Directions from Chief Health Officer in accordance with emergency powers arising from declared state of emergency

Stay Safe Directions (Non-Melbourne)

Public Health and Wellbeing Act 2008 (Vic)
Section 200

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

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:

(a) restrict the circumstances in which they may leave the Relevant Area;
(b) wear face coverings; and
(c) place restrictions on gatherings.

(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 5) to ease the restrictions on leaving ordinary places of residence and on outdoor public gatherings, as well as establish a household bubble system.

2 Citation

These directions may be referred to as the Stay Safe Directions (Non-Melbourne).

3 Revocation

The Stay at Home Directions (Non-Melbourne) (No 5) are revoked at 11:59:00pm on 16 September 2020.
4 Stay safe period

For the purposes of these directions, the stay safe period is the period beginning at 11:59:00pm on 16 September 2020 and ending at 11:59:00pm on 11 October 2020.

PART 2 — STAY SAFE

5 Direction — staying safe while leaving the home

Leaving the home

(1) A person who ordinarily resides in the Relevant Area during the stay safe period may leave the premises where the person ordinarily resides for any reason subject to subclause (2).

(2) When leaving their premises, a person:

(a) must not travel to the Restricted Area other than in accordance with subclauses (3) to (5); and

(b) must comply with the face covering requirements in subclauses (11) and (12); and

(c) if leaving the premises where they ordinarily reside for work or education, must only do so if in accordance with clause 6 (work or education); and

(d) must comply with the restrictions on gatherings in clause 7 (gatherings); and

(e) must comply with the Directions currently in force, including (without limitation) by:

(i) not engaging in an activity that is prohibited under the Restricted Activity Directions (Non-Melbourne) (No 5); and

(ii) only engaging in an activity permitted under the Restricted Activity Directions (Non-Melbourne) (No 5) in accordance with any requirements set out in those directions.

Note 1: a person should take reasonable steps to maintain a distance of 1.5 metres from all other persons (except those people with whom they ordinarily reside), when leaving their premises and should practise hand hygiene in accordance with the Department of Health 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 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 11).
Requirement to stay outside the Restricted Area

(3) Subject to subclauses (4) and (5), a person who ordinarily resides in the Relevant Area during the stay safe period must not travel to the Restricted Area other than for one or more of the reasons specified in:

(a) clause 6 (necessory 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).

(3A) Subject to subclauses (4) and (5), a person who ordinarily resides in the Relevant Area during the stay safe period may travel through the Restricted Area in order to travel to another part of the Relevant Area if necessary, but may only stop in the Restricted Area for one or more of the reasons specified in subclause (3).

(4) If a person who ordinarily resides in the Relevant Area enters the Restricted Area in accordance with subclauses (3), (3A) or (5), 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

(5) If a person has an ordinary place of residence in each of the Relevant Area and the Restricted Area, the person must choose one of these residences to be their principal place of residence for the duration of the stay safe period. If the person chooses an ordinary place of residence in the Relevant Area, they must not leave to go to any other ordinary place of residence in the Restricted Area except:

(a) for the purposes of (and provided they comply with) clause 6 (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. If their chosen principal place of residence is in the Relevant Area, they can go to their other residence in the Relevant Area, but they cannot go to their other residence in the Restricted Area except in accordance with subclause (5).

Ordinary place of residence

(6) Subject to subclauses (7) and (8), subclause (5) does not apply to a person at any time during the stay safe period when the person:

(a) no longer has an ordinary place of residence in the Relevant Area; or

(b) has an ordinary place of residence in the Relevant Area, 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).

(7) If a suitable premises is made available for a person identified in subclause (6) to reside at for the stay safe period (or part thereof) that premises is taken to be the person’s ordinary place of residence for the stay safe period (or part thereof).

(8) If subclause (6) applies, if a person has another ordinary place of residence in the Restricted Area and can choose such residence to be their principal place of residence for the duration of the stay safe period (or part thereof), that residence is taken to be the person’s principal place of residence and subclause (5) and the Stay at Home Directions (Restricted Area) (No 15) apply accordingly.

(9) If a person’s ordinary place of residence is 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).
(10) 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 premises at which the person ordinarily resides from midnight on the day that the person moves.

Example: subclause (10) 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 (5).

Face covering requirement

(11) A person may only leave the premises under subclause (1), (3) or (5) if they:

(a) wear a face covering at all times; and

(b) if subclause (12) (other than subclause (12)(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.

(12) Subclause (11)(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 — WORK OR EDUCATION

6 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.

(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:

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

(i) is required to undertake essential Victorian Certificate of Education (VCE), Victorian Certificate of Applied Learning (VCAL), Vocational Education and Training In Schools (VETIS) or International Baccalaureate 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) has parents or guardians who 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) is a vulnerable child or young person; or

(iv) is 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 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.
PART 4 — GATHERINGS

7 Restrictions on gatherings

Private gatherings

(1) During the stay safe period, a person who ordinarily resides in the Relevant Area must not permit another person from the Relevant Area to enter the premises at which they ordinarily reside (whether or not entering any building on the premises).

Note: a person who ordinarily resides in the Relevant Area must not gather with another person from the Restricted Area except in accordance with clauses 5(3) and (5) and 7(4).

(2) Subclause (1) does not operate to prevent any person entering the premises:

(a) if the other person also ordinarily resides at the premises; or

(b) if permitted under, and provided they comply with the requirements of, the Directions currently in force; or

(c) to attend or undertake work or education services in accordance with clause 6 (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.

(d) to provide childcare, child-minding, early childhood education, schooling or education services (whether paid or on a voluntary basis); or

(e) if that person is a parent or guardian of a child who ordinarily resides at the premises, to visit that child; or

(f) to provide care and support to a relative or other person who ordinarily resides at the premises and:

(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

(g) to visit someone who ordinarily resides at those premises and with whom they are in an intimate personal relationship; or

Note: people in an intimate personal relationship may stay overnight at each other’s ordinarily places of residence, and are not required to wear a face covering while visiting each other at those premises, provided they otherwise comply with these directions.

(h) if the person is part of a household bubble, provided that there is no one else at the premises except for:
those persons who ordinarily reside at those premises and any other persons with whom those people are in an intimate personal relationship; and

(ii) no more than 4 other persons visiting from that household bubble (with any infant under one year of age not counting towards this limit),

and:

(iii) there are only two premises which form the household bubble; and

(iv) each premises is only part of one household bubble,

for the duration of these directions; or

Note 1: under subclause (ii), the limit on the number of people who may visit as part of the household bubble system is 5.

Note 2: in accordance with clause 5(3), 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.

Note 3: persons in a household bubble may stay overnight at each other’s ordinary places of residence, and are not required to wear a face covering while visiting each other at those premises, provided they otherwise comply with these directions.

Note 4: if a person was a nominee person or a nominated person as part of the social bubble system under the Stay at Home Directions (Non-Melbourne) (No 5), that system has now ended and the household bubble rules now apply instead.

(i) to attend a private inspection of the premises, organised in accordance with any requirements in the Restricted Activity Directions (Non-Melbourne) (No 5); or

(j) for the purpose of moving to the premises as the place where they will ordinarily reside; or

(k) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or

(l) for medical or emergency purposes; or

(m) for purposes relating to the administration of justice; or

(n) as required or authorised by law; or

(o) for the purposes of national security.

Note: subclause (1) does not apply to a care facility, as defined in the Care Facilities Directions (No 11). Access and visits to care facilities are regulated by those directions.

(3) If a person permitted to enter the premises under subclause (2) is a parent or guardian of a child, and they cannot access any child-minding assistance (whether on a paid or voluntary basis) so that they can enter the premises
in accordance with subclause (2) without the child, then the child may accompany that person when entering the premises in accordance with subclause (2).

(4) During the stay safe period, a person who ordinarily resides in the Relevant Area must not permit another person from the Restricted Area to enter the premises at which they ordinarily reside (whether or not entering any building on the premises) unless that other person is entering the premises for one or more of the purposes specified in:

(a) clause 7 (care or other compassionate reasons);
(b) clause 8 (work or education);
(c) 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).

Public gatherings

(5) During the stay safe period, a person in the Relevant Area must not arrange to meet, or organise or intentionally attend a gathering of, more than 9 other persons (with any infant under one year of age not counting towards this limit) for a common purpose at a public place, except:

Note 1: under subclause (5), the limit on the number of people who may meet in a public place at any one time is 10.

Note 2: two or more groups of 10 cannot meet for a common purpose at a public place. In addition, a group in a public place must take reasonable steps to maintain a safe distance from any other groups in that public place.

Note 3: subclause (5) 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) for the purpose of attending a wedding in the Relevant Area that complies with the requirements in subclause (6); 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(3)(c).

(c) for the purpose of attending a funeral that complies with the requirements in subclause (7); or
(d) it is necessary to arrange a meeting or organise a gathering 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 (Non-Melbourne) (No 5); or
(ii) to attend or undertake work or education services in accordance with clause 6; or

(iii) medical or emergency purposes; or

(iv) purposes as required or authorised by law; or

(v) 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 or in the vehicle.

Weddings and funerals

(6) The requirements for a wedding held in the Relevant Area are that:

(a) it involves only:

(i) the two persons being married; and

(ii) the authorised celebrant; and

(iii) no more than 8 other guests, including the 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 subclauses (1) and (2)(a), (c), (g) and (h).

Note 1: record keeping requirements apply to weddings as set out in the Restricted Activity Directions (Non-Melbourne) (No 5).

Note 2: the requirements for a wedding held in the Restricted Area are set out in the Stay at Home Directions (Restricted Areas) (No 15).

(7) The requirements for a funeral held in the Relevant Area are that:

(a) it involves no more than 20 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 subclauses (1) and (2)(a), (c), (g) and (h).

Note 1: record keeping requirements apply to funerals as set out in the Restricted Activity Directions (Non-Melbourne) (No 5).

Note 2: 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

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 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.

9 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) 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.

(6) Direction and Detention Notice means a notice given to a person requiring the person to be detained for a specified period;

(7) Directions currently in force has the same meaning as in the Area Directions (No 8);

(8) 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;

(9) 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;

(10) household bubble means two premises in the Relevant Area where the people who ordinarily reside at both premises have nominated the other to be part of a household bubble for social interaction permitted in accordance with these directions;

(11) 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;

(12) 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;

(13) national security has the meaning that security has in the Australian Security Intelligence Organisation Act 1979 of the Commonwealth;

(14) outdoor space means a space that is not an indoor space;

(15) Permitted Worker Permit has the same meaning as in the Permitted Worker Permit Scheme Directions (No 5);

(16) 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;

(17) prison has the same meaning as in the Corrections Act 1986;

(18) prisoner has the same meaning as in the Corrections Act 1986;

(19) remand centre has the same meaning as in the Children, Youth and Families Act 2005;

(20) Relevant Area has the meaning in clause 1(2);

(21) Restricted Area has the same meaning as in the Area Directions (No 8);
(22) **school** means a registered school as defined in the *Education and Training Reform Act 2006*;

(23) **stay safe period** has the meaning in clause 4;

(24) **vehicle** has the same meaning as in the PHW Act;

(25) **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;

(26) **youth justice centre** has the same meaning as in the *Children, Youth and Families Act 2005*;

(27) **youth residential centre** has the same meaning as in the *Children, Youth and Families Act 2005*.

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.

Adjunct Clinical Professor Brett Sutton

Chief Health Officer, as authorised to exercise emergency powers under sections 20A and 199(2)(a) of the PHW Act.

16 September 2020