

# Directions from Deputy Public Health Commander in accordance with emergency powers arising from declared state of emergency

## Stay at Home Directions (Non-Melbourne) (No 5)

*Public Health and Wellbeing Act 2008 (Vic)*

Section 200

I, Associate Professor Michelle Giles, Deputy Public Health Commander, 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)**:

### 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) For the purposes of these directions, the **Relevant Area** means the area of Victoria outside the **Restricted Area**. More specific directions apply to those people who ordinarily reside in the Restricted Area.
- (3) These directions require everyone who ordinarily resides in the Relevant Area to limit their interactions with others by:
  - (a) restricting the circumstances in which they may leave the **premises** where they ordinarily reside and the Relevant Area; and
  - (b) placing restrictions on gatherings, including prohibiting private gatherings (no visitors to another person's home other than in very limited circumstances).
- (4) These directions must be read together with the **Directions currently in force**.
- (5) These directions replace the **Stay at Home Directions (Non-Melbourne) (No 4)** and permit social interaction and establish a social bubble system of **nominee persons and nominated persons**.

#### 2 Citation

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

### 3 Revocation

The **Stay at Home Directions (Non-Melbourne) (No 4)** are revoked at 11:59:00pm on 13 September 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 13 September 2020 and ending at 11:59:00pm on 11 October 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 ordinarily resides in the Relevant Area 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, outdoor recreation or social interaction***);
- (e) clause 10 (***other specified reasons***).

*Note: a person may have more than one ordinary place of residence but is only permitted to move between those places in accordance with subclause (1D).*

(1A) 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 1: unreasonable travel would include travel within or outside the Relevant Area to obtain goods or services that can be obtained closer to home.*

*Note 2: unreasonable travel would include travel within the Relevant Area for exercise, outdoor recreation or social interaction where that can be done closer to home. Travelling to the Restricted Area for exercise, outdoor recreation or social interaction (including as part of the bubble system) is prohibited under these directions.*

*Note 3: people in an intimate personal relationship, and a nominee person and a nominated person, may stay overnight at each other's premises provided they otherwise comply with these directions.*

#### *Requirement to stay outside the Restricted Area*

(1B) Subject to subclauses (1C) and (1D), a person who ordinarily resides in the Relevant Area during the stay at home period must not enter the Restricted Area other than for one or more of the reasons specified in:

- (a) clause 6 (***necessary goods or services***) provided that:
  - (i) they must not do so more than once per day; and

- (ii) only one person from a given residence per day may do so, except where:
- (iii) the person leaves the premises to obtain goods and services:
  - (A) for health or medical purposes; or
  - (B) provided by a:
    - 1. financial institution; or
    - 2. government body or government agency; or
- (iv) the person is a parent or guardian of a child, and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can leave the premises without the child; or
- (v) it is necessary for the person to provide, or the person requires, care and support due to:
  - (A) age, infirmity, disability, illness or a chronic health condition; or
  - (B) matters relating to the relative or other person's health (including mental health or pregnancy);
- (b) clause 7 (*care or other compassionate reasons*);
- (c) clause 8 (*work or education*);
- (d) clause 10 (*other specified reasons*),

of, and provided they comply with the requirements set out in, the **Stay at Home Directions (Restricted Areas) (No 15)**.

- (1C) If a person who ordinarily resides in the Relevant Area enters the Restricted Area in accordance with subclause (1B) or (1D), the **Stay at Home Directions (Restricted Areas) (No 15)** and the **Restricted Activity Directions (Restricted Areas) (No 9)** apply to that person when they are in the Restricted Area.

*Note: if a person who ordinarily resides in the Relevant Area enters the Restricted Area, they must comply with the curfew which applies in the Restricted Area.*

*Principal place of residence*

- (1D) If a person has more than one ordinary place of residence, the person must choose one of these residences to be their principal place of residence for the duration of the stay at home period. Such a person must not leave to go to any other ordinary place of residence (regardless of whether it is within or outside the Relevant Area) 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.

*Example: a person has an ordinary place of residence in the Restricted Area and two other ordinary places of residence in the Relevant Area. This person must choose a principal place of residence. If they choose one of the places of residence in the Relevant Area, they cannot go to their other residence in the Restricted Area or the Relevant Area, except in accordance with subclause (1D).*

#### *Ordinary place of residence*

- (2) Subject to subclauses (3) and (3A), subclauses (1) and (1D) do 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 a principal place of residence (as applicable); or
  - (b) has an ordinary place of residence or principal place of residence (as applicable), 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 stay at home period (or part thereof); and
  - (b) subclause (1) applies accordingly.
- (3A) If subclause (2) applies, if a person has more than one ordinary place of residence and can choose another such residence to be their principal place of residence for the duration of the stay at home period (or part thereof), that residence is taken to be the person's principal place of residence and subclause (1D) applies accordingly.
- (4) If a person's ordinary place of residence is 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, 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.

*Example: subclause (5) applies if a person sells their ordinary place of residence, buys a new ordinary place of residence and wishes to move between them. Otherwise, movement between multiple ordinary places of residence is regulated by subclause (1D).*

#### *Face covering requirement*

- (6) A person may only leave the premises under subclause (1), (1B) or (1D) if they:

- (a) wear a face covering at all times; and
- (b) if subclause (7) (other than subclause (7)(a), (c), (d) or (e)) applies, carry a face covering at all other times.

*Note: a face covering includes a face mask or face shield designed or made to be worn over the nose and mouth to provide the wearer protection against infection. Please refer to the Department of Health and Human Services' guidelines for further information.*

- (7) Subclause (6)(a) does not apply if:
  - (a) the person is an infant or a child under the age of 12 years; or
  - (b) the person is a student while onsite at a primary school or outside school hours care; 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
    - 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.*
  - (f) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
  - (g) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
  - (h) 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.*
  - (i) 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.*
  - (j) 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 with them.*
  - (k) the person is one of two persons being married while in the process of being married; or
  - (l) the person is a professional sportsperson when training or competing; or
  - (m) the person is engaged in any strenuous physical exercise; or

*Examples: jogging, running.*

- (n) the person is travelling in a **vehicle** by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (o) the person is riding a bicycle or motorcycle; or
- (p) the person is consuming food, drink or medicine; or
- (q) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (r) 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
- (s) 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.*

- (t) for emergency purposes; or
- (u) required or authorised by law; or
- (v) doing so is not safe in all the circumstances.

### **PART 3 — REASONS TO LEAVE PREMISES**

#### **6 Leaving premises to obtain necessary goods or services**

- (1) A person who ordinarily resides in the Relevant Area may leave the premises to obtain:

- (a) take away food or drink; or

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

- (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 (Non-Melbourne) (No 4)** or the

**Restricted Activity Directions (Restricted Areas) (No 9) (as applicable).**

*Note: a person who ordinarily resides in the Relevant Area may only visit retail facilities to obtain necessary goods or services in the Restricted Area in accordance with clauses 5(1B) and (1C).*

**7 Leaving premises for care or other compassionate reasons**

(1) A person who ordinarily resides in the Relevant Area may leave the premises:

- (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 another person's premises for the purpose of that other person providing child-minding assistance (whether on a paid or voluntary basis), so that the parent or guardian can:
    - (A) do one of the things specified in clauses 6 (necessary goods or services), 7 (care or other compassionate reasons), 8 (work or education), 9 (exercise, outdoor recreation or social interaction) or 10 (other specified reasons); or
    - (B) work, or obtain educational services, from their own premises; or

*Note: in-home child-minding assistance arrangements in the Restricted Area are limited to children who ordinarily reside at the same premises as each other, in addition to any children who ordinarily reside with the person providing child-minding assistance.*

- (iv) to obtain **childcare or early childhood services** in the Relevant Area or the Restricted Area; or
- (c) to obtain or provide schooling to a **vulnerable child or young person**; or
- (d) 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); or

- (e) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions (No 11)**; or
- (f) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions (No 11)**; or
- (g) to attend a funeral or wedding, if that funeral or wedding complies with the requirements in clause 11; or
- (h) to donate blood; 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
- (k) to attend a cemetery or other memorial for a deceased person to pay respects to a deceased person; or

*Note: the reference to a memorial is to a physical place (for example, a place of interment such as a grave, crypt or cremation niche), not an event. Subclause (1)(k) does not permit a person to attend an event in a person's home.*

- (l) to provide child-minding assistance (whether on a paid or voluntary basis), so that a person who ordinarily resides in:
  - (i) the Relevant Area, and is the parent or guardian of a child, can:
    - (A) leave their own premises for one of the purposes specified in clauses 6 (necessary goods or services), 7 (care or other compassionate reasons), 8 (work or education), 9 (exercise, outdoor recreation or social interaction) or 10 (other specified reasons); or
    - (B) work, from the premises where they ordinarily reside; or
    - (C) study, from the premises where they ordinarily reside; or
  - (ii) the Restricted Area, and is the parent or guardian of a child, can work if the parent or guardian is a **permitted worker** or is providing a **Permitted Service**, provided the child-minding assistance is in accordance with an arrangement which was already in place prior to 11:59:00pm on 5 August 2020 and there is no appropriate alternative care available; or
- (m) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal.

*Examples: feeding a horse in a paddock; collecting a pet from an animal shelter.*

*Note: the distance travelled and the time taken should be no more than is absolutely necessary.*



## 8 Leaving premises to attend work or education

(1) Subject to subclauses (2) and (3), a person who ordinarily resides in the Relevant Area may leave the premises to:

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

*Note: a person who works in the Restricted Area must hold a **Permitted Worker Permit** in accordance with, and comply with, the **Permitted Worker Permit Scheme Directions (No 5)**.*

(b) obtain educational services (which includes going to **school** including outside school hours care or another educational facility or institution); or

(c) do anything necessary to attend that work or obtain those educational services including, but not limited to, taking a child to:

(i) a childcare or early childhood service, a school (including outside school hours care) or another educational facility or institution; or

(ii) another person's premises for child-minding under clause 7(1)(b)(iii).

(2) A person may leave the premises under subclause (1)(a) only if it is not reasonably practicable for the person to work from the premises.

(3) A person may leave the premises under subclause (1)(b) only if:

(a) for school educational services (including at a school or non-school senior secondary provider and outside school hours care services):

(i) a person is required to undertake essential Victorian Certificate of Education (VCE) or Victorian Certificate of Applied Learning (VCAL) assessments at a school or another educational facility or institution and it is not reasonably practicable for those assessments to be undertaken from the premises; or

(ii) a person whose parents or guardians ordinarily reside in the Relevant Area and are unable to work or access **higher education services** from the premises where they ordinarily reside; or

*Note: if a child or young person is residing with one or more parent or guardian (including stepparents) on the relevant day, all parents or guardians must not be working or studying (as applicable) from home.*

(iii) a vulnerable child or young person; or

(iv) a person enrolled in a specialist school in the Relevant Area; or

(b) for higher education services:

(i) in the Relevant Area, or

(ii) in the Restricted Area which are permitted to be delivered on site as set out in the 'Education and Training' section of the 'Stage 4 Restrictions – Permitted Work Premises' available at:

[www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19](http://www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19) as amended from time to time by the Victorian Government,

where it is not reasonably practicable for the person to obtain the higher education services from the premises where they ordinarily reside.

**9 Leaving premises for exercise, outdoor recreation or social interaction**

- (1) A person who ordinarily resides in the Relevant Area may leave the premises to exercise or to participate in outdoor recreation or social interaction in accordance with this clause 9.
- (2) A person may leave the premises to:
  - (a) exercise outdoors;
  - (b) participate in outdoor recreation; or
  - (c) participate in a sport or physical recreation activity, or exercise at a facility, that is not prohibited by the **Restricted Activity Directions (Non-Melbourne) (No 4)**.

*Note: community sport cannot take place in the Relevant Area.*

*Examples: outdoor recreation includes sitting in a park, hiking, boating, fishing and recreational driving.*

- (3) A person may leave the premises at which they ordinarily reside for social interaction outdoors with:
  - (a) any other person who ordinarily resides at the same premises as that person; or
  - (b) up to 4 other people (with any infant under one year of age not counting towards this limit) from a maximum of two different premises (including the premises where that person ordinarily resides).
- (4) A person leaving the premises under subclause (2) or (3) 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 1: the effect of clause 11 is that a person can only exercise or participate in outdoor recreation with people that live at the same premises or, alternatively, with one other person with whom they do not ordinarily reside.*

*Note 2: in accordance with clause 11(3)(b), if a person is a parent or guardian of a child, and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can exercise with one other person with whom they do not ordinarily reside, then the child may accompany the person when exercising with that other person.*

- (5) Subclause (4)(b) does not prevent a person from walking with another person or persons for the purposes of exercise, outdoor recreation or social interaction.

- (6) A person may leave the premises at which they ordinarily reside if they are a nominee person or a nominated person for the purposes of social interaction permitted in accordance with clause 11(2)(c)(iii).

*Note: in accordance with clause 5(1D), a person who ordinarily resides in the Relevant Area may not enter the Restricted Area for this purpose. The **Stay at Home Directions (Restricted Area) (No 15)** provides that a person who ordinarily resides in the Restricted Area may not enter the Relevant Area for this purpose either.*

- (7) If either a nominee person or a nominated 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 in accordance with subclause (6) without the child, then the child may accompany the nominee person or nominated person when they leave the premises in accordance with subclause (6).

## 10 Leaving premises for other reasons

- (1) A person who ordinarily resides in the Relevant Area may leave the premises in the following circumstances:

- (a) for emergency purposes; or
- (b) as required or authorised by law; or
- (c) 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
- (d) to attend a **place of worship**, if that place of worship is operating in accordance with the **Restricted Activity Directions (Non-Melbourne) (No 4)** or the **Restricted Activity Directions (Restricted Areas) (No 9)** (as applicable); or

*Examples: attending an essential public support service (for example, a food bank, a service for homeless persons) or attending an essential support group (for example, for alcohol and drugs, family violence or parenting).*

- (e) to attend a **community facility**, if that facility is operating in accordance with the **Restricted Activity Directions (Non-Melbourne) (No 4)** or the **Restricted Activity Directions (Restricted Areas) (No 9)** (as applicable); or

*Examples: attending an essential public support service (for example, a food bank, a service for homeless persons) or attending an essential support group (for example, for alcohol and drugs, family violence or parenting).*

- (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 does not have a driver's licence to or from work, to obtain educational services, or to the ordinary place of residence of a person with whom they are in an intimate personal relationship.*

- (g) if the person is a candidate for, or an employee or volunteer in relation to, a local government election, for the purposes of letterboxing, provided that:
  - (i) the candidate may travel to and within the local government ward for which they are a candidate;
  - (ii) the employee or volunteer travels within the local government ward in which they ordinarily reside or no more than 5km from their ordinary place of residence; and
  - (iii) in accordance with clause 11(1), the candidate, employee or volunteer does not enter any other premises; or
- (h) 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
- (i) for purposes relating to, or associated with, **dealing with residential property**, including attending a private inspection of a residential property organised in accordance with the **Restricted Activity Directions (Non-Melbourne) (No 4)** or the **Restricted Activity Directions (Restricted Areas) (No 9)** (as applicable); or
- (j) to attend a lesson to operate a vehicle, or to practise for the purposes of obtaining a licence to operate a vehicle, with another person who ordinarily resides at the same premises or with an instructor; or
- (k) for the purposes of moving to a new premises at which the person will ordinarily reside; or
- (l) if the person ordinarily resides outside Victoria, for the purposes of leaving Victoria; or
- (m) if the person is permitted to leave Australia, for the purposes of leaving Australia; or
- (n) 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 enter a premises (at which they do not ordinarily reside) in the Relevant Area, except for one or more of the purposes specified in (and provided they comply with) clauses 6 (necessary goods or services), 7 (care or other compassionate reasons), 8

(work or education), 9(6) or (7) (social interaction with nominated person) or 10 (other specified reasons).

- (2) During the stay at home period, a person who ordinarily resides in the Relevant Area must not permit another person to enter the premises at which they ordinarily reside (whether or not entering any building on the premises), unless:
- (a) the other person also ordinarily resides at the premises; or
  - (b) the person is residing at the premises in accordance with the **Diagnosed Persons and Close Contacts Directions (No 11)**; or
  - (c) it is necessary for the other person to enter the premises for one or more of the purposes specified in:
    - (i) clause 7 (care or other compassionate reasons); or
      - Note: those entering the premises for a care or other compassionate purpose should be no more than the minimum necessary to do so.*
    - (ii) clause 8 (work or education); or
      - 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.*
      - Example: a tradesperson for the purpose of carrying out repairs.*
    - (iii) clause 9(6) or (7) (social interaction with nominated person), provided that:
      - (A) the nominee person is permitting their nominated person (and any child permitted to accompany them) to enter the premises; or
      - (B) the nominated person is permitting their nominee person (and any child 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,for the duration of these directions; 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 the **Restricted Activity Directions (Non-Melbourne) (No 4)**; or
  - (e) it is necessary for the other person to enter for the purpose of moving to the premises as the place where they will ordinarily reside; or
  - (f) it is necessary for the other person to enter for medical or emergency purposes; or

- (g) the entry is for purposes relating to the administration of justice; or
  - (h) the entry is otherwise required or authorised by law; or
  - (i) the entry is for the purposes of national security.
- (2A) During the stay at home period, a person who ordinarily resides in the Relevant Area must not enter a premises (at which they do not ordinarily reside) in the Restricted Area except for one or more of the purposes specified in clauses 7 (care or other compassionate reasons), 8 (work or education) or 10 (other specified reasons).

*Public gatherings*

- (3) During the stay at home period, a person in the Relevant Area must not arrange to meet, or organise or intentionally attend a gathering of, more than one other person for a common purpose at a public place, except:

*Note: subclause (3) 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).*

- (a) where each other person ordinarily resides at the same premises; or
- (b) where 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 relative or other person's health (including mental health or pregnancy); or
- (c) if the person is a parent or guardian of a child, and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can leave the premises without the child, then the child may accompany the person when gathering with one other person; or
- (d) for the purpose of attending a wedding in the Relevant Area that complies with the requirements in subclause (4); or

*Note: a person who ordinarily resides in the Relevant Area must not attend a wedding in the Restricted Area, except as a celebrant who may enter the Restricted Area under clause 5(1B)(c).*

- (e) for the purpose of attending a funeral that complies with the requirements in subclause (5); or
- (f) it is necessary to arrange a meeting or organise a gathering for one or more of the purposes specified in:
  - (i) clauses 7 (care or other compassionate reasons); or
  - (ii) clause 8 (work or education); or

- (iii) clause 9(2) or (3)(b) provided it is only with up to 4 other people (with any infant under one year of age not counting towards this limit) from a maximum of two different premises (including the premises where the person ordinarily resides); or
  - (iv) clause 9(3)(b) (outdoor social interaction); or
  - (v) clause 10 (other specified reasons); or
- (g) for the purpose of attending an outdoor personal training facility in accordance with the **Restricted Activity Directions (Non-Melbourne) (No 5)**.

*Weddings and funerals*

- (4) The requirements for a wedding held in the Relevant Area are that:
- (a) it involves only 5 persons:
    - (i) the two persons being married; and
    - (ii) the **authorised celebrant**; and

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 gathering restriction in subclause (1).

*Note 1: a wedding held at a person's ordinary place of residence is limited to those persons who ordinarily live at that residence and the celebrant who can enter the premises under subclause (2)(c) (work). Any nominee person or nominated person is subject to these same restrictions.*

*Note 2: record keeping requirements apply to weddings as set out in the **Restricted Activity Directions (Non-Melbourne) (No 4)**.*

*Note 3: the requirements for a wedding held in the Restricted Area are set out in the **Stay at Home Directions (Restricted Areas) (No 15)**.*

- (5) The requirements for a funeral held in the Relevant Area are that:
- (a) it involves no more than 10 members of the public (with any infant under one year of age not counting towards this limit) 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 gathering restriction in subclause (1).

*Note 1: a funeral held at a person's ordinary place of residence is limited to those persons who ordinarily live at that residence and the persons reasonably necessary for the conduct of the funeral who can enter the premises under*

*subclause (2)(c) (work). Any nominee person or nominated person is subject to these same restrictions.*

*Note 2: record keeping requirements apply to funerals as set out in the **Restricted Activity Directions (Non-Melbourne) (No 4)**.*

*Note 3: the requirements for a funeral held in the Restricted Area are set out in the **Stay at Home Directions (Restricted Areas) (No 15)**.*

## **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 (No 11)**, Parts 2, 3 and 4 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**, 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 11)**, these directions are inoperative to the extent of the inconsistency.

### **13 Definitions**

For the purposes of these directions:

- (1) **Area Directions (No 8)** means the directions issued by the Deputy Public Health Commander, setting out **Restricted Areas**;
- (2) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (3) **care facility** has the same meaning as in the **Care Facilities Directions (No 11)**;
- (4) **childcare or early childhood service** means onsite early childhood education and care services or children's services provided under the:
  - (a) **Education and Care Services National Law** and the **Education and Care Services National Regulations** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services; and
  - (b) **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;
- (5) **community facility** has the same meaning as in the **Restricted Activity Directions (Non-Melbourne) (No 4)** or the **Restricted Activity Directions (Restricted Areas) (No 9)** (as applicable);
- (6) **dealing with residential property** of a person includes:



- (a) creating, acquiring, disposing of or assigning an interest in the property; and
  - (b) receiving or making a gift of the property; and
  - (c) using the property to obtain or extend credit; and
  - (d) using credit secured against the property;
- (7) **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.*
- (8) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (9) **Directions currently in force** has the same meaning as in the **Area Directions (No 8)**;
- (10) **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;
- (11) **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;
- (12) **hospital** has the same meaning as in the **Hospital Visitor Directions (No 11)**;
- (13) **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;
- (14) **member 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;
- (15) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;

- (16) **nominated person** means a person nominated by a **nominee person** for social interaction permitted in accordance with these directions;
- (17) **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;
- (18) **outdoor space** means a space that is not an **indoor space**;
- (19) **Permitted Services** means the services of the **Permitted Work Premises** as set out in the 'Stage 4 Restrictions – Permitted Work Premises' available at: [www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19](http://www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19) as amended from time to time by the Victorian Government;
- (20) **Permitted Work Premises** means the work premises described as 'PERMITTED WORK PREMISES' set out in the 'Stage 4 Restrictions – Permitted Work Premises' available at: [www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19](http://www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19) as amended from time to time by the Victorian Government;
- (21) **permitted worker** means someone who has received a **Permitted Worker Permit**, or is permitted to work without a **Permitted Worker Permit**, under the **Permitted Worker Permit Scheme Directions (No 5)**;
- (22) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No 5)**;
- (23) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (24) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (25) **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;
- (26) **prison** has the same meaning as in the **Corrections Act 1986**;
- (27) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (28) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (29) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (30) **Relevant Area** has the meaning in clause 1(2);
- (31) **Restricted Area** has the same meaning as in the **Area Directions (No 8)**;

- (32) **retail facility** has the same meaning as in the **Restricted Activity Directions (Non-Melbourne) (No 4)** or the **Restricted Activity Directions (Restricted Areas) (No 9)** (as applicable);
- (33) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (34) **stay at home period** has the meaning in clause 4;
- (35) **vehicle** has the same meaning as in the PHW Act;
- (36) **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) identified by a **school** as vulnerable, (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service); or
  - (d) has a disability;
- (37) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (38) **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.



**Associate Professor Michelle Giles**

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

13 September 2020