



# Victoria Government Gazette

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## Public Health and Wellbeing Act 2008 Section 200

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

#### Restricted Activity Directions (Metropolitan Melbourne) (No. 10)

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, consider it reasonably necessary to eliminate or reduce the risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to section 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

#### 1 Preamble

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings in Metropolitan Melbourne to address the serious public health risk posed to Victoria 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 **Restricted Activity Directions (Metropolitan Melbourne) (No. 9)**.

#### 2 Citation

These directions may be referred to as the **Restricted Activity Directions (Metropolitan Melbourne) (No. 10)**.

#### 3 Revocation

The **Restricted Activity Directions (Metropolitan Melbourne) (No. 9)** are revoked at 6:00:00 pm on 17 August 2021.

#### 4 Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 6:00:00 pm on 17 August 2021 and ending at 11:59:00 pm on 26 August 2021.

#### 5 Authorised Work Premises

- (1) For the purposes of this clause, an **Authorised Work Premises** is a **Work Premises** at which:
  - (a) an **Authorised Provider** operates; or
  - (b) an **Authorised Worker** performs work.
- (2) Subject to subclause (3), a person who owns, controls or operates an Authorised Work Premises in Metropolitan Melbourne may operate that **premises** during the restricted activity period to the extent permitted by the Directions currently in force.

*Note: restrictions on Authorised Work Premises include the relevant restrictions applying under the **Workplace Directions**, which include requirements for work premises in relation to **face coverings**, the density quotient, signage and cleaning requirements and **COVIDSafe Plans**, and the **Workplace (Additional Industry Obligations) Directions**.*
- (3) Despite subclause (2), a person who owns, controls or operates an Authorised Work Premises in Metropolitan Melbourne may also operate that premises:
  - (a) for the purpose of **essential maintenance**; or
  - (b) by permitting employees to work from the place where they ordinarily reside; or
  - (c) as required or authorised by law; or
  - (d) in an emergency; or
  - (e) for the reason outlined in the clause 6(2)(b); or
  - (f) as otherwise permitted by the Directions currently in force.

**SPECIAL**

- (4) If a work premises includes multiple functions and some of those functions are functions which are prohibited under these directions or any other Directions currently in force, then only those functions which are not prohibited may be undertaken.
- (5) Where there is any inconsistency between the general obligations and the specific obligations set out in the Directions currently in force, the specific obligations will prevail.

## 6 Closed work premises

- (1) Subject to subclause (2), a person who owns, controls or operates a **closed work premises** in Metropolitan Melbourne must not permit persons to attend that premises during the restricted activity period.
- (2) Despite subclause (1), a person who owns, controls or operates a closed work premises in Metropolitan Melbourne may permit persons to attend that premises or operate the premises:
  - (a) for the purpose of essential maintenance; or
  - (b) to ensure that the premises is closed safely for the duration of the restricted activity period; or
  - (c) as required or authorised by law; or
  - (d) in an emergency; or
  - (e) for the purposes of an exception in clause 7; or
  - (f) as otherwise permitted by the Directions currently in force.

## 7 Exceptions

### *Permitted operations - physical recreational facilities*

- (1) A person who owns, controls or operates a **physical recreational facility** in Metropolitan Melbourne may operate that facility during the restricted activity period only for the purposes of:
  - (a) the exclusive use of training for **professional or high-performance sports persons** provided that only persons who are necessary for the conduct of the training are permitted to attend the facility;
  - (b) operating that facility if it is necessary for an Authorised Worker to perform work that is authorised at that site with only the minimum number of persons necessary in attendance onsite and where the purpose of their attendance is for professional sport;
  - (c) conducting a professional sporting event that has been approved to proceed with no spectators by the Chief Health Officer through the **Public Event Framework**;
  - (d) for the provision of hydrotherapy services specified in clause 7(3);
  - (e) essential maintenance of the facility for its use for one of the purposes in subclauses in (a) (b) or (c) above.

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (2) A **physical recreational facility** means any of the following, whether operated on a for profit or not-for-profit basis:
  - (a) a facility used predominantly for indoor sport or physical recreation;  
*Examples: gymnasium, health club, fitness centre, yoga studio, pilates studio, barre studio, dance studio, spin facility, indoor basketball court, indoor climbing facility, squash court, table tennis centre.*
  - (b) a facility used predominantly for outdoor sport or physical recreation;  
*Examples: golf club, tennis club, outdoor basketball courts, go kart track, rifle range, equestrian centre, mini golf, paint ball, lawn bowling, water skiing.*

- (c) a **personal training facility**;
- (d) a **cardio or strength training facility**;  
*Examples: a cardio or strength facility featuring cardio equipment (such as exercise bikes, elliptical trainers, steppers and rowing machines), free weights, kettlebells and weight and/or strength training equipment and machines. A cardio or strength training facility may be a stand-alone facility or part of another facility (such as a gymnasium, health club, fitness centre or personal training facility).*
- (e) an indoor skatepark;
- (f) a trampolining centre;
- (g) a swimming pool, **hydrotherapy pool**, spa, sauna, steam room or **spring**;  
 but does not include:
- (h) a skatepark in an **outdoor space**;
- (i) outdoor communal exercise equipment;
- (j) a **creative arts facility**.

*Note: a skatepark in an outdoor space and outdoor communal exercise equipment are part of the definition of 'community facility' and they are closed.*

*Permitted operations – non-residential swimming pool or hydrotherapy pool for hydrotherapy services*

- (3) A person who owns, controls or operates a swimming pool or a hydrotherapy pool at a non-residential premises in Metropolitan Melbourne may operate that facility during the restricted activity period for the purpose of the provision of hydrotherapy services to **members of the public** at the facility if the person ensures that:
  - (a) no access is permitted to saunas within the facility; and
  - (b) any member of the public accessing hydrotherapy services is accompanied by:
    - (i) a health **worker**; or
    - (ii) a carer, parent or guardian (if required); and
  - (c) no group hydrotherapy services are permitted; and
  - (d) the number of persons permitted at any one time in any water or non-water part of the facility is the lesser of:
    - (i) 10 in any pool; and
    - (ii) in respect of the water and non-water parts of the facility, the number that is the number calculated by dividing the total accessible space (measured in square metres) by 8; and

*Note: the limits on persons under paragraph (d) apply to all persons, including members of the public accessing hydrotherapy services and any other person, such as a health worker, accompanying them.*

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

*Permitted operations - community facilities*

- (4) A person who owns, controls or operates a **community facility** in Metropolitan Melbourne may operate that facility during the restricted activity period only for the purposes of:
  - (a) conducting a wedding or funeral that is compliant with the requirements of the **Stay at Home Directions (Metropolitan Melbourne)**;
  - (b) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise), with only the minimum number of persons required to conduct and/or facilitate the essential public support service and with a maximum of 10 persons attending the community facility to receive the essential public support service at any one time; or

*Examples: a food bank or a service for homeless persons.*

*Note: the persons required to conduct and/or facilitate the service are not included in the maximum of 10 persons.*

- (c) contactless collection or delivery of pre-ordered goods.

*Example: a library is permitted to operate for the purpose of a 'click and collect' service to facilitate the loaning of and/or returning of books, toys and other similar goods.*

*Note: a librarian, or other staff that will be required to facilitate a 'click and collect' service is permitted to leave their premises to attend the library for these purposes.*

- (5) Despite subclause (4), a person who owns, controls or operates a community facility in Metropolitan Melbourne may operate that facility during the restricted activity period if it is necessary for an Authorised Worker to perform work that is authorised at that site, with only the minimum number of persons necessary in attendance onsite.

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (6) A **community facility** means any of the following, whether operated on a for profit or not-for-profit basis:

- (a) a community centre or community hall;
- (b) a public library (including a toy library, but not the **State Library**);
- (c) a youth centre;
- (d) a playground;
- (e) a skatepark in an outdoor space;
- (f) outdoor communal exercise equipment;

but does not include:

- (g) a creative arts facility;
- (h) a physical recreational facility;
- (i) a swimming pool facility, hydrotherapy pool, spa, sauna, steam room or spring.

*Permitted operations – Educational facilities*

- (7) A person who owns, controls or operates an educational facility in Metropolitan Melbourne may operate that facility during the restricted activity period only for the purposes of:

- (a) providing childcare and early childhood education services; or
- (b) primary **school** or secondary school educational services (including at a school or non-school senior secondary provider and outside school hours care services) where education is being provided to:
  - (i) a **child, children or young person in a school experiencing vulnerability**; or
  - (ii) a child, children or young person who has:
    - (A) a single parent or carer and that person is an Authorised Worker and is:
      1. working outside of the home; or
      2. working at home and is unable to make alternative supervision arrangements for the child, children or young person; or
    - (B) two parents or carers and both of those people are Authorised Workers and:
      1. both are working outside of the home; or
      2. one or both of them are working at home and are unable to make alternative supervision arrangements for the child, children or young person; or

- (iii) secondary school students attending an assessment that has been approved to proceed onsite as specified in the **Authorised Provider and Authorised Worker List**; or

*Note: for the avoidance of doubt, the provision of childcare and early childhood education services, as permitted in subclause (a), is not restricted to the categories of children specified in this subclause (b).*

- (c) providing adult education or higher education services to students conducting final year assessments for a course accredited by the Tertiary Education Quality and Standards Agency where it is not reasonably practicable for the student to complete the assessments by any alternative means by 31 December 2021.

*Permitted operation - entertainment facilities*

- (8) A person who owns, controls or operates an **entertainment facility** in Metropolitan Melbourne may operate that facility during the restricted activity period only for the purposes of conducting an event that has been approved to proceed with no spectators by the Chief Health Officer through the Public Event Framework.
- (9) Despite subclause (8), other goods and services are not permitted to be provided at this facility during the approved event, other than to the extent necessary to provide necessary goods and services to persons permitted to attend the facility in order to conduct the approved event.

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (10) An **entertainment facility** means any of the following, whether operated on a for profit or not-for-profit basis:
  - (a) a theatre;
  - (b) a cinema;
  - (c) a music hall, concert hall or auditorium;
  - (d) a gallery or a museum;
  - (e) the State Library;
  - (f) an arena or stadium;
  - (g) an **animal facility**;
  - (h) a convention centre.

*Permitted operation - places of worship*

- (11) A person who owns, controls or operates a **place of worship** in Metropolitan Melbourne may operate that place of worship during the restricted activity period only for the purpose of:
  - (a) broadcasting (live or otherwise) via electronic means a religious ceremony, with only the minimum number of persons required to conduct the ceremony and facilitate the broadcasting, up to a maximum of five people in attendance; or
  - (b) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise), with only the minimum number of persons required to conduct and/or facilitate the essential public support service and with a maximum of 10 persons attending the place of worship to receive the essential public support services at any one time; or

*Examples: a food bank or a service for homeless persons.*

*Note: the persons required to conduct and/or facilitate the service are not included in the maximum of 10 persons.*

- (c) conducting a wedding or funeral that is compliant with the requirements of the **Stay at Home Directions (Metropolitan Melbourne)**.

*Permitted operation - retail facility*

- (12) A person who owns, controls or operates a **retail facility** that would otherwise be a closed work premises in Metropolitan Melbourne may operate that facility during the restricted activity period only for the purposes of contactless collection or delivery of pre-ordered goods.

*Example: pre-ordered goods may be ordered by a telephone call or by placing a 'click and collect' order using the Internet.*

*Permitted operation - pubs, bars, clubs, nightclubs and hotels*

- (13) A person who owns, controls or operates a **licensed premises** in Metropolitan Melbourne may operate that premises during the restricted activity period only for the purposes of:
- (a) operating as a **bottle shop** for the purposes of contactless collection or delivery of pre-ordered goods; or
  - (b) providing food or drink, for takeaway purposes only; or
  - (c) providing accommodation in accordance with subclause (19).

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (14) A **licensed premises** means a business characterised as a pub, bar, club, nightclub or hotel that supplies alcohol under a **general licence**, an **on-premises licence**, a **late night licence**, a **producer's licence** or a **club licence**.

*Permitted operation - food and drink facilities*

- (15) A person who owns, controls or operates a **food and drink facility** in Metropolitan Melbourne may operate that facility during the restricted activity period only for the purposes of takeaway collection or delivery of pre-ordered goods.
- (16) A person who owns, controls or operates a **food court** is not permitted to open seated areas within an **indoor space** or **outdoor space** which is accessible to members of the public.
- (17) Despite subclause (16), a person who owns, controls or operates a food court may operate that food court for the purposes of takeaway collection or delivery of pre-ordered goods only.

*Note: nothing in these directions is intended to prevent or otherwise affect the operation or use of a facility for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.*

- (18) A **food and drink facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a cafe;
  - (b) a restaurant;
  - (c) a fast-food store;
  - (d) a cafeteria;
  - (e) a canteen;
  - (f) a winery;
  - (g) a food court.

*Note: a food and drink facility includes a food and drink facility at a stadium or arena.*

*Permitted operation - accommodation facilities*

- (19) A person who owns, controls or operates an **accommodation facility** in Metropolitan Melbourne may operate that facility during the restricted activity period only for the purposes of providing accommodation:
- (a) to a person whose place of residence is the accommodation facility; or
  - (b) to a person who is ordinarily a resident of Victoria but has no permanent place of residence in Victoria; or

- (c) to a person who has a permanent place of residence in Victoria, but that place is temporarily unavailable; or
  - (d) to a person who has no permanent place of residence in Victoria because their permanent place of residence is interstate or overseas; or
  - (e) to a person who requires accommodation, on a temporary basis, due to their travel within Metropolitan Melbourne for work purposes related to an Authorised Provider or their status as an Authorised Worker; or
  - (f) to a person who was a temporary guest of the accommodation facility on the date that these directions were given; or
  - (g) to a person who requires emergency accommodation, including in relation to family violence and other vulnerable groups; or
  - (h) to a person who requires accommodation for work purposes, where their work is for the purposes of responding to the state of emergency in existence under the PHW Act; or
  - (i) to a person who is subject to a **Direction and Detention Notice** or the **Diagnosed Persons and Close Contacts Directions**.
- (20) For the purposes of this clause **accommodation facility** includes, but is not limited to, any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a camping ground;
  - (b) a caravan park;
  - (c) a hotel;
  - (d) a hostel;
  - (e) a bed and breakfast;
  - (f) a private holiday rental facility, including Airbnbs;
  - (g) a motel;
  - (h) a serviced apartment.

## 8 Public Events

- (1) For the purpose of this clause:
- (a) **eligible public event** means an organised public gathering for a common purpose on a for profit or not-for-profit basis which is:
    - (i) an event (or a series of events):
      - (A) conducted on a one-off or periodic basis; and
      - (B) open to members of the public; and
      - (C) which may be subject to specific licences, approvals or permits; and

*Note: the person must continue to apply for and comply with all required licences, approvals and permits.*

      - (D) publicly announced or advertised; and
      - (E) which may be in a facility, venue or space where such an event (or a series of events) forms part of the routine operations, use, activities or services of the facility, venue or space; or
    - (ii) an event (or series of events) deemed by the Victorian Government to be a State-critical public event (or a series of events),

*Examples: an exhibition, sport event, festival, fair, parade, performance or trade show.*
- but does not mean:
- (iii) an ad hoc public gathering in a public place;

- (iv) an ad hoc or routine public gathering in a facility, venue or space which forms part of the ad hoc or routine operations, use, activities or services of the facility, venue or space;

*Note: most public gatherings in a facility, venue or space (including any indoor space or outdoor space) are expected to remain subject to the requirements in these directions, including clause 7(15) – (17) (food and drink facilities).*

- (v) a private gathering;
- (vi) a wedding, funeral or end of life activity;
- (vii) a routine religious gathering or ceremony,

to which these directions and the **Stay at Home Directions (Metropolitan Melbourne)** and **Stay Safe Directions (Regional Victoria)** otherwise continue to apply; and

- (b) **exempt public event** means an eligible public event which, subject to the process described in the Public Event Framework, the Chief Health Officer or Deputy Chief Health Officer has exempted from a requirement in the Directions currently in force in accordance with subclause (3) or the equivalent subclause in any **revoked Restricted Activity Direction**.
- (2) A person who arranges to meet or organises or intentionally attends a public gathering for a common purpose in a public place is not required to comply with the requirements of the Directions currently in force in respect of such a public gathering:
    - (a) if the public gathering is an exempt public event; and
    - (b) to the extent of an **exemption** granted in respect of that exempt public event (including any conditions on an exemption), unless the relevant exemption for the exempt public event is suspended in accordance with subclause (6) during the restricted activity period.
  - (3) The Chief Health Officer or Deputy Chief Health Officer may exempt an eligible public event (or class of eligible public events) from any requirement of the Directions currently in force if satisfied that the exemption is appropriate, having regard to:
    - (a) the need to protect public health; and
    - (b) the principles in sections 5 to 10 of the PHW Act, as appropriate.
  - (4) An exemption:
    - (a) must be given in writing; and
    - (b) must be published at [www.coronavirus.vic.gov.au/public-events](http://www.coronavirus.vic.gov.au/public-events) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer; and
    - (c) must specify each requirement in the Directions currently in force to which, subject to subclause (d), an exemption is granted; and
    - (d) may impose conditions on an exemption.
  - (5) An exemption does not prevent:
    - (a) the Chief Health Officer or Deputy Chief Health Officer exercising any power the Chief Health Officer or Deputy Chief Health Officer is authorised to exercise under the PHW Act; or
    - (b) an authorised officer from exercising any power the authorised officer is authorised to exercise under the PHW Act, including ensuring compliance with:
      - (i) an exemption granted (including any conditions on an exemption); or
      - (ii) the requirements of all other Directions currently in force.



*Transitional provisions*

- (6) Any exemption granted under any revoked Restricted Activity Direction continues to have effect but is suspended for the duration of the restricted activity period.

*Note: events are not permitted to occur during the restricted activity period, but events approved for after the restricted activity period are not revoked by these directions.*

- (7) Any application for an exemption made under any revoked Restricted Activity Direction continues to have effect.

*Note: a person who has made an application for an exemption under previous directions will be contacted to confirm whether or not the application for exemption is still required.*

**9 Emergency use and operations**

Nothing in these directions is intended to prevent or otherwise affect the operation of a facility in Metropolitan Melbourne where such use or operation is for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.

**10 Relationship with other directions**

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

**11 Other definitions**

For the purposes of these directions:

- (1) **accommodation facility** has the meaning in clause 7(20);
- (2) **animal facility** means the following:
  - (a) a **zoological park**;
  - (b) a wildlife centre;
  - (c) a petting zoo;
  - (d) an aquarium;
  - (e) an animal farm that is not being operated for the purpose of producing food;
- (3) **Area Directions** means the **Area Directions (No. 13)** as amended or replaced from time to time;
- (4) **Authorised Provider** means a provider of goods or services as set out in the **Authorised Provider and Authorised Worker List**;
- (5) **Authorised Provider and Authorised Worker List** means the ‘Authorised Provider and Authorised Worker List’ as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer, available at [www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-list](http://www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-list)
- (6) **Authorised Work Premises** has the meaning in clause 5(1);
- (7) **Authorised Worker** has the same meaning as in the **Workplace Directions**;
- (8) **bottle shop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the **premises**;
- (9) **cardio or strength training facility** means a facility used predominantly for cardio, weight or strength training, including any cardio or strength training facility located wholly or partly within any other facility (including a **physical recreational facility**);
- (10) **child, children or young person in a school experiencing vulnerability** 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);
- (11) **closed work premises** means a **work premises** that is not an **Authorised Work Premises**;
- (12) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (13) **community facility** has the meaning in clause 7(6);
- (14) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (15) **creative arts facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) an art studio;
  - (b) a ceramics studio;
  - (c) a music room or studio;
  - (d) a rehearsal room or studio;
- but does not include:
- (e) a **physical recreational facility**;
  - (f) a **community facility**;
  - (g) a **place of worship**.
- (16) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 25)** as amended or replaced from time to time;
- (17) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (18) **Directions currently in force** has the same meaning as in the **Stay at Home Directions (Metropolitan Melbourne)**;
- (19) **eligible public event** has the meaning in clause 8(1)(a);
- (20) **entertainment facility** has the meaning in clause 7(10);
- (21) **essential maintenance** means:
- (a) treating or caring for animals or performing an animal rescue function; or
  - (b) critical maintenance and safety works including to satisfy environmental obligations;
- (22) **exempt public event** has the meaning in clause 8(1)(b);
- (23) **exemption** means an exemption granted by the Chief Health Officer or the Deputy Chief Health Officer for an **eligible public event** or class of eligible public events under clause 8(3) of these directions or the equivalent provision in any **revoked Restricted Activity Direction**;
- (24) **face covering** has the same meaning as in the **Workplace Directions**;
- (25) **food and drink facility** has the meaning in clause 7(18);
- (26) **food court** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (27) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (28) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (29) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are temporary (in a **physical recreational facility** or **food and drink facility** only) or 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;

- (30) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (31) **licensed premises** has the meaning in clause 7(14);
- (32) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;
- (33) **member of the public**, in relation to a facility or venue, means a person other than:
  - (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;
- (34) **Metropolitan Melbourne** has the same meaning as in the **Area Directions**;
- (35) **nightclub** means a facility:
  - (a) to which a **late night licence** applies; and
  - (b) with a dancefloor; and
  - (c) which does not serve food prepared at the facility for consumption on the **premises**;
- (36) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (37) **outdoor space** means a space that is not an **indoor space**;
- (38) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (39) **physical recreational facility** has the meaning in clause 7(2);
- (40) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (41) **play centre** means a **premises**, whether indoor or outdoor, that has play equipment to be used predominantly by children under the age of 12 years, but does not mean a **playground**;
- (42) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**;
- (43) **premises** has the same meaning as in the **PHW Act**;
- (44) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (45) **professional or high-performance sports person** means an individual who meets one or more of the following criteria:
  - (a) perform a sporting activity in an open-aged national or international competition (at the highest level as identified by the recognised national body); or
  - (b) employed to perform a sporting activity as their primary source of income (e.g. employed by a professional club or recognised national body); or
  - (c) a National Institute Network Scholarship holder or equivalent level national categorised athlete;
- (46) **Public Event Framework** means the Public Event Framework available at [www.coronavirus.vic.gov.au/public-events](http://www.coronavirus.vic.gov.au/public-events) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer;
- (47) **Regional Victoria** has the same meaning as in the **Area Directions**; **restricted activity period** has the meaning in clause 4;
- (48) **retail facility** means a **premises**, or part of a premises, at which a business operates to provide for the sale or hire of goods by retail or the retail provision of services and includes a **market**, **retail shopping centre** and supermarkets;
- (49) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;

- (50) **revoked Restricted Activity Directions** means any of the **Restricted Activity Directions (Victoria)**, the **Restricted Activity Directions (Regional Victoria)** or the **Restricted Activity Directions (Metropolitan Melbourne)** that are no longer in force;
- (51) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (52) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**
- (53) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer;
- (54) **State Library** means the State Library Victoria;
- (55) **Stay at Home Directions (Metropolitan Melbourne)** means the **Stay at Home Directions (Metropolitan Melbourne) (No. 5)** as amended or replaced from time to time;
- (56) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 7)** as amended or replaced from time to time;
- (57) **vehicle** has the same meaning as in the **PHW Act**;
- (58) **work premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes;
- (59) **worker** has the same meaning as in the **Workplace Directions**;
- (60) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 36)** as amended or replaced from time to time;
- (61) **Workplace Directions** means the **Workplace Directions (No. 44)** as amended or replaced from time to time;
- (62) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

## 12 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 17 August 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 at Home Directions (Metropolitan Melbourne) (No. 5)**

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)(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 State of Victoria 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 replace the **Stay at Home Directions (Metropolitan Melbourne) (No. 4)**.
- (4) These directions require everyone who ordinarily resides in Metropolitan Melbourne to limit their interaction with others by:
  - (a) restricting the circumstances in which they may leave the **premises** where they ordinarily reside; and
  - (b) restricting public and private gatherings, including prohibiting visitors to another person's home other than in limited circumstances; and
  - (c) requiring **face coverings** to be worn indoors and outdoors.

**2 Citation**

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

**3 Revocation**

The **Stay at Home Directions (Metropolitan Melbourne) (No. 4)** are revoked at 6:00:00 pm on 17 August 2021.

**4 Stay at home period**

For the purposes of these directions, the stay at home period is the period beginning at 6:00:00 pm on 17 August 2021 and ending at 11:59:00 pm on 26 August 2021.

**PART 2 – STAY AT HOME****5 Direction – staying at home other than in specified circumstances**

*Requirement to stay at home*

- (1) During the stay at home period:
  - (a) an **ordinary resident of Metropolitan Melbourne**; or
  - (b) a **temporary resident of Metropolitan Melbourne**,  
must not leave the premises where they are residing in Metropolitan Melbourne, other than for one or more of the reasons specified in:
    - (c) clause 6 (*necessary goods or services*);
    - (d) clause 7 (*care or other compassionate reasons*);
    - (e) clause 8 (*work or education*);
    - (f) clause 9 (*exercise*);

- (g) clause 10 (*other specified reasons*); or
- (h) clause 10A (*SARS-CoV-2 vaccination*).

*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 (10).*

*Note 2: when leaving their ordinary residence 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.*

- (2) When leaving their premises, an ordinary resident of Metropolitan Melbourne:
- (a) must comply with the face covering requirements in subclauses (19), (20), (21) and (22); and
  - (b) must comply with the restrictions on gatherings in clause 11 (*gatherings*); and
  - (c) must not travel to Regional Victoria other than in accordance with subclause (11) and (12); and
  - (d) must comply with the Directions currently in force, including (without limitation) by:
    - (i) not engaging in an activity that is prohibited under the **Restricted Activity Directions (Metropolitan Melbourne)**; and
    - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Metropolitan Melbourne)** 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](http://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**.*

#### *Travel restrictions*

- (3) 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: people who are in an intimate personal relationship or who are a **nominee person** and a **nominated person** may stay overnight at each other's premises provided they otherwise comply with these directions.*
- (4) An ordinary resident of Metropolitan Melbourne 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 (including a vaccination) or doing their grocery shopping if it is not reasonably practicable for them to travel get there another way.*
- (5) A person who is not an ordinary resident of Metropolitan Melbourne must not travel in a vehicle with an ordinary resident of Metropolitan Melbourne unless it is not otherwise practicable for either person to leave their premises for a purpose permitted under these directions.
- (6) An ordinary resident of Metropolitan Melbourne or a temporary resident of Metropolitan Melbourne who leaves their premises under either clause 6 (*necessary goods or services*) or clause 9 (*exercise*) must not:
- Note: a person may leave their premises once per day under clause 6 (necessary goods or services) and separately once per day under clause 9 (exercise), but should seek to minimise separate trips as much as possible.*
- (a) travel further than 5km from:
    - (i) their premises; or

- (ii) in the case of clause 9 (*exercise*), the premises of a person with whom they are in an intimate personal relationship, provided that they only exercise outdoors and do not enter any facility open under the **Restricted Activity Directions (Metropolitan Melbourne)**; or
    - (iii) in the case of clause 9 (*exercise*), their **work premises** if they are an **authorised worker** or work for an **authorised provider**, provided that they only exercise outdoors and do not enter any facility open under the **Restricted Activity Directions (Metropolitan Melbourne)**; or
  - (b) do so more than once per day; or
  - (c) do so for a period longer than 2 hours in the case of exercise.
- (7) Where an ordinary resident of Metropolitan Melbourne or a temporary resident of Metropolitan Melbourne leaves their premises under clause 6 (*necessary goods or services*):
  - (a) subclause (6)(a) 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 (6) does not apply if:
    - (i) the person leaves the premises to obtain goods or services for health or medical purposes (including vaccinations) under clause 6(1)(b); or
    - (ii) as a consequence of the requirements in that subclause, it is not reasonably practicable for the person to obtain necessary goods or services.

*Note 1: if the closest necessary goods or services are more than 5km 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 (6).*

*Note 2: where subparagraph (b) applies, the person must not travel any further than is reasonably necessary to obtain necessary goods or services.*
- (8) Only one person from a given residence per day may leave the premises under clause 6 (*necessary goods or services*), except where:
  - (a) the person leaves the premises to obtain goods or services:
    - (i) for health or medical purposes (including vaccinations) 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 they cannot access any child-minding assistance (whether on a paid or voluntary basis) so that they 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 person's health (including mental health or pregnancy).
- (9) Where an ordinary resident of Metropolitan Melbourne or a temporary resident of Metropolitan Melbourne leaves their premises under clause 9 (*exercise*), the person must only use a vehicle where:
  - (a) the person is using it by themselves; or

- (b) the person is using it with another person with whom they ordinarily reside in accordance with these directions; or
- (c) the person is using it with another person with whom they are in an intimate personal relationship,

and 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 5km 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.*

#### *Travel restrictions – curfew*

(10) A person may only leave their premises under subclause (1) or enter Metropolitan Melbourne under clause 5A between 9:00:00 pm and 5:00:00am during the stay at home period if:

- (a) they are leaving their premises (or the premises of their intimate partner, nominee person or nominated person (as applicable)) 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, or their nominee person or nominated person (as applicable).*

- (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 9:00:00 pm and 5:00:00am; or
- (c) 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)(c) (care and support for another 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)(m) (pet toilet break); or
  - (G) clause 10(1)(b) (emergency purposes, which includes, without limitation, seeking emergency medical assistance); or
  - (H) clause 10(1)(c) (as required or authorised by law); or
  - (I) clause 10(1)(d) (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)(i) (leaving Metropolitan Melbourne); or
  - (M) clause 10(1)(j) (leaving Australia); or
  - (N) clause 10(1)(k) (for the purposes of national security).



*Requirement to stay in Metropolitan Melbourne*

- (11) Subject to subclauses (12) and (13), an ordinary resident of Metropolitan Melbourne during the stay at home period must not leave Metropolitan Melbourne other than for one or more of the reasons specified in:
- (a) clause 6 (**necessary goods or services**), provided that the facility at which the person is obtaining necessary goods or services is the closest facility to their principal place of residence from which those necessary goods or services can be obtained;
  - (b) clause 7 (**care or other compassionate reasons**);
  - (c) clause 8 (**work or education**);
  - (d) clause 10 (**other specified reasons**);
  - (e) clause 10A (**SARS-CoV-2 vaccination**) provided that the place at which the person is obtaining the SARS-CoV-2 vaccination is the closest place to the person's principal place of residence at which a SARS-CoV-2 vaccination can be obtained.
- (12) If an ordinary resident of Metropolitan Melbourne leaves Metropolitan Melbourne in accordance with subclause (11) or (13):
- (a) these directions apply to that person when outside of Metropolitan Melbourne as if they were in Metropolitan Melbourne; and
  - (b) the person may only access facilities in **Regional Victoria**:
    - (i) that are permitted to operate under the **Restricted Activity Directions (Metropolitan Melbourne)**; and
    - (ii) the person is accessing those facilities:
      - (A) for the purpose for which they are permitted to travel to Regional Victoria in accordance with subclause (11) or (13); or
      - (B) in the case of a **retail facility** (other than a **restricted retail facility**), for the purpose of obtaining essential goods or services; or
      - (C) in the case of a **food and drink facility**, to obtain takeaway food or drink; or
      - (D) in the case of an **accommodation facility**, if required to facilitate the purpose for which the person is permitted to travel to Regional Victoria.

*Example: a person permitted to travel to Regional Victoria for work may enter a restaurant to purchase take away food, but may not dine in the restaurant.*

*Principal place of residence*

- (13) If a person has more than one ordinary place of residence, their place of residence as at 11:59:00 pm on 12 August 2021 must remain their principal place of residence for the duration of the stay at home period. A person must not leave their principal place of residence to go to any other ordinary place of residence, regardless of whether that place of residence is within Metropolitan Melbourne or Regional Victoria, except:
- (a) for the purposes of (and provided they comply with) clause 8 (**work or education**); or
  - (b) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
  - (c) for emergency maintenance of the other residence; or
  - (d) for emergency purposes; or
  - (e) as required or authorised by law.

*Ordinary place of residence*

- (14) An **ordinary resident of Metropolitan Melbourne** is any person who:
- (a) has only one ordinary place of residence, and that ordinary place of residence is within Metropolitan Melbourne; or
  - (b) has more than one ordinary place of residence, and their ordinary place of residence that is their principal place of residence is within Metropolitan Melbourne.
- (15) If a person:
- (a) no longer has an ordinary place of residence in Metropolitan Melbourne; or
  - (b) has an ordinary place of residence or principal place of residence (as applicable) in Metropolitan Melbourne that has become 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),
- then that person may move to alternative suitable premises that are available to that person.
- (16) If a person moves to a new place of residence under subclause (15) or otherwise, 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 1: a person sells their ordinary place of residence, has purchased a new ordinary place of residence and moves between them for the purposes of relocating.*

*Example 2: a person's house is damaged due to an extreme weather event and the person relocates temporarily while repairs are undertaken.*

- (17) A **temporary resident of Metropolitan Melbourne** includes any person temporarily residing in Metropolitan Melbourne during the stay at home period (or part thereof).
- (18) A **short-term entrant to Metropolitan Melbourne** includes any person who is not an ordinary resident of Metropolitan Melbourne or a temporary resident of Metropolitan Melbourne during the stay at home period.

*Note: a person who is visiting and staying in Metropolitan Melbourne, whether from overseas or interstate, is taken to be temporarily residing in Metropolitan Melbourne. A person who is visiting Metropolitan Melbourne but not staying in Metropolitan Melbourne is a short-term entrant to Metropolitan Melbourne and the rules relating to short-term entry into Metropolitan Melbourne under clause 5A apply.*

*Face covering requirements*

- (19) Subject to subclause (20), a person in Metropolitan Melbourne must:
- (a) carry a face covering at all times, except where subclause (20)(a), (b), (c), (d), (e), (f) or (bb) applies; and
  - (b) wear a face covering at all times, except where subclause (20) applies; 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.coronavirus.vic.gov.au/face-masks](http://www.coronavirus.vic.gov.au/face-masks)*
- Note 2: it is strongly recommended that face coverings be worn in other situations when physical distancing is not possible.*
- (20) Subclauses (19)(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 is a student while on site at a primary **school** or outside school hours care for a primary school; or
  - (c) the person is a **prisoner** in a **prison** (either in their cell or common areas), subject to any policies of that prison; or

- (d) the person is detained in a **remand centre, youth residential centre or youth justice centre** (either in their room or common areas), subject to any policies of that centre; or
- (e) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or  
*Example: 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) it is not practicable for the person to comply with subclauses (19)(b) or (c) because the person is escaping harm or the risk of harm, including harm relating to family violence or violence of another person; or
- (g) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (h) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
- (i) 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.*
- (j) 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.*
- (k) the person is working by themselves in an **outdoor space**, provided no other person is also in the outdoor space (except a person who ordinarily resides at the same premises with them); or  
*Example: a farmer working by themselves in a field, or with their family who lives in the same premises as them.*
- (l) the person is visiting a person with whom they are in an intimate personal relationship in accordance with clause 7(1)(j); or
- (m) the person is one of two persons being married while in the process of being married; or
- (n) the person is a professional sportsperson when training or competing; or
- (o) the person is engaged in any strenuous physical exercise; or  
*Examples: jogging, running, swimming, cycling.*
- (p) the person is riding a bicycle or a motorcycle; or
- (q) the person is travelling in a vehicle by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (r) the person is consuming food, medicine, a non-alcoholic drink or an alcoholic drink at a wedding or a funeral that complies with the requirements in clause 11; or
- (s) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (t) 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
- (u) 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 (Metropolitan Melbourne)**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
- (v) 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 (Metropolitan Melbourne)**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or

- (w) the person is an accused person in a criminal case in any court located in Metropolitan Melbourne 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
- (x) 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.*
- (y) for emergency purposes; or
- (z) when required or authorised by law; or
- (aa) when doing so is not safe in all the circumstances; or
- (bb) the person is at a premises that is their ordinary place of residence or their temporary place of residence; or
- (cc) the person is attending a permitted social gathering in accordance with clause 11(3)(b)(iii).

*Face covering requirements in airports and on aircraft*

- (21) Without limiting subclause (19)(b), during the stay at home period, a person in Metropolitan Melbourne at an **airport** or travelling in an **aircraft** must:
- (a) carry a face covering at all times, except where subclause (22)(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.coronavirus.vic.gov.au/face-masks](http://www.coronavirus.vic.gov.au/face-masks)*

- (22) Subclauses (21)(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 (Metropolitan Melbourne)**, 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 (Metropolitan Melbourne)**, 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) when required or authorised by law; or
  - (m) when doing so is not safe in all the circumstances.
- (23) An **authorised officer** may require a person to attest in writing that they have complied with the requirements of subclause (21) to wear a face covering on an aircraft (subject to clause (22)).

#### 5A Travel restrictions: short term entrants to Metropolitan Melbourne

##### *Restriction on entry to Metropolitan Melbourne*

- (1) A short-term entrant to Metropolitan Melbourne must not enter Metropolitan Melbourne other than if they enter Metropolitan Melbourne:
- (a) for one or more of the reasons specified in:
    - (i) clause 6 (**necessary goods or services**);
    - (ii) clause 7 (**care or other compassionate reasons**);
    - (iii) clause 8 (**work or education**);
    - (iv) clause 10 (**other specified reasons**);
    - (v) clause 10A (**SARS-CoV-2 vaccination**); or
  - (b) for the purposes of transiting through Metropolitan Melbourne in accordance with a **transit permit**; or
  - (c) to undertake work under a **specified worker permit**; or
  - (d) for the purpose for which they have been granted an exemption under the **Victorian Border Crossing Permit Directions** or a **revoked Border Crossing Permit Scheme Direction**; or
  - (e) if the person is an **excepted person**.
- (2) A short-term entrant to Metropolitan Melbourne during the stay at home period must:
- (a) comply with the face covering requirements in subclauses 5(18), (19), (20) and (21); and
  - (b) comply with the restrictions on gatherings in clause 11 (**gatherings**); and
  - (c) comply with the Directions currently in force, including (without limitation) by:
    - (i) not engaging in an activity that is prohibited under the **Restricted Activity Directions (Metropolitan Melbourne)**; and
    - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Metropolitan Melbourne)** in accordance with any requirements set out in those directions.

##### *Travel restrictions*

- (3) A short-term entrant to Metropolitan Melbourne may only enter Metropolitan Melbourne under subclause (1) where it does not involve unreasonable travel or travelling to a place for an unreasonable period of time.
- (4) A short-term entrant to Metropolitan Melbourne, 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 enter Metropolitan Melbourne for a purpose permitted under these directions.

- (5) A short-term entrant to Metropolitan Melbourne, who enters Metropolitan Melbourne under clause 6 (*necessary goods or services*) or exercises after they have entered Metropolitan Melbourne under subclause (1) must not:
- (a) travel further than 5km from:
    - (i) their ordinary place of residence outside of Metropolitan Melbourne for obtaining necessary goods or services; or
    - (ii) their intimate partner's ordinary place of residence or work premises (as applicable) for exercise, if the place of residence or work premises is in Metropolitan Melbourne; or
  - (b) do so more than once per day; or
  - (c) do so for a period longer than 2 hours in the case of exercise.
- (6) A short-term entrant to Metropolitan Melbourne who enters Metropolitan Melbourne under clause 6 (*necessary goods or services*):
- (a) is not required to comply with subclause (5)(b) if the person obtains goods or services provided by:
    - (i) a financial institution under clause 6(1)(c)(i); or
    - (ii) a government body or government agency under clause 6(1)(c)(ii); and
  - (b) is not required to comply with subclause (5) if:
    - (i) the person enters Metropolitan Melbourne to obtain goods or services for health or medical purposes (including vaccinations) under clause 6(1)(b); or
    - (ii) as a consequence of the requirements in that subclause, it is not reasonably practicable for the person to obtain necessary goods or services.
- (7) A short-term entrant to Metropolitan Melbourne who enters Metropolitan Melbourne under clause 6 (*necessary goods or services*) must be the only person that has entered Metropolitan Melbourne from their ordinary place of residence on that day, except where:
- (a) the person enters Metropolitan Melbourne to obtain goods or services:
    - (i) for health or medical purposes (including vaccinations) 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 they cannot access any child-minding assistance (whether on a paid or voluntary basis) so that they can enter Metropolitan Melbourne 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 person's health (including mental health or pregnancy).

**PART 3 – REASONS TO LEAVE PREMISES OR TO ENTER METROPOLITAN MELBOURNE****6 Leaving premises or entering or leaving Metropolitan Melbourne to obtain necessary goods or services**

(1) The reasons relating to necessary goods or services are to obtain:

- (a) take away food or drink; or

*Note: a person who ordinarily resides in Metropolitan Melbourne may not leave their premises to have a dine-in meal at any location.*

- (b) goods and services for health or medical purposes (including vaccinations); 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 petrol station;
  - (vi) a pet store or veterinary clinic;
  - (vii) a retail facility that is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Metropolitan Melbourne)**.

**7 Leaving premises or entering or leaving Metropolitan Melbourne for care or other compassionate reasons**

(1) The reasons relating to care or compassion are:

- (a) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise;
- (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 do one of the things specified in clauses 6 (*necessary goods or services*), 7 (*care or other compassionate reasons*), 8 (*work or education*), 9 (*exercise*) or 10 (*other specified reasons*); or
- (iv) to take the child to:
- (A) a **childcare or early childhood service**; or
  - (B) a school or outside school hours care service in which they are enrolled in accordance with clause 8(3); or
- (c) to provide care and support to a person who has, or to receive care or support because the person has:
- (i) particular needs because of age, infirmity, disability, illness, a chronic health condition, homelessness or family violence; or
  - (ii) particular needs because of matters relating to the other person's health (including mental health or pregnancy); or
- (d) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions**; or

(e) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions**; or

(f) to attend a funeral, wedding or **end of life** activity, if that funeral, wedding or end of life activity complies with the requirements in clause 11; or

*Note: a person who ordinarily resides in Metropolitan Melbourne is permitted to attend a wedding, funeral or end of life activity in Regional Victoria, provided that activity complies with the requirements in clause 11. An authorised celebrant may leave Metropolitan Melbourne under clause 8 (work or education).*

(g) to attend a **memorial** site to pay respects to a deceased person provided that this is only with any other person (or people) who ordinarily resides at the same premises as that person or one other person; or

(h) to donate biological material at a blood bank or other similar donation facility; 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

*Note: people in an intimate personal relationship may stay overnight at each other's ordinary places of residence, and are not required to wear a face covering while visiting each other at those premises, provided they otherwise comply with these directions.*

(k) if they are a nominee person or a nominated person for the purpose of social interaction in accordance with clause 11(3)(b)(iii); or

(l) to provide child-minding assistance (whether on a paid or voluntary basis); or

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

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

(n) 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 or entering or leaving Metropolitan Melbourne to attend work or education

(1) The reasons relating to work or education are:

(a) to attend work (whether paid or voluntary, including for charitable or religious purposes); or

(b) to obtain a childcare or early childhood service; or

(c) to obtain educational services provided in subclause (3).

(2) A person may leave the premises under subclause (1)(a) only if attending work in:

(a) Metropolitan Melbourne if:

(i) it is not reasonably practicable for the person to work from the premises where they ordinarily reside; and

(ii) the person is an authorised worker, works for an authorised provider, or is required to attend a closed work premises, each as defined in, and provided they are permitted to do so, under the **Restricted Activity Directions (Metropolitan Melbourne)**; or

(f) Regional Victoria if:

(iii) it is not reasonably practicable for the person to work from the premises where they ordinarily reside; and



- (iv) the person would be an authorised worker or would work for an authorised provider, and would be permitted to do so under the **Restricted Activity Directions (Metropolitan Melbourne)**, if the person worked in Metropolitan Melbourne; or
  - (g) another State or Territory and the person complies with the requirements under that State's or Territory's laws.
- (3) A person may leave the premises under subclause (1)(c) only:
- (a) to attend a school in Regional Victoria that they were enrolled in on 11:59:00 pm on 12 August 2021; or
  - (b) if it is not reasonably practicable for the person to obtain educational services from the premises where they ordinarily reside; and
  - (c) for school educational services (including at a school or non-school senior secondary provider and outside school hours care services), if the person:
    - (i) has:
      - (A) two parents or guardians and both of them are; or
      - (B) a single parent or guardian and that parent or guardian is, an authorised worker or work for an authorised provider and;
      - (C) are not working from the premises; or
      - (D) are working from the premises and are unable to make alternative supervision arrangements for the person leaving the premises to attend school educational services; or
    - (ii) is a **vulnerable child or young person**; or
    - (iii) is a secondary school student attending an assessment that is approved to proceed on site as specified in the **Authorised Provider and Authorised Worker List**; and
  - (d) for higher education services, if it is in relation to final year assessments for Tertiary Education Quality and Standards Agency regulated courses where the students do not have alternative options to complete the study by the end of the year.

## 9 Exercising and leaving premises for exercise

- (1) The reason relating to exercise is to exercise provided that the person:
  - (a) only exercises at a facility that is not prohibited by, and provided they comply with any requirements of, the **Restricted Activity Directions (Metropolitan Melbourne)**; and
  - (b) complies with the gathering restrictions in clause 11; and
  - (c) takes reasonable steps to maintain a distance of 1.5 metres from all other persons.
- (2) Subclause (1)(c) does not prevent a person from walking with other persons for the purposes of exercise where this is permitted in accordance with the gathering restrictions in clause 11(4)(c)(iii).

## 10 Leaving premises or entering or leaving Metropolitan Melbourne for other reasons

- (1) The reasons relating to other matters are:
  - (a) for emergency preparation activities (together with any other person or people who ordinarily reside with them or any immediate family member), provided such work is urgent and essential; or
  - (b) for emergency purposes (other than emergency preparation activities); or
  - (c) as required or authorised by law; or

- (d) 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
- (e) to attend a **community facility**, which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Metropolitan Melbourne)**; 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 is an authorised worker or works for an authorised provider, and who does not have a driver's licence, to or from work.*
- (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 the purposes of moving to a new premises at which the person will ordinarily reside; or
- (i) if the person ordinarily resides outside Metropolitan Melbourne, for the purposes of leaving Metropolitan Melbourne; or
- (j) if the person is permitted to leave Australia, for the purposes of leaving Australia; or
- (k) for the purposes of **national security**; or
- (l) to attend a final inspection (including end of lease and settlement activities) of real estate for the purposes of a prospective sale or rental of the property that cannot be deferred; or  
*Note: circumstances in which an inspection of real estate cannot be deferred include where the person attending the inspection is at the end of their lease, has sold their home or their existing living arrangement has otherwise come to an end and needs to purchase or rent new premises.*
- (m) if the person is temporarily residing at a premises that is not their ordinary place of residence, to return to their ordinary place of residence.

#### 10A Leaving premises or entering or leaving Metropolitan Melbourne for vaccination

The reason relating to vaccinations is to receive a SARS-CoV-2 vaccination, provided that the distance travelled and the time taken should be no more than is reasonably necessary.

### 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 or temporarily reside) in Metropolitan Melbourne.  
*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**.*
- (2) During the stay at home period, an ordinary resident of Metropolitan Melbourne or a temporary resident of Metropolitan Melbourne must not permit another person to enter the premises at which they ordinarily reside or temporarily reside (whether or not entering any building on the premises).
- (3) Subclauses (1) and (2) do not prevent any person entering the premises:
  - (a) if the person also ordinarily resides at the premises; or
  - (b) if it is necessary for the person to enter the premises for one or more of the purposes specified in:
    - (i) clause 6(1) (**necessary goods or services**); or

- (ii) clause 7(1) (**care or other compassionate reasons**), subparagraphs (a), (b)(i)-(iii), (c), (f), (g), (i), (j), (l) or (n); or

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

- (iii) clause 7(1)(k) (**social interaction**) provided that:

- (A) the nominee person is permitting their nominated person (and any child or dependant permitted to accompany them) to enter the premises; or
- (B) the nominated person is permitting their nominee person (and any child or dependant permitted to accompany them) to enter the premises, but only while the nominated person is otherwise by themselves at their premises,

and:

- (C) the nominee person has only one nominated person; and

- (D) the nominated person has only one nominee person,

from 11:59:00 pm on 12 August 2021; or

- (iv) clause 8 (**work or education**), to attend or undertake work or to provide or receive educational services; 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.*

*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.*

- (v) clause 10(1) (**other specified reasons**), subparagraphs (a), (b), (c), (d), (g), (h), (k) or (l); or

- (c) if a person who enters a premises in accordance with subclause (b) is a parent, guardian or carer of a child or dependant and they cannot access any alternative care arrangement (whether on a paid or voluntary basis) or leave their child or dependant unattended so that they can enter the premises in accordance with subclause (b) without the child or dependant, then the child or dependant may accompany that person when entering the premises in accordance with subparagraph (b); or

- (d) if permitted under, and provided they comply with the requirements of, the Directions currently in force.

#### *Public gatherings*

- (4) During the stay at home period:

- (a) an ordinary resident of Metropolitan Melbourne must not arrange to meet, or organise or intentionally attend a gathering, with any other person (with any infant under one year of age not counting towards this limit) for a common purpose at a public place in the State of Victoria; and

- b) any person in the State of Victoria must not arrange to meet, or organise or intentionally attend a gathering, with any other person (with any infant under one year of age not counting towards this limit) for a common purpose at a public place in Metropolitan Melbourne,

except:

*Note 1: subclause (4) 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 2: 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.*

- (c) if it is necessary to arrange a meeting or organise or attend a gathering for one or more of the purposes specified in:
  - (i) clause 7 (**care or other compassionate reasons**); or
  - (ii) clause 8 (**work or education**); or
  - (iii) clause 9 (**exercise**), provided it is only with one other person and the dependants of either person; or

*Note: A household of more than two people (excluding dependants) may not leave the residence and all exercise together under this clause. The maximum people permitted to exercise together is two, plus dependants, regardless of whether they ordinarily live together or not. The intent of this clause is to allow a person to exercise with someone else for their personal safety rather than for social reasons.*

- (iv) clause 10 (**other specified reasons**), provided that if it is for approved emergency preparation activities and it is only with any other person (or other people) who ordinarily reside at the same premises or any immediate family member; or
- (d) where it is for one or more of the purposes specified in clause 6 (**necessary good or services**) and the exceptions in clause 5(7) apply; or
- (e) if the person attending the gathering in accordance with subclause (4) is a parent, guardian or carer of a child or dependant and they cannot access any alternative care arrangement (whether on a paid or voluntary basis) or leave their child or dependant unattended so that they can attend the gathering in accordance with subclause (4) without the child or dependant, then the child or dependant may accompany the parent or guardian when attending the gathering in accordance with subclause (4); or
- (f) for the purpose of a wedding in Metropolitan Melbourne or Regional Victoria that complies with the requirements in subclause (5); or

*Note: a person who ordinarily resides in Metropolitan Melbourne is permitted to attend a wedding in Regional Victoria, provided that wedding complies with the requirements in subclause (5). An authorised celebrant may leave Metropolitan Melbourne under clause 8 (work or education).*

- (g) for the purpose of a funeral in Metropolitan Melbourne or Regional Victoria that complies with the requirements in subclause (6); or
- (h) for the purpose of an end of life activity in Metropolitan Melbourne or Regional Victoria that complies with the requirements in subclause (7).

*Note: a person who ordinarily resides in Metropolitan Melbourne is permitted to attend an end of life activity in Regional Victoria, provided that the activity complies with the requirements in subclause (7).*

#### *Weddings and funerals*

- (5) During the stay at home period:
  - (a) an ordinary resident of Metropolitan Melbourne must not attend a wedding held in the State of Victoria; and
  - (b) a person in the State of Victoria must not attend a wedding held in Metropolitan Melbourne,

unless the wedding meets the following requirements:

- (c) one or both of the two persons being married:
  - (i) are experiencing end of life; or
  - (ii) would be deported from Australia unless the marriage takes place; and

- (d) 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 **Marriages Act 1961** of the Commonwealth; and
- (e) it complies with any applicable requirements of the **Restricted Activity Directions (Metropolitan Melbourne)**; and
- (f) 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**.

*Note: any other person who ordinarily resides at the premises is not subject to the gathering restrictions in subparagraph (b), but any nominee person or nominated person is subject to these restrictions for a wedding held at a private residence.*

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

- (6) During the stay at home period:
  - (a) an ordinary resident of Metropolitan Melbourne must not attend a funeral held in the State of Victoria; and
  - (b) a person in the State of Victoria must not attend a funeral held in Metropolitan Melbourne,  
unless the funeral meets the following requirements:
    - (c) it involves no more than:
      - (i) 10 members of the public (with any infant under one year of age not counting towards this limit); and
      - (ii) no more than the minimum number of persons reasonably necessary for the conduct of the funeral; and
    - (d) 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
    - (e) it complies with any applicable requirements of the **Restricted Activity Directions (Metropolitan Melbourne)**.

*Note: any other person who ordinarily resides at the premises, and the persons reasonably necessary for the conduct of the funeral who can enter the premises under subclause (3)(b)(iv) (work), are not subject to the gathering restrictions in subparagraph (a), but any nominee person or nominated person is subject to these restrictions on a funeral held at a private residence.*

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

- (7) During the stay at home period:
  - (a) an ordinary resident of Metropolitan Melbourne must not attend an end of life activity held in the State of Victoria; and
  - (b) a person in the State of Victoria must not attend an end of life activity in Metropolitan Melbourne,  
unless the end of life activity meets the following requirements:
    - (c) it involves no more than:
      - (i) the person experiencing end of life; and
      - (ii) any other person (or people) who ordinarily reside at the premises of the person experiencing end of life; and
      - (iii) any other person with whom a person in subparagraph (i) or (ii) is in an intimate personal relationship; and
      - (iv) two other people,  
with infants under one year of age not counting towards these limits; and

- (d) if the end of life activity is conducted:
  - (i) at a person's principal place of residence in accordance with subparagraph (a), permission is not required from the Chief Health Officer or the Deputy Chief Health Officer and this activity will not breach the gathering restrictions; or
  - (ii) in an indoor space (other than at a person's principal place of residence) or an outdoor space, permission is required from the Chief Health Officer or the Deputy Chief Health Officer in accordance with subparagraphs (e) and (f); and
- (e) a person experiencing end of life, or someone on their behalf may apply to the Chief Health Officer or the Deputy Chief Health Officer for permission to conduct an end of life activity; and
- (f) the Chief Health Officer or the Deputy Chief Health Officer may, in writing, grant permission for an end of life activity in public, subject to any time limit set for that activity, and any end of life activity conducted in accordance with the permission will not breach the gathering restrictions; and
- (g) in any case (other than at a person's principal 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.

## PART 6 – OTHER PROVISIONS

### 12 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**, 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.

### 13 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) **Area Directions** means the **Area Directions (No. 13)** as amended or replaced from time to time;
- (4) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;

- (5) **authorised officer** has the same meaning as in the **PHW Act**;
- (6) **authorised provider** has the same meaning as in the **Restricted Activity Directions (Metropolitan Melbourne)**;
- (7) **Authorised Provider and Authorised Worker List** is the document available at [www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-list](http://www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-list) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer;
- (8) **authorised worker** has the same meaning as in the **Workplace Directions**;
- (9) **Care Facilities Directions** means **Care Facilities Directions (No. 41)** as amended or replaced from time to time;
- (10) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (11) **childcare or early childhood service** means onsite early childhood education and care services or children’s services provided under the:
  - (a) **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; or
  - (b) **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;
- (12) **closed work premises** has the same meaning as in the **Restricted Activity Directions (Metropolitan Melbourne)**;
- (13) **community facility** has the same meaning as in the **Restricted Activity Directions (Metropolitan Melbourne)**;
- (14) **density quotient** has the same meaning as in the **Workplace Directions**;
- (15) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (16) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 25)** as amended or replaced from time to time;
- (17) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (18) **Directions currently in force** means the **Area Directions**, the **Restricted Activity Directions (Metropolitan Melbourne)**, the **Stay at Home Directions (Metropolitan 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;
- (19) **end of life** means:
  - (a) a situation where a person’s death is expected within days (including periods of 28 days or less), or where the person, with or without existing conditions, is at risk of dying from a sudden acute event; and
  - (b) does not mean a situation where a person has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the person is expected to die within 12 months (except where the situation also falls within paragraph (a));
- (20) **excepted person** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (21) **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);

- (22) **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;
- (23) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (24) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 35)** as amended or replaced from time to time;
- (25) **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;
- (26) **member of the public** has the same meaning as in the **Restricted Activity Directions (Metropolitan Melbourne)**;
- (27) **memorial** means a place of interment of bodily remains or cremated human remains (including a columbarium), as each of these terms are defined in the **Cemeteries and Crematoria Act 2003**;
- (28) **Metropolitan Melbourne** has the same meaning as in the **Area Directions**;
- (29) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (30) **nominated person** means a person nominated by a **nominee person** for social interaction permitted in accordance with these directions;
- (31) **nominee person** means a person who:
- (a) is not in an intimate personal relationship with any person and lives by themselves; or
  - (b) is the sole parent or guardian of a child who is under 18 years of age or who has a disability and in either case lives with them,
- and who has nominated one person only to be their **nominated person** for social interaction permitted in accordance with these directions;
- (32) **ordinary resident of Metropolitan Melbourne** has the meaning in clause 5(14);
- (33) **outdoor space** means a space that is not an **indoor space**;
- (34) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (35) **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;
- (36) **prison** has the same meaning as in the **Corrections Act 1986**;
- (37) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (38) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (39) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (40) **Restricted Activity Directions (Metropolitan Melbourne)** means the **Restricted Activity Directions (Metropolitan Melbourne) (No. 10)** as amended or replaced from time to time;
- (41) **revoked Border Crossing Permit Scheme Directions** has the meaning in the **Victorian Border Crossing Permit Directions**;
- (42) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (43) **short-term entrant to Metropolitan Melbourne** has the meaning in clause 5(18);
- (44) **specified worker (exclusive outdoor activities) permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;



- (45) **specified worker (low workplace interaction) permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (46) **specified worker (other) permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (47) **specified worker permit** means the **specified worker (exclusive outdoor activities) permit**, **specified worker (low workplace interaction) permit** or the **specified worker (other) permit**;
- (48) **stay at home period** has the meaning in clause 4;
- (49) **temporary resident of Metropolitan Melbourne** has the meaning in clause 5(17);
- (50) **transit permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (51) **vehicle** has the same meaning as in the **PHW Act**;
- (52) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 28)** as amended or replaced from time to time;
- (53) **vulnerable child or young person** means a child or young person who:
- resides in the care of the State or in out-of-home care; or
  - 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
  - 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);
- (54) **work premises** has the same meaning as in the **Workplace Directions**;
- (55) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 37)** as amended or replaced from time to time;
- (56) **Workplace Directions** means the **Workplace Directions (No. 44)** as amended or replaced from time to time;
- (57) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (58) **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.

*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 17 August 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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