



Victoria Government Gazette

No. S 248 Thursday 27 May 2021
By Authority of Victorian Government Printer

Public Health and Wellbeing Act 2008 Section 200

DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY

Stay Safe Directions (Greater Melbourne) (No. 2)

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, consider it reasonably necessary to eliminate or reduce the serious 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 the **restricted area** by the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions require anyone who ordinarily resides in the restricted area to:
 - (a) limit interactions with others by restricting gatherings; and
 - (b) carry and wear **face coverings** in certain settings.

2 Citation

These directions may be referred to as the **Stay Safe Directions (Greater Melbourne) (No. 2)**.

3 Stay safe period

- (1) The **Stay Safe Directions (Greater Melbourne)** are revoked at 11:59:00 pm on 26 May 2021.
- (2) For the purposes of these directions, the **stay safe period** is the period beginning at 11:59:00 pm on 26 May 2021 and ending at 11:59:00 pm on 4 June 2021.

PART 2 – STAY SAFE

4 Direction – staying safe while leaving the home

- (1) When leaving their premises, a person who ordinarily resides in the restricted area must comply with the Directions currently in force, including (without limitation) by:
 - (a) not engaging in an activity that is prohibited under the **Restricted Activity Directions (Victoria)**; and
 - (b) only engaging in an activity permitted under the **Restricted Activity Directions (Victoria)** in accordance with any requirements set out in those directions.

Note 1: a person should take reasonable steps to maintain a distance of 1.5 metres from all other persons (except those people with whom they ordinarily reside) when leaving their premises, and should practise hand hygiene in accordance with the Department of Health's guidelines as amended from time to time by the Victorian government, available at: www.coronavirus.vic.gov.au/hygiene-physical-distancing

*Note 2: if a person experiences a temperature higher than 37.5°C or symptoms of respiratory infection, they are strongly encouraged to get a test for SARS-CoV-2 and remain at their ordinary place of residence until they obtain their test result. If they are diagnosed with SARS-CoV-2, they must self-isolate in accordance with the **Diagnosed Persons and Close Contacts Directions**.*

Ordinary place of residence

- (2) If a person has more than one ordinary place of residence, then the premises in which the person is residing is taken to be the person's ordinary place of residence for the period at which they are residing at those premises.

SPECIAL

Example: a person spends four days per week at their home in greater Melbourne and three days per week at their home in Bendigo. For the four days that they are at their home in greater Melbourne, their ordinary place of residence is in greater Melbourne and the restrictions in place in greater Melbourne apply to that person. For the three days that they are at their home in Bendigo, their ordinary place of residence is in Bendigo and the restrictions in place in Bendigo apply to that person.

- (3) Without limiting subclause (2), if a person is temporarily residing in the restricted area during the stay safe period (or part thereof), then the premises at which they are temporarily residing is taken to be the person's ordinary place of residence for the period at which they reside at those premises.

*Note 1: a person who is temporarily staying in the restricted area, whether from overseas, interstate or the **relevant area**, is taken to be ordinarily residing in the restricted area during the period that they are temporarily residing at those premises.*

Note 2: this subclause (3) does not apply to persons with more than one ordinary place of residence, in which case subclause (2) applies.

Example 1: a person who ordinarily lives in Bendigo but who is staying temporarily in greater Melbourne will be subject to the restrictions applicable to greater Melbourne residents during the time that they are staying in greater Melbourne. When the person returns to their home in Bendigo, they will be subject to the restrictions applicable to Bendigo residents.

Example 2: a person who has no ordinary place of residence and who is temporarily staying in greater Melbourne will be subject to the restrictions applicable to greater Melbourne residents while they are staying in greater Melbourne. If the person moves to temporary accommodation in Bendigo, they will become subject to the restrictions applicable to Bendigo residents.

- (3A) If, during the stay safe period, a person moves from the premises at which they ordinarily reside to a new premises, the new premises is taken to be the premises at which the person ordinarily resides from midnight on the day that the person moves.

Face covering requirements

- (4) A person must, while in the restricted area:
- (a) carry a face covering at all times, except where subclause (5)(a), (b), (c), (d) or (e) applies; and
 - (b) wear a face covering at all times while in an **indoor space**, other than:
 - (i) at the person's ordinary place of residence; or
 - (ii) at the ordinary place of residence of the person's intimate partner; or
 - (iii) when attending another person's ordinary place of residence for the purpose of a social gathering in accordance with these directions; and
 - (c) wear a face covering at all times while on **public transport** or in a **commercial passenger vehicle**; and

*Note: the Restricted Activity Directions (Victoria) permit a tourism operator (or another person) to operate a **vehicle** for the purpose of tourism services if the tourism operator and each person wears a face covering for the duration of the tourism service. In accordance with this subclause (4)(c), the persons on such a tourism service vehicle must wear a face covering.*

- (d) wear a face covering at all times while in an **outdoor space**:
 - (i) when visiting a **hospital**; or
 - (ii) when visiting a **care facility** and cannot maintain a distance of at least 1.5 metres from all other persons at the care facility, other than a person with whom they ordinarily reside or are in an intimate person relationship; or

*Note: the obligation to wear a face covering in an indoor space when visiting a care facility does not apply to residents or workers. Care facility workers have specific face covering requirements under the **Workplace (Additional Industry Obligations) Directions**.*

 - (iii) if they are a **diagnosed person** or a **close contact** and are leaving the premises:
 - (A) where they are required to self-isolate or self-quarantine; and
 - (B) prior to being given clearance from self-isolation or the period of self-quarantine ending,

in accordance with the **Diagnosed Persons and Close Contacts Directions**; or

- (iv) if they have been tested for SARS-CoV-2 and are awaiting the results of that test (except where that test was part of a surveillance or other asymptomatic testing program); or

*Note: the **Workplace (Additional Industry Obligations) Directions** sets out surveillance testing requirements for relevant industries and workers.*

- (v) if they are experiencing any symptoms of SARS-CoV-2; and
- (e) wear a face covering where required to do so in accordance with any other Directions currently in force.

Note 1: face shields on their own do not meet the face covering requirements. For further information, please refer to the Department of Health's guidelines as amended from time to time by the Victorian government, available at: www.dhhs.vic.gov.au/face-masks-vic-covid-19

Note 2: it is strongly recommended that face coverings be worn in other situations when physical distancing is not possible, even if outdoors. For example, at outdoor concerts, street festivals, or while waiting at a bus stop or tram or train station.

Note 3: the face covering requirement in subclause (4) applies to any person that is present in the restricted area, even if their ordinary place of residence is outside of the restricted area.

- (5) Subclauses (4)(b) - (e) do not apply if a person complies with any other requirements under any other Directions currently in force and:

- (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

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 one of two persons being married while in the process of being married; or
- (k) the person is a professional sportsperson when training or competing; or
- (l) the person is engaged in any strenuous physical exercise; or
- Examples: jogging, running, swimming, cycling.*
- (m) the person is travelling in a vehicle by themselves or where each other person in the vehicle ordinarily resides at the same premises; or

- (n) the person is consuming food, drink or medicine; or
- (o) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (p) 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
- (q) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Victoria)**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
- (r) the person is providing a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Victoria)**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
- (s) the person is an accused person in a criminal case in any court located in the State of Victoria and the person is in the dock either alone or with a co-accused, provided that any co-accused also present in the dock is at least 1.5 metres away from the person; or
- (t) 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.
- (u) for emergency purposes; or
- (v) required or authorised by law; or
- (w) doing so is not safe in all the circumstances.

Face covering requirements in airports and on aircraft

- (6) Without limiting subclause (4)(b), during the stay safe period, a person in the State of Victoria at an **airport** or travelling in an **aircraft** must:
 - (a) carry a face covering at all times, except where subclause (7)(a) or (b) applies; and
 - (b) wear a face covering while in an indoor space at an airport (and at all times while inside an aircraft); and
 - (c) wear a face covering where required to do so in accordance with any other Directions currently in force.

Note: face shields on their own do not meet the face covering requirements. For further information, please refer to the Department of Health's guidelines as amended from time to time by the Victorian government, available at: www.dhhs.vic.gov.au/face-masks-vic-covid-19
- (7) Subclause (6)(b) and (c) do not apply if a person complies with any other requirements under any other Directions currently in force and:
 - (a) the person is an infant or a child under the age of 12 years; or
 - (b) 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.
 - (c) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
 - (d) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
 - (e) 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.
 - (f) the person is consuming food, drink or medicine; or

- (g) 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
 - (h) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Victoria)**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
 - (i) the person is providing a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Victoria)**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
 - (j) the person is asked to remove the face covering to ascertain identity; or
Examples: a person may be asked by police, security, or airport staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.
 - (k) for emergency purposes; or
 - (l) required or authorised by law; or
 - (m) doing so is not safe in all the circumstances.
- (8) An **authorised officer** may require a person to attest in writing that they have complied with the requirements of subclause (6) to wear a face covering on an aircraft (subject to clause (7)).

PART 3 – WORK

5 Leaving premises to attend work

A person who ordinarily resides in the restricted area may attend work (whether paid or voluntary, including for charitable or religious purposes) at a work premises in accordance with the Directions currently in force.

*Note: the **Workplace Directions** and the **Workplace (Additional Industry Obligations) Directions** address how certain workplaces should facilitate onsite work.*

PART 4 – GATHERINGS

6 Restrictions on gatherings

Private gatherings

- (1) During the stay safe period, a person who ordinarily resides in the restricted area must not permit more than 5 persons to enter the premises at which they ordinarily reside per day (whether or not entering any building on the premises), excluding:
- (a) the person (or people) who ordinarily reside at those premises and any other person with whom those people are in an intimate personal relationship; and
 - (b) any infant under one year of age visiting the person; and
 - (c) any child or dependant who resides with only one parent, guardian or carer where the parent, guardian or carer cannot access care arrangements (whether on a paid or voluntary basis) that would enable the parent, guardian or carer to attend the residence without the child or dependant.
- Note 1: up to 5 people are permitted to enter the premises over the course of a day. The 5 people do not need to be from the same household and do not have to visit at the same time.*
- Note 2: it is recommended that face coverings be worn at private gatherings when physical distancing is not possible.*
- (2) Subclause (1) does not prevent any person entering the premises:
- (a) if the other person also ordinarily resides at the premises; or
 - (b) if permitted under, and provided they comply with the requirements of, the Directions currently in force; or
 - (c) to attend or undertake work or provide or receive educational services; or

Examples: a tradesperson for the purpose of carrying out repairs, a disability support worker, a vet, a person for end of life faith reasons.

Note: this includes a person who provides professional respite care for carers of people with complex needs, where that professional is permitted to work in accordance with the Directions currently in force.

- (d) to provide childcare, child-minding, early childhood education, schooling or education services (whether paid or on a voluntary basis); or
- (e) if that person is a parent or guardian of a child who ordinarily resides at the premises, to visit that child; or
- (f) to provide care and support to a relative or other person who ordinarily resides at the premises:
 - (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
- (g) to visit someone who ordinarily resides at those premises and with whom they are in an intimate personal relationship; or
- (h) to attend an inspection of real estate for the purposes of a prospective sale or rental of the property, organised in accordance with any requirements in the **Restricted Activity Directions (Victoria)**; or
- (i) for the purpose of moving to the premises as the place where they will ordinarily reside; or
- (j) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
- (k) for medical or emergency purposes; or
- (l) for purposes relating to the administration of justice; or
- (m) as required or authorised by law; or
- (n) for the purposes of **national security**.

*Note: subclause (1) does not apply to a care facility. Any regulation of access and visits to care facilities is contained in the **Care Facilities Directions**.*

Public gatherings

- (3) During the stay safe period, a person in the State of Victoria must not arrange to meet, or organise or intentionally attend a gathering in the restricted area of more than 29 other persons (with any infant under one year of age not counting towards this limit) for a common purpose at a public place, except:

Note 1: under subclause (3), the limit on the number of people who may meet at any one time in a public place in the restricted area is 30.

Note 2: two or more groups of 30 people cannot meet for a common purpose at a public place in the restricted area. In addition, a group in a public place must take reasonable steps to maintain a safe distance from any other groups in that public place.

Note 3: subclause (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).

Note 4: it is strongly recommended that face coverings be worn at public gatherings when physical distancing is not possible.

- (a) for the purpose of a religious gathering (including ceremonies) provided it complies with any requirements of the **Restricted Activity Directions (Victoria)**; or
- (b) for the purpose of attending a wedding in the restricted area that complies with the requirements in subclause (4); or

- (c) for the purpose of attending a funeral in the restricted area that complies with the requirements in subclause (5); or
- (d) if it is necessary to arrange a meeting or organise or attend a gathering for one or more of the following purposes:
 - (i) engaging in an activity permitted under, and provided they comply with any requirements of, the **Restricted Activity Directions (Victoria)**; or
 - (ii) to attend or undertake work in accordance with clause 5; or
 - (iii) medical or emergency purposes; or
 - (iv) purposes as required or authorised by law; or
 - (v) purposes relating to the administration of justice.

Note: a person may leave the premises at which they ordinarily reside using transport (public or private) regardless of how many people are on the tram, train, or bus or in the vehicle.

Weddings and funerals

- (4) The requirements for a wedding held in the restricted area are that:
 - (a) it complies with any applicable requirements of the **Restricted Activity Directions (Victoria)**; and
 - (b) if held at a person's ordinary place of residence, it must comply with the gathering restrictions in subclauses (1) and (2)(a), (c) and (g).

Note 1: the authorised celebrant and a wedding photographer can enter the premises under subclause (2)(c) (work) and are not subject to the gathering restrictions.

Note 2: record-keeping requirements apply to weddings as set out in the Workplace Directions.

- (5) The requirements for a funeral held in the restricted area are that:
 - (a) it complies with any applicable requirements of the **Restricted Activity Directions (Victoria)**; and
 - (b) if held at a person's ordinary place of residence, it must comply with the gathering restrictions in subclauses (1) and (2)(a), (c) and (g).

Note 1: the persons reasonably necessary for the conduct of the funeral can enter the premises under subclause (2)(c) (work) and are not subject to the gathering restrictions.

Note 2: record-keeping requirements apply to funerals as set out in the Workplace Directions.

PART 5 – RESTRICTED AREA

7 Meaning of restricted area

The restricted area means the aggregate area consisting of the **municipal districts**, suburbs, localities and addresses within **greater Melbourne**.

8 Meaning of relevant area

The **relevant area** means all of the municipal districts, suburbs, localities and addresses within the State of Victoria other than those in the restricted area.

9 Addition or exclusion power

- (1) The Chief Health Officer or Deputy Chief Health Officer may add to or exclude from the restricted area any 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) the 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
 - (b) specify the relevant suburb, locality, address or 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.

10 Inconsistency between directions applicable to restricted and relevant areas

If there is any inconsistency between a Direction currently in force (or a provision of such direction) that applies outside of the restricted area and these directions (or a provision of these directions), then these directions prevail in respect of any person who is ordinarily resident in the restricted area to the extent of the inconsistency.

*Example: if the **Stay Safe Directions (Regional Victoria)** permits private gatherings of up to 100 people outside of the restricted area but these directions permit private gatherings of up to 5 people inside the restricted area, then the provision on private gatherings in these directions prevail in the restricted area to the extent of any inconsistency.*

PART 6 – OTHER PROVISIONS

11 Relationship with other Directions

- (1) If there is any inconsistency between Parts 2, 3, 4 and 5 of these directions and the **Diagnosed Persons and Close Contacts Directions**, Parts 2, 3, 4 and 5 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**, these directions are inoperative to the extent of the inconsistency.
- (4) Unless the context otherwise requires, a reference in any Directions currently in force, in any Direction and Detention Notice, or in any approved form under a Direction currently in force or a Direction and Detention Notice to:
 - (a) a Direction currently in force or these directions, or a defined term in a Direction currently in force or these directions, will be taken to mean that direction (and hence that defined term) as amended or replaced from time to time; or
 - (b) an earlier version of a particular Direction currently in force or these directions will be taken to be a reference to the current version of that particular direction.

12 Definitions

For the purposes of these directions:

- (1) **aircraft** means an aircraft that is mainly used for the purpose of, or is engaged, or is intended or likely to be engaged, in a flight wholly within Australia;
- (2) **airport** means an aerodrome at which facilities are available for the arrival or departure of **aircraft** into or from the State of Victoria;
- (3) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (4) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (5) **Care Facilities Directions** means **Care Facilities Directions (No. 29)** as amended or replaced from time to time;
- (6) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (7) **close contact** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (8) **commercial passenger vehicle** has the same meaning as in the **Commercial Passenger Vehicle Industry Act 2017**;
- (9) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;

- (10) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 22)** as amended or replaced from time to time;
- (11) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (12) **Directions currently in force** means the **Restricted Activity Directions (Victoria)**, the **Stay Safe Directions (Regional Victoria)**, the **Stay Safe Directions (Greater Melbourne)**, the **Diagnosed Persons and Close Contacts Directions**, the **Hospital Visitor Directions**, the **Care Facilities Directions**, the **Workplace Directions**, the **Victorian Border Crossing Permit Directions** and the **Workplace (Additional Industry Obligations) Directions**, each as amended or replaced from time to time;
- (13) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection (but does not include a face shield);
- (14) **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;
 - (ee) Yarra Ranges Shire Council;

- (15) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (16) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 25)** as amended or replaced from time to time;
- (17) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are permanent structures rising either from floor to ceiling or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are open or closed;
- (18) **municipal districts** has the same meaning as the **Local Government Act 1989**;
- (19) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (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) **public transport** means a **vehicle** operated by a **passenger transport company** or by a **bus company** in the provision of a **public transport service**;
- (24) **relevant area** has the meaning in clause 8;
- (25) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (26) **Restricted Activity Directions (Victoria)** means the **Restricted Activity Directions (Victoria) (No. 16)** as amended or replaced from time to time;
- (27) **restricted area** has the meaning in clause 7;
- (28) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (29) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 2)** as amended or replaced from time to time;
- (30) **stay safe period** has the meaning in clause 3;
- (31) **vehicle** has the same meaning as in the **PHW Act**;
- (32) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 13)** as amended or replaced from time to time;
- (33) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 24)** as amended or replaced from time to time;
- (34) **Workplace Directions** means the **Workplace Directions (No. 29)** as amended or replaced from time to time;
- (35) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (36) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (37) the following expressions have the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**:
 - (a) **bus company**;
 - (b) **passenger transport company**;
 - (c) **public transport service**.

13 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.

Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has refused or failed 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. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.

Dated 26 May 2021

ADJUNCT CLINICAL PROFESSOR BRETT SUTTON
Chief Health Officer,
as authorised to exercise emergency powers
under sections 20A and 199(2)(a) of the PHW Act

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Stay Safe Directions (Regional Victoria) (No. 2)**

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, consider it reasonably necessary to eliminate or reduce the serious 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 the **relevant area** by severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Stay Safe Directions (Regional Victoria)**.
- (4) These directions require anyone who ordinarily resides in the relevant area to:
 - (a) limit interactions with others by restricting gatherings; and
 - (b) carry and wear **face coverings** in certain settings.

2 Citation

These directions may be referred to as the **Stay Safe Directions (Regional Victoria) (No. 2)**.

3 Revocation

The **Stay Safe Directions (Regional Victoria)** are revoked at 11:59:00 pm on 26 May 2021.

4 Stay safe period

For the purposes of these directions, the **stay safe period** is the period beginning at 11:59:00 pm on 26 May 2021 and ending at 11:59:00 pm on 4 June 2021.

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

- (1) When leaving their premises, a person must comply with the Directions currently in force, including (without limitation) by:
 - (a) not engaging in an activity that is prohibited under the **Restricted Activity Directions (Victoria)**; and
 - (b) only engaging in an activity permitted under the **Restricted Activity Directions (Victoria)** in accordance with any requirements set out in those directions.

Note 1: a person should take reasonable steps to maintain a distance of 1.5 metres from all other persons (except those people with whom they ordinarily reside) when leaving their premises, and should practise hand hygiene in accordance with the Department of Health's guidelines as amended from time to time by the Victorian government, available at: www.coronavirus.vic.gov.au/hygiene-physical-distancing

*Note 2: if a person experiences a temperature higher than 37.5°C or symptoms of respiratory infection, they are strongly encouraged to get a test for SARS-CoV-2 and remain at their ordinary place of residence until they obtain their test result. If they are diagnosed with SARS-CoV-2, they must self-isolate in accordance with the **Diagnosed Persons and Close Contacts Directions**.*

Ordinary place of residence

- (2) If a person has more than one ordinary place of residence, then the premises in which the person is residing is taken to be the person's ordinary place of residence for the period at which they are residing at those premises.

Example: a person spends four days per week at their home in greater Melbourne and three days per week at their home in Bendigo. For the four days that they are at their home in greater Melbourne, their ordinary place of residence is in greater Melbourne and the restrictions in place in greater Melbourne apply to that

person. For the three days that they are at their home in Bendigo, their ordinary place of residence is in Bendigo and the restrictions in place in Bendigo apply to that person.

- (3) If a person is temporarily residing in the State of Victoria during the stay safe period (or part thereof), then the premises at which the person is temporarily residing is taken to be the person's ordinary place of residence for the period at which they reside at those premises.

Note 1: a person who is temporarily staying in Victoria, whether from overseas or interstate, is taken to be ordinarily residing in Victoria during the period of the stay safe period that they are residing in Victoria. During the period that the person is staying in Victoria, the directions applicable to persons ordinarily resident in the Victoria area apply to them.

Note 2: the restrictions applicable to a person who is temporarily staying in Victoria will be the restrictions applicable to the location at which they are temporarily residing.

Example: a person who ordinarily resides in Sydney who is temporarily staying in greater Melbourne will be subject to the restrictions applicable to the residents of greater Melbourne during the time that they are residing in greater Melbourne.

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

Face covering requirements

- (5) Subject to subclauses (5A) and (7), a person must, while in a relevant area:
- (a) carry a face covering at all times, except where subclause (6)(a), (b), (c), (d) or (e) applies; and
 - (b) wear a face covering:
 - (i) while on **public transport** or in a **commercial passenger vehicle**; or
*Note: the **Restricted Activity Directions (Victoria)** permit a tourism operator (or another person) to operate a **vehicle** for the purpose of tourism services if the tourism operator and each person wears a face covering for the duration of the tourism service. In accordance with this subclause (8)(b), the persons on such a tourism service vehicle must wear a face covering.*
 - (ii) while visiting a **hospital**; or
 - (iii) while in an **indoor space** when visiting a **care facility**; or
*Note: the obligation to wear a face covering in an indoor space when visiting a care facility does not apply to residents or workers. Care facility workers have specific face covering requirements under the **Workplace (Additional Industry Obligations) Directions**.*
 - (iv) while in an **outdoor space** when visiting a **care facility** and cannot maintain a distance of at least 1.5 metres from all other persons at the care facility, other than a person with whom they ordinarily reside or are in an intimate person relationship;
 - (v) if they are a **diagnosed person** or a **close contact** and are leaving the premises:
 - (A) where they are required to self-isolate or self-quarantine; and
 - (B) prior to being given clearance from self-isolation or the period of self-quarantine ending,
in accordance with the **Diagnosed Persons and Close Contacts Directions**; or
 - (vi) if they have been tested for SARS-CoV-2 and are awaiting the results of that test (except where that test was part of a surveillance or other asymptomatic testing program); or
*Note: the **Workplace (Additional Industry Obligations) Directions** sets out surveillance testing requirements for relevant industries and workers.*
 - (vii) if they are experiencing any symptoms of SARS-CoV-2; and

- (c) wear a face covering where required to do so in accordance with any other Directions currently in force.

Note 1: face shields on their own do not meet the face covering requirements. For further information, please refer to the Department of Health's guidelines as amended from time to time by the Victorian government, available at: www.dhhs.vic.gov.au/face-masks-vic-covid-19

Note 2: it is strongly recommended that face coverings be worn in other situations when physical distancing is not possible, even if outdoors. For example, at outdoor concerts, street festivals, or while waiting at a bus stop or tram or train station.

- (5A) A person who ordinarily resides in the **restricted area** must, while in the relevant area, wear a face covering at all times while in an indoor space, other than:
- (a) at the ordinary place of residence of the person's intimate partner; or
 - (b) when attending another person's ordinary place of residence for the purpose of a social gathering in accordance with these directions.
- (6) Subclauses (5)(b), (5)(c) and (5A) do not apply if a person complies with any other requirements under any other Directions currently in force and:
- (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
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 one of two persons being married while in the process of being married; or
 - (k) the person is a professional sports person when training or competing; or
 - (l) the person is engaged in any strenuous physical exercise; or
Examples: jogging, running, swimming, cycling.
 - (m) the person is travelling in a vehicle by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
 - (n) the person is consuming food, drink or medicine; or
 - (o) the person is smoking or vaping (including e-cigarettes) while stationary; or
 - (p) 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

- (q) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Victoria)**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
- (r) the person is providing a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Victoria)**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
- (s) the person is an accused person in a criminal case in any court located in the State of Victoria and the person is in the dock either alone or with a co-accused, provided that any co-accused also present in the dock is at least 1.5 metres away from the person; or
- (t) 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.
- (u) for emergency purposes; or
- (v) required or authorised by law; or
- (w) doing so is not safe in all the circumstances.

Face covering requirements in airports and on aircraft

- (7) Without limiting subclause (5)(b), during the stay safe period, a person in the State of Victoria at an **airport** or travelling in an **aircraft** must:
 - (a) carry a face covering at all times, except where subclause (8)(a) or (b) applies; and
 - (b) wear a face covering while in an indoor space at an airport (and at all times while inside an aircraft); and
 - (c) wear a face covering where required to do so in accordance with any other Directions currently in force.

Note: face shields on their own do not meet the face covering requirements. For further information, please refer to the Department of Health's guidelines as amended from time to time by the Victorian government, available at: www.dhhs.vic.gov.au/face-masks-vic-covid-19

- (8) Subclause (7)(b) and (c) do not apply if a person complies with any other requirements under any other Directions currently in force and:
 - (a) the person is an infant or a child under the age of 12 years; or
 - (b) 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.
 - (c) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
 - (d) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
 - (e) 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.
 - (f) the person is consuming food, drink or medicine; or
 - (g) 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
 - (h) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions**

- (**Victoria**), to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
- (i) the person is providing a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Victoria)**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
 - (j) the person is asked to remove the face covering to ascertain identity; or
Examples: a person may be asked by police, security, or airport staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.
 - (k) for emergency purposes; or
 - (l) required or authorised by law; or
 - (m) doing so is not safe in all the circumstances.
- (9) An **authorised officer** may require a person to attest in writing that they have complied with the requirements of subclause (7) to wear a face covering on an aircraft (subject to clause (8)).

PART 3 – WORK

6 Leaving premises to attend work

A person who ordinarily resides in the relevant area may attend work (whether paid or voluntary, including for charitable or religious purposes) at a work premises in accordance with the Directions currently in force.

*Note: the **Workplace Directions** and the **Workplace (Additional Industry Obligations) Directions** address how certain workplaces should facilitate onsite work.*

PART 4 – GATHERINGS

7 Restrictions on gatherings

Private gatherings

- (1) During the stay safe period, a person who ordinarily resides in the relevant area must not:
- (a) where none of the persons entering the premises are ordinarily resident in the restricted area, permit more than 100 persons to enter the premises at which they ordinarily reside per day (whether or not entering any building on the premises); and
 - (b) where one or more of the persons entering the premises are ordinarily resident in the restricted area, permit more than 5 persons to enter the premises at which they ordinarily reside per day (whether or not entering any building on the premises).

Example: a person in Bendigo may have up to 100 visitors to their home in a day so long as none of them have a principal place of residence in the restricted area. If that person has one visitor from the restricted area to their home, they may have at most four other visitors to their home that day, regardless of where their other visitors reside.

- (1A) The cap in subclause (1) does not include:
- (a) the person (or people) who ordinarily reside at those premises and any other person with whom those people are in an intimate personal relationship; and
 - (b) any infant under one year of age visiting the person; and
 - (c) any child or dependant who resides with only one parent, guardian or carer where the parent, guardian or carer cannot access care arrangements (whether on a paid or voluntary basis) that would enable the parent, guardian or carer to attend the residence without the child or dependant.

Note 1: where none of the persons entering the premises are from the restricted area, up to 100 people are permitted to enter the premises over the course of a day. The 100 people do not need to be from the same household and do not have to visit at the same time.

Note 2: where one or more of the persons entering the premises are from the restricted area, up to 5 people are permitted to enter the premises over the course of a day. The 5 people do not need to be from the same household and do not have to visit at the same time.

Note 3: it is recommended that face coverings be worn at private gatherings when physical distancing is not possible.

- (2) Subclause (1) does not prevent any person entering the premises:
- (a) if the other person also ordinarily resides at the premises; or
 - (b) if permitted under, and provided they comply with the requirements of, the Directions currently in force; or
 - (c) to attend or undertake work or provide or receive educational services; or
Examples: a tradesperson for the purpose of carrying out repairs; a disability support worker; a vet; a person for end of life faith reasons.
Note: this includes a person who provides professional respite care for carers of people with complex needs, where that professional is permitted to work in accordance with the Directions currently in force.
 - (d) to provide childcare, child-minding, early childhood education, schooling or education services (whether paid or on a voluntary basis); or
 - (e) if that person is a parent or guardian of a child who ordinarily resides at the premises, to visit that child; or
 - (f) to provide care and support to a relative or other person who ordinarily resides at the premises:
 - (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
 - (g) to visit someone who ordinarily resides at those premises and with whom they are in an intimate personal relationship; or
 - (h) to attend an inspection of real estate for the purposes of a prospective sale or rental of the property, organised in accordance with any requirements in the **Restricted Activity Directions (Victoria)**; or
 - (i) for the purpose of moving to the premises as the place where they will ordinarily reside; or
 - (j) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
 - (k) for medical or emergency purposes; or
 - (l) for purposes relating to the administration of justice; or
 - (m) as required or authorised by law; or
 - (n) for the purposes of **national security**.

*Note: subclause (1) does not apply to a care facility. Any regulation of access and visits to care facilities is contained in the **Care Facilities Directions**.*

Public gatherings

- (3) During the stay safe period, a person must not:
- (a) in respect of a gathering not attended by any person who ordinarily resides in the restricted area, arrange to meet, or organise or intentionally attend a gathering in the relevant area of more than 199 other persons (with any infant under one year of age not counting towards this limit) for a common purpose at a public place; and
 - (b) in respect of a gathering attended by at least one person who ordinarily resides in the restricted area, arrange to meet, or organise or intentionally attend a gathering

in the relevant area of more than 29 other persons (with any infant under one year of age not counting towards this limit) for a common purpose at a public place,

except:

Note 1: under subclause (3), if none of the persons attending the gathering ordinarily reside in the restricted area, the limit on the number of people who may meet at any one time in a public place is 200. If at least one of the persons attending the gathering ordinarily reside in the restricted area, the limit on the number of people who may meet at any one time in a public place is 30.

Note 2: two or more groups of 200 people under subclause (3)(a), two or more groups of 30 people under subclause (3)(b) or one or more groups of 200 people and one or more groups of 30 people cannot meet for a common purpose at a public place. In addition, a group in a public place must take reasonable steps to maintain a safe distance from any other groups in that public place.

Note 3: subclause (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).

Note 4: it is strongly recommended that face coverings be worn at public gatherings when physical distancing is not possible.

- (a) for the purpose of a religious gathering (including ceremonies) provided it complies with any requirements of the **Restricted Activity Directions (Victoria)**; or
- (b) for the purpose of attending a wedding in the relevant area that complies with the requirements in subclause (4); or
- (c) for the purpose of attending a funeral in the relevant area that complies with the requirements in subclause (5); or
- (d) if it is necessary to arrange a meeting or organise or attend a gathering for one or more of the following purposes:
 - (i) engaging in an activity permitted under, and provided they comply with any requirements of, the **Restricted Activity Directions (Victoria)**; or
 - (ii) to attend or undertake work in accordance with clause 6; or
 - (iii) medical or emergency purposes; or
 - (iv) purposes as required or authorised by law; or
 - (v) purposes relating to the administration of justice.

Note: a person may leave the premises at which they ordinarily reside using transport (public or private) regardless of how many people are on the tram, train, or bus or in the vehicle.

Weddings and funerals

- (4) The requirements for a wedding held in the relevant area are that:
 - (a) it complies with any applicable requirements of the **Restricted Activity Directions (Victoria)**; and
 - (b) if held at a person's ordinary place of residence, it must comply with the gathering restrictions in subclauses (1) and (2)(a), (c) and (g).

Note 1: the authorised celebrant and a wedding photographer can enter the premises under subclause (2)(c) (work) and are not subject to the gathering restrictions.

*Note 2: record-keeping requirements apply to weddings as set out in the **Workplace Directions**.*

Note 3: a wedding held at a private residence in the relevant area that is attended by one or more persons who ordinarily reside in a restricted area is subject to the private gathering restrictions in subclause (1)(b) of no more than 5 people per day.
- (5) The requirements for a funeral held in the relevant area are that:
 - (a) it complies with any applicable requirements of the **Restricted Activity Directions (Victoria)**; and
 - (b) if held at a person's ordinary place of residence, it must comply with the gathering restrictions in subclauses (1) and (2)(a), (c) and (g).

Note 1: the persons reasonably necessary for the conduct of the funeral can enter the premises under subclause (2)(c) (work) and are not subject to the gathering restrictions.

*Note 2: record-keeping requirements apply to funerals as set out in the **Workplace Directions**.*

Note 3: a funeral held at a private residence in the relevant area that is attended by one or more persons who ordinarily reside in a restricted area is subject to the private gathering restrictions in subclause (1)(b) of no more than 5 people per day.

PART 5 – OTHER PROVISIONS

8 Relationship with other Directions

- (1) If there is any inconsistency between Parts 2, 3 and 4 of these directions and the **Diagnosed Persons and Close Contacts Directions**, 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**, these directions are inoperative to the extent of the inconsistency.
- (4) Unless the context otherwise requires, a reference in any Directions currently in force, in any Direction and Detention Notice, or in any approved form under a Direction currently in force or a Direction and Detention Notice to:
 - (a) a Direction currently in force or these directions, or a defined term in a Direction currently in force or these directions, will be taken to mean that direction (and hence that defined term) as amended or replaced from time to time; or
 - (b) an earlier version of a particular Direction currently in force or these directions will be taken to be a reference to the current version of that particular direction.

9 Definitions

For the purposes of these directions:

- (1) **aircraft** means an aircraft that is mainly used for the purpose of, or is engaged, or is intended or likely to be engaged, in a flight wholly within Australia;
- (2) **airport** means an aerodrome at which facilities are available for the arrival or departure of **aircraft** into or from the State of Victoria;
- (3) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (4) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (5) **Care Facilities Directions** means **Care Facilities Directions (No. 29)** as amended or replaced from time to time;
- (6) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (7) **commercial passenger vehicle** has the same meaning as in the **Commercial Passenger Vehicle Industry Act 2017**;
- (8) **close contact** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (9) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (10) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 22)** as amended or replaced from time to time;
- (11) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (12) **Directions currently in force** means the **Restricted Activity Directions (Victoria)**, the **Stay Safe Directions (Greater Melbourne)**, the **Stay Safe Directions (Regional**

- Victoria), the **Diagnosed Persons and Close Contacts Directions**, the **Hospital Visitor Directions**, the **Care Facilities Directions**, the **Workplace Directions**, the **Victorian Border Crossing Permit Directions** and the **Workplace (Additional Industry Obligations) Directions**, each as amended or replaced from time to time;
- (13) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection (but does not include a face shield);
- (14) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (15) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 25)** as amended or replaced from time to time;
- (16) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are permanent structures rising either from floor to ceiling or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are open or closed;
- (17) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (18) **premises** means:
- (a) a building, or part of a building; and
 - (b) any land on which the building is located, other than land that is available for communal use;
- (19) **prison** has the same meaning as in the **Corrections Act 1986**;
- (20) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (21) **public transport** means a **vehicle** operated by a **passenger transport company** or by a **bus company** in the provision of a **public transport service**;
- (22) **relevant area** has the same meaning as in the **Stay Safe Directions (Greater Melbourne)**;
- (23) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (24) **Restricted Activity Directions (Victoria)** means the **Restricted Activity Directions (Victoria) (No. 16)** as amended or replaced from time to time;
- (25) **restricted area** has the same meaning as in the **Stay Safe Directions (Greater Melbourne)**;
- (26) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (27) **Stay Safe Directions (Greater Melbourne)** means the **Stay Safe Directions (Greater Melbourne) (No. 2)** as amended or replaced from time to time;
- (28) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 2)** as amended or replaced from time to time;
- (29) **stay safe period** has the meaning in clause 4;
- (30) **vehicle** has the same meaning as in the **PHW Act**;
- (31) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 13)** as amended or replaced from time to time;
- (32) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 24)** as amended or replaced from time to time;
- (33) **Workplace Directions** means the **Workplace Directions (No. 29)** as amended or replaced from time to time;

- (34) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (35) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (36) the following expressions have the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**:
- (a) bus company;
 - (b) passenger transport company;
 - (c) public transport service.

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.

Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has refused or failed 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. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.

Dated 26 May 2021

ADJUNCT CLINICAL PROFESSOR BRETT SUTTON
Chief Health Officer,
as authorised to exercise emergency powers
under sections 20A and 199(2)(a) of the PHW Act

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