

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

Stay Safe Directions

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 placing restrictions on gatherings and the return to workplaces.
- (3) These directions must be read together with the **Directions currently in force**, being the **Restricted Activity Directions (No 9)**, the **Diagnosed Persons and Close Contacts Directions (No 2)**, the **Hospital Visitor Directions (No 4)** and the **Care Facilities Directions (No 4)**.
- (4) These directions replace the **Stay at Home Directions (No 7)**, and, amongst other things, subject to some restrictions:
 - (a) permit a group of up to 20 people to gather in a person's home;
 - (b) permit a group of up to 20 people to gather in an open public place; and
 - (c) increase the number of people that can attend a wedding or a funeral.

2 Citation

These directions may be referred to as the **Stay Safe Directions**.

3 Revocation

The **Stay at Home Directions (No 7)** are revoked at 11.59.00pm on 31 May 2020.

4 Stay safe period

For the purposes of these directions, the **stay safe period** is the period beginning at 11.59.00pm on 31 May 2020 and ending at 11.59.00pm on 21 June 2020.

PART 2 — STAY SAFE

5 Direction — staying safe while leaving the home

Leaving the home

- (1) A person who is in Victoria during the stay safe period may leave the **premises** where they ordinarily reside for any reason subject to subclause (2).
- (2) When leaving their premises, a person:
 - (a) must comply with the restrictions on gatherings in clause 7;
 - (b) must comply with the Directions currently in force, including (without limitation) by:
 - (i) not engaging in an activity that is not permitted under the **Restricted Activity Directions (No 9)**; and
 - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (No 9)** in accordance with any requirements set out in those Directions; and
 - (c) if leaving the premises where they ordinarily reside for work or higher education purposes, must only do so if in accordance with clause 6.

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 and Human Services' guidelines as updated from time to time.

*Note 2: if a person experiences a temperature higher than 37.5 degrees or symptoms of acute respiratory infection, they are strongly encouraged to get a test for 2019-nCoV and remain at their ordinary place of residence until they obtain their test result. If they are diagnosed with 2019-nCoV, they must self-isolate in accordance with the **Diagnosed Persons and Close Contacts Directions (No 2)**.*

Ordinary place of residence

- (3) In these directions:
 - (a) if a person ordinarily resides outside Victoria, the premises where that person is temporarily residing in Victoria during the stay safe period (or part thereof) is taken to be the person's ordinary place of residence for the period (or part thereof); and
 - (b) if, during the stay safe period, a person moves from the premises at which they ordinarily reside to a new premises, the new premises is taken to be the person's ordinary place of residence from midnight on the day that the person moves.

Note: a person may have more than one ordinary place of residence and, if so, is able to move freely between those places.

PART 3 — WORK AND HIGHER EDUCATION

6 Leaving premises to attend work or higher education

Leaving for work

- (1) A person may leave the premises where they ordinarily reside to attend work only if it is not reasonably practicable to work from their premises or another suitable premises which is not the employer's premises.

Note 1: under clause 16 of the Restricted Activity Directions (No 9) an employer must not permit an employee to perform work at the employer's premises where it is reasonably practicable for the employee to work at the employee's place of residence or another suitable premises which is not the employer's premises.

Note 2: 'reasonably practicable' is to have its ordinary common sense meaning.

Example: if a school has resumed on-site schooling, then other than in special circumstances, it is not reasonably practicable for a person employed or contracted to work in a registered school or to provide on-site support services to that school, to work from the premises where they ordinarily reside.

Leaving for higher education

- (2) A person may leave the premises where they ordinarily reside to obtain **higher education services** only if it is not reasonably practicable to obtain higher education services from their premises.

Note: 'reasonably practicable' is to have its ordinary common sense meaning.

PART 4 — GATHERINGS

7 Restrictions on gatherings

Private gatherings

- (1) During the stay safe period, subject to subclause (2), a person must not permit another person to enter the premises at which they ordinarily reside (whether or not entering any building on the premises), unless at the time of entry, no more than 19 other persons (including those who ordinarily reside at the premises) are at the premises.

Note: clause 7(1) limits the number of people who may gather at a residential premises to 20. This does not apply if more than 20 people ordinarily reside at a residential premises, but any visitors will not be permitted, except for the exceptions specified in clause 7(2).

- (2) Subclause (1) does not operate to prevent:
- (a) if more than 20 people ordinarily reside at the same premises, those people who ordinarily reside at the premises continuing to reside there;
 - or

- (b) any person entering the premises:
 - (i) if permitted under, and provided they comply with the requirements of, the Directions currently in force; or
 - (ii) to attend or undertake work or obtain education services in accordance with clause 6; or
 - (iii) to provide childcare, child-minding, early childhood education, schooling or education services (whether paid or on a voluntary basis); or
 - (iv) if that person is a parent, guardian or relative of a child who ordinarily resides at the premises, to visit that child; or
 - (v) to provide care and support to a relative or other person who ordinarily resides at the premises and:
 - (A) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or
 - (B) because of matters relating to the relative or other person's health (including mental health or pregnancy); or
 - (vi) to visit someone who ordinarily resides at those premises and with whom they are in an intimate personal relationship; or
 - (vii) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
 - (viii) for emergency purposes; or
 - (ix) as required or authorised by law; or
 - (x) for purposes relating to the administration of justice.

Example: if a child ordinarily resides at a boarding school during the school term, and there are more than 20 staff and students who also ordinarily reside at the boarding school during the school term, then that child's parent, guardian or relative may still visit them.

*Note: clause 7 does not apply to a care facility, as defined in the **Care Facilities Directions (No 4)**. Access and visits to care facilities are regulated by those directions.*

Public gatherings

- (3) During the stay safe period, a person must not arrange to meet with more than 19 other persons at an open public place, except:

Note: under clause 7(3) the limit on the number of people who may meet in an open public place at any one time is 20.

- (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 (4); or
- (c) for the purpose of attending a funeral that complies with the requirements in subclause (5); or

- (d) if it is necessary to arrange a meeting for one or more of the following purposes:
 - (i) engaging in an activity permitted under, and provided they comply with any requirements of, the **Restricted Activity Directions (No 9)**;
 - (ii) work;
 - (iii) education;
 - (iv) emergency purposes;
 - (v) purposes as required or authorised by law;
 - (vi) purposes relating to the administration of justice.

Note: a person may leave the premises at which they ordinarily reside using transport (public or private) regardless of how many people are on the tram, train, or bus. A group of people from the same premises, or people from different premises, may travel together in a vehicle, other than a public transport vehicle, subject to the restrictions on gatherings in clause 7.

Weddings and funerals

- (4) 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 20 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 (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) if held at a person's ordinary place of residence, it must comply with the gatherings restriction in clause 7(1).

Note: record keeping requirements apply to weddings as set out in the Restricted Activity Directions (No 9).

- (5) The requirements for a funeral are that:
 - (a) it involves no more than 50 **members of the public** regardless of whether it is held in an **outdoor space** or **indoor space**; 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) if held at a person's ordinary place of residence, it must comply with the gatherings requirement in clause 7(1).

Note: record keeping requirements apply to funerals as set out in the Restricted Activity Directions (No 9).

PART 5 — OTHER PROVISIONS

8 Relationship with other directions

- (1) If there is any inconsistency between Parts 2, 3 and 4 of these directions and the **Diagnosed Persons and Close Contacts Directions (No 2)**, Parts 2, 3 and 4 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.
- (3) If there is any inconsistency between these directions and a direction or other requirement contained in the **Care Facilities Directions (No 4)**, these directions are inoperative to the extent of the inconsistency.

9 Definitions

For the purposes of these directions:

- (1) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (2) **density quotient** limits the members of the public that are permitted in a space at any one time to the number calculated by dividing the total publicly accessible space (measured in square metres) by 4 and:
 - (a) for an indoor space applies to each single undivided area; and
 - (b) for an **enclosed outdoor space** applies to the total area.

Example: if a publicly accessible 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 members of the public would be permitted to be in the area at the same time.

Note: the density quotient, also referred to as the '4 metre square rule', is to be calculated by measuring the area which the members of the public can access, such as the table area in a restaurant, but not the food preparation area or in a store room.

- (3) **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;
- (4) **Directions currently in force** means the **Restricted Activity Directions (No 9)**, the **Diagnosed Persons and Close Contacts Directions (No 2)**, the **Hospital Visitor Directions (No 4)** and the **Care Facilities Directions (No 4)**;
- (5) **enclosed outdoor space** means an outdoor space (or part of an outdoor space) that is substantially enclosed by either a roof or walls, regardless of whether the roof or walls or any part of them are open or closed;

- (6) **higher education services** means university, vocational education and training, technical and further education (TAFE), adult community and further education, and other post-compulsory education and training;
- (7) **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 open or closed.
- (8) **members of the public** means a person but does not include:
 - (a) a person who is an employee of an operator of the facility or venue; or
 - (b) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;
- (9) **outdoor space** means a space that is not an indoor space; and
- (10) **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.
- (11) **stay safe period** has the meaning in clause 4.

10 Penalties

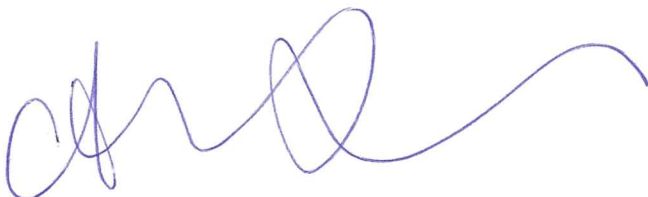
Section 203 of the PHW Act provides:

Compliance with direction or other requirement

- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.

Penalty: In the case of a natural person, 120 penalty units;
 In the case of a body corporate, 600 penalty units.

- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.



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.

31 May 2020

