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Public Health and Wellbeing Act 2008 Section 200

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

Stay at Home Directions (Restricted Areas) (No. 13)

I, Dr Finn Romanes, Deputy 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 **Directions currently in force**.
- (4) These directions replace the **Stay at Home Directions (Restricted Areas) (No. 12)** and provide clarification regarding exercise.

2 Citation

These directions may be referred to as the **Stay at Home Directions (Restricted Areas) (No. 13)**.

3 Revocation

The **Stay at Home Directions (Restricted Areas) (No. 12)** are revoked at 11:59:00 pm on 20 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 20 August 2020 and ending at 11:59:00 pm on 13 September 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 these and all other Directions currently in force.

SPECIAL

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 other person's health (including mental health or pregnancy).

(1AE) Where a person leaves the premises under subclause (1)(d) (exercise), the person must:

- (a) not leave their premises for a period longer than 1 hour; and
- (b) only use a vehicle where:
 - (i) the person is using it by themselves; or
 - (ii) the person is using it with another person with whom they ordinarily reside in accordance with these directions; or
 - (iii) it is not otherwise 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 young 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 with another person with whom they do not live, then it would not be reasonably practicable for that person to undertake exercise without sharing a vehicle to do so.

(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, or travelling to or from their premises for 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) (provide child-minding assistance); or
 - (F) clause 7(1)(n) (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).

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. 8)** 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 subclauses (3) and (3A), subclauses (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) or (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 outside school hours care; 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: teaching, lecturing, broadcasting.

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. 8)**, 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 clauses 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. 8)**, a person may not leave their premises to attend a beauty salon in any location.*

7 Leaving premises for care or other compassionate reasons

- (1) A person who ordinarily resides in the Restricted Area may leave the premises:
- (a) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
 - (b) if the person is a parent or guardian of a child (with or without that child):
 - (i) to visit the child if the child is in detention, or in the care of another person; or
 - (ii) to meet any obligations in relation to care and support for that child; or
 - (iii) to take the child to another person's premises for the purpose of that other person providing child-minding assistance (whether on a paid or voluntary basis), so that the parent or guardian can:
 - (A) work if the parent or guardian is a permitted worker or providing a **Permitted Service**; or
 - (B) study if the parent or guardian is a **permitted higher education student**,

provided the child-minding assistance is in accordance with an arrangement which was already in place prior to 11:59:00 pm on 5 August 2020 and there is no appropriate alternative care available; or

Note 1: only one of the parents or guardians of the child is required to be a permitted worker or providing a Permitted Service, or be a permitted higher education student.

Note 2: in-home child-minding assistance arrangements are limited to children who ordinarily reside at the same premises as each other, in addition to any children who ordinarily reside with the person providing child-minding assistance.

- (iv) to take the child to a **childcare or early childhood service**, so that the parent or guardian can:
 - (A) work if the parent or guardian is:
 - 1. a permitted worker; or
 - 2. providing a Permitted Service; or
 - 3. a person who has received an Access to Onsite Childcare/Kindergarten Permit, or is permitted to access onsite childcare or kindergarten services without an Access to Onsite Childcare/Kindergarten Permit, under the **Permitted Worker Permit Scheme Directions (No. 4)**; or
 - (B) study if the parent or guardian is a permitted higher education student,

provided there is no appropriate alternative care available; or

Note: only one of the parents or guardians of the child is required to be someone providing a permitted service, be a permitted worker, be a permitted higher education student, or someone who has received an Access to Onsite Childcare/Kindergarten Permit (or be permitted to access onsite childcare or kindergarten services without one).

- (v) to take the child to a **school** or outside school hours care service, so that the parent or guardian can:
 - (A) work if the parent or guardian is a permitted worker; or
 - (B) study if the parent or guardian is a permitted higher education student,

provided the parent or guardian is not working or studying from home (as applicable); or

Note: if a child or young person is residing with one or more parent or guardian (including stepparents) on the relevant day, all parents or guardians must be permitted workers or permitted higher education students and not working or studying (as applicable) from home.

- (c) to obtain or provide childcare or early childhood services or schooling to a **vulnerable child or young person**; or
- (d) to provide care and support to a person:
 - (i) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or

Note: care and support does not include the provision of child-minding to permitted workers or any other person.
 - (ii) because of matters relating to the 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. 10)**; or
- (f) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions (No. 10)**; 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. Subclause (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) in accordance with an arrangement which was already in place prior to 11:59:00 pm on 5 August 2020 so that the parent or guardian of a child can:
 - (i) work if the parent or guardian is a permitted worker or providing a Permitted Service; or
 - (ii) study if the parent or guardian is a permitted higher education student, provided there is no appropriate alternative care available; or

Note 1: a person may continue to provide existing in-home child-minding assistance (whether on a paid or voluntary basis) to a permitted worker, someone providing a Permitted Service or a permitted higher education student in the Restricted Area, but no new arrangements are permitted. Only one person may enter the premises for this purpose.

Note 2: only one of the parents or guardians of the child is required to be a permitted worker, someone providing a Permitted Service or a permitted higher education student.

- (m) to provide child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian of a child can leave the premises where they ordinarily reside:
 - (i) to visit a child in detention or in the care of another person; or
 - (ii) to attend a care facility if that attendance is not prohibited by the **Care Facilities Directions (No. 10)**; or
 - (iii) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions (No. 10)**; or

- (iv) to attend a funeral or wedding, if that funeral or wedding complies with the requirements in clause 11; or
- (v) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises; or
- (vi) for emergency purposes; or
- (vii) as required or authorised by law; or
- (n) 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; or

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

- (o) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal.

Examples: feeding a horse in a paddock; collecting a pet from an animal shelter.

Note: 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 subclauses (2) and (3), a person who ordinarily resides in the Restricted Area may leave the premises to:
 - (a) attend work if the person is a permitted worker; 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 Directions (No. 4)**.*
 - (b) obtain educational services (which includes going to primary or secondary school including outside school hours care).
- (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 and outside school hours care services), they are:
 - (i) a person 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) a person whose parents or guardians ordinarily reside in the Restricted Area and the parents or guardians are:
 - (A) permitted workers; or
 - (B) permitted higher education students,
and are not working or studying (as applicable) from home; or

Note: if a child or young person is residing with one or more parent or guardian (including stepparents) on the relevant day, all parents or guardians must be permitted workers or permitted higher education students and not working or studying (as applicable) from home.

 - (iii) a vulnerable child or young person; or
 - (iv) a person enrolled in a specialist school outside the Restricted Area; or
 - (b) for **higher education services** if they are a permitted higher education student, where it is not reasonably practicable for the person to obtain the higher education services from the premises where they ordinarily reside.

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. 8)**; 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. 8)**, 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. 8)**; or

(e) to attend a **community facility**, if that facility is operating in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 8)**; or

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

Examples: 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. 8)** and the **Restricted Activity Directions (Non-Melbourne) (No. 3)**; 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 settle during the stay at home period, dealing with that residential property may continue. Similarly if a person is a residential tenant whose 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. 10)**; 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. 8)**; 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: subclause 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 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 subclause (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 subclause (2)(c) (work).

*Note 2: record keeping requirements apply to weddings as set out in the **Restricted Activity Directions (Restricted Areas) (No. 8)**.*

*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) (No. 3)**.*

- (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 subclause (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 subclause (2)(c) (work).

*Note 2: record keeping requirements apply to funerals as set out in the **Restricted Activity Directions (Restricted Areas) (No. 8)**.*

*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) (No. 3)**.*

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. 10)**, 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. 10)**, these directions are inoperative to the extent of the inconsistency.

13 Definitions

For the purposes of these directions:

- (1) **Area Directions (No. 7)** means the directions issued by the Public Health Commander, setting out **Restricted Areas**;
- (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. 10)**;
- (4) **childcare or early childhood service** means onsite early childhood education and care services or children's services provided under the:
 - (a) **Education and Care Services National Law** and the **Education and Care Services National Regulations** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services; and
 - (b) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;
- (5) **community facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas) (No. 8)**;
- (6) **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;

- (7) **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.*
- (8) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (9) **Directions currently in force** has the same meaning as in the **Area Directions (No. 7)**;
- (10) **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;
- (11) **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;
- (12) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 10)**;
- (13) **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;
- (14) **member 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;
- (15) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (16) **outdoor space** means a space that is not an **indoor space**;
- (17) **permitted higher education student** means a student accessing **higher education services** which are permitted to be delivered onsite as set out in the 'Education and Training' section of the 'Stage 4 Restrictions – Permitted Work Premises' available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (18) **Permitted Services** means the services of the **Permitted Work Premises** as set out in the 'Stage 4 Restrictions – Permitted Work Premises' available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (19) **Permitted Work Premises** means the work premises described as 'PERMITTED WORK PREMISES' set out in the 'Stage 4 Restrictions – Permitted Work Premises' available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (20) **permitted worker** means a person who has received a **Permitted Worker Permit**, or is permitted to work without a Permitted Worker Permit, under the **Permitted Worker Permit Scheme Directions (No. 4)**;

- (21) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No. 4)**;
- (22) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (23) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (24) **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;
- (25) **prison** has the same meaning as in the **Corrections Act 1986**;
- (26) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (27) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (28) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (29) **Restricted Area** has the same meaning as in the **Area Directions (No. 7)**;
- (30) **retail facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas) (No. 8)**;
- (31) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (32) **stay at home period** has the meaning in clause 4;
- (33) **vehicle** has the same meaning as in the PHW Act;
- (34) **vulnerable child or young person in a childcare or early childhood service** 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 childcare or early childhood service as vulnerable, (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);
- (35) **vulnerable child or young person in a school** 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 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); or
 - (d) has a disability and the family is experiencing severe stress;
- (36) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (37) **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 20 August 2020

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

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