

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

Stay Safe Directions (Metropolitan Melbourne)

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 **Metropolitan Melbourne** by the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Stay at Home Directions (Metropolitan Melbourne)**.
- (4) These directions require everyone who ordinarily resides in Metropolitan Melbourne to limit their interaction with others by:
 - (a) restricting the circumstances in which they may leave Metropolitan Melbourne; and
 - (b) restricting private and public gatherings, including prohibiting visitors to another person's home other than in limited circumstances; and
 - (c) requiring **face coverings** to be carried and worn in certain circumstances.

2 Citation

These directions may be referred to as the **Stay Safe Directions (Metropolitan Melbourne)**.

3 Revocation

The **Stay at Home Directions (Metropolitan Melbourne)** are revoked at 11:59:00pm on 10 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 10 June 2021 and ending at 11:59:00pm on 17 June 2021.

PART 2 — STAY SAFE

5 Direction — staying safe while leaving the home

- (1) A person who ordinarily resides in Metropolitan Melbourne during the stay safe period may leave the premises where the person ordinarily resides for any reason.
- (2) When leaving their premises, a person:
 - (a) must comply with the travel restrictions in subclauses (3), (3A) and (3B);
 - (b) must not travel to Regional Victoria other than in accordance with subclauses (4), (5), (6) and (7);
 - (c) must comply with the face covering requirements in subclauses (12), (13), (14) and (15); and
 - (d) must comply with the restrictions on gatherings in clause 11 (**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 (Metropolitan Melbourne)**; and
 - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Metropolitan Melbourne)** 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.

*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**.*

Travel restrictions

- (3) Subject to subclauses (3A), (3B) and (4), a person who ordinarily resides in Metropolitan Melbourne during the stay safe period must not travel further than 25km from their ordinary place of residence other than in accordance with:
 - (a) clause 6 (**necessary goods or services**);

- (b) clause 7 (***care and compassionate reasons***);
 - (c) clause 8 (***work or education***);
 - (d) clause 9 (***other specified purposes***);
 - (e) clause 10 (***nearest SARS CoV-2 vaccinations***).
- (3A) A person is permitted to exercise in an area that is further than 25km from their ordinary place of residence if:
- (a) the area is within 25km of their work premises; and
 - (b) the person only exercises outdoors; and
 - (c) the person does not enter any facility that is open pursuant to the **Restricted Activity Directions (Metropolitan Melbourne)**.
- (3B) A person may leave the premises under subclause (1) to attend work in accordance with subclause (3) if:
- (a) it is not reasonably practicable for the person to work from the premises where they ordinarily reside or another suitable premises; and
 - (b) 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.

Note: this subclause applies to persons who do not travel more than 25km from their ordinary place of residence for the purpose of work. This requirement also applies to persons who are permitted to travel more than 25km from their ordinary place of residence for the purpose of work pursuant to clause 8(2)(a).

Requirement to stay in Metropolitan Melbourne

- (4) Subject to subclauses (6) and (7), a person who ordinarily resides in Metropolitan Melbourne during the stay safe period must not leave Metropolitan Melbourne other than in accordance with:
- (a) clause 6 (***necessary goods or services***);
 - (b) clause 7 (***care or other compassionate reasons***);
 - (c) clause 8 (***work or education***);
 - (d) clause 9 (***other specified reasons***);
 - (e) clause 10 (***nearest SARS-CoV-2 vaccination***).
- (5) If a person who ordinarily resides in Metropolitan Melbourne leaves Metropolitan Melbourne in accordance with subclauses (4) or (6):
- (a) these directions and the **Restricted Activity Directions (Metropolitan Melbourne)** apply to that person when outside of Metropolitan Melbourne as if they were in Metropolitan Melbourne; and
 - (b) the person may only access facilities in **Regional Victoria**:
 - (i) for the purpose for which they are permitted to travel to Regional Victoria in accordance with subclause (4) or (6); or

- (ii) that are:
- (A) a **retail facility** (other than a **restricted retail facility**), for the purpose of obtaining essential goods or services; or
 - (B) a **food and drink facility**, to obtain take away food or drink; or
 - (C) an **accommodation facility**, for the purpose of accommodation required to enable the purpose for which the person is permitted to travel to Regional Victoria in accordance with subclause (4) or (6).

Example: A person permitted to travel to Regional Victoria for work may enter a restaurant to purchase take away food, but may not dine in the restaurant.

Principal place of residence

- (6) 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) unless that residence is in Metropolitan Melbourne and is within 25km of their principal place of residence; 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 8 (**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.

Ordinary place of residence

- (7) Subject to subclauses (8) and (9), subclauses (1) and (6) do 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 Metropolitan Melbourne; or
 - (b) has an ordinary place of residence or principal place of residence (as applicable) in Metropolitan Melbourne, 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).

- (8) If a suitable premises is made available for a person identified in subclause (7) 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) and subclause (1) applies accordingly.
- (9) If subclause (7) applies and 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 stay safe period (or part thereof), that residence is taken to be the person's principal place of residence and subclause (6) applies accordingly.
- (10) 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).

Note: a person who is visiting and staying in Victoria, whether from overseas or interstate, is taken to be temporarily residing in Victoria. Where that person is staying in Victoria, these directions apply to them.

- (11) 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 (11) 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 (6).

Face covering requirements

- (12) Subject to subclause (13), a person may only leave the premises under subclause (1) if they:
 - (a) carry a face covering at all times, except where subclause (13)(a), (b), (c), (d) or (e) applies; and
 - (b) wear a face covering at all times, except where subclause (13) applies; 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.coronavirus.vic.gov.au/face-masks.

Note 2: in accordance with clause 5(5), a person who leaves Metropolitan Melbourne in accordance with clause 5(4) remains subject to the face covering requirements which apply to Metropolitan Melbourne.

Note 3: it is strongly recommended that face coverings be worn in other situations when physical distancing is not possible.

- (13) Subclauses (12)(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 working by themselves in an **outdoor space**, provided there is no other person in that outdoor space, other than a person with whom that person ordinarily resides; or
- (k) the person is visiting a person with whom they are in an intimate personal relationship in accordance with clause 7(1)(k); or
- (l) they are a nominee person or a nominated person visiting each other for the purposes of social interaction in accordance with clauses 7(1)(l) and 11(2)(j); or
- (m) the person is one of two persons being married while in the process of being married; or
- (n) the person is a professional sportsperson when training or competing; or
- (o) the person is engaged in any strenuous physical exercise; or

Examples: jogging, running, swimming, cycling.
- (p) the person is riding a bicycle or a motorcycle; or
- (q) the person is travelling in a vehicle by themselves or where each other person in the vehicle ordinarily resides at the same premises; or

- (r) the person is consuming food, drink or medicine; or
- (s) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (t) 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
- (u) 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 (Metropolitan Melbourne)**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
- (v) 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 (Metropolitan Melbourne)**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
- (w) the person is an accused person in a criminal case in any court located in Metropolitan Melbourne 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
- (x) 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.*
- (y) for emergency purposes; or
- (z) when required or authorised by law; or
- (aa) when doing so is not safe in all the circumstances.

Face covering requirements in airports and on aircraft

- (14) Without limiting subclause (12)(b), during the stay safe period, a person in Metropolitan Melbourne at an **airport** or travelling in an **aircraft** must:
- (a) carry a face covering at all times, except where subclause (15)(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.coronavirus.vic.gov.au/face-masks.

- (15) Subclauses (14)(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 (Metropolitan Melbourne)**, 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 (Metropolitan Melbourne)**, 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) when required or authorised by law; or
 - (m) when doing so is not safe in all the circumstances.
- (16) An **authorised officer** may require a person to attest in writing that they have complied with the requirements of subclause (14) to wear a face covering on an aircraft (subject to subclause (15)).

PART 3 — EXCEPTIONS TO THE TRAVEL RESTRICTIONS

Note: Part 3 sets out the reasons for which a person may travel more than 25km from their ordinary place of residence or travel into Regional Victoria.

6 Obtaining necessary goods or services

- (1) Subject to subclauses (2) and (3), a person who ordinarily resides in Metropolitan Melbourne may travel:
 - (a) further than 25km from the premises at which they ordinarily reside; or
 - (b) to Regional Victoria.
- (2) A person from Metropolitan Melbourne who obtains necessary goods or services in accordance with subclause (1) where the necessary goods or services are:
 - (a) for health or medical purposes; or
 - (b) provided by a financial institution; or
 - (c) provided by a government body or government agency,must not travel more than is reasonably necessary to obtain those goods or services.
- (3) If the necessary goods or services service acquired by a person in accordance with subclause (1) are:
 - (a) take away food or drink; or
 - (b) provided by a post office;
 - (c) provided by a **pharmacy**;
 - (d) provided by a petrol station;
 - (e) provided by a pet store or veterinary clinic;
 - (f) provided by a retail facility that is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Metropolitan Melbourne)**,

the place at which the person is obtaining the goods or services must be the closest place to the person's principal place of residence from which those goods or services can be obtained.

Note: a person who ordinarily resides in Metropolitan Melbourne may only visit retail facilities to obtain necessary goods or services outside Metropolitan Melbourne in accordance with clause 5(4) and (5).

7 Care or other compassionate reasons

- (1) A person who ordinarily resides in Metropolitan Melbourne may travel further than 25km from the premises at which they ordinarily reside or to Regional Victoria:
 - (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 do one of the things specified in clauses 6 (**necessary goods or services**), 7 (**care or other compassionate reasons**), 8 (**work or education**), 9 (**other specified reasons**) or 10 (**SARS-CoV-2-vaccinations**); or
 - (iv) to take the child to:
 - (A) a **childcare or early childhood service**; or
 - (B) a school or outside school hours care service in which they are enrolled in accordance with clause 8(2); or
- (c) to provide care and support to a person:
 - (i) who has particular needs because of age, infirmity, disability, illness, a chronic health condition, homelessness or family violence; or
 - (ii) because of matters relating to the other person's health (including mental health or pregnancy); or
- (d) to receive care and support because:
 - (i) the person has particular needs because of age, infirmity, disability, illness, a chronic health condition, homelessness or family violence; or
 - (ii) of matters relating to the 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**; or
- (f) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions**; or
- (g) to attend a funeral, wedding or **end of life** activity, if that funeral, wedding or end of life activity complies with the requirements in clause 11; or
- (h) 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
- (i) to donate biological material at a blood bank or other similar donation facility; or

- (j) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises; or
- (k) to visit a person with whom they are in an intimate personal relationship; or
- (l) if they are a nominee person or a nominated person for the purpose of social interaction in accordance with clause 11(2)(j); or
- (m) to provide child-minding assistance (whether on a paid or voluntary basis); or
- (n) 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 Attending work or education

- (1) A person who ordinarily resides in Metropolitan Melbourne may travel further than 25km from the premises at which they ordinarily reside or to Regional Victoria to:
 - (a) subject to subclause (2), attend work (whether paid or voluntary, including for charitable or religious purposes); or
 - (b) obtain a childcare or early childhood service; or
 - (c) obtain educational services.
- (2) A person who ordinarily resides in Metropolitan Melbourne may travel further than 25km from the premises at which they ordinarily reside under subclause (1)(a) only if attending work in:
 - (a) Victoria 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) 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 for them to do so in accordance with the Directions currently in force; or
 - (b) 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.*

9 Other exceptions to travel restrictions

(1) A person who ordinarily resides in Metropolitan Melbourne may travel further than 25km from the premises at which they ordinarily reside or to Regional Victoria:

- (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) 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 cannot reasonably work from the premises where they ordinarily reside and who does not have a driver's licence, to or from work.

- (e) for the purposes of viewing a property before settlement or before moving into a rental property to conduct a condition report; or
- (f) 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
- (g) for the purposes of moving to a new premises at which the person will ordinarily reside; or
- (h) if the person ordinarily resides outside Victoria, for the purposes of leaving Victoria; or
- (i) if the person is permitted to leave Australia, for the purposes of leaving Australia; or
- (j) for the purposes of **national security**.

10 Nearest SARS-CoV-2 vaccinations

A person who ordinarily resides in Metropolitan Melbourne may travel further than 25km from the premises at which they ordinarily reside or to Regional Victoria, to receive a SARS-CoV-2 vaccination, provided that the facility at which the person is receiving the vaccination is the closest facility to their principal place of residence from which the vaccination can be obtained.

PART 4 — GATHERINGS

11 Restrictions on gatherings

Private gatherings

- (1) During the stay safe period, a person who ordinarily resides in Metropolitan Melbourne must not permit another person to enter the premises at which they ordinarily reside (whether or not entering any building on the premises).
- (2) Subclause (1) does not 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 8 (**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 (Metropolitan Melbourne)**; 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.

*Note: subclauses (1) and (2) do not apply to a care facility. Any regulation of access and visits to care facilities is contained in the **Care Facilities Directions**.*

- (3) If a person who enters a premises in accordance with subclause (2) is a parent, guardian or carer of a child or dependant and they cannot access any alternative care arrangement (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 Metropolitan Melbourne must not permit a person from Regional Victoria 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 9 (**other specified reasons**),
- and provided they comply with any relevant requirements set out in these directions.

Public gatherings

- (5) During the stay safe period, a person in Metropolitan Melbourne 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 (Metropolitan Melbourne)**; or
- (c) for the purpose of attending a wedding that complies with the requirements in subclause (6A); 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 Safe Directions (Metropolitan Melbourne)**. An **authorised celebrant** may enter Metropolitan Melbourne under clause 5(3)(c) of the **Stay Safe Directions (Regional Victoria)**..*

- (d) for the purpose of attending a funeral that complies with the requirements in subclause (7); or
- (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 (Metropolitan Melbourne)**; or
 - (ii) to attend or undertake work in accordance with clause 8 (**work or education**); 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 that is held at a person's ordinary place of residence in Metropolitan Melbourne are that:
 - (a) one or both of the two persons being married:
 - (i) are experiencing end of life; or
 - (ii) would be deported from Australia unless the marriage takes place; and
 - (b) it involves only 5 persons:
 - (i) the two persons being married; and
 - (ii) **the authorised celebrant**; and
 - (iii) two persons witnessing the marriage for the purposes of section 44 of the **Marriages Act 1961** of the Commonwealth.

Note: in relation to a wedding held at a private residence, any other person who ordinarily resides at the premises is not subject to the gathering restrictions in subparagraph (b), but any nominee person or nominated person is subject to these restrictions.

- (6A) The requirements for a wedding in Metropolitan Melbourne that is held in a place other than a person's ordinary place of residence are that it involves no more than:
 - (a) the two persons being married; and
 - (b) the authorised celebrant; and
 - (c) the wedding **photographer**; and

- (d) 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.

*Note 1: record-keeping requirements apply to weddings as set out in the **Workplace Directions**.*

*Note 2: the requirements for weddings held in Regional Victoria are set out in the **Stay Safe Directions (Regional Victoria)**.*

- (7) The requirements for a funeral held in Metropolitan Melbourne are that:
 - (a) 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) no more than the minimum number of persons reasonably necessary for the conduct of the funeral; and
 - (b) if held at a person's ordinary place of residence it involves no more than:
 - (i) any other person (or people) who ordinarily reside at the premises (with any infant under one year of age not counting towards this limit); and
 - (ii) any other person with whom a person in subparagraph (i) is in an intimate personal relationship; and
 - (iii) the minimum number of persons reasonably necessary for the conduct of the funeral.

Note: the persons reasonably necessary for the conduct of the funeral can enter the premises under subclause (2)(d) (work), but any nominee person or nominated person is subject to these restrictions on a funeral held at a private residence.

*Note 1: record-keeping requirements apply to funerals as set out in the **Workplace Directions**.*

*Note 2: the requirements for funerals held in Regional Victoria are set out in the **Stay Safe Directions (Regional Victoria)**.*

- (8) The requirements for end of life activity that is held at a person's ordinary place of residence in Metropolitan Melbourne are that it involves no more than:
 - (a) the person experiencing end of life; and
 - (b) any other person (or people) who ordinarily reside at the premises of the person experiencing end of life; and
 - (c) any other person with whom a person in subparagraph (i) or (ii) is in an intimate personal relationship; and
 - (d) two other people,with any infant under one year of age not counting towards these limits.

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**, 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.
- (4) Unless the context otherwise requires, a reference in any Directions currently in force, in any Direction and Detention Notice, or in any approved form under a Direction currently in force or a Direction and Detention Notice to:
 - (a) a Direction currently in force or these directions, or a defined term in a Direction currently in force or these directions, will be taken to mean that direction (and hence that defined term) as amended or replaced from time to time; or
 - (b) an earlier version of a particular Direction currently in force or these directions will be taken to be a reference to the current version of that particular direction.

13 Definitions

For the purposes of these directions:

- (1) **accommodation facility** has the same meaning as in the **Restricted Activity Directions (Regional Victoria)**;
- (2) **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;
- (3) **airport** means an aerodrome at which facilities are available for the arrival or departure of **aircraft** into or from the State of Victoria;
- (4) **Area Directions** means the **Area Directions (No 11)** as amended or replaced from time to time;
- (5) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (6) **authorised officer** has the same meaning as in the **PHW Act**;
- (7) **Care Facilities Directions** means **Care Facilities Directions (No 32)** as amended or replaced from time to time;
- (8) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (9) **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;
- (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** means the **Restricted Activity Directions (Metropolitan Melbourne)**, the **Restricted Activity Directions (Regional Victoria)**, the **Stay Safe Directions (Metropolitan Melbourne)**, the **Stay Safe Directions (Regional Victoria)**, the **Area Directions**, the **Diagnosed Persons and Close Contacts Directions**, the **Hospital Visitor Directions**, the **Care Facilities Directions**, the **Workplace Directions**, the **Victorian Border Crossing Permit Directions** and the **Workplace (Additional Industry Obligations) Directions**, each as amended or replaced from time to time;
- (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) **food and drink facility** has the same meaning as in the **Restricted Activity Directions (Regional Victoria)**;
- (16) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (17) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No 28)** as amended or replaced from time to time;
- (18) **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;

- (19) **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**;
- (20) **Metropolitan Melbourne** has the same meaning as in the **Area Directions**;
- (21) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (22) **nominated person** means a person nominated by a **nominee person** for social interaction permitted in accordance with these directions;
- (23) **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;
- (24) **outdoor space** means a space that is not an **indoor space**;
- (25) **pharmacy** has the same meaning as in the Pharmacy Regulation Act 2010;
- (26) **photographer** means a person who takes photographs as a business and has an Australian Business Number for this purpose;
- (27) **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;
- (28) **prison** has the same meaning as in the **Corrections Act 1986**;
- (29) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (30) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (31) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (32) **Restricted Activity Directions (Metropolitan Melbourne)** means the **Restricted Activity Directions (Metropolitan Melbourne)** as amended or replaced from time to time;
- (33) **Restricted Activity Directions (Regional Victoria)** means the **Restricted Activity Directions (Regional Victoria)** as amended or replaced from time to time;
- (34) **restricted retail facility** has the same meaning as in the **Restricted Activity Directions (Regional Victoria)**;
- (35) **retail facility** has the same meaning as in the **Restricted Activity Directions (Regional Victoria)**;
- (36) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;

- (37) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No 4)** as amended or replaced from time to time;
- (38) **stay safe period** has the meaning in clause 4;
- (39) **vehicle** has the same meaning as in the **PHW Act**;
- (40) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No 15)** as amended or replaced from time to time;
- (41) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No 27)** as amended or replaced from time to time;
- (42) **Workplace Directions** means the **Workplace Directions (No 32)** as amended or replaced from time to time;
- (43) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (44) **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.

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.

10 June 2021