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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

Area Directions (No. 16)

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

1 Preamble

- (1) The purpose of these directions is to address the serious public health risk posed to Victoria by severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions identify areas within Victoria which have a higher prevalence of, or risk of exposure to, SARS-CoV-2 and which are subject to specific directions which are reasonably necessary to protect public health.
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions replace the **Area Directions (No. 15)**.

2 Citation

These directions may be referred to as the **Area Directions (No. 16)**.

3 Commencement and revocation

- (1) These directions commence at 11:59:00 pm on 15 September 2021 and end at 11:59:00 pm on 23 September 2021.
- (2) The **Area Directions (No. 15)** are revoked at 11:59:00 pm on 15 September 2021.

4 Meaning of Restricted Area and Regional Victoria

- (1) For the purposes of the Directions currently in force, **Restricted Area** means the aggregate area consisting of the **municipal districts**, suburbs, localities and addresses under the local government of:
 - (a) Ballarat City Council;
 - (b) Banyule City Council;
 - (c) Bayside City Council;
 - (d) Boroondara City Council;
 - (e) Brimbank City Council;
 - (f) Cardinia Shire Council;
 - (g) Casey City Council;
 - (h) Darebin City Council;
 - (i) Frankston City Council;
 - (j) Glen Eira City Council;
 - (k) Greater Dandenong City Council;
 - (l) Hobsons Bay City Council;
 - (m) Hume City Council;
 - (n) Kingston City Council;
 - (o) Knox City Council;

SPECIAL

- (p) Manningham City Council;
 - (q) Maribyrnong City Council;
 - (r) Maroondah City Council;
 - (s) Melbourne City Council;
 - (t) Melton City Council;
 - (u) Monash City Council;
 - (v) Moonee Valley City Council;
 - (w) Moreland City Council;
 - (x) Mornington Peninsula Shire Council;
 - (y) Nillumbik Shire Council;
 - (z) Port Phillip City Council;
 - (aa) Stonnington City Council;
 - (bb) Whitehorse City Council;
 - (cc) Whittlesea City Council;
 - (dd) Wyndham City Council, except **Little River**;
 - (ee) Yarra City Council; and
 - (ff) Yarra Ranges Shire Council.
- (2) For the purposes of the Directions currently in force, **Restricted Area – Regional Victoria** means the aggregate area consisting of the municipal districts, suburbs, localities and addresses under the local governments listed in subclause (1) which are not located in **Metropolitan Melbourne**.
- (3) For the purposes of the Directions currently in force, **Regional Victoria** means the aggregate area consisting of the municipal districts, suburbs, localities and addresses under the local governments in the State of Victoria that are not listed in subclause (1).
- (4) For the purposes of Item 77 and 78 of Table 2 of Schedule 8 of the **Public Health and Wellbeing Regulations 2019** it is intended that a restricted area includes all municipal districts, suburbs, localities and addresses under the local government areas in the State of Victoria that are listed in subclause (1).

Note: Item 77 establishes the infringement offence constituted by a contravention of directions given under section 200(1) of the PHW Act by refusing or failing to comply with a requirement in relation to leaving a restricted area in Victoria without a reasonable excuse or other valid reason or excuse. Item 78 establishes the infringement offence constituted by a contravention of directions given under section 200(1) of the PHW Act by refusing or failing to comply with a requirement in relation to private or public gatherings in a restricted area in Victoria without a reasonable excuse or other valid reason.

5 Addition or exclusion power

- (1) The Chief Health Officer or Deputy Chief Health Officer may add to or exclude from the Restricted Area any municipal district, suburb, locality, address or other identified area, if satisfied that such an addition or exclusion is appropriate, having regard to the:
- (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the PHW Act, as appropriate.
- (2) An addition or exclusion under subclause (1) must:
- (a) be in writing and published on the website of the Department of Health; and
 - (b) specify the relevant municipal district, suburb, locality, address or other identified area with sufficient particularity.
- (3) An addition or exclusion under subclause (1) does not prevent an **authorised officer** from exercising an emergency power to give a person a different direction or impose a different requirement on the person.

6 Relationship with other directions

- (1) If there is any inconsistency between any Directions currently in force (or a provision of such a direction) that applies generally to the State of Victoria and an equivalent Direction currently in force (or a provision of such a direction) that applies specifically to the Restricted Area, then the direction that applies to the Restricted Area prevails to the extent of the inconsistency.
- (2) If there is any inconsistency between these directions and a direction or other requirement contained in a **Direction and Detention Notice**, these directions are inoperative to the extent of the inconsistency.

7 Definitions

In these directions:

- (1) **authorised officer** has the same meaning as in the PHW Act;
- (2) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (3) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (4) **Little River** means the registered locality known as ‘Little River’ to the extent that it is within the **municipal district** under the local government of the Wyndham City Council;
Note: VICNAMES identifies the registered locality known as ‘Little River’ at: www.maps.land.vic.gov.au/lassi/VicnamesUL.jsp
- (5) **Metropolitan Melbourne** means the area within the municipal districts under the local government of the municipal councils set out in Schedule 2 of the **Planning and Environment Act 1987**;
- (6) **municipal district** has the same meaning as in the **Local Government Act 1989**;
- (7) **Regional Victoria** has the meaning in clause 4(3);
- (8) **Restricted Area** has the meaning in clause 4(1);
- (9) **Restricted Area – Regional Victoria** has the meaning in clause 4(2);
- (10) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 41)** as amended or replaced from time to time;
- (11) **Workplace Directions** means the **Workplace Directions (No. 49)** as amended or replaced from time to time.

8 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

Dated 15 September 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 (Restricted Areas) (No. 21)**

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

PART 1 – PRELIMINARY**1 Preamble**

- (1) The purpose of these directions is to address the serious public health risk posed in the Restricted Area by the spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Stay at Home Directions (Restricted Areas) (No. 20)**.
- (4) These directions require everyone in the Restricted Area 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 (Restricted Areas) (No. 21)**.

3 Revocation

The **Stay at Home Directions (Restricted Areas) (No. 20)** are revoked at 11:59:00 pm on 15 September 2021.

4 Stay at home period

For the purposes of these directions, the stay at home period is the period beginning at 11:59:00 pm on 15 September 2021 and ending at 11:59:00 pm on 23 September 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 the Restricted Area**; or
 - (b) a **temporary resident of the Restricted Area**,
must not leave the premises where they are residing in the Restricted Area, 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 7A (*care or compassionate reasons: child minding*);
 - (f) clause 8 (*work or education*);
 - (g) clause 9 (*exercise*);

- (h) clause 10 (**other specified reasons**);
- (i) 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 as required or authorised by 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 the Restricted Area:
 - (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 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 (Restricted Areas)**; and
 - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Restricted Areas)** in accordance with any requirements set out in those directions.

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

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

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 the Restricted Area 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 there another way.

- (5) A person who is not an ordinary resident of the Restricted Area, including a **temporary resident of the Restricted Area** or a **short-term entrant to the Restricted Area**, must not travel in a vehicle with an ordinary resident of the Restricted Area unless it is not otherwise reasonably practicable for either person to leave their premises for a purpose permitted under these directions.
- (6) An ordinary resident of the Restricted Area or a temporary resident of the Restricted Area 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 (Restricted Areas)**; 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 (Restricted Areas)**; 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 the Restricted Area or a temporary resident of the Restricted Area 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 the Restricted Area or a temporary resident of the Restricted Area 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) During the stay at home period:

- (a) an ordinary resident of the Restricted Area (excluding the **Restricted Area – Regional Victoria**) or a temporary resident of the Restricted Area (excluding the Restricted Area – Regional Victoria) may only leave their premises under subclause (1); and
- (b) a short-term entrant to the Restricted Area (excluding the Restricted Area – Regional Victoria) may only enter the Restricted Area,

between 9:00:00 pm and 5:00:00 am during the stay at home period if:

- (c) 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).

- (d) 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 5:00:00 am; or
- (e) it is for the reasons set out in:
 - (i) clause 7(1)(b)(ii) (care and support of a child);
 - (ii) clause 7(1)(c) (care and support for another person);
 - (iii) clause 7(1)(i) (escape harm or the risk of harm);
 - (iv) clause 7(1)(l) (provide child minding assistance);
 - (v) clause 7(1)(m) (pet toilet break);
 - (vi) clause 7A (take a child elsewhere for child minding);
 - (vii) clause 10(1)(b) (emergency purposes, which includes, without limitation, seeking emergency medical assistance);
 - (viii) clause 10(1)(c) (as required or authorised by law);
 - (ix) clause 10(1)(d) (for purposes relating to the administration of justice, including attending a police station);
 - (x) clause 10(1)(f) (driving a person as permitted under these directions);
 - (xi) clause 10(1)(g) (the premises in which the person ordinarily resides is no longer available);
 - (xii) clause 10(1)(i) (leaving the Restricted Area);
 - (xiii) clause 10(1)(j) (leaving Australia);
 - (xiv) clause 10(1)(k) (for the purposes of national security).

Requirement to stay in the Restricted Area

- (11) Subject to subclause (13), an ordinary resident of the Restricted Area during the stay at home period must not leave the Restricted Area other than for one or more of the reasons specified in:
- (a) clause 6 (**necessary goods or services**):
 - (i) 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; and
 - (ii) despite clause 6(1)(b), does not include the person leaving the Restricted Area for the purposes of receiving a SARS-CoV-2 vaccination;
 - (b) clause 7 (**care or other compassionate reasons**);
 - (c) clause 7A (**care or compassionate reasons: child minding**);
 - (d) clause 8 (**work or education**);
 - (e) clause 10 (**other specified reasons**).
- (12) If an ordinary resident of the Restricted Area leaves the Restricted Area in accordance with subclause (11) or (13):
- (a) these directions apply to that person when outside of the Restricted Area as if they were in the Restricted Area; and
 - (b) the person may only access facilities in **Regional Victoria**:
 - (i) that are permitted to operate under the **Restricted Activity Directions (Restricted Areas)**; 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.*
- (c) despite subclause (b), the person must not enter an **alpine resort**, unless the person is an emergency services worker responding to an emergency.

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 22 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 the Restricted Area 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 the Restricted Area** is any person who:
- (a) has only one ordinary place of residence, and that ordinary place of residence is within the Restricted Area; 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 the Restricted Area.
- (15) If a person:
- (a) no longer has an ordinary place of residence in the Restricted Area; or
 - (b) has an ordinary place of residence or principal place of residence in the Restricted Area 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 the Restricted Area** includes any person temporarily residing in the Restricted Area during the stay at home period (or part thereof).
- (18) A **short-term entrant to the Restricted Area** includes any person who is not an ordinary resident of the Restricted Area or a temporary resident of the Restricted Area during the stay at home period.

Note: a person who is visiting and staying in the Restricted Area, whether from overseas or interstate, is taken to be temporarily residing in the Restricted Area. A person who is visiting the Restricted Area but not staying in the Restricted Area is a short-term entrant to the Restricted Area.

Face covering requirements

- (19) Subject to subclause (20), a person in the Restricted Area 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

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:
 - (i) medicine; or
 - (ii) food, a non-alcoholic drink or an alcoholic drink at a wedding or a funeral that complies with the requirements in clause 11; or
 - (iii) food or a non-alcoholic drink except if the person is in an indoor space within a retail facility or restricted retail facility unless the person is:
 - (A) a worker at the retail facility or restricted retail facility; or
 - (B) on the premises of a food and drink facility within the retail facility or restricted retail facility; 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 (Restricted Areas)**, 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 (Restricted Areas)**, 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 the Restricted Area 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 the Restricted Area 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*
- (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 (Restricted Areas)**, 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 (Restricted Areas)**, 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 subclause (22)).

5A Travel restrictions: short term entrants to the Restricted Area

Restriction on entry to the Restricted Area

- (1) A short-term entrant to the Restricted Area must not enter the Restricted Area other than if they enter the Restricted Area:
 - (a) for one or more of the reasons specified in:
 - (i) clause 6 (**necessary goods or services**) except to obtain a SARS-CoV-2 vaccination;
 - (ii) clause 7 (**care or other compassionate reasons**);
 - (iii) clause 7A (**care or compassionate reasons: child minding**);
 - (iv) clause 8 (**work or education**);
 - (v) clause 10 (**other specified reasons**); or
 - (b) for the purposes of transiting through the Restricted Area 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 the Restricted Area during the stay at home period must:
 - (a) comply with the face covering requirements in subclauses 5(19), (20), (21) and (22); 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 (Restricted Areas)**; and
 - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Restricted Areas)** in accordance with any requirements set out in those directions.

Travel restrictions

- (3) A short-term entrant to the Restricted Area may only enter the Restricted Area 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 the Restricted Area, 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 the Restricted Area for a purpose permitted under these directions.
- (5) A short-term entrant to the Restricted Area, who enters the Restricted Area under clause 6 (**necessary goods or services**) or exercises after they have entered the Restricted Area under subclause (1) must not:
 - (a) travel further than 5km from:
 - (i) their ordinary place of residence outside of the Restricted Area 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 the Restricted Area; 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 the Restricted Area who enters the Restricted Area 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 the Restricted Area 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 the Restricted Area who enters the Restricted Area under clause 6 (**necessary goods or services**) must be the only person that has entered the Restricted Area from their ordinary place of residence on that day, except where:
 - (a) the person enters the Restricted Area 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 the Restricted Area 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 THE RESTRICTED AREA**6 Leaving premises or entering Restricted Area 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 the Restricted Area may not leave their premises to have a dine-in meal at any location.
 - (b) goods and services for health or medical purposes (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 (Restricted Areas)**.

7 Leaving premises or entering the Restricted Area 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; or
 - (b) if the person is a parent or guardian of a child (with or without that child):
 - (i) to visit the child if the child is in detention, or in the care of another person; or
 - (ii) to meet any obligations in relation to care and support for that child; or
 - (iii) to take the child to:
 - (A) a **childcare or early childhood service** in accordance with clause 8(5) and (6); or
 - (B) a school or outside school hours care service in which they are enrolled in accordance with clause 8(8) and (9); 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 the Restricted Area 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 the Restricted Area 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) in accordance with clause 7A (**care or compassionate reasons: child minding**); 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; or
*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.*
- (o) if the person is a parent, guardian or carer of a child, children or dependants under 12 years of age, to take the child, children or dependants to a **playground** in accordance with clause 9(1)(d).

7A Leaving premises or entering the Restricted Area for care or compassionate reasons: child minding

- (1) The reasons relating to care or compassion in relation to child minding are to:
 - (a) take a child, children or young person to another person's premises; or
 - (b) allow a person to enter the parent or guardian's premises,
where a child, children or young person is not able to be cared for at the premises by a suitable adult, for the purpose of that other person providing child-minding assistance (whether on a paid or voluntary basis);
 - (c) because the child is a **vulnerable child or young person** and requires at home childcare; or
 - (d) so that:
 - (i) the parent or guardian can undertake work as an authorised worker, or for an authorised provider, where the child, children or young person is younger than primary school age; or
 - (ii) where:
 - (A) there are two parents or guardians and both of them are; or
 - (B) there is a single parent or guardian and that parent or guardian is, an authorised worker, or work for an authorised provider:

- (C) the parent(s) or guardian(s) can undertake work as an authorised worker, or for an authorised provider, where the child, children or young person is enrolled in a primary school; or
- (iii) where there is a single parent or guardian and that parent or guardian is unable to make alternative supervision arrangements for that child, children or young person who is younger than primary school age, the parent or guardian can undertake work; or
- (iv) the parent or guardian, in circumstances where the parent or guardian cannot take the child with them, can:
 - (A) obtain goods and services for health or medical purposes (including vaccinations) in accordance with clauses 6(1)(b) or 10A; or
 - (B) obtain other necessary goods or services, in accordance with clauses 6(1)(c)(ii), or 10(1)(d); or
 - (C) can attend an essential public support service permitted under the **Restricted Activity Directions (Restricted Areas)**; or
 - (D) undertake care and compassionate activities in accordance with clauses 7(1)(a), 7(1)(b)(i), 7(1)(b)(ii), 7(1)(c), 7(1)(d) – (f), 7(1)(h), 7(1)(i), 7(1)(n); or
 - (E) meet any obligations in relation to care and support of another child, in order to ensure the health, safety and wellbeing of that child; or
 - (F) undertake activities in accordance with clauses 10(1)(a) – (c) or (k); or
 - (G) exercise in accordance with clause 9 (*exercise*), where the parent or guardian is single; or
- (e) where the parent or guardian is an authorised worker who undertakes shift work, to:
 - (i) facilitate the care of a child outside of school or childcare hours; or
 - (ii) rest in between shifts.

8 Leaving premises or entering the Restricted Area 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) provided in subclauses (2) and (3); or
 - (b) to obtain a childcare or early childhood service provided in subclauses (5) and (6); or
 - (c) to obtain educational services or higher education services provided in subclauses (8) and (9).
- (2) A person may leave the premises under subclause (1)(a) only if attending work in:
 - (a) the Restricted Area 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 (Restricted Areas)**; or
 - (b) Regional Victoria if:
 - (i) it is not reasonably practicable for the person to work from the premises where they ordinarily reside; and

- (ii) 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 (Restricted Areas)**, if the person did in fact work in the Restricted Area; or
 - (c) another State or Territory and the person complies with the requirements under that State's or Territory's laws.
 - (3) A person who ordinarily resides in the Restricted Area who leaves their ordinary place of residence to attend work in Regional Victoria pursuant to subclause (1)(a) and is employed by, in any capacity:
 - (a) a school; or
 - (b) an early childhood service; or
 - (c) a childcare service,must take a SARS-CoV-2 test within 72 hours after attending a shift for work or otherwise, or attending their place of work, in Regional Victoria.
 - (4) Subclause (3):
 - (a) is limited to no more than two SARS-CoV-2 tests in a 7-day period; and
 - (b) does not include a person employed as a contractor.
 - (5) A person may leave the premises under subclause (1)(b) only if obtaining childcare or early childhood services in the Restricted Area:
 - (a) if it is not reasonably practicable for the person to obtain a childcare or early childhood service from the premises where they ordinarily reside; and
 - (b) for childcare or early childhood services, if the child, children or young person:
 - (i) has:
 - (A) two parents or guardians and one of them is; or
 - (B) a single parent or guardian and that parent or guardian is, an authorised worker or work for an authorised provider and holds an Authorised Worker Permit; and
 - (C) is not working from the premises and is unable to make alternative supervision arrangements for that child, children or young person leaving the premises to attend childcare or early childhood services; or
 - (D) is working from the premises and is unable to make alternative supervision arrangements for that child, children or young person leaving the premises to attend childcare or early childhood services; or
- Note 1: an authorised worker (or person who works for an Authorised Provider) working from home can access childcare if they have an Authorised Worker Permit*
- Note 2: An Authorised Worker that is required to work shift work (e.g. overnight shift at a hospital) is permitted to send their child(ren) to childcare or an early childhood service outside their working hours so they can rest.*
- (ii) has a single parent or guardian and that parent or guardian is working and unable to make alternative supervision arrangements for that child, children or young person leaving the premises to attend childcare or early childhood services; or
 - (iii) is a vulnerable child or young person.
 - (6) A person may leave the premises under subclause (1)(b) only if obtaining childcare or early childhood services in Regional Victoria:
 - (a) if the requirements in subclauses (5)(a) and (b) are met; and
 - (b) if the person was enrolled to obtain the childcare or early childhood service in Regional Victoria on and from 11:59:00 pm on 15 September 2021.

- (7) A person who is an exception to holding a current Authorised Worker Permit pursuant to clauses 5(6) and 5(7) of the **Workplace Directions** is not required to present an Authorised Worker Permit to a childcare or early childhood service provider, provided they:
- (a) have photographic personal identification issued by the organisation or body which employs or engages them in the capacity and which identifies the person's place of work in that capacity; and
 - (b) must, on request, produce the photographic personal identification which identifies the person's place of work to the childcare or early childhood service provider.
- (8) A person may leave the premises under subclause (1)(c) only if obtaining educational services or higher education services in the Restricted Area:
- (a) if it is not reasonably practicable for the child, children or young person to obtain educational services from the premises where they ordinarily reside; and
 - (b) for school educational services (including at a school or non-school senior secondary provider and outside school hours care services), if the child, children or young 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 and are unable to make alternative supervision arrangements for that child, children or young person leaving the premises to attend school education 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
 - (c) 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.
- Note: An Authorised Worker that cannot work from home that is required to work shift work (e.g. overnight shift at a hospital) is permitted to send their child(ren) to school education services outside their working hours so they can rest.*
- (9) A person may leave the premises under subclause (1)(c) only if obtaining:
- (a) school educational services (including at a school or non-school senior secondary provider and outside school hours care services) in Regional Victoria:
 - (i) if the requirements in subclauses (8)(a) and (b) are met; and
 - (ii) the person was enrolled to obtain the education service in Regional Victoria on and from 11:59:00 pm on 15 September 2021; or
 - (b) higher education services in Regional Victoria:
 - (i) if the requirements in subclauses (8)(a) and (c) are met; and
 - (ii) the person was enrolled to obtain the higher education service in Regional Victoria on and from 11:59:00 pm on 15 September 2021.

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 (Restricted Areas)**; 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; and
 - (d) where exercising at a playground permitted to operate under the **Restricted Activity Directions (Restricted Areas)**, is:
 - (i) under 12 years of age; or
 - (ii) a parent, guardian or carer accompanying the person in (i), provided that:
 - (A) only one parent, guardian or carer accompanies the person in (i) at any one time, unless the needs of a child, children or dependants are such that an additional carer is required for appropriate supervision; and
 - (B) the parent, guardian or carer does not remove their face covering for the purposes of consuming food or drink, whilst accompanying the person in (i) at the playground.
- Note: the exception from the requirement to wear a face covering pursuant to clause 5(20)(r) does not apply to a parent, guardian or carer accompanying a child under subclause (ii).*
- (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 the Restricted Area 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 (Restricted Areas)**; 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 the Restricted Area, for the purposes of leaving the Restricted Area; 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 for vaccination within the Restricted Area

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 and is within the Restricted Area.

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 the Restricted Area.

*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 the Restricted Area or a temporary resident of the Restricted Area 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)-(ii), (c), (f), (g), (i), (j), (l) or (n) or clause 7A (**care or compassionate reasons: child minding**); 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 22 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), (j) or (k); 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 the Restricted Area 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) a 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 the Restricted Area,

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.

- (a) 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
- (b) 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
- (c) 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
- (d) for the purpose of a wedding in the State of Victoria that complies with the requirements in subclause (5); or

Note: a person who ordinarily resides in the Restricted Area is permitted to attend a wedding in Regional Victoria, provided that wedding complies with the requirements in subclause (5). An authorised celebrant may leave the Restricted Area under clause 8 (work or education).
- (e) for the purpose of a funeral in the State of Victoria that complies with the requirements in subclause (6); or

Note: a person who ordinarily resides in the Restricted Area is permitted to attend a funeral in Regional Victoria, provided that funeral complies with the requirements in subclause (6). A person reasonably necessary for the conduct of the funeral may leave the Restricted Area under clause 8 (work or education).
- (f) for the purpose of an end of life activity in the State of Victoria that complies with the requirements in subclause (7).

Note: a person who ordinarily resides in the Restricted Area 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) The requirements for a wedding held in the Restricted Area during the stay at home period are that:
 - (a) 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
 - (b) it involves only 5 persons:
 - (i) the two persons being married; and
 - (ii) the **authorised celebrant**; and
 - (iii) two persons witnessing the marriage for the purposes of section 44 of the **Marriages Act 1961** of the Commonwealth; and
 - (c) it complies with any applicable requirements of the **Restricted Activity Directions (Restricted Areas)**; 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**.

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) The requirements for a funeral held in the Restricted Area during the stay at home period are that:
- (a) 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
 - (b) in any case (other than at a person's ordinary place of residence), the total number of members of the public present at the same time in the space must not exceed the density quotient; and
 - (c) it complies with any applicable requirements of the **Restricted Activity Directions (Restricted Areas)**.

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) The requirements for end of life activity in the Restricted Area during the stay at home period are that:
- (a) 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
 - (b) 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 (c) and (d); and
 - (c) 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
 - (d) 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
 - (e) 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 5 – OTHER PROVISIONS**12 Relationship with other Directions**

- (1) If there is any inconsistency between Parts 2, 3 and 4 of these directions and the **Diagnosed Persons and Close Contacts Directions**, 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. 16)** 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 (Restricted Areas)**;
- (7) **Authorised Provider and Authorised Worker List** is the document available at 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) **Authorised Worker Permit** has the same meaning as in the **Workplace Directions**;
- (10) **Care Facilities Directions** means **Care Facilities Directions (No. 44)** as amended or replaced from time to time;
- (11) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (12) **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 Act 2010** and the **Education and Care Services National Regulations 2011** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services;
- (13) **closed work premises** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (14) **community facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (15) **COVID-19 Mandatory Vaccination Directions** means the COVID-19 Mandatory Vaccination Directions as amended or replaced from time to time;
- (16) **density quotient** has the same meaning as in the **Workplace Directions**;
- (17) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (18) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 26)** as amended or replaced from time to time;
- (19) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (20) **Directions currently in force** means the **Area Directions**, the **Restricted Activity Directions (Restricted Areas)**, **Restricted Activity Directions (Regional Victoria)**, the **Stay at Home Directions (Restricted Areas)**, the **Stay Safe Directions (Regional Victoria)**, the **Diagnosed Persons and Close Contacts Directions**, the **Hospital Visitor Directions**, the **Care Facilities Directions**, the **Workplace Directions**, the **Victorian Border Crossing Permit Directions**, the **COVID-19 Mandatory Vaccination Directions**, and the **Workplace (Additional Industry Obligations) Directions**, each as amended or replaced from time to time;
- (21) **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));
- (22) **excepted person** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (23) **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);
- (24) **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;
- (25) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (26) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 36)** as amended or replaced from time to time;
- (27) **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;

- (28) **member of the public** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;
- (29) **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**;
- (30) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (31) **nominated person** means a person nominated by a **nominee person** for social interaction permitted in accordance with these directions;
- (32) **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;
- (33) **ordinary resident of the Restricted Area** has the meaning in clause 5(14);
- (34) **outdoor space** means a space that is not an **indoor space**;
- (35) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (36) **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**;
- (37) **playground** means outdoor play equipment in a public park that is accessible to **members of the public**, but does not mean a **play centre**;
- (38) **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;
- (39) **prison** has the same meaning as in the **Corrections Act 1986**;
- (40) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (41) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (42) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (43) **restricted retail facility** has the same meaning as in the **Restricted Activity Directions (Regional Victoria)**;
- (44) **Restricted Activity Directions (Regional Victoria)** means the **Restricted Activity Directions (Regional Victoria) (No. 8)** as amended from time to time;
- (45) **Restricted Activity Directions (Restricted Areas)** means the **Restricted Activity Directions (Restricted Areas) (No. 15)** as amended or replaced from time to time;
- (46) **Restricted Area** has the same meaning as in the **Area Directions**;
- (47) **Restricted Area – Regional Victoria** has the same meaning as in the **Area Directions**;
- (48) **retail facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas)**;

- (49) **revoked Border Crossing Permit Scheme Directions** has the meaning in the **Victorian Border Crossing Permit Directions**;
- (50) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (51) **short-term entrant to the Restricted Area** has the meaning in clause 5(18);
- (52) **specified worker (multiple entry) permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (53) **specified worker permit** means the **specified worker (single entry) permit**, or the **specified worker (multiple entry) permit**;
- (54) **specified worker (single entry) permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (55) **Stay at Home Directions (Restricted Areas)** means the **Stay at Home (Restricted Areas) Directions (No. 21)** as amended or replaced from time to time;
- (56) **stay at home period** has the meaning in clause 4;
- (57) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No. 8)** as amended or replaced from time to time
- (58) **temporary resident of the Restricted Area** has the meaning in clause 5(17);
- (59) **transit permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (60) **vehicle** has the same meaning as in the **PHW Act**;
- (61) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 31)** as amended or replaced from time to time;
- (62) **vulnerable child or young person** means a child or young person who:
- (a) resides in the care of the State or in out-of-home care; or
 - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or
 - (c) is identified by a **school** or **childcare or early childhood service** as vulnerable, (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service); or
 - (d) is identified by a parent or guardian as vulnerable because the child or young person has a disability and cannot learn from home due to the circumstances of that disability;
- (63) **work premises** has the same meaning as in the **Workplace Directions**;
- (64) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 41)** as amended or replaced from time to time;
- (65) **Workplace Directions** means the **Workplace Directions (No. 49)** as amended or replaced from time to time;
- (66) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (67) **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 15 September 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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