worker is working at more than one Work Premises and must provide details of the other Work Premises to each employer; and
 - (b) each employer must maintain a record of all workers who have disclosed to the employer under sub-clause 6(20)(a) that they are working across more than one Work Premises.

7 Responding to a suspected case of 2019-nCoV in a Work Premises

- (1) An employer must not require a worker to perform work at a Work Premises if the worker is displaying one or more **2019-nCoV Symptoms**.
- (2) As soon as practicable after becoming aware of a **suspected case** in a worker who has attended a Work Premises in the period commencing 48 hours prior to the onset of symptoms, an employer must:
- (a) advise the worker to self-isolate immediately and support the worker in doing so, by either:
 - (i) directing the worker to travel home immediately (and providing support to the worker to do so); or
 - (ii) where the worker is unable to travel home immediately, directing the worker to isolate themselves at the Work Premises and, whilst doing so, to wear a face covering and remain at least 1.5 metres from any other person at the Work Premises, until the worker can return home later that day to self-isolate;
Note: the worker should isolate in a separate room from other persons, where possible;
 - (b) advise the worker to be tested for 2019-nCoV as soon as practicable, and to self-isolate whilst awaiting the result of that test;

- (c) take all **reasonably practicable** steps to manage the risk posed by the suspected case, including but not limited to:
- (i) cleaning areas of the Work Premises used by the worker (including their personal workspace and any areas in the Work Premises frequently used by the worker);
 - (ii) cleaning high-touch surfaces at the Work Premises likely to have been frequented by the suspected case;
For example: lift buttons, door handles, washroom facilities, kitchen facilities, water coolers. For further information, see the guidance at <https://www.dhhs.vic.gov.au/cleaning-and-disinfecting-reduce-covid-19-transmission-tips-non-healthcare-settings>;
- (d) ensure appropriate records are maintained in accordance with clause 6(7) in order to support contact tracing if the suspected case becomes a **confirmed case**, particularly from the period commencing 48 hours prior to the onset of symptoms in the suspected case; and
Note: This will include, for example, rosters and worker details, and details of all visitors to the Work Premises, to ascertain which persons were present at the Work Premises and who they may have come into contact with;
- (e) inform all workers (including the **health and safety representative**) to be vigilant about the onset of symptoms of 2019-nCoV and advise all workers to be tested for 2019-nCoV and self-isolate if they become symptomatic.
- (3) If an employer becomes aware of three or more suspected cases at one Work Premises within a five day period, the employer must, as soon as practicable, undertake a risk assessment to determine whether the Work Premises (or the relevant parts of the Work Premises) must be closed to allow appropriate action to be taken.
Note: appropriate action may include, but is not limited to, vacating the Work Premises to allow a comprehensive clean to be undertaken and the Work Premises to then be re-opened pending the outcome of 2019-nCoV test results. Guidance on undertaking a risk assessment, and implementing appropriate action, will be provided by the Department to assist in conducting this risk assessment.

8 Responding to a confirmed case of 2019-nCoV in a Work Premises

- (1) In these directions, in respect of a worker who has tested positive to 2019-nCoV, **Relevant Period** means the 48 hours prior to:
- (a) the onset of symptoms of 2019-nCoV in the worker, if symptomatic; or
 - (b) the worker having been tested for 2019-nCoV, if asymptomatic.
- (2) A worker who has received a positive test result for 2019-nCoV must, as soon as practicable, notify the employer of any Work Premises which the worker has attended in the Relevant Period.
- (3) As soon as practicable after becoming aware of a confirmed case who has attended the Work Premises in the Relevant Period, the employer must:
- (a) notify the Department, WorkSafe Victoria in accordance with the *Occupational Health and Safety (COVID-19 Incident Notification) Regulations 2020* (Vic.) and the health and safety representative at the Work Premises;
 - (b) to the extent not already completed, direct the **diagnosed worker** not to attend the Work Premises and advise them to self-isolate in accordance with clause 7(2)(a);
 - (c) undertake a risk assessment to determine whether the Work Premises (or the relevant part of the Work Premises in which the diagnosed worker worked in the Relevant Period) must be closed to allow cleaning and contact tracing to occur or whether the risk can be managed whilst the Work Premises (or part of it) continues to operate;

- (d) undertake a comprehensive clean of the Work Premises (or the relevant part of the Work Premises in which the diagnosed worker worked in the Relevant Period, and any high touch areas likely to have been touched by the diagnosed worker) in accordance with guidelines published by the Department;

Note: online guidance from the Department can be obtained from the following link: <https://www.dhhs.vic.gov.au/cleaning-and-disinfecting-reduce-covid-19-transmission-tips-non-healthcare-settings>;

- (e) consult with the diagnosed worker and examine the employer's own records to determine any close contacts of the diagnosed worker at the Work Premises within the Relevant Period and, where any close contacts are identified and the employer has the relevant contact details of the close contact:

Note: for record-keeping obligations to assist with identification of close contacts and contact tracing, see clause 6(7);

- (i) if the close contact is a worker, direct them to leave the Work Premises and advise them to self-quarantine; and
- (ii) if the close contact is not a worker, issue them a written communication to recommend that they self-quarantine in accordance with guidance from the Department;

- (f) notify all workers when a worker has tested positive to 2019-nCov;

- (g) inform all workers (including health and safety representatives) to be vigilant about the onset of symptoms of 2019-nCoV and advise all workers to be tested for 2019-nCoV and self-quarantine if they become symptomatic;

- (h) put in place appropriate control / risk management measures to reduce the risk of spreading 2019-nCoV at the Work Premises;

Note: employers are encouraged to ensure that any risks identified from the confirmed case are addressed in these control measures. For example: increasing the implementation and enforcement of control measures with respect to PPE (such as face coverings) and physical distancing.

- (i) contact the Department (or other entity nominated by the Department on its website) and:

- (i) notify it of the actions taken in accordance with sub-clauses 8(3)(a) to 8(3)(h);
- (ii) provide it with a copy of the risk assessment conducted in accordance with sub-clause 8(3)(c);
- (iii) provide the Department (or other entity nominated by the Department) with contact details of any close contacts (whether or not workers) identified pursuant to sub-clause 8(3)(e);
- (iv) comply with any further directions given by the Department or WorkSafe in relation to closure of the Work Premises (or part of the Work Premises) and/or cleaning;

- (j) where the Work Premises (or part of the Work Premises) is closed, not re-open that Work Premises (or that part of the Work Premises which was closed) until all of the following have occurred:

- (i) the employer has complied with all of its obligations under sub-clauses 8(3)(a) to 8(3)(i);
- (ii) the Department has completed all relevant contact tracing;
- (iii) the Department has given clearance for the Work Premises to re-open;
- (iv) the employer has notified WorkSafe when the Work Premises is re-opened.

Note: employers must comply with their obligations under occupational health and safety laws, including notifying WorkSafe Victoria in accordance with the Occupational Health and Safety (COVID-19 Incident Notification) Regulations 2020 (Vic.).

9 Other definitions

For the purposes of these directions:

- (1) **2019-nCoV Symptoms** means symptoms consistent with 2019-nCoV, including but not limited to:
 - (a) a fever ($\geq 37.5^{\circ}\text{C}$) or consistent fever of less than 37.5°C (such as night sweats, chills);
 - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
 - (c) loss of smell; and/or
loss of taste;
- (2) **Authorised Officer** has the same meaning as in the PHW Act;
- (3) **cleaned** has the meaning in clause 6(15);
- (4) **cleaning requirement** has the meaning in clauses 6(14) to 6(16) (both inclusive);
- (5) **close contact** means any person who has had contact greater than 15 minutes face-to-face, cumulative, or the sharing of a closed space for more than two hours, with a confirmed case during the Relevant Period
- (6) **common areas** of a retail shopping centre has the same meaning as in the **Retail Leases Act 2003**;
- (7) **confirmed case** means a diagnoses of 2019-nCoV in a worker at the Work Premises;
- (8) **Department** means the Department of Health and Human Services of Victoria;
- (9) **diagnosed worker** means a worker who is a **diagnosed person**;
- (10) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 8)** as amended or replaced from time to time;
- (11) **Direction and Detention Notice** has the same meaning as in the **Stay at Home Directions (Restricted Areas) (No. 7)** as amended or replaced from time to time;
- (12) **employee** includes a person who is self-employed;
- (13) **employer** means a person who owns, operates or controls a Work Premises and includes a person who is self-employed;
- (14) **health and safety representative** has the same meaning as in the OHS Act;
- (15) **indoor space** has the same meaning as in the **Restricted Activity Directions (Non-Melbourne)** as amended or replaced from time to time;
- (16) **inspector** has the same meaning as in the OHS Act;
- (17) **market** means a public market, whether indoor or outdoor, including a food market;
- (18) **OHS Act** means the *Occupational Health and Safety Act 2004* (Vic.);
- (19) **outbreak** means:
 - (a) a single confirmed case of COVID-19 in a resident, staff member or frequent attendee of residential and aged care facilities (RACF);
 - (b) two or more epidemiologically linked cases outside of a household with symptom onset within 14 days;

Note: Transmission within one household does not constitute an outbreak but will become part of an outbreak response if linked to a high priority setting. Also, in some circumstances, the department may identify other settings that are sensitive and where a single confirmed case will trigger an outbreak response. Relevant parties will be informed if this occurs. Determining whether a person is a frequent or infrequent visitor may be based on frequency of visits, time spent in the setting, and number of contacts within the setting.
- (20) **outdoor space** has the same meaning as in the **Restricted Activity Directions (No. 16)** as amended or replaced from time to time;
- (21) **PHW Act** means the *Public Health and Wellbeing Act 2008* (Vic.);

- (22) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (23) **PPE** means personal protective equipment;
- (24) **premises** has the same meaning as in the PHW Act;
- (25) **reasonably practicable** is to have its ordinary and common sense meaning;
- (26) **records requirement** has the meaning in clause 6(7) to 6(9) (both inclusive);
- (27) **Relevant Period** has the meaning given in sub-clause 8(1);
- (28) **Restricted Area** has the meaning in the **Area Directions (No. 5)**;
- (29) **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;
- (30) **retail shopping centre** has the same meaning as in the Retail Leases Act 2003;
- (31) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 8)** as amended or replaced from time to time;
- (32) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 8)** as amended or replaced from time to time;
- (33) **signage requirement** has the meaning in clauses 6(12) and 6(13);
- (34) **suspected case** means a person who is displaying one or more **2019-nCoV Symptoms**;
- (35) **vehicle** has the same meaning as in the PHW Act;
- (36) **Work Premises** means the premises of an employer in which work is undertaken, including any vehicle whilst being used for work purposes; and
- Note: this includes a community facility such as a community centre or community hall, or a public library, or a place of worship.*
- (37) **worker** includes employees, subcontractors (and their employees), volunteers and any other person engaged or permitted by an employer to perform work.

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 5 August 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****Permitted Worker Permit Scheme and Access to Onsite Childcare/Kindergarten
Permit Scheme Directions**

I, Dr Finn Romanes, Public Health Commander, consider it necessary to eliminate or reduce the risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to section 200(1)(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 establish the **Permitted Worker Permit Scheme** and the **Access to Onsite Childcare/Kindergarten Permit Scheme**.
- (3) The Permitted Worker Permit Scheme details obligations on:
 - (a) **Permitted Employers** who operate a **Work Premises** in the **Restricted Area** or require an employee who ordinarily resides in the Restricted Area or the **Relevant Area** to attend a Work Premises; and
 - (b) employees who ordinarily reside in the Restricted Area to attend the Work Premises of a Permitted Employer,in relation to the Permitted Worker Permit Scheme, necessary to manage the risk associated with 2019-nCoV.
- (4) The Permitted Worker Permit Scheme is designed to allow Permitted Employers providing **Permitted Services** to operate during Stage 4 restrictions in Victoria, by issuing employees with a **Permitted Worker Permit** to work at a Work Premises during the Permitted Worker Permit Scheme period.
- (5) The Access to Onsite Childcare/Kindergarten Permit Scheme details the requirements for employees of Permitted Employers to access onsite childcare and/or kindergarten.
- (6) These directions must be read together with the **Directions currently in force**, being the **Stay at Home Directions (Restricted Areas) (No. 8)**, the **Stay at Home Directions (Non-Melbourne)**, the **Restricted Activity Directions (Restricted Areas) (No. 6)**, the **Restricted Activity Directions (Non-Melbourne)**, the **Area Directions (No. 6)**, the **Diagnosed Persons and Close Contacts Directions (No. 8)**, and the **Workplace Directions**.

2 Citation

These directions may be referred to as the **Permitted Worker Permit Scheme Directions**.

PART 2 – PERMITTED WORKER PERMIT SCHEME**3 Permitted Worker Permit Scheme period**

For the purposes of these directions, the **Permitted Worker Permit Scheme period** is the period beginning at 11:59:00 pm on 5 August 2020 and ending at 11:59:00 pm on 16 August 2020.

4 Diagnosed Persons and Close Contacts

- (1) A person who is a **diagnosed person** or a **close contact** is not permitted to:
 - (a) hold a Permitted Worker Permit; or
 - (b) otherwise attend a Work Premises in reliance on any of the provisions contained in these directions.

- (2) If someone is notified that they are a diagnosed person or a close contact:
 - (a) they must immediately notify their employer; and
 - (b) they must not attend or remain at the Work Premises; and
 - (c) any Permitted Work Permit is automatically revoked upon such notification.

5 Requirement to hold a Permitted Worker Permit to attend a Work Premises

- (1) Subject to the further requirements set out in subclause (3):
 - (a) in accordance with clause 8(1)(a) and (2)(a) of the **Stay At Home Directions (Restricted Areas) (No. 8)**, a person who ordinarily resides in the Restricted Area may only leave the premises where the person ordinarily resides to attend work (whether the work is paid or voluntary, including for charitable or religious purposes) if it is not reasonably practicable for the person to work from the premises at which they ordinarily reside; and
 - (b) in accordance with clause 8(1)(a) and (2)(a) of the **Stay At Home Directions (Non-Melbourne)**, a person who ordinarily resides in the Relevant Area may only leave the premises where the person ordinarily resides to attend work (whether the work is paid or voluntary, including for charitable or religious purposes) if it is not reasonably practicable for the person to work from the premises at which they ordinarily reside; and
 - (c) in accordance with clause 5 of the **Workplace Direction**, an employer whose Work Premises is located outside the Restricted Area must not permit a worker to perform work at the Work Premises where it is reasonably practicable for the worker to work at the worker's place of residence or another suitable premises which is not the Work Premises.
- (2) A person must not leave the premises at which they ordinarily reside:
 - (a) to attend a Work Premises in the Restricted Area (regardless of whether they ordinarily reside in the Restricted Area or not); or
 - (b) attend a Work Premises outside of the Restricted Area, if they ordinarily reside in the Restricted Area,
 unless:
 - (c) the person has been issued with, and has in their possession, photographic personal identification and a current Permitted Worker Permit issued by a Permitted Employer to perform Permitted Service; or
 - (d) an exemption in clause 9 applies.
- (3) For the avoidance of doubt, these directions apply to persons who:
 - (a) ordinarily reside in the Restricted Area and are required to attend a Work Premises located within the Restricted Area; and
 - (b) ordinarily reside outside the Restricted Area and are required to attend a Work Premises located within the Restricted Area.

Note: a current Permitted Worker Permit is required in each of these three scenarios.

6 Permitted Employers' duty to issue a Permitted Worker Permit

- (1) In circumstances where clause 5 applies, and subject to clause 9, prior to an employee being permitted to attend work outside of the premises at which they ordinarily reside, a Permitted Employer, which conducts a Permitted Service, must issue the employee with a Permitted Worker Permit, in the approved form.

Note 1: The approved Permitted Worker Permit form is available at: <https://www.justice.vic.gov.au/permitted-worker-scheme>.

Note 2: A Permitted Employer is only permitted to issue a Permitted Worker Permit to their employee, and not to other persons working in their organisation who are not employees such as a sub-contractor. The Permitted Employer of a sub-contractor is required to authorise that a person is required on-site and to issue that person with a Permitted Worker Permit.

- (2) If a person does not have a Permitted Employer because they are self-employed, a sole-trade, an independent contractor or sub-contractor, or a person appointed to or holding a statutory office, the person must issue themselves with a Permitted Work Permit in the approved form, signed as both the Permitted Employer and the employee.
- (3) The employer must be a Permitted Employer operating or conducting a Permitted Service in order to issue an employee with a Permitted Worker Permit.
- (4) The employer must keep a record of all Permitted Worker Permits they have issued during the Permitted Worker Permit Scheme period. An employer must, on request, produce this record to an Authorised Officer a Victoria Police Officer or a Protective Services Officer.
- (5) The Permitted Worker Permit, must, amongst other things:
 - (a) be in the approved form; and
 - (b) only include details that are, to the best of the Permitted Employer's and employee's knowledge complete, accurate and not in any way false, misleading or deceptive; and
 - (c) record relevant details of the Permitted Employer including:
 - (i) the Permitted Employer's company name; and
 - (ii) the Permitted Employer's ABN and/or ACN; and
 - (iii) the Permitted Employer's company address; and
 - (iv) the Permitted Employer's trading name; and
 - (v) the address of the Work Premises at which the employee is required to work; and
Note: if there is more than one Work Premises at which the employee is required to attend, this must be accompanied by a record detailing, as far as reasonably practicable, the expected place, date and time of attendance by the employee.
 - (vi) contact details of the Permitted Employer (or an authorised representative of the Permitted Employer) including:
 - (A) contact name; and
 - (B) contact title and role in the business; and
 - (C) telephone number; and
 - (D) contact name and telephone number of a secondary representative of the employer; and
 - (d) record relevant details of the employee including:
 - (i) the employee's full name; and
 - (ii) the employee's date of birth; and
 - (iii) the employee's address; and
 - (e) record the expected dates, hours and duration of work required to be performed by the employee (or, if those details are irregular, the possible dates, hours and duration of work likely to be performed); and
 - (f) record the expected rostered hours of work for the employee during the Permitted Worker Permit Scheme period (or, if those details are irregular, the possible dates, hours and duration of work likely to be performed); and
 - (g) record the Permitted Service the employee is required to provide; and
 - (h) include a signed declaration by the Permitted Employer (or an authorised representative of the Permitted Employer) certifying that:
 - (i) the Permitted Employer has taken all reasonable steps to avoid the necessity for the employee to attend the Work Premises and is of the view that the employee's attendance at the Work Premises is required; and

- (ii) the Permitted Employer's business is operating a Permitted Service; and
- (iii) the Permitted Employer's Work Premises and work practices are compliant with all relevant legal obligations, including the public health directions issued under the PHW Act, in place at the relevant time, and the Permitted Employer's obligations under the **OHS Act** (or, where applicable, the *Work Health and Safety Act 2011* (Cth)); and
- (iv) the Permitted Employer has a COVID-Safe Plan, if required under the **Workplace Directions**; and

*Note: an employer is required to have a COVID-Safe Plan under the **Workplace Directions** if they require or permit work to be performed at a work premises, unless they have fewer than five workers attending the work premises.*

- (v) the Permitted Employer is and will otherwise be operating in accordance with any applicable directions issued under the PHW Act; and
- (vi) the information contained within the Permitted Worker Permit is true and correct; and

Note 1: the Permitted Employer is not required to certify that the information provided by the employee under subclause (3)(i) is true and correct.

Note 2: the Permitted Employer (or an authorised representative of the Permitted Employer) may sign electronically.

- (i) include a signed declaration by the employee certifying that:
 - (i) their own name and address as contained in the Permitted Worker Permit are true and correct; and
 - (ii) their own work hours and place of work as contained in the Permitted Worker Permit are true and correct; and

Note: the employee may sign electronically.

- (j) be issued, signed and dated by the Permitted Employer (or an authorised representative of the Permitted Employer).

Note 1: the Permitted Worker Permit must be issued by a natural person residing in Victoria, unless there is not such person.

Note 2: the Permitted Employer (or an authorised representative of the Permitted Employer) may sign electronically.

7 Employer obligations

- (1) Subject to clause 9, an employer, including a Permitted Employer, must take all reasonable steps to ensure that a person does not enter, or remain on, the Work Premises if the person is prohibited from doing so by:
 - (a) clause 4; or
 - (b) the **Workplace Direction**; or
 - (c) clause 8.
- (2) An employer, including a Permitted Employer, must comply with any lawful direction given by an **Authorised Officer**, a Victoria Police officer or a Protective Services Officer in relation to:
 - (a) these directions; or
 - (b) a Permitted Worker Permit that the Permitted Employer has issued; or
 - (c) a worker at the Permitted Employer's Work Premises.
- (3) Where a Permitted Employer requires work to be performed at a Work Premises, the Permitted Employer must keep a record of those who attend the Work Premises in accordance with the **Workplace Directions**.

8 Employee obligations

- (1) Subject to clause 9, a person must not enter, or remain at, a Work Premises:
 - (a) in the Restricted Area; or
 - (b) outside the Restricted Area, if the employee ordinarily resides in the Restricted Area,
if they do not hold a current Permitted Worker Permit.
- (2) An employee must:
 - (a) not leave the premises at which they ordinarily reside to attend work if the employee has not been issued with a current Permitted Worker Permit to attend the Work Premises; and
 - (b) carry the Permitted Worker Permit at all times at which they have left the premises at which they ordinarily reside to perform work; and
Note: a person may carry either or both a hardcopy or electronic copy of the Permitted Worker Permit.
 - (c) carry photographic personal identification at all times at which they have left the premises at which they ordinarily reside to perform work; and
 - (d) produce, upon request by an Authorised Officer, a Victoria Police or a Protective Services Officer, officer photographic personal identification, together with a current Permitted Worker Permit when they have left the premises in which they ordinarily reside to perform work.
- (3) An employee must, on request, produce photographic personal identification, a current Permitted Worker Permit in relation to the employee's attendances at Work Premises to an Authorised Officer, a Victoria Police officer or a Protective Services Officer.

9 Exemptions

- (1) An employee is permitted to travel to, and enter, the Work Premises, without a current Permitted Worker Permit where:
 - (a) the primary purpose of the employee's travel and attendance at the Work Premises is to obtain their first Permitted Worker Permit from a Permitted Employer; or
 - (b) the employee is required to work from the work premises on short notice, rendering it impracticable for the employee to receive a current Permitted Worker Permit (or a Permitted Work Permit that includes accurate details as to the employee's work hours or location) prior to attending the Work Premises. In these circumstances, the employee must carry a Permitted Worker Permit in relation to the same Permitted Employer which has expired, is incomplete or applies to another time period, so that if necessary the employee's Permitted Employer can be contacted to verify that the employee is required; or
 - (c) it is not reasonable for the employee to work from their ordinary place of residence because of a risk of harm (including harm relating to family violence or violence of another person at the premises); or
 - (d) in exceptional circumstances, if the employee is carrying a written document (other than in the approved form) that includes all of the details set out in this direction and the approved form (without the employer's certification and signature).

- (2) An adult is permitted to travel to or from a Work Premises without a current Permitted Worker Permit in circumstances where they are transporting a dependent or a person they ordinarily reside with to or from the Work Premises in accordance with a current Permitted Worker Permit in relation to that dependant.

Note: This encompasses circumstances where, for reasons including because of age, impairment, medical condition, disability, or other reasons, a person is not able to transport themselves to the Work Premises listed on their Permitted Worker Permit and require a parent, guardian, carer or other responsible adult to transport them to their Work Premises.

- (3) Subject to subclause (1) and (2), the following persons are not required to be issued with, and to hold, a Permitted Worker Permit prior to entering, or remaining at, their Work Premises:
- (a) all Victoria Police employees, Australian Defence Force employees and Australian Federal Police employees; or
 - (b) emergency service workers, which include officers and employees of:
 - (i) Ambulance Victoria; and
 - (ii) Australian Red Cross; and
 - (iii) Bushfire Recovery Victoria; and
 - (iv) Country Fire Authority; and
 - (v) Emergency Management Victoria; and
 - (vi) Emergency Services Telecommunications Authority; and
 - (vii) Fire Rescue Victoria; and
 - (viii) Forest Fire Management Victoria; and
 - (ix) Life Saving Victoria; and
 - (x) Marine Search and Rescue; and
 - (xi) Victoria State Emergency Service Authority; and
 - (xii) Victorian Institute of Forensic Medicine; or
 - (c) hospital and health workers; or
 - (d) any class of person approved by the Chief Health Officer in writing and subject to any conditions specified by the Chief Health Officer.
- (4) A person is not required to have a Permitted Worker Permit under subclause (3) provided that they have photographic personal identification issued by the organisation which employs or engages them in the capacity set out in subclause (3) and which identifies the person's place of work in that capacity.
- (5) An employee of the category defined in subclause (3) must, on request, produce employer-issued photographic personal identification which identifies the employee's place of work to an Authorised Officer, a Victoria Police officer or a Protective Services Officer.

PART 3 – ACCESS TO ONSITE CHILDCARE/KINDERGARTEN PERMIT SCHEME

10 Access to Onsite Childcare/Kindergarten Permit Scheme period

For the purposes of these directions, the **Access to Onsite Childcare/Kindergarten Permit Scheme period** is the period beginning at 11:59:00 pm on 5 August 2020 and ending at 11:59:00 pm on 16 August 2020.

11 Diagnosed Persons and Close Contacts

- (1) A person who is a diagnosed person or a close contact is not permitted to: hold a Access to Onsite Childcare/Kindergarten Permit.
- (2) If a person is notified that they are a diagnosed person or a close contact then their Access to Onsite Childcare/Kindergarten Permit is automatically revoked upon such notification.

12 Requirement to hold an Access to Onsite Childcare/Kindergarten Permit to access onsite childcare/kindergarten

- (1) For an employee to access onsite childcare or kindergarten in the Restricted Area they must hold:
 - (a) a current and valid Access to Onsite Childcare/Kindergarten Permit; or
 - (b) an exempted person under clause 15.

13 Permitted Employers' duty to issue an Access to Onsite Childcare/Kindergarten Permit

A Permitted Employer, which conducts a Permitted Service, must issue the employee with an Access to Onsite Childcare/Kindergarten Permit if the employee has attested that their child and/or dependent cannot otherwise be cared for during work hours by the employee or another responsible adult in the premises where they ordinarily reside.

Note: The approved Onsite Childcare/Kindergarten Permit form is available from the Victorian government website.

- (1) If a person does not have a Permitted Employer because they are self-employed, a sole-trader, an independent contractor or sub-contractor, or a person appointed to or holding a statutory office, the person may issue themselves with an Access to Onsite Childcare/Kindergarten Permit Permitted Work Permit in the approved form, signed as both the Permitted Employer and the employee.
- (2) The employer must keep a record of all Access to Onsite Childcare/Kindergarten Permits they have issued during the Access to Onsite Childcare/Kindergarten Permitted Worker Permit Scheme period. An employer must, on request, produce this record to an Authorised Officer or a Victoria Police Officer.
- (3) The Access to Onsite Childcare/Kindergarten Permit, must, amongst other things:
 - (a) be in the approved form; and
 - (b) only include details that are, to the best of the Permitted Employer's and employee's knowledge complete, accurate and not in any way false, misleading or deceptive; and
 - (c) record relevant details of the Permitted Employer including:
 - (i) the Permitted Employer's company name; and
 - (ii) the Permitted Employer's ABN and/or ACN; and
 - (iii) the Permitted Employer's company address; and
 - (iv) the Permitted Employer's trading name; and
 - (v) contact details of the Permitted Employer (or an authorised representative of the Permitted Employer) including:
 - (A) contact name; and
 - (B) contact title and role in the business; and
 - (C) telephone number; and
 - (D) contact name and telephone number of a secondary representative of the employer; and
 - (d) record relevant details of the employee including:
 - (i) the employee's full name; and
 - (ii) the employee's date of birth; and
 - (iii) the employees' role; and
 - (iv) the employee's address; and
 - (e) include a signed declaration by the Permitted Employer (or an authorised representative of the Permitted Employer) certifying that:
 - (i) the Permitted Employer's business is operating a Permitted Service; and

- (ii) the information contained within the Permitted Worker Permit is true and correct; and

Note 1: the Permitted Employer is not required to certify that the information provided by the employee under subclause (3)(f) is true and correct.

Note 2: the Permitted Employer (or an authorised representative of the Permitted Employer) may sign electronically.

- (f) include a signed declaration by the employee certifying that:
 - (i) their own name and address as contained in the Access to Onsite Childcare/Kindergarten Permit are true and correct; and
 - (ii) they seek access to onsite childcare and/or kindergarten for their child and/or dependant as they cannot be cared for during work hours by the employee or another responsible adult who resides in the employees principle place of residence; and

Note: the employee may sign electronically.

- (g) be issued, signed and dated by the Permitted Employer (or an authorised representative of the Permitted Employer).

Note 1: the Access to Onsite Childcare/Kindergarten Permit must be issued by a natural person residing in Victoria, unless there is not such person.

Note 2: the Permitted Employer (or an authorised representative of the Permitted Employer) may sign electronically.

14 Employee obligations

- (1) An employee must:
 - (a) not leave the premises at which they ordinarily reside to obtain onsite childcare or kindergarten services, for their child or dependent, if the employee has not been issued with a current Access to Online Childcare/Kindergarten Permit; and
 - (b) carry the Access to Online Childcare/Kindergarten Permit at all times at which they have left the premises at which they ordinarily when travelling to or from the onsite childcare or kindergarten service.

15 Exemptions

- (1) The following persons are not required to be issued with, and to hold, an Access to Online Childcare/Kindergarten Permit to access and obtain onsite childcare and kindergarten services:
 - (a) All Victoria Police employees, Australian Defence Force employees and Australian Federal Police employees; or
 - (b) emergency service workers, which include officers and employees of:
 - (i) Ambulance Victoria; and
 - (ii) Australian Red Cross; and
 - (iii) Bushfire Recovery Victoria; and
 - (iv) Country Fire Authority; and
 - (v) Emergency Management Victoria; and
 - (vi) Emergency Services Telecommunications Authority; and
 - (vii) Fire Rescue Victoria; and
 - (viii) Forest Fire Management Victoria; and
 - (ix) Life Saving Victoria; and
 - (x) Marine Search and Rescue; and
 - (xi) Victoria State Emergency Service Authority; and
 - (xii) Victorian Institute of Forensic Medicine; or

- (c) hospital and health workers; or
 - (d) any class of person approved by the Chief Health Officer in writing and subject to any conditions specified by the Chief Health Officer.
- (2) A person is not required to have an Access to Online Childcare/Kindergarten Permit provided that they have photographic personal identification issued by the organisation which employs or engages them in the capacity set out in subclause (1) and which identifies the person's place of work in that capacity.
 - (3) An employee of the category defined in subclause (1) must, on request, produce employer-issued photographic personal identification which identifies the employee's place of work to an Authorised Officer, a Victoria Police officer or a Protective Services Officer.

PART 5 – OTHER PROVISIONS

16 Relationship with other directions

- (1) If there is any inconsistency between these directions and a direction or other requirement contained in a Direction currently in force, 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.

17 Other definitions

For the purposes of these directions:

- (1) **Access to Onsite Childcare/Kindergarten Permit Scheme** means the scheme established under these directions;
- (2) **Access to Onsite Childcare/Kindergarten Permit Scheme period** means the period specified in clause 10;
- (3) **Authorised Officer** has the meaning as in section 3 of the PHW Act;
- (4) **Childcare/Kindergarten** means onsite early childhood education and care, except where those services are provided in a person's home (for example, family day care);
- (5) **Close Contact** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 8)**;
- (6) **Diagnosed Person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 8)**;
- (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 **Stay at Home Directions (Restricted Areas) (No. 8)**, the **Stay at Home Directions (Non-Melbourne)**, the **Restricted Activity Directions (Restricted Areas) (No. 6)**, the **Restricted Activity Directions (Non 16)**, the **Area Directions (No. 6)**, the **Diagnosed Persons and Close Contacts Directions (No. 8)** and the **Workplace Directions**;
- (9) **OHS Act** means the *Occupational Health and Safety Act 2004* (Vic.);
- (10) **Permitted Employer** means an organisation or individual which operates a **Permitted Work Premises**;
- (11) **Permitted Services** means the services of the permitted industries as set out in the Stage 4 Restrictions table available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19;
- (12) **Permitted Work Premises** has the same meaning as in the **Restricted Activity Directions (Restricted Areas) (No. 6)**;

- (13) **Permitted Worker Permit Scheme** means the scheme established under these directions;
- (14) **Permitted Worker Permit** means a permit issues under clause 6;
- (15) **Permitted Worker Permit Scheme period** means the period specified under clause 3;
- (16) **PHW Act** means the **Public Health and Wellbeing Act 2008** (Vic.);
- (17) **premises** has the same meaning as in section 3 of the PHW Act;
- (18) **reasonably practicable** is to have its ordinary and common sense meaning;
- (19) **Relevant Area** means the area of Victoria outside the **Restricted Area**;
- (20) **Restricted Area** has the same meaning as in the **Area Directions (No. 6)**;
- (21) **Restricted Work Premises** has the same meaning as in the **Restricted Activity Directions (Restricted Areas) (No. 6)**;
- (22) **vehicle** has the same meaning as in the PHW Act;
- (23) **Work Premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes.

18 Penalties

- (1) Section 210 of the PHW Act provides:

False or misleading information

- (1) A person must not –
 - (a) give information that is false or misleading in a material particular; or
 - (b) make a statement that is false or misleading in a material particular; or
 - (c) produce a document that is false or misleading in a material particular –
 to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

Penalty: In the case of a natural person, 60 penalty units;

In the case of a body corporate, 300 penalty units (currently.

Note: currently, 60 penalty units equals \$9,912.20 and 300 penalty units equals \$49,466.00.

- (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading.

Penalty: In the case of a natural person, 60 penalty units;

In the case of a body corporate, 300 penalty units.

- (3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the charge for the accused to prove that at the time at which the offence is alleged to have been committed, the accused believed on reasonable grounds that the information, statement or document was true or was not misleading.

- (2) 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.

Note: currently, 120 penalty units equals \$19,826.40 and 600 penalty units equals \$99,132.00.

- (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.

- (3) A person who fails to comply with these directions is liable for an on-the-spot fine of:
 - (a) \$1,600 in the case of a natural person; or
 - (b) \$9,900 in the case of a body corporate.
- (4) Additionally, a person who fails to comply with these directions may in certain circumstances be liable to prosecution under the PHW Act for the maximum penalties outlined in subclause (2).
- (5) If the content of a Permitted Worker Permit is suspected to be fraudulent criminal investigations may be considered.

Dated 5 August 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. 6)

I, Dr Finn Romanes, Public Health Commander, consider it necessary to eliminate or reduce the risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to section 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

1 Preamble

- (1) The purpose of these directions is to 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. 6)**.

3 Commencement and revocation

- (1) These directions apply beginning at 11:59:00 pm on 5 August 2020 and ending at 11:59:00 pm on 16 August 2020.
- (2) The **Area Directions (No. 5)** are revoked at 11:59:00 pm on 5 August 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**.

5 Addition or exclusion power

- (1) The Chief Health Officer or Deputy Chief Health Officer may add to or exclude from the Restricted 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.

6 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, then the direction that applies to the Restricted Area, as applicable) prevails to the extent of the inconsistency.

- (2) If there is any inconsistency between these directions and a direction or other requirement contained in a **Direction and Detention Notice**, these directions are inoperative to the extent of the inconsistency.
- (3) A reference in any other Directions currently in force or any Direction and Detention Notice to the **Area Directions (No. 5)** is taken to be a reference to these directions.

7 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. 6)**, the **Restricted Activity Directions (Non-Melbourne)**, the **Stay at Home Directions (Restricted Areas) (No. 8)**, the **Stay at Home Directions (Non-Melbourne)**, the **Diagnosed Persons and Close Contacts Directions (No. 8)**, the **Hospital Visitor Directions (No. 9)**, the **Care Facilities Directions (No. 9)**, the **Workplace Direction** and the **Permitted Worker Permit Scheme Directions**;
- (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.

8 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 5 August 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 at Home Directions (Restricted Areas) (No. 9)**

I, Dr Finn Romanes, Public Health Commander, consider it necessary to eliminate or reduce the risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to section 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

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. 6)**, **Restricted Activity Directions (Non-Melbourne)**, the **Stay At Home Directions (Non-Melbourne)**, the **Area Directions (No. 6)**, the **Diagnosed Persons and Close Contacts Directions (No. 8)**, the **Hospital Visitor Directions (No. 9)**, the **Care Facilities Directions (No. 9)**, the **Workplace Directions** and the **Permitted Worker Permit Scheme Directions**.
- (4) These directions replace the **Stay at Home Directions (Restricted Areas) (No. 8)** and impose further travel restrictions when leaving home and update the face covering requirements.

2 Citation

These directions may be referred to as the **Stay at Home Directions (Restricted Areas) (No. 9)**.

3 Revocation

The **Stay at Home Directions (Restricted Areas) (No. 8)** are revoked at 11:59:00 am on 6 August 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 am on 6 August 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*);

- (e) clause 10 (*other specified reasons*).

Note 1: 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).

Note 2: when leaving home in accordance with law a person must take all reasonable steps to comply with the obligations in this and all other Directions currently in force.

Travel restrictions

- (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: Travelling to an area outside the Restricted Area for exercise is prohibited under these directions.

- (1AA) A person must not travel in a **vehicle** with another person with whom they do not ordinarily reside unless it is not otherwise reasonably practicable for either person to leave their premises for a purpose permitted under these directions.

Example, a person who does not hold a driver's licence may travel in a vehicle with another person with whom they do not ordinarily reside for the purposes of attending a medical appointment or doing their grocery shopping if it is not reasonably practicable for them to get there another way.

- (1AB) A person who leaves their premises under either subclause (1)(a) (necessary goods or services) or (d) (exercise) must not:

- (a) travel further than 5 km from their premises; or
- (b) do so more than once per day.

Note: a person may leave their premises once per day under subclause (1)(a) and separately once per day under subclause (1)(d), but should seek to minimise separate trips as much as possible.

- (1AC) Where a person leaves their premises under subclause (1)(a) (necessary goods or services):

- (a) subclause (1AB)(b) does not apply if the person leaves the premises to obtain goods or services provided by a:
 - (i) financial institution under clause 6(1)(c)(i); or
 - (ii) government body or government agency under clause 6(1)(c)(ii); and
- (b) subclause (1AB) does not apply if:
 - (i) the person leaves the premises to obtain goods and services for health or medical purposes under clause 6(1)(b); or
 - (ii) as a consequence of those requirements, it is not reasonably practicable for the person to obtain necessary goods and services.

Note 1: if the closest necessary goods or services are more than 5 km from a person's ordinary place of residence, then it would not be reasonably practicable for that person to obtain goods and services within the travel limits imposed by subclause (1AB).

Note 2: where this subclause (1AC) applies, the person must not travel any further than is reasonably necessary to obtain necessary goods or services.

- (1AD) Only one person from a given residence per day may leave the premises under subclause (1)(a) (necessary goods or services), except where:

- (a) the person leaves the premises to obtain goods and services:
 - (i) for health or medical purposes under clause 6(1)(b); or
 - (ii) provided by a:
 - (A) financial institution under clause 6(1)(c)(i); or
 - (B) government body or government agency under clause 6(1)(c)(ii);
 or
- (b) 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; or

- (c) it is necessary for the person to provide, or the person requires, care and support due to:
 - (i) age, infirmity, disability, illness or a chronic health condition; or
 - (ii) matters relating to the relative or other person's health (including mental health or pregnancy).

(1AE) Where a person leaves the premises under subclause (1)(d) (exercise), the person must not:

- (a) leave their premises for a period longer than 1 hour; or
- (b) use a vehicle, except where it is not reasonably practicable for the person to undertake exercise without using a vehicle.

Note: if a person needs to access an area within 5 km of their premises for exercise, but can only do so due to mobility (such as a parent with a small child or a person with disability) or safety reasons (such as needing to exercise in an area with greater passive surveillance) by using a vehicle, then it would not be reasonably practicable for that person to undertake exercise without using a vehicle.

(1AF) A person must not leave their premises between 8:00:00 pm and 5:00:00 am during the stay at home period, except if:

- (a) they are leaving their premises (or their intimate partner's premises) for work in accordance with clause 8 (including travelling to and from work); or

Note: the curfew applies to a person when they are staying with a person with whom they are in an intimate personal relationship.

- (b) it is necessary:
 - (i) to obtain necessary goods and services:
 - (A) for health or medical purposes under clause 6(1)(b); or
 - (B) where the person is working between, or travelling to or from their premises from work), between 8:00:00 pm and 5:00:00 am; or
 - (ii) for the reasons set out in:
 - (A) clause 7(1)(b)(ii) (care and support of a child); or
 - (B) clause 7(1)(b)(iii) (take a child elsewhere for child-minding); or
 - (C) clause 7(1)(d) (care and support for a relative or other person); or
 - (D) clause 7(1)(i) (escape harm or the risk of harm); or
 - (E) clause 7(1)(l) (to provide child minding assistance); or
 - (F) clause 7(1)(m) (pet toilet break); or
 - (G) clause 10(1)(a) (emergency purposes, which includes, without limitation, seeking emergency medical assistance); or
 - (H) clause 10(1)(b) (as required or authorised by law); or
 - (I) clause 10(1)(c) (for purposes relating to the administration of justice, including attending a police station); or
 - (J) clause 10(1)(f) (driving a person as permitted under these directions); or
 - (K) clause 10(1)(g) (the premises in which the person ordinarily resides is no longer available); or
 - (L) clause 10(1)(j) (leaving Victoria); or
 - (M) clause 10(1)(k) (leaving Australia); or
 - (N) clause 10(1)(l) (for the purposes of national security).

Note: the curfew provisions in subclause (1AF) reflect the curfew provisions under the State of Disaster.

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*).

Note: a person who leaves the Restricted Area for necessary goods or services remains subject to subclauses (1AB) to (1AD), including not travelling further than 5 km from their premises, not doing so more than once per day and only one person from a given residence per day doing so, subject to the exceptions in those subclauses.

- (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. 6)** 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, their place of residence as at 11:59:00 pm on 1 August 2020 must remain 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 emergency maintenance of the other residence; or
 - (f) for emergency purposes; or
 - (g) as required or authorised by law.

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
 - (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 subclause (2) applies, 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), (c), (d) or (e)) 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; or
 - (c) the person is a **prisoner** in a **prison** (either in their cell or common areas), subject to any policies of that prison; or
 - (d) the person is detained in a **remand centre**, **youth residential centre** or **youth justice centre** (either in their room or common areas), subject to any policies of that centre; or
 - (e) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or
 - (f) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
 - (g) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
 - (h) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or
 - (i) the person is working by themselves in an enclosed **indoor space** (unless and until another person enters that indoor space); or
 - (j) the person is working by themselves in an **outdoor space**, provided no other person is also in the outdoor space (except a person who ordinarily resides at the same premises with them); 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.

Examples: teaching, lecturing, broadcasting.

Example: a person working by themselves in an office.

Example: a farmer working by themselves in a field or with their family who lives with them.

- (k) the person is one of two persons being married while in the process of being married; or
- (l) the person is a professional sportsperson when training or competing; or
- (m) the person is engaged in any strenuous physical exercise; or
Examples: jogging, running.
- (n) the person is travelling in a vehicle by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (o) the person is riding a bicycle or motorcycle; or
- (p) the person is consuming food, drink or medicine; or
- (q) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (r) 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
- (s) 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.
- (t) for emergency purposes; or
- (u) required or authorised by law; or
- (v) 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. 6)**, 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. 6)**, 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
 - (A) 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 work if the parent or guardian is a **permitted worker**, provided it is an existing in-home child-minding assistance arrangement (as no new arrangements are permitted); or
 - (iii) to take the child to a childcare or early childhood service, so that the parent or guardian can work if the parent or guardian is a permitted worker, provided there is no appropriate alternative care available; or
 - (iv) to take the child to a school, so that the parent or guardian can work if the parent or guardian is a permitted worker provided they are not working from home; or
 - (c) to obtain or provide childcare, early childhood education or schooling to a **vulnerable child or young person**; 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. 9)**; 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, provided that this does not involve travelling further than 5 km from the premises where the person ordinarily resides; or

Note 1: 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.

Note 2: for the avoidance of doubt, the 5 km travel limitation does not apply to funerals.

- (l) to provide child-minding assistance (whether on a paid or voluntary basis), so that the parent or guardian of a child can work if the parent or guardian is a permitted worker; or

Note: A person may continue to provide existing in-home child-minding assistance (whether on a paid or voluntary basis) in the Restricted Area, but no new arrangements are permitted and only one person may enter the premises for this purpose.

- (m) if the person has a pet at their premises and it is necessary to take the pet outdoors to urinate or defecate, if it is not reasonably practicable for the pet to do so at the person's premises.

Note: if a person takes their pet outdoors, the distance travelled and the time taken should be no more than is absolutely necessary.

8 Leaving premises to attend work or education

- (1) Subject to subclause (2) and (3), a person who ordinarily resides in the Restricted Area may leave the premises to:

- (a) attend work:
- (i) in the Restricted Area if the person is a permitted worker; or
- (ii) outside the Restricted Area; or

*Note: a person who ordinarily resides in the Restricted Area, regardless of where they work, must hold a **Permitted Worker Permit** in accordance with, and comply with, the **Permitted Worker Permit Scheme Direction**.*

- (b) obtain educational services (which includes going to primary or secondary school).

- (2) A person may leave the premises under subclause (1)(a) only if it is not reasonably practicable for the person to work from the premises.

- (3) A person may leave the premises under subclause (1)(b) only if:

- (a) for **school** educational services (including at a school or non-school senior secondary provider), one or more of the following applies:
- (i) the parents or guardians of the child or young person ordinarily reside in:
- (A) the Restricted Area and the parents or guardians are permitted workers and are not working from home; or
- (B) outside the Restricted Area and are unable to work from the premises; or
- (ii) the person is a vulnerable child or young person; or
- (iii) the person is enrolled in a specialist school outside the Restricted Area.

9 Leaving premises for exercise

- (1) A person who ordinarily resides in the Restricted Area may leave the premises to exercise, but must:

- (a) only exercise at a facility that is not prohibited by the **Restricted Activity Directions (Restricted Areas) (No. 6)**; 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. 6)**, 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 with one other person (regardless of whether they ordinarily reside with them or not) unless the exceptions of clause 11(3)(a) (care and support) or 11(3)(b) (child) apply.

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. 6)**; or

- (e) to attend a **community facility**, if that facility is operating in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 6)**; or

- (f) for the purpose or driving a person with whom they ordinarily reside where it is not otherwise reasonable practicable for that person to leave their premises for a purpose permitted under, and provided they comply with, these directions; or

Example: driving a household member who does not have a driver's licence to or from work, to obtain educational services, or to the ordinary place of residence of a person with whom they are in an intimate personal relationship.

- (g) 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

- (h) 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. 6)** and the **Restricted Activity Directions (Non-Melbourne)**; or

Note: if at the start of the stay at home period a person has a signed contract for a residential property which is scheduled to settled during the stay at home period, dealing with that residential property may continue. Similarly if a person is a residential tenant who lease is expiring during the stay at home period, dealing with residential property may continue.

- (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. 8)**; or
 - (c) it is necessary for the other person to enter the premises for one or more of the purposes specified in:
 - (i) clause 7 (care or other compassionate reasons); or
Note: those entering the premises for a care or other compassionate purpose should be no more than the minimum necessary to do so.
 - (ii) clause 8 (work or education), provided that the premises is where the work will take place and such work is urgent and essential; or
Examples: a tradesperson for the purpose of carrying out urgent and essential repairs; a disability support worker; a vet; a person for end-of-life faith reasons.
 - (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. 6)**; or
 - (e) it is necessary for the other person to enter for the purpose of moving to the premises as the place where they will ordinarily reside; or
 - (f) it is necessary for the other person to enter for medical or emergency purposes; or
 - (g) the entry is for purposes relating to the administration of justice; or
 - (h) the entry is otherwise required or authorised by law; or
 - (i) the entry is for the purposes of national security.
- (2A) During the stay at home period, a person who ordinarily resides in the Restricted Area must not enter a premises (at which they do not ordinarily reside) outside the Restricted 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).

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 it is necessary for the person to provide, or the person requires, care and support due to:
 - (ii) age, infirmity, disability, illness or a chronic health condition; or
 - (iii) matters relating to the relative or other person's health (including mental health or pregnancy); 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); or
- (f) where it is for one or more of the purposes specified in clause 6 (necessary goods or services) and the exceptions in clause 5(1AD) apply.

Weddings and funerals

- (4) The requirements for a wedding held in the Restricted Area are that:
 - (a) one or both of the two persons being married:
 - (i) are at the end of life; or
 - (ii) will be deported from Australia unless the marriage takes place; and
 - (b) 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
 - (c) 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
 - (d) 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. 6)**.*

*Note 3: the requirements for a wedding held in an area other than in the Restricted Area are set out in the **Stay At Home Directions (Non-Melbourne)**.*

- (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. 6)**.*

*Note 3: the requirements for a funeral held in an area other than in the Restricted Area are set out in the **Stay At Home Directions (Non-Melbourne)**.*

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. 8)**, 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. 9)**, 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. 6)**, the **Stay at Home Directions (Restricted Areas) (No. 7)** or the **Stay at Home Directions (Restricted Areas) (No. 8)** is taken to be a reference to these directions.

13 Definitions

For the purposes of these directions:

- (1) **Area Directions (No. 6)** 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. 9)**;
- (4) **community facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas) (No. 6)**;
- (5) **dealing** with residential property of a person includes:
 - (a) creating, acquiring, disposing of or assigning an interest in the property; and
 - (b) receiving or making a gift of the property; and
 - (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 (Restricted Area) (No. 6)**, the **Restricted Activity Directions (Non-Melbourne)**, the **Stay At Home Directions (Non-Melbourne)**, the **Area Directions (No. 6)**, the **Diagnosed Persons and Close Contacts Directions (No. 8)**, the **Hospital Visitor Directions (No. 9)**, the **Care Facilities Directions (No. 9)** the **Workplace Directions** and the **Permitted Worker Permit Scheme Directions**;
- (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. 10)**;

- (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) **permitted worker** means someone who received a **Permitted Worker Permit**;
- (16) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions**;
- (17) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (18) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (19) **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;
- (20) **prison** has the same meaning as in the **Corrections Act 1986**;
- (21) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (22) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (23) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (24) **Restricted Area** has the same meaning as in the **Area Directions (No. 6)**;
- (25) **retail facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas) (No. 6)**;
- (26) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (27) **stay at home period** has the meaning in clause 4;
- (28) **vehicle** has the same meaning as in the PHW Act;
- (29) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (30) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (31) **vulnerable child or young person** means a child or young person who:
 - (a) resides in the care of the State or in out-of-home care; or
 - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or
 - (c) identified by a school as vulnerable, including where the vulnerability is the result of severe family stress (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service).

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 6 August 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

This page was left blank intentionally

ive

The *Victoria Government Gazette* is published by IVE Group Limited with the authority of the Government Printer for the State of Victoria

© State of Victoria 2020

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all enquiries to the Government Printer for the State of Victoria
Level 2, 1 Macarthur Street
Melbourne 3002
Victoria Australia

How To Order



Retail & Mail Sales

Victoria Government Gazette

Ground Floor, Building 8,
658 Church Street,
Richmond 3121

DX 106 Melbourne



Telephone

(03) 8523 4601



Fax

(03) 9600 0478

email

gazette@ivegroup.com.au

Price Code D