

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

## Stay Safe Directions (Regional Victoria) (No 3)

*Public Health and Wellbeing Act 2008 (Vic)*

Section 200

I, Professor Allen Cheng, Acting Chief Health Officer, consider it reasonably necessary to eliminate or reduce the serious 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 **Regional Victoria** by severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) Together with the **Stay at Home Directions (Metropolitan Melbourne)**, these directions replace the **Stay at Home Directions (Victoria)**.
- (4) These directions require everyone who ordinarily resides in Regional Victoria to:
  - (a) restrict the circumstances in which they may leave Regional Victoria;
  - (b) limit interactions with others by restricting private and public gatherings; and
  - (c) carry and wear **face coverings**.

#### 2 Citation

These directions may be referred to as the **Stay Safe Directions (Regional Victoria) (No 3)**.

#### 3 Revocation

The **Stay at Home Directions (Victoria)** are revoked at 11:59:00pm on 3 June 2021.

#### 4 Stay safe period

For the purposes of these directions, the **stay safe period** is the period beginning at 11:59:00pm on 3 June 2021 and ending at 11:59:00pm on 10 June 2021.

### PART 2 — STAY SAFE

#### 5 Direction — staying safe while leaving the home

- (1) A person who ordinarily resides in Regional Victoria 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 **Metropolitan Melbourne** other than in accordance with subclauses (3) to (5); and
  - (b) must comply with the face covering requirements in subclauses (11), (12), (13) and (15);
  - (c) if leaving the premises where they ordinarily reside for work, must only do so in accordance with clause 6 (**leaving premises to attend work or education**);
  - (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 (Regional Victoria)**; and
    - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Regional Victoria)** 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's guidelines as amended from time to time by the Victorian government, available at: [www.coronavirus.vic.gov.au/hygiene-physical-distancing](http://www.coronavirus.vic.gov.au/hygiene-physical-distancing).*

*Note 2: if a person experiences a temperature higher than 37.5°C or symptoms of respiratory infection, they are strongly encouraged to get a test for SARS-CoV-2 and remain at their ordinary place of residence until they obtain their test result. If they are diagnosed with SARS-CoV-2, they must self-isolate in accordance with the **Diagnosed Persons and Close Contacts Directions**.*

#### *Requirement to stay outside Metropolitan Melbourne*

- (3) Subject to subclauses (4) and (5), a person who ordinarily resides in Regional Victoria during the stay safe period must not travel to Metropolitan Melbourne 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 10 (**other specified reasons**),

of, and provided they comply with the requirements set out in, the **Stay at Home Directions (Metropolitan Melbourne)**.

*Note: travelling to Metropolitan Melbourne for a SARS-CoV-2 vaccination is prohibited by these directions.*

- (3A) Subject to subclauses (4) and (5), a person who ordinarily resides in Regional Victoria during the stay safe period may travel through Metropolitan Melbourne in order to travel to another part of Regional Victoria if necessary, but may only stop in Metropolitan Melbourne for one or more of the reasons specified in subclause (3).
- (4) If a person who ordinarily resides in Regional Victoria enters Metropolitan Melbourne in accordance with subclause (3), (3A) or (5), the **Stay at Home Directions (Metropolitan Melbourne)** and the **Restricted Activity Directions (Metropolitan Melbourne)** apply to that person when they are in Metropolitan Melbourne.

#### *Principal place of residence*

- (5) If a person has more than one ordinary place of residence, their place of residence as at 11:59:00pm on 27 May 2021 must remain their principal place of residence for the duration of the stay safe period. If the person's principal place of residence is:
  - (a) within Metropolitan Melbourne, they must not leave to go to any other ordinary place of residence (regardless of whether it is within or outside Metropolitan Melbourne); or
  - (b) outside Metropolitan Melbourne, they must not leave to go to any other ordinary place of residence within Metropolitan Melbourne,except:
  - (c) for the purposes of (and provided they comply with) clause 6 (**leaving premises to attend work or education**); or
  - (d) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
  - (e) for emergency maintenance of the other residence; or
  - (f) for emergency purposes (other than emergency maintenance); or
  - (g) as required or authorised by law.

*Example: a person has an ordinary place of residence in Metropolitan Melbourne and two other ordinary places of residence in Regional Victoria. If their principal place of residence is in Regional Victoria, they can go to their other residence in Regional Victoria, but they cannot go to their other residence in Metropolitan Melbourne 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 Regional Victoria; or
  - (b) has an ordinary place of residence in Regional Victoria, 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, and if a person has another ordinary place of residence in Metropolitan Melbourne 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 (Metropolitan Melbourne)** 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, has purchased a new ordinary place of residence and wishes to move between them for the purposes of relocating. Otherwise, movement between multiple ordinary places of residence is regulated by subclause (5).*

#### *Face covering requirements*

- (11) A person may only leave the premises under subclause (1), (3) or (5) if they:
- (a) carry a face covering at all times, except where subclause (12)(a), (b), (c), (d) or (e) applies; and
  - (b) wear a face covering at all times while in:
    - (i) an **indoor space**; and
    - (ii) an **outdoor space** where it is not possible to maintain a distance of 1.5 metres from all other persons (except those people with whom they ordinarily reside or with whom they are in an intimate personal relationship); and
  - (c) wear a face covering where required to do so in accordance with any other Directions currently in force.

*Note 1: face shields on their own do not meet the face covering requirements. For further information, please refer to the Department of Health's guidelines as*

amended from time to time by the Victorian government, available at: [www.dhhs.vic.gov.au/face-masks-vic-covid-19](http://www.dhhs.vic.gov.au/face-masks-vic-covid-19).

*Note 2: it is strongly recommended that face coverings be worn in other situations when physical distancing is not possible, even if outdoors.*

- (12) Subclauses (11)(b) and (c) do not apply if a person complies with any other requirements under any other Directions currently in force and:
- (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 visiting a person with whom they are in an intimate personal relationship in accordance with clause 7(2)(i); or
  - (k) they are a nominee person or a nominated person visiting each other for the purposes of social interaction in accordance with clause 7(2)(j); or
  - (l) the person is one of two persons being married while in the process of being married; or
  - (m) the person is a professional sportsperson when training or competing; or
  - (n) the person is engaged in any strenuous physical exercise; or  
*Examples: jogging, running, swimming, cycling.*

- (o) the person is riding a bicycle or a motorcycle; or
- (p) the person is travelling in a **vehicle** by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (q) the person is consuming food, drink or medicine; or
- (r) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (s) 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
- (t) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Regional Victoria)**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
- (u) the person is providing a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Regional Victoria)**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
- (v) the person is an accused person in a criminal case in any court located in Regional Victoria and the person is in the dock either alone or with a co-accused, provided that any co-accused also present in the dock is at least 1.5 metres away from the person; or
- (w) 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.*
- (x) for emergency purposes; or
- (y) required or authorised by law; or
- (z) doing so is not safe in all the circumstances.

*Face covering requirements in airports and on aircraft*

- (13) Without limiting subclause (11)(b), during the stay safe period, a person in Regional Victoria at an **airport** or travelling in an **aircraft** must:
  - (a) carry a face covering at all times, except where subclause (14)(a) or (b) applies; and
  - (b) wear a face covering while in an indoor space at an airport (and at all times while inside an aircraft); and
  - (c) wear a face covering where required to do so in accordance with any other Directions currently in force.

*Note: face shields on their own do not meet the face covering requirements. For further information, please refer to the Department of Health's guidelines as amended from time to time by the Victorian government, available at: [www.dhhs.vic.gov.au/face-masks-vic-covid-19](http://www.dhhs.vic.gov.au/face-masks-vic-covid-19).*

- (14) Subclauses (13)(b) and (c) do not apply if a person complies with any other requirements under any other Directions currently in force and:
- (a) the person is an infant or a child under the age of 12 years; or
  - (b) 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.*
  - (c) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
  - (d) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
  - (e) 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.*
  - (f) the person is consuming food, drink or medicine; or
  - (g) 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
  - (h) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Regional Victoria)**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
  - (i) the person is providing a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Regional Victoria)**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
  - (j) the person is asked to remove the face covering to ascertain identity; or  
*Examples: a person may be asked by police, security, or airport staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.*
  - (k) for emergency purposes; or
  - (l) required or authorised by law; or
  - (m) doing so is not safe in all the circumstances.

- (15) An **authorised officer** may require a person to attest in writing that they have complied with the requirements of subclause (13) to wear a face covering on an aircraft (subject to subclause (14)).

## PART 3 — WORK AND EDUCATION

### 6 Leaving premises to attend work or education

- (1) Subject to subclauses (2) and (3), a person who ordinarily resides in Regional Victoria may leave the premises where they ordinarily reside to:
- (a) attend work (whether paid or voluntary, including for charitable or religious purposes); or
  - (b) obtain educational services, including going to primary or secondary school, outside school hours care and **higher education services**.
- (2) A person may leave the premises under subclause (1)(a) only if attending work in:
- (a) Regional Victoria if it is not reasonably practicable to work from the premises where they ordinarily reside or another suitable premises and, in relation to office-based work premises, if the person who has employed or engaged the person to work has advised that it is permissible to do so in accordance with the Directions currently in force; or
  - (b) Metropolitan Melbourne if:
    - (i) it is not reasonably practicable for the person to work from the premises where they ordinarily reside or another suitable premises; and
    - (ii) they are an **authorised worker** or work for an **authorised provider**; or
  - (c) another State or Territory if the person complies with the requirements under that State's or Territory's laws.

*Note: the **Workplace Directions** and the **Workplace (Additional Industry Obligations) Directions** address how certain workplaces should facilitate onsite work.*

- (3) A person may leave their premises under subclause (1)(b) only if obtaining educational services in:
- (a) Regional Victoria; or
  - (b) Metropolitan Melbourne to the extent those educational services are permitted under the **Restricted Activity Directions (Metropolitan Melbourne)** and the **Stay at Home Directions (Metropolitan Melbourne)**, and in accordance with any requirements set out in those directions.



## PART 4 — GATHERINGS

### 7 Restrictions on gatherings

#### *Private gatherings*

- (1) During the stay safe period, a person who ordinarily resides in Regional Victoria must not permit another person 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 Regional Victoria must not gather with another person from Metropolitan Melbourne except in accordance with clauses 5(3) and (5) and subclause (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 provide or receive necessary goods or services; or
  - (d) to attend or undertake work in accordance with clause 6 (**leaving premises to attend work or education**); or

*Examples: a tradesperson for the purpose of carrying out repairs, a disability support worker, a vet, a person for end of life faith reasons.*

*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.*

- (e) to provide childcare, child-minding, early childhood education, schooling or education services (whether paid or on a voluntary basis); or
- (f) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
- (g) if that person is a parent or guardian of a child who ordinarily resides at the premises:
  - (i) to visit that child; or
  - (ii) to meet any obligations in relation to care or 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; or
- (h) 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
- (i) 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 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.*
- (j) for a social gathering of a **nominated person** and **nominee person**, provided that:
  - (i) the nominee person is permitting their nominated person (and any child or dependant permitted to accompany them) to enter the premises; or
  - (ii) the nominated person is permitting their nominee person (and any child or dependant permitted to accompany them) to enter the premises, but only while the nominated person is otherwise by themselves at their premises,

and:

  - (iii) the nominee person has only one nominated person; and
  - (iv) the nominated person has only one nominee person,

since 11:59:00pm on 27 May 2021 and for the duration of these directions; or
- (k) to attend a wedding, funeral or **end of life** activity, if that wedding, funeral or end of life activity complies with the requirements in subclauses (6) to (8); or
- (l) to attend a cemetery or other **memorial site** to pay respects to a deceased person provided that this is only with any other person (or people) who ordinarily resides at the same premises as that person or one other person; or
- (m) if the premises in which the person ordinarily resides is no longer available to, or is no longer suitable for, the person; or
- (n) to attend an inspection of real estate for the purposes of a prospective sale or rental of the property, organised in accordance with any requirements in the **Restricted Activity Directions (Regional Victoria)**; or
- (o) for the purpose of moving to the premises as the place where they will ordinarily reside; or
- (p) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
- (q) for medical or emergency purposes (other than emergency maintenance); or

- (r) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal; or
  - (s) for purposes relating to the administration of justice; or
  - (t) as required or authorised by law; or
  - (u) for the purposes of **national security**.
- (3) If a person permitted to enter the premises under subclause (2) is a parent, guardian or carer of a child or dependant, and they cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependant unattended so that they can enter the premises in accordance with subclause (2) without the child or dependant, then the child or dependant 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 Regional Victoria must not permit another person from Metropolitan Melbourne 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 (Metropolitan Melbourne)**.

#### *Public gatherings*

- (5) During the stay safe period, a person in Regional Victoria 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 a religious gathering (including ceremonies) provided they comply with any requirements of the **Restricted Activity Directions (Regional Victoria)**; or

- (c) for the purpose of attending a wedding in Regional Victoria that complies with the requirements in subclause (6); or

*Note: a person who ordinarily resides in Regional Victoria is permitted to attend a wedding in Metropolitan Melbourne, provided that wedding complies with the **Stay at Home Directions (Metropolitan Melbourne)**. An **authorised celebrant** may enter Metropolitan Melbourne under clause 5(3)©.*

- (d) for the purpose of attending a funeral in Regional Victoria that complies with the requirements in subclause (7); or

*Note: a person who ordinarily resides in Regional Victoria is permitted to attend a funeral in Metropolitan Melbourne, provided that funeral complies with the **Stay at Home Directions (Metropolitan Melbourne)**. A person reasonably necessary for the conduct of the funeral may enter Metropolitan Melbourne under clause 5(3)(c).*

- (e) it is necessary to arrange a meeting, or organise or attend 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 (Regional Victoria)**; or
- (ii) to attend or undertake work in accordance with clause 6 (**leaving premises to attend work or education**); or
- (iii) medical or emergency purposes;
- (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, funerals and end of life activity*

- (6) The requirements for a wedding held in Regional Victoria are that:

- (a) if all people in attendance have a principal place of residence in Regional Victoria it involves only:
  - (i) the two persons being married; and
  - (ii) the authorised celebrant; and
  - (iii) the wedding **photographer**; and
  - (iv) eight other persons (with any infant under one year of age not counting towards this limit), including two persons witnessing the marriage for the purposes of section 44 of the **Marriage Act 1961** of the Commonwealth,

otherwise, if any person in attendance has a principal place of residence in Metropolitan Melbourne, then the **Stay at Home Directions (Metropolitan Melbourne)** apply to that wedding; and

- (b) if held at a person's ordinary place of residence:
  - (i) one or both of the two persons being married:
    - (A) are experiencing end of life; or
    - (B) would be deported from Australia unless the marriage takes place; and
  - (ii) it involves only 5 persons:
    - (A) the two persons being married; and
    - (B) the authorised celebrant; and
    - (C) two persons witnessing the marriage for the purposes of section 44 of the **Marriage Act 1961** of the Commonwealth; and
  - (iii) subclause (2)(a), (d) and (i) still apply.

*Note: the authorised celebrant can enter the premises under subclause (2)(d) (work). Any other person who ordinarily resides at the premises is not subject to the gathering restrictions in subparagraph (ii), but any nominee person or nominated person is subject to these restrictions on a wedding held at a private residence.*

*Note: record-keeping requirements apply to weddings as set out in the **Workplace Directions**.*

- (7) The requirements for a funeral held in Regional Victoria are that:
  - (a) if all people in attendance have a principal place of residence in Regional Victoria it involves no more than:
    - (i) 50 members of the public (with any infant under one year of age not counting towards this limit); and
    - (ii) the minimum number of persons reasonably necessary for the conduct of the funeral,otherwise, if any person in attendance has a principal place of residence in Metropolitan Melbourne, then the **Stay at Home Directions (Metropolitan Melbourne)** apply to that funeral; and
  - (b) if held at a person's ordinary place of residence:
    - (i) it involves no more than:
      - (A) the people who ordinarily reside at the premises (with any infant under one year of age not counting towards this limit); and
      - (B) any other person with whom a person in subparagraph (A) is in an intimate personal relationship; and
      - (C) the minimum number of persons reasonably necessary for the conduct of the funeral; and
    - (ii) subclause (2)(a), (d) and (i) still apply.

*Note: any other person who ordinarily resides at the premises, and the persons reasonably necessary for the conduct of the funeral who can enter the premises under subclause (2)(d) (work), are not subject to the gathering restrictions in subparagraph (i), but any nominee person or nominated person is subject to these restrictions on a funeral held at a private residence.*

*Note: record-keeping requirements apply to funerals as set out in the **Workplace Directions**.*

- (8) The requirements for an end of life activity in Regional Victoria are that if at a person's ordinary place of residence, it involves no more than the person experiencing end of life and two other people, where:
- (a) any other person (or people) who ordinarily reside at the same premises as the person experiencing end of life; and
  - (b) any other person with whom the person experiencing end of life, or any person in subparagraph (a), is in an intimate personal relationship; and
  - (c) any infant under one year of age,
- may also participate without counting towards the two person limit or breaching the gathering restrictions.

## **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**, 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**, these directions are inoperative to the extent of the inconsistency.

### **9 Definitions**

For the purposes of these directions:

- (1) **aircraft** means an aircraft that is mainly used for the purpose of, or is engaged, or is intended or likely to be engaged, in a flight wholly within Australia;
- (2) **airport** means an aerodrome at which facilities are available for the arrival or departure of **aircraft** into or from the State of Victoria;
- (3) **Area Directions** means the **Area Directions (No 10)** as amended or replaced from time to time;

- (4) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (5) **authorised officer** has the same meaning as in the **PHW Act**;
- (6) **authorised provider** has the same meaning as in the **Restricted Activity Directions (Metropolitan Melbourne)**;
- (7) **authorised worker** has the same meaning as in the **Restricted Activity Directions (Metropolitan Melbourne)**;
- (8) **Care Facilities Directions** means **Care Facilities Directions (No 31)** as amended or replaced from time to time;
- (9) **density quotient** has the same meaning as in the **Workplace Directions**;
- (10) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No 23)** as amended or replaced from time to time;
- (11) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (12) **Directions currently in force** has the same meaning as in the **Stay at Home Directions (Metropolitan Melbourne)**;
- (13) **end of life** means:
  - (a) a situation where a person's death is expected within days (including periods of 14 days or longer), or where the person, with or without existing conditions, is at risk of dying from a sudden acute event; and
  - (b) does not mean a situation where a person has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the person is expected to die within 12 months (except where the situation also falls within paragraph (a));
- (14) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection (but does not include a face shield);
- (15) **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;
- (16) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are permanent structures rising either from floor to ceiling or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are open or closed;
- (17) **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;

- (18) **memorial** means a place of interment of bodily remains or cremated human remains (including a columbarium), as each of these terms are defined in the **Cemeteries and Crematoria Act 2003**;
- (19) **Metropolitan Melbourne** has the same meaning as in the **Area Directions**;
- (20) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (21) **nominated person** means a person nominated by a nominee person for social interaction permitted in accordance with these directions;
- (22) **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;
- (23) **outdoor space** means a space that is not an **indoor space**;
- (24) **photographer** means a person who takes photographs as a business and has an Australian Business Number for this purpose;
- (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) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (29) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (30) **Restricted Activity Directions (Metropolitan Melbourne)** means the **Restricted Activity Directions (Metropolitan Melbourne)** as amended or replaced from time to time;
- (31) **Restricted Activity Directions (Regional Victoria)** means the **Restricted Activity Directions (Regional Victoria)** as amended or replaced from time to time;
- (32) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (33) **Stay at Home Directions (Metropolitan Melbourne)** means the **Stay at Home Directions (Metropolitan Melbourne)** as amended or replaced from time to time;
- (34) **stay safe period** has the meaning in clause 4;
- (35) **vehicle** has the same meaning as in the **PHW Act**;



- (36) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No 26)** as amended or replaced from time to time;
- (37) **Workplace Directions** means the **Workplace Directions (No 31)** as amended or replaced from time to time;
- (38) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (39) **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:

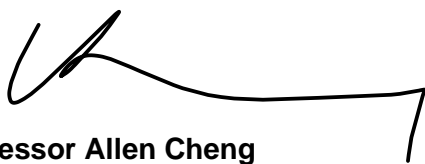
### **Compliance with direction or other requirement**

- (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.

*Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has refused or failed 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. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.*



**Professor Allen Cheng**

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

3 June 2021