

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

## Stay Safe Directions (Victoria) (No 26)

*Public Health and Wellbeing Act 2008 (Vic)*

Section 200

I, Adjunct Clinical Professor Brett Sutton, 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 the State of Victoria 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 Safe Directions (Victoria) (No 24)**.
- (4) These directions require everyone in the State of Victoria to:
  - (a) limit interactions with others by restricting private and public gatherings; and
  - (b) carry and wear **face coverings** at all times except in limited circumstances.

#### 2 Citation

These directions may be referred to as the **Stay Safe Directions (Victoria) (No 26)**.

#### 3 Revocation

The **Stay at Home Directions (Victoria) (No. 3)** are revoked at 11:59:00pm on 27 July 2021.

#### 4 Stay safe period

For the purposes of these directions, the **stay safe period** is the period beginning at 11:59:00pm on 27 July 2021 and ending at 11:59:00pm on 29 July 2021.

## PART 2 — STAY SAFE

### 5 Direction — staying safe

- (1) A person in the State of Victoria must, during the stay safe period:
  - (a) comply with the face covering requirements in subclauses (2), (3), (4) and (5); and
  - (b) must not travel to an **alpine resort** other than in accordance with subclauses (7) and (8); and
  - (c) if attending work, do so in accordance with clause 6 (**attending work**); and
  - (d) comply with the restrictions on gatherings in clause 7 (**restrictions on gatherings**); and
  - (e) 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 (Victoria)**; and
    - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (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**.*

#### *Face covering requirements*

- (2) A person in the State of Victoria must:
  - (a) carry a face covering at all times, except where:
    - (i) subclause (3)(a), (c), (d), (e), (f) or (bb) applies; or
    - (ii) that person is a student to whom subclause (3)(b) applies; and
  - (b) wear a face covering:
    - (i) while in an **indoor space**; and
    - (ii) while in an **outdoor space**; and
    - (iii) while visiting a **hospital**; and
    - (iv) while visiting a **care facility**; and

- (v) while on **public transport** or in a **commercial passenger vehicle** or in a **vehicle** being operated by a **licensed tourism operator**; and
- (vi) if the person is a diagnosed person or close contact and is leaving the premises in accordance with the **Diagnosed Persons and Close Contacts Direction**; and
- (vii) if the person has been tested for SARS-CoV-2 and is awaiting the results of that test, except where that test was taken as part of a surveillance or other asymptomatic testing program; and

*Note: the **Workplace (Additional Industry Obligations) Directions** set out the surveillance testing requirements for relevant industries and workers.*

- (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](http://www.coronavirus.vic.gov.au/face-masks).*

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

- (3) Subclauses (2)(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 on site at a primary **school** or outside school hours care for a primary school; 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) it is not practicable for the person to comply with subclauses (2)(b) or (c) because the person is escaping harm or the risk of harm, including harm relating to family violence or violence of another person; or
- (g) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (h) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or

- (i) 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.*
- (j) 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.*
- (k) the person is visiting a person with whom they are in an intimate personal relationship in accordance with clause 7(2)(i); or
- (l) the person is attending a permitted social gathering in accordance with clause 7(2)(j); or
- (m) the person is one of two persons being married, during their wedding ceremony, or while being photographed at the wedding; 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 (Victoria)**, 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 (Victoria)**, 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 the State of 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
- (x) the person is asked to remove the face covering to ascertain identity; or

*Example: 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; or
- (bb) the person is at a premises that is their ordinary place of residence or their temporary place of residence.

*Face covering requirements in airports and on aircraft*

- (4) Without limiting subclause (2)(b), during the stay safe period, a person in the State of Victoria at an **airport** or travelling in an **aircraft** must:
  - (a) carry a face covering at all times, except where subclause (5)(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](http://www.coronavirus.vic.gov.au/face-masks).*

- (5) Subclauses (4)(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 (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 (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) when required or authorised by law; or
  - (m) when doing so is not safe in all the circumstances.
- (6) An **authorised officer** may require a person to attest in writing that they have complied with the requirements of subclause (4) to wear a face covering on an aircraft (subject to subclause (5)).

*Travel to an alpine resort*

- (7) Subject to subclause (8), a person in the State of Victoria during the stay safe period and who is aged 12 years or older must not enter an alpine resort unless the person:
- (a) has undertaken a SARS-CoV-2 test no more than:
    - (i) 72 hours before entering an alpine resort if the person is not an **alpine worker**; or
    - (ii) 7 days before entering an alpine resort if the person is an alpine worker; and
  - (b) has received a negative result for that SARS-CoV-2 test; and
  - (c) carries and presents upon request to:
    - (i) an authorised officer or a Victoria Police member; or
    - (ii) any employee or representative of an **alpine resort management board** for the purposes of meeting the requirements of the **Restricted Activity Directions (Victoria)**, the following:

- (iii) if the person is aged 12 years or older, evidence of the negative SARS-CoV-2 test result obtained by the person in accordance with subclauses (a) and (b); and

*Note 1: evidence of a negative test result includes an email or text message notification of the test result.*

*Note 2: where evidence of a negative test result does not show the testing date, the date the test was undertaken should be presumed to be 12 hours before the results were received.*

*Note 3: evidence of a negative test for any child or dependant over the age of 12 can be provided by a parent or guardian.*

- (iv) if the person is an alpine worker, evidence that they are an alpine worker.

*Note: evidence may include a letter from an alpine worker's employer or a payslip.*

*Note: subject to subclause (8), a person who ordinarily resides in Victoria and who attends work in an alpine resort is required to comply with the testing and other requirements in subclause (7) in order to travel to the alpine resort for work.*

- (8) A person in the State of Victoria is not required to comply with subclause (7) if:
  - (a) they are required to travel to an alpine resort:
    - (i) for the purpose of delivering an **essential service**; or
    - (ii) for emergency purposes; or
    - (iii) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises, and it is not practicable for the person to undertake a SARS-CoV-2 test in accordance with subclause (7) prior to entering the alpine resort; or
  - (b) they have a disability, illness, or chronic health condition, if it is not practicable for the person to undertake a SARS-CoV-2 test in accordance with subclause (7) due to the person's disability, illness or chronic health condition; or
  - (c) the person's ordinary place of residence is in an alpine resort; or
  - (d) they are travelling to or through an alpine resort to attend a school or transport a child to a school.

## **PART 3 — WORK**

### **6 Attending work**

- (1) A person may attend work (whether paid or voluntary, including for charitable or religious purposes) at a **work premises** in the State of Victoria if:
  - (a) it is not reasonably practicable for the person to work from the premises where they ordinarily reside or another suitable premises; or

- (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 for them to do so in accordance with the Directions currently in force.

*Note 1: the **Workplace Directions** and the **Workplace (Additional Industry Obligations) Directions** address how certain workplaces should facilitate onsite work.*

*Note 2: these Directions do not restrict persons in Victoria from travelling to another State or Territory to attend work. Persons travelling to another State or Territory to attend work must comply with the requirements under that State or Territory's laws and with the requirements of the **Victorian Border Crossing Permit Directions**.*

*Note 3: a person in the State of Victoria who attends work in an alpine resort is required to comply with the testing and other requirements in clause 5(7) in order to travel to the alpine resort for work.*

## **PART 4 — GATHERINGS**

### **7 Restrictions on gatherings**

#### *Private gatherings*

- (1) Subject to subclause (2), during the stay safe period, a person must not:
  - (a) permit another person to enter any premises at which they are residing in the State of Victoria (whether or not entering any building on the premises); or
  - (b) intentionally enter any premises at which another person is residing in the State of Victoria (whether or not entering any building on the premises).
- (2) Subclause (1) does not prevent any person from permitting entry to another person or from entering a premises:
  - (a) if the person entering the premises 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 (**attending work**); 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 child-minding, **childcare or early childhood service**, 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 the person entering the premises is a parent or guardian of a child and they are entering 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 July 2021 and for the duration of these directions; or

- (k) to attend a wedding or funeral or **end of life** activity, if that wedding, funeral or end of life activity complies with the requirements in subclauses (5) to (9); or
- (l) to attend a 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 or to attend an auction provided that the inspection and auction is carried out in accordance with the Restricted Activity Directions (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**.

*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).

#### *Public gatherings*

- (4) During the stay safe period, a person in the State of 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 (4), 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 (4) 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 (Victoria)**; or
- (c) for the purpose of a wedding in the State of Victoria that complies with the requirements in subclause (5) and (6); or
- (d) for the purpose of a funeral in the State of Victoria that complies with the requirements in subclause (7) and (8); 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 (Victoria)**; or
  - (ii) to attend or undertake work in accordance with clause 6 (**attending work**); 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, funerals and end of life activity*

- (5) The requirements for a wedding that is held at a person's ordinary place of residence in the State of Victoria are that:
  - (a) one or both of the two persons being married are experiencing end of life; and
  - (b) it involves no more than:
    - (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; and

- (iv) any person who ordinarily resides at the premises; and
  - (v) any other person with whom a person in subparagraph (iv) is in an intimate personal relationship.
- (6) The requirements for a wedding in the State of Victoria 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) 48 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; and
  - (e) it complies with the requirements of the **Restricted Activity Directions (Victoria)**.

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

- (7) The requirements for a funeral held at a person's ordinary place of residence in the State of Victoria are that:
  - (a) it only involves 5 **members of the public** with the following persons not counting towards this limit:
    - (i) any infant under one year of age; and
    - (ii) the minimum number of persons reasonably necessary for the conduct of the funeral; and
    - (iii) any person who ordinarily resides at the premises; and
    - (iv) any other person with whom a person in subparagraph (i) is in an intimate personal relationship.

*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.*

- (8) The requirements for a funeral held in the State of Victoria that is held other than at a person's ordinary place of residence 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) it complies with the requirements of the **Restricted Activity Directions (Victoria)**.

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

- (9) The requirements for end of life activity that is held at a person's ordinary place of residence in the State of Victoria 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 (a) or (b) is in an intimate personal relationship; and
  - (d) two other people
- with infants under one year of age not counting towards these limits.

## **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.
- (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.

### **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) **alpine resort** means any of the following as defined in the **Alpine Resorts (Management) Act 1997**:
- (a) Falls Creek Alpine Resort;
  - (b) Lake Mountain Alpine Resort;
  - (c) Mount Baw Baw Alpine Resort;
  - (d) Mount Buller Alpine Resort;
  - (e) Mount Hotham Alpine Resort;
  - (f) Mount Stirling Alpine Resort; and
- the Dinner Plain Village as defined under the Dinner Plain Planning Provisions in the Alpine Planning Scheme;
- (4) **alpine resort management board** has the same meaning as in the **Alpine Resorts (Management) Act 1997**;
- (5) **alpine worker** means an employee or contractor of an **alpine resort management board**, Alpine Shire Council, Mansfield Shire Council, Baw Baw Shire Council, Murrindindi Shire Council, Yarra Ranges Shire Council or any business located within an **alpine resort** who is required to enter an **alpine resort** for work purposes;
- (6) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (7) **authorised officer** has the same meaning as in the **PHW Act**;
- (8) **bus company** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (9) **Care Facilities Directions** means **Care Facilities Directions (No 38)** as amended or replaced from time to time;
- (10) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (11) **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;
- (12) **commercial passenger vehicle** has the same meaning as in the **Workplace Directions**;

- (13) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No 25)** as amended or replaced from time to time;
- (14) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (15) **Directions currently in force** means the **Restricted Activity Directions (Victoria)**, the **Stay Safe Directions (Victoria)**, 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;
- (16) **emergency worker** has the same meaning as in the **Sentencing Act 1991**;
- (17) **end of life** means:
  - (a) a situation where a person's death is expected within days (including periods of 28 days or less), 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));
- (18) **essential service** means emergency services or services to ensure the provision of telecommunications, critical infrastructure, critical supplies, essential prevention and recovery from emergencies or essential public services, including services provided by **emergency workers**, child protection workers and time-critical essential services provided by healthcare workers and care facility workers;
- (19) **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);
- (20) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (21) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No 34)** as amended or replaced from time to time;
- (22) **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;
- (23) **licensed tourism operator** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (24) **members of the public** has the same meaning as in the **Restricted Activity Directions (Victoria)**;

- (25) **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**;
- (26) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (27) **nominated person** means a person nominated by a nominee person for social interaction permitted in accordance with these directions;
- (28) **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;
- (29) **outdoor space** means a space that is not an **indoor space**;
- (30) **passenger transport company** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (31) **photographer** means a person who takes photographs as a business and has an Australian Business Number for this purpose;
- (32) **premises** means:
- (c) a building, or part of a building; and
  - (d) any land on which the building is located, other than land that is available for communal use;
- (33) **prison** has the same meaning as in the **Corrections Act 1986**;
- (34) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (35) **public transport** means a vehicle operated by a **passenger transport company** or by a **bus company** in the provision of **public transport service**;
- (36) **public transport service** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (37) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (38) **Restricted Activity Directions (Victoria)** means the **Restricted Activity Directions (Victoria) (No 20)** as amended or replaced from time to time;
- (39) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (40) **stay safe period** has the meaning in clause 4;
- (41) **vehicle** has the same meaning as in the **PHW Act**;

- (42) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No 24)** as amended or replaced from time to time;
- (43) **work premises** has the same meaning as in the **Workplace Directions**;
- (44) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No 34)** as amended or replaced from time to time;
- (45) **Workplace Directions** means the **Workplace Directions (No 39)** as amended or replaced from time to time;
- (46) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (47) **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.*



**Adjunct Clinical Professor Brett Sutton**

Chief Health Officer, as authorised to exercise emergency powers under sections 20A and s199(2)(a) of the PHW Act.

27 July 2021