

Directions from Deputy Chief Health Officer (Communicable Disease) in accordance with emergency powers arising from declared state of emergency

Stay at Home Directions (No 2)

Public Health and Wellbeing Act 2008 (Vic)

Section 200

I, Dr Annaliese van Diemen, Deputy Chief Health Officer (Communicable Disease), consider it reasonably necessary to protect public health to give the following directions pursuant to section 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008 (Vic) (PHW Act)**:

PART 1 — PRELIMINARY

1 Preamble

- (1) The purpose of these directions is to address the serious public health risk posed to Victoria by Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions require everyone in Victoria to limit their interactions with others by:
 - (a) restricting the circumstances in which they may leave the premises where they ordinarily reside; and
 - (b) placing restrictions on gatherings.
- (3) These directions must be read together with the **Restricted Activity Directions** the **Isolation (Diagnosis) Direction**, the **Hospital Visitor Directions** and the **Aged Care Facilities Directions**.
- (4) These directions replace the **Stay at Home Directions**, and permit a person to visit another person if they are in an intimate personal relationship with that person.

2 Citation

- (1) These directions may be referred to as the **Stay at Home Directions (No 2)**.
- (2) A reference to the **Stay at Home Directions** in any other direction is taken to be a reference to these directions.

3 Revocation

The **Stay at Home Directions** are revoked with effect from midnight on 2 April 2020.

4 Stay at home period

For the purposes of these directions, the **stay at home period** is the period beginning at midnight on 2 April 2020 and ending at midnight on 13 April 2020.

PART 2 — STAY AT HOME

5 Direction — stay at home other than in specified circumstances

Requirement to stay at home

- (1) A person who is in Victoria during the **stay at home period** must not leave the premises where the person ordinarily resides, other than for one or more of the reasons specified in:
 - (a) clause 6 (**necessary goods or services**);
 - (b) clause 7 (**care or other compassionate reasons**);
 - (c) clause 8 (**work and education**);
 - (d) clause 9 (**exercise**);
 - (e) clause 10 (**other specified reasons**).

Note: a person may have more than one ordinary place of residence and, if so, is able to move freely between those places: see subclause (5) and clause 10(1)(g).

Ordinary place of residence

- (2) Subject to subclause (3), subclause (1) does not apply to a person at any time during the stay at home period when the person:
 - (a) does not have an ordinary place of residence; or
 - (b) has an ordinary place of residence, but that place is temporarily unavailable or is unavailable because of a risk of harm (including harm relating to family violence or violence of another person at the premises);
- (3) If a suitable premises is made available for a person identified in subclause (2) to reside at for the stay at home period (or part thereof):
 - (a) that premises is taken to be the person's ordinary place of residence for the period (or part thereof); and
 - (b) subclause (1) applies accordingly.
- (4) If a person ordinarily resides outside Victoria, the premises where that person is temporarily residing in Victoria during the stay at home period (or part thereof) is taken to be the person's ordinary place of residence for the period (or part thereof).
- (5) If a person has more than one premises at which they ordinarily reside, including a child under a shared parenting arrangement, each such premises is taken to be the person's ordinary place of residence for the stay at home period.

Examples: a person works in the city during the week and resides at one premises during that time, but returns to a different premises at the weekend; a child who lives at different premises under a shared parenting arrangement.

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

PART 3 — REASONS TO LEAVE PREMISES

6 Leaving premises to obtain necessary goods or services

- (1) A person may leave the premises to obtain:
- (a) food or drink; or
 - (b) goods and services for health or medical purposes; or
 - (c) other necessary goods or services including, but not limited to, goods or services provided by:
 - (i) a financial institution;
 - (ii) a government body or government agency;
 - (iii) a post office;
 - (iv) a **pharmacy**;
 - (v) a hardware store;
 - (vi) a petrol station;
 - (vii) a pet store or veterinary clinic;
 - (viii) a **retail facility** that is not prohibited from operating by the **Restricted Activity Directions**.

7 Leaving premises for care and other compassionate reasons

- (1) A person may leave the premises:
- (a) to meet obligations in relation to shared parenting arrangements, whether the arrangements are under a court order or otherwise;
 - (b) if the person is a parent or guardian of a 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;
 - (c) to provide childcare, early childhood education or schooling to a child or young person who is vulnerable because the child or young person:
 - (i) resides in the care of the State; or

- (ii) is deemed vulnerable by a government agency, or funded family or family violence service, and is assessed as requiring education and care outside the family home;
- (d) to provide care and support to a relative or other person who has particular needs because of age, infirmity, disability, illness, a chronic health condition, or because of matters relating to the other person's health (including matters relating to mental health or pregnancy);
- (e) to attend a **residential aged care facility** if that attendance is not prohibited by the **Aged Care Facilities Directions**, including for a **care and support visit**;
- (f) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions**, including for a **care and support visit**;
- (g) to attend a funeral or wedding, if that funeral or wedding complies with the requirements in clause 11;
- (h) to donate blood;
- (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.

8 Leaving premises to attend work or education

- (1) Subject to subclause (2), a person may leave the premises to:
 - (a) attend work (whether paid or voluntary, including for charitable purposes); or
 - (b) attend an educational institution; or
 - (c) do anything necessary to attend that work or educational institution including, but not limited to, taking children to childcare, an early childhood educational facility, a school or another educational facility.
- (2) A person may leave the premises under subclause (1) only if it is not reasonably practicable for the person:
 - (a) to work from the premises; or
 - (b) to obtain the educational services provided by the educational institution from the premises.

9 Leaving premises for exercise

- (1) A person may leave the premises to exercise, but must:
 - (a) comply with the restrictions on gatherings in clause 11; and
 - (b) take reasonable steps to maintain a distance of 1.5 metres from all other persons.

*Note: The effect of clause 11 is that a person can only exercise with people that live at the same premises; or **alternatively**, with **one other person** with whom they do not ordinarily reside.*

- (2) Subclause (1)(b) does not prevent a person from walking with another person or persons for the purposes of exercise.

10 Leaving premises for other reasons

- (1) A person may leave the premises in the following circumstances:
- (a) for emergency purposes;
 - (b) as required by law, including, but not limited to, attending:
 - (i) a police station;
 - (ii) a court or other premises for purposes relating to the justice or law enforcement system;
 - (c) 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;
 - (d) for the purposes of moving to a new premises at which the person will ordinarily reside;
 - (e) if the person ordinarily resides outside Victoria, for the purposes of leaving Victoria;
 - (f) if the person is permitted to leave Australia, for the purposes of leaving Australia; or
 - (g) if the person ordinarily resides at more than one premises, for the purposes of moving between those premises.

PART 4 — GATHERINGS

11 Restrictions on gatherings

Indoor gatherings

- (1) Subject to subclause (2), during the stay at home period, a person must not enter any single undivided **indoor space**, unless:
- (a) no other person is in that space; or
 - (b) only one other person is in that space; or
 - (c) more than one other person is in the space, but all of those other persons ordinarily reside at the same premises as the person.
- (2) Subclause (1) does not apply if the person enters the space:
- (a) for purpose of attending a wedding that complies with the requirements in subclause (5); or
 - (b) for the purpose of attending a funeral that complies with the requirements in subclause (6); or

- (c) for one or more of the purposes specified in clauses 6 (food and drink), 7 (care), 8 (work and education), 9 (exercise) or 10 (other specified reasons)

Note: This paragraph permits a person to enter, for example, a supermarket or their workplace, regardless of how many people are in that place. It also permits a person to use public transport to access a place that they are permitted to go, regardless of how many people are on the tram, train, or bus. It also permits a group of people from the same premises, or two people from different premises, to travel together in a car to a place that they are permitted to go, such as a supermarket.

- (3) During the stay at home period, a person must not permit another person to enter their place of residence, unless:
 - (a) the other person also ordinarily resides at the premises; or
 - (b) the person is residing at the premises in accordance with the **Isolation (Diagnosis) Direction**; or
 - (c) it is necessary for the other person to enter the premises for one or more of the purposes specified in clauses 7 (care) or 8 (work and education); or
 - (d) it is necessary for the other person to enter for the purposes of attending a private inspection of the premises, organised in accordance with clause 14(2) of the **Restricted Activity Directions**; or
 - (e) it is necessary for the other person to enter for medical or emergency purposes; or
 - (f) the entry is otherwise required by law.

Outdoor gatherings

- (4) During the stay at home period, a person must not arrange to meet with more than one other person in an **outdoor space**, except:
 - (a) where each other person ordinarily resides at the same premises; or
 - (b) for the purpose of attending a wedding that complies with the requirements in subclause (5); or
 - (c) for the purpose of attending a funeral that complies with the requirements in subclause (6); or
 - (d) it is necessary to arrange a meeting for one or more of the purposes specified in clauses 7 (care) or 8 (work and education).

Weddings and funerals

- (5) For the purposes of subclause (2)(a), the requirements for a wedding are that:
 - (a) it involves only 5 persons:
 - (i) the two persons being married; and
 - (ii) the **authorised celebrant**; and

- (iii) two persons witnessing the marriage for the purposes of section 44 of the **Marriage Act 1961** of the Commonwealth; and
 - (b) in any case, if the wedding is held in a single undivided indoor space, the total number of persons present at the same time in the space must not exceed the **density quotient**.
- (6) For the purposes of subclause (2)(b), the requirements for a funeral are that:
 - (a) it involves no more than 10 persons (excluding persons necessary for the conduct of the funeral); and
 - (b) in any case, if the funeral is held in a single undivided indoor space, the total number of persons 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 and 3 of these directions and the **Isolation (Diagnosis) Direction**, Parts 2 and 3 of these directions are inoperative to the extent of any inconsistency.
- (2) If there is any inconsistency between these directions and a direction or other requirement contained in a **Direction and Detention Notice**, given to a person who has arrived in Victoria from overseas, these directions are inoperative to the extent of the inconsistency.

13 Definitions

For the purposes of these directions:

- (1) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (2) **care and support visit** means a visit of no longer than 2 hours made to a patient of a hospital, or a resident of a residential aged care facility, by one person, or two persons together, for the purposes of providing care and support to the patient or resident, as the case requires;
- (3) **density quotient** of a single undivided indoor space is the number calculated by dividing the total area of the space (measured in square metres) by 4.

Note: If an indoor space is 8.5 metres long and 4.5 metres wide, its total area is 38.25 square metres. Its density quotient is 9.56, so no more than 9 people would be permitted to be in the indoor space at one time.

- (4) **hospital** has the same meaning as in the **Hospital Visitors Directions**;
- (5) **indoor space** means an area, room or premises that is or are substantially enclosed by a roof and walls, regardless of whether the roof or walls or any part of them are—
 - (a) permanent or temporary; or
 - (b) open or closed;

- (6) **outdoor space** means a space that is not an indoor space;
- (7) **patient** has the same meaning as in the **Hospital Visitors Directions**;
- (8) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (9) **premises** has the same meaning as in section 3 of the PHW Act, which includes a vehicle;
- (10) **residential aged care facility** has the same meaning as in the **Aged Care Facilities Directions**;
- (11) **retail facility** has the same meaning as in the **Restricted Activity Directions**.

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



Dr Annaliese van Diemen

Deputy Chief Health Officer (Communicable Disease), as authorised to exercise emergency powers by the Chief Health Officer under section 199(2)(a) of the PHW Act.

2 April 2020