

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

Stay at Home Directions (No 7)

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 (No 8)**, the **Diagnosed Persons and Close Contacts Directions**, the **Hospital Visitor Directions (No 3)** and the **Care Facilities Directions (No 3)**.
- (4) These directions replace the **Stay at Home Directions (No 6)**, and, amongst other things facilitate students returning to school or another educational facility.

2 Citation

- (1) These directions may be referred to as the **Stay at Home Directions (No 7)**.
- (2) A reference in any other direction to the **Stay at Home Directions (No 5)** and **Stay at Home Directions (No 6)** is taken to be a reference to these directions.

3 Revocation

The **Stay at Home Directions (No 6)** are revoked with effect from 11.59.00pm on 25 May 2020.

4 Stay at home period

For the purposes of these directions, the **stay at home period** is the period beginning at 11.59.00pm on 25 May 2020 and ending at 11.59.00pm on 31 May 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 or education**);
 - (d) clause 9 (**exercise or recreation**);
 - (e) clause 9A (**visiting family or friends**); or
 - (f) clause 10 (**other specified reasons**).

Note 1: 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)(i).

Note 2: a person may leave the premises at which they ordinarily reside using transport (public or private) to access a place for a permitted purpose, regardless of how many people are on the tram, train, or bus. A group of people from the same premises, or people from different premises, may travel together in a car to a place for a permitted purpose, subject to the restrictions on gatherings in clause 11.

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;
 - (b) goods and services for health or medical purposes; or
 - (c) other goods or services that the person believes are necessary 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; or
 - (viii) an **open retail facility**.
- (2) A person may leave the premises for purposes relating to, or associated with, **dealing in residential property**.

*Example: a person may leave their premises to attend an inspection or auction conducted in accordance with the **Restricted Activity Directions (No 8)**. This can be for rental or sales of property.*

7 Leaving premises for care or 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;
 - (ii) to meet any obligations in relation to care and support for that child;
 - (iii) to take the child to:
 - (A) another person's premises for the purpose of that other person providing child-minding assistance (whether on a paid or voluntary basis); or
 - (B) a childcare facility or an early childhood educational facility;so that the parent or guardian can:
 - (C) do one of the things specified in clauses 6 (necessary goods or services), 7 (care), 8 (work or education), 9 (exercise or recreation), 9A (visiting family or friends) or 10 (other specified reasons); or
 - (D) work, or obtain educational services, from their own premises;
 - (c) to take the child to school or an educational facility;
 - (d) to provide childcare, early childhood education or schooling to a child or young person, including 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;
 - (e) to provide care and support to a relative or other person:
 - (i) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or
 - (ii) because of matters relating to the relative or other person's health (including mental health or pregnancy);

- (f) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions (No 3)**, including for a **care and support visit**;
- (g) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions (No 3)**, including for a **care and support visit**;
- (h) to attend a funeral or wedding, if that funeral or wedding complies with the requirements in clause 11;
- (i) to donate blood;
- (j) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises;
- (k) visit a person with whom they are in an intimate personal relationship;
- (l) to provide child-minding assistance (whether on a paid or voluntary basis), so that the parent or guardian of a child can:
 - (i) leave their own premises for one of the purposes specified in clauses 6 (necessary goods or services), 7 (care), 8 (work or education), 9 (exercise or recreation), 9A (visiting family or friends) or 10 (other specified reasons); or
 - (ii) work, or obtain educational services, from their own premises; or
- (m) to visit a cemetery.

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 or religious purposes); or
 - (b) obtain educational services (which includes going to school or another educational facility); or
 - (c) do anything necessary to attend work or obtain educational services including, but not limited to taking a child to:
 - (i) a place permitted by clause 7(1)(b)(iii); or
 - (ii) a school or other educational facility; or
 - (d) attend a lesson to operate a **vehicle**, or to practise for the purposes of obtaining a licence to operate a vehicle.
- (2) A person may leave the premises under subclause 8(1)(a) to (c) only if it is not reasonably practicable for the person:
 - (a) to work from the premises; or
 - (b) to obtain the educational services from the premises.

Note: If a school has resumed on-site schooling for a particular level, then in most cases it is not reasonably practicable for:

- (a) a child enrolled at that school in that particular level to obtain those educational services; or
 - (b) a teacher at that school teaching that particular level to work,
- from the premises where they ordinarily reside, so they may leave those premises for these purposes.

9 Leaving premises for exercise or recreation activity

(1) A person may leave the premises to visit an open public place for:

- (a) exercise, including participating in a sporting activity; or

Note: exercise under this clause does not include professional sport.

- (b) a recreational purpose.

Examples: visiting a local park for relaxing or a picnic; fishing, boating, hiking, hunting, prospecting, diving, etc.

Note: subclause (2) imposes some restrictions on these activities.

Restrictions

(2) A person who leaves the premises for a purpose specified in subclause (1) must:

- (a) comply with the restrictions on gatherings in clause 11;
- (b) take reasonable steps to maintain a distance of 1.5 metres from all other persons;
- (c) not participate in any exercise (including a sporting activity) or recreation where participation (including travelling to a place to participate) is for an unreasonable period of time;

Note: travelling to a place for exercise or recreation should involve a day trip only, not an overnight stay.

(d) not participate in any exercise (including a sporting activity):

- (i) in an **indoor space**;
- (ii) as part of an organised competition;
- (iii) that requires participants to come within 1.5 metres of each other.

Note: a person can still exercise at the premises at which they ordinarily reside.

(3) Nothing in subclause (2) prevents a person from walking within 1.5 metres of another person or persons for the purposes of exercise.

Note: the limit on the number of people who may gather together outside is in clause 11(2). If attending an exercise class, the people reasonably required to perform the class are additional.

9A Leaving premises to visit family or friends

A person may leave the premises to visit the premises of family or friends.

Note 1: the limit on the number of people who may visit a premises is in clause 11(1)(g).

Note 2: travelling to visit family or friends should involve a day trip only, not an overnight stay.

10 Leaving premises for other reasons

- (1) A person may leave the premises in the following circumstances:
 - (a) for emergency purposes;
 - (b) as required or authorised by law;
 - (ba) for purposes relating to the administration of justice, 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 at which the person ordinarily resides is no longer available for the person to reside at or is no longer suitable for the person to reside at;
 - (d) to attend a **place of worship**, if, if that place of worship is operating in accordance with the **Restricted Activity Directions (No 8)**;
 - (e) to attend a **community facility**, if that facility is operating in accordance with the **Restricted Activity Directions (No 8)**;
 - (f) for the purposes of moving to a new premises at which the person will ordinarily reside;
 - (g) if the person ordinarily resides outside Victoria, for the purposes of leaving Victoria;
 - (h) if the person is permitted to leave Australia, for the purposes of leaving Australia;
 - (i) if the person ordinarily resides at more than one premises, for the purposes of moving between those premises; or
 - (j) for the purposes of **national security**.

PART 4 — GATHERINGS

11 Restrictions on gatherings

Private gatherings

- (1) During the stay at home period, a person must not permit another person to enter the premises at which they ordinarily reside, unless:
- (a) the other person also ordinarily resides at the premises;
 - (b) the person is residing at the premises in accordance with the **Diagnosed Persons and Close Contacts Directions**;
 - (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 or education);

Examples: a tradesperson for the purpose of carrying out repairs; a nanny or relative for the purpose of providing childminding assistance.

- (d) it is necessary for the other person to enter for the purposes of attending an inspection of the premises, organised in accordance with the **Restricted Activity Directions (No 8)**;
- (e) it is necessary for the other person to enter for medical or emergency purposes;
- (f) the entry is required or authorised by law; or
- (g) the entry is for a purpose specified in clause 7(1)(h), 7(1)(k) or clause 9A (visiting family or friends) but only if:
 - (i) at the time of entry, no more than four other persons (who do not ordinarily reside at the premises) are at the premises for a purpose specified in clauses 7(1)(h), 7(1)(k), or 9A (visiting family or friends); and
 - (ii) the entry is not for the purposes of exercise (including a sporting activity) or recreation.

Note: under clause 11(1)(g) the limit on the number of people who may visit a premises (at which they do not ordinarily reside) at any one time is five.

Public gatherings

- (2) During the stay at home period, a person must not arrange to meet with more than nine other persons at an open public place, except:

Note: under clause 11(2) the limit on the number of people who may meet in an open public place at any one time is ten.

- (a) where each other person ordinarily resides at the same premises;
- (b) for the purpose of attending a wedding that complies with the requirements in subclause (3);

- (c) for the purpose of attending a funeral that complies with the requirements in subclause (4); or
- (d) if it is necessary to arrange a meeting for one or more of the purposes specified in clauses 7 (care), 8 (work and education) or 10 (other specified reasons).

*Example: work includes operating a bootcamp: see clause 6(3) of the **Restricted Activity Directions (No 8)**.*

Weddings and funerals

- (3) The requirements for a wedding are that:
 - (a) it involves only:
 - (i) the two persons being married; and
 - (ii) the **authorised celebrant**; and
 - (iii) no more than 10 other guests including 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**.
- (4) The requirements for a funeral are that:
 - (a) it involves no more than:
 - (i) 30 persons if held in an **outdoor space**; or
 - (ii) 20 persons if held in an indoor space,
(excluding persons reasonably 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 **Diagnosed Persons and Close Contacts Directions** Parts 2 and 3 of these directions are inoperative 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.

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 facility** has the same meaning as in the **Care Facilities Directions (No 3)**;
- (3) **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 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;
- (4) **community facility** has the same meaning as in the **Restricted Activity Directions (No 8)**;
- (5) **dealing** with residential property of a person includes:
 - (a) creating, acquiring, disposing of or assigning an **interest** in the property;
 - (b) receiving or making a gift of the property;
 - (c) using the property to obtain or extend credit; and
 - (d) using credit secured against the property;
- (6) **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.
- (7) **Direction and Detention Notice** means a notice given to a person who has arrived in Victoria from overseas, requiring the person to be detained for a specified period;
- (8) **hospital** has the same meaning as in the **Hospital Visitor Directions (No 3)**;
- (9) **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;
- (10) **interest**, in relation to residential property, means:
 - (a) a legal or equitable estate or interest in the property; or
 - (b) a right, power or privilege over, or in connection with, the property;

- (11) **national security** has the meaning that **security** has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (12) **open retail facility** has the same meaning as **Restricted Activity Directions (No 8)**;
- (13) **outdoor space** has the same meaning as in the **Restricted Activity Directions (No 8)**;
- (14) **patient** has the same meaning as in the **Hospital Visitor Directions (No 3)**;
- (15) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (16) **place of worship** has the same meaning as in the **Restricted Activity Directions (No 8)**;
- (17) **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;
- (18) **residential property** has the same meaning as in the **Estate Agents Act 1980**; and
- (19) **vehicle** has the same meaning as in the **PHW Act**.

14 Penalties

Section 203 of the PHW Act provides:

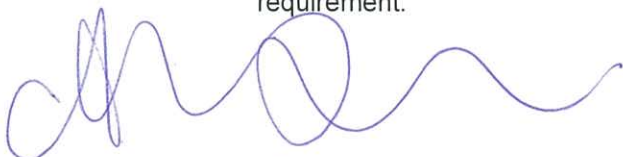
Compliance with direction or other requirement

- (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.

24 May 2020

