

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

Stay at Home Directions (Victoria) (No 3)

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 at Home Directions (Victoria) (No 2)**.
- (4) These directions require everyone who ordinarily resides in the State of Victoria to limit their interaction with others by:
 - (a) restricting the circumstances in which they may leave the **premises** where they ordinarily reside; and
 - (b) restricting public and private gatherings, including prohibiting visitors to another person's home other than in limited circumstances; and
 - (c) requiring **face coverings** to be worn indoors and outdoors.

2 Citation

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

3 Revocation

The **Stay at Home Directions (Victoria) (No 2)** are revoked at 11:59:00pm on 20 July 2021.

4 Stay at home period

For the purposes of these directions, the **stay at home period** is the period beginning at 11:59:00pm on 20 July 2021 and ending at 11:59:00pm on 27 July 2021.

PART 2 — STAY AT HOME

5 Direction — staying at home other than in specified circumstances

Requirement to stay at home

- (1) A person who ordinarily resides in the State of Victoria during the stay at home period must not leave the premises where the person ordinarily resides, other than for one or more of the reasons specified in:
- (a) clause 6 (**necessary goods or services**);
 - (b) clause 7 (**care or other compassionate reasons**);
 - (c) clause 8 (**work or education**);
 - (d) clause 9 (**exercise**);
 - (e) clause 10 (**other specified reasons**); or
 - (f) clause 10A (**SARS-CoV-2 vaccination**).

Note 1: a person may have more than one ordinary place of residence but is only permitted to move between those places in accordance with subclause (9).

Note 2: when leaving home in accordance with law a person must take all reasonable steps to comply with the obligations in these and all other Directions currently in force.

- (2) When leaving their premises, a person:
- (a) must comply with the face covering requirements in subclauses (15), (16), (17) and (19); and
 - (b) must comply with the restrictions on gatherings in clause 11 (**gatherings**); and
 - (c) 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 (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.

*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) A person may only leave their premises under subclause (1) where it does not involve unreasonable travel or travelling to a place for an unreasonable period of time.

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

- (4) A person must not travel in a **vehicle** with another person with whom they do not ordinarily reside unless it is not otherwise reasonably practicable for either person to leave their premises for a purpose permitted under these directions.

Example: a person who does not hold a driver's licence may travel in a vehicle with another person with whom they do not ordinarily reside for the purposes of attending a medical appointment (including a vaccination) or doing their grocery shopping if it is not reasonably practicable for them to travel get there another way.

- (5) A person who leaves their premises under either clause 6 (**necessary goods or services**) or clause 9 (**exercise**) must not:

Note: a person may leave their premises once per day under clause 6 (necessary goods or services) and separately once per day under clause 9 (exercise), but should seek to minimise separate trips as much as possible.

- (a) travel further than 5km from:
- (i) their premises; or
 - (ii) in the case of clause 9 (**exercise**), their **work premises** if they are an **authorised worker** or work for an **authorised provider**, provided that they only exercise outdoors and do not enter any facility open under the **Restricted Activity Directions (Victoria)**; or
- (b) do so more than once per day; or
- (c) do so for a period longer than 2 hours in the case of exercise.
- (6) Where a person leaves their premises under clause 6 (**necessary goods or services**):
- (a) subclause (5)(b) does not apply if the person leaves the premises to obtain goods or services provided by a:
 - (i) financial institution under clause 6(1)(e)(i); or
 - (ii) government body or government agency under clause 6(1)(e)(ii); and
 - (b) subclause (5) does not apply if:

- (i) the person leaves the premises to obtain goods or services for health or medical purposes (including vaccinations) under clause 6(1)(d); or
- (ii) as a consequence of the requirements in that subclause, it is not reasonably practicable for the person to obtain necessary goods or services.

Note 1: if the closest necessary goods or services are more than 5km from a person's ordinary place of residence, then it would not be reasonably practicable for that person to obtain goods and services within the travel limits imposed by subclause (5).

Note 2: where subparagraph (b) applies, the person must not travel any further than is reasonably necessary to obtain necessary goods or services.

(7) Only one person from a given residence per day may leave the premises under clause 6 (**necessary goods or services**), except where:

- (c) the person leaves the premises to obtain goods or services:
 - (i) for health or medical purposes (including vaccinations) under clause 6(1)(d); or
 - (ii) provided by a:
 - (A) financial institution under clause 6(1)(e)(i); or
 - (B) government body or government agency under clause 6(1)(e)(ii); or
- (d) the person is a parent or guardian of a child and they cannot access any child-minding assistance (whether on a paid or voluntary basis) so that they can leave the premises without the child; or
- (e) it is necessary for the person to provide, or the person requires, care and support due to:
 - (i) age, infirmity, disability, illness or a chronic health condition; or
 - (ii) matters relating to the person's health (including mental health or pregnancy).

(8) Where a person leaves the premises under clause 9 (**exercise**), the person must only use a vehicle where:

- (a) the person is using it by themselves; or
- (b) the person is using it with another person with whom they ordinarily reside in accordance with these directions,

and it is not otherwise reasonably practicable for the person to undertake exercise without using a vehicle.

Note: if a person needs to access an area within 5km of their premises for exercise, but can only do so due to mobility (such as a parent with a young child or a person with disability) or safety reasons (such as needing to exercise in an area with greater passive surveillance) by using a vehicle with another person

with whom they do not live, then it would not be reasonably practicable for that person to undertake exercise without sharing a vehicle to do so.

Principal place of residence

- (9) If a person has more than one ordinary place of residence, their place of residence as at 11:59:00pm on 20 July 2021 must remain their principal place of residence for the duration of the stay at home period. A person must not leave their principal place of residence to go to any other ordinary place of residence except:
- (a) for the purposes of (and provided they comply with) clause 8 (***work or education***); or
 - (b) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
 - (c) for emergency maintenance of the other residence; or
 - (d) for emergency purposes; or
 - (e) as required or authorised by law.

Ordinary place of residence

- (10) If a person:
- (a) no longer has an ordinary place of residence in the State of Victoria; or
 - (b) has an ordinary place of residence or principal place of residence (as applicable) in the State of Victoria that has become 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),

then that person may move to alternative suitable premises that are available to that person.

- (11) If a person moves to a new place of residence under subclause (10) or otherwise, 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 1: a person sells their ordinary place of residence, has purchased a new ordinary place of residence and moves between them for the purposes of relocating.

Example 2: a person's house is damaged due to an extreme weather event and the person relocates temporarily while repairs are undertaken.

- (12) If a person's ordinary place of residence is outside the State of Victoria and the person is temporarily residing in the State of Victoria, the premises where that person is temporarily residing in the State of Victoria during the stay at home period (or part thereof) is taken to be the person's ordinary place of residence for the period (or part thereof).

Note: temporarily residing in Victoria includes when a person enters Victoria to travel to a location where they intend to temporarily reside in Victoria.

- (13) If a person's ordinary place of residence is outside the State of Victoria and the person is not temporarily residing in the State of Victoria, their ordinary place of residence outside of the State of Victoria is taken to be their ordinary place of residence and the rules applying to short-term entrants into the State of Victoria under clause 5A apply to that person.

Note: a person who is visiting and staying in Victoria, whether from overseas or interstate, is taken to be temporarily residing in Victoria. A person who is visiting Victoria but not staying in Victoria is not taken to be temporarily residing in Victoria and instead the rules relating to short-term entry into Victoria under clause 5A apply.

- (14) *Not used*

Face covering requirements

- (15) Subject to subclause (16), a person in the State of Victoria must:

- (a) carry a face covering at all times, except where subclause (16)(a), (b), (c), (d) or (e) applies; and
- (b) wear a face covering at all times, except where subclause (16) 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: it is strongly recommended that face coverings be worn in other situations when physical distancing is not possible.

- (16) Subclauses (15)(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 (15)(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 working by themselves in an **outdoor space**, provided no other person is also in the outdoor space (except a person who ordinarily resides at the same premises with them); or
- (l) the person is visiting a person with whom they are in an intimate personal relationship in accordance with clause 7(1)(l); 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 (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
 - 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; or
- (bb) the person is at a premises that is their ordinary place or residence or their temporary place of residence.

Face covering requirements in airports and on aircraft

- (17) Without limiting subclause (15)(b), during the stay at home 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 (18)(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.

- (18) Subclause (17)(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.
- (19) An **authorised officer** may require a person to attest in writing that they have complied with the requirements of subclause (17) to wear a face covering on an aircraft (subject to clause (18)).

5A Travel restrictions: short term entrants to the State of Victoria

Restriction on entry to the State of Victoria

- (1) A person who does not have an ordinary place of residence in the State of Victoria and is not temporarily residing in the State of Victoria during the stay at home period must not enter the State of Victoria other than:
- (a) for one or more of the reasons specified in:
 - (i) clause 6 (**necessary goods or services**);
 - (ii) clause 7 (**care or other compassionate reasons**);
 - (iii) clause 8 (**work or education**);
 - (iv) clause 9 (**exercise**);
 - (v) clause 10 (**other specified reasons**); or
 - (vi) clause 10A (**SARS-CoV-2 vaccination**); or
 - (b) for the purposes of transiting through the State of Victoria in accordance with a **transit permit**; or
 - (c) to undertake work under a **specified worker permit**; or

- (d) for the purpose of an exemption granted under the Victorian Border Crossing Permit Directions or a revoked Border Crossing Permit Direction; or
 - (e) if the person is an **excepted person**.
- (2) If there is any inconsistency between subclause (1) and the Victorian Border Crossing Permit Directions, the restrictions in subclause (1) prevail.
- (3) A person who does not have an ordinary place of residence in the State of Victoria and is not temporarily residing in the State of Victoria but enters the State of Victoria during the stay at home period must:
- (a) comply with the face covering requirements in subclauses 5(15), (16), (17) and (18); and
 - (b) comply with the restrictions on gatherings in clause 11 (**gatherings**); and
 - (c) 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.

Travel restrictions

- (4) A person who does not ordinarily reside in the State of Victoria and is not temporarily residing in the State of Victoria may only enter the State of Victoria under subclause (1) where it does not involve unreasonable travel or travelling to a place for an unreasonable period of time.
- (5) A person who does not ordinarily reside in the State of Victoria and is not temporarily residing in the State of Victoria, but enters Victoria during the stay at home period, must not travel in a **vehicle** with another person with whom they do not ordinarily reside unless it is not otherwise reasonably practicable for either person to enter the State of Victoria for a purpose permitted under these directions.
- (6) A person who does not ordinarily reside in the State of Victoria and is not temporarily residing in the State of Victoria, but enters the State of Victoria under either clause 6 (**necessary goods or services**) or clause 9 (**exercise**) must not:
- (a) travel further than 5km from:
 - (i) their ordinary place of residence outside of the State of Victoria; or
 - (ii) in the case of clause 9 (**exercise**), their **work premises** if they are an **authorised worker** or work for an **authorised provider**, provided that they only exercise outdoors and do not enter any facility open under the **Restricted Activity Directions (Victoria)**; or

- (b) do so more than once per day; or
 - (c) do so for a period longer than 2 hours in the case of exercise.
- (7) A person who does not ordinarily reside in the State of Victoria and is not temporarily residing in the State of Victoria, but enters the State of Victoria under clause 6 (**necessary goods or services**):
- (a) is not required to comply with subclause (6)(b) if the person obtains goods or services provided by:
 - (i) a financial institution under clause 6(1)(e)(i); or
 - (ii) a government body or government agency under clause 6(1)(e)(ii); and
 - (b) is not required to comply with subclause (6) if:
 - (i) the person enters the State of Victoria to obtain goods or services for health or medical purposes (including vaccinations) under clause 6(1)(d); or
 - (ii) as a consequence of the requirements in that subclause, it is not reasonably practicable for the person to obtain necessary goods or services.
- (8) A person who does not ordinarily reside in the State of Victoria and is not temporarily residing in the State of Victoria, but enters the State of Victoria under clause 6 (**necessary goods or services**) must be the only person that has entered the State of Victoria from their ordinary place of residence on that day, except where:
- (a) the person enters the State of Victoria to obtain goods or services:
 - (i) for health or medical purposes (including vaccinations) under clause 6(1)(d); or
 - (ii) provided by a:
 - (A) financial institution under clause 6(1)(e)(i); or
 - (B) government body or government agency under clause 6(1)(e)(ii); or
 - (b) the person is a parent or guardian of a child and they cannot access any child-minding assistance (whether on a paid or voluntary basis) so that they can enter the State of Victoria without the child; or
 - (c) it is necessary for the person to provide, or the person requires, care and support due to:
 - (i) age, infirmity, disability, illness or a chronic health condition; or
 - (ii) matters relating to the person's health (including mental health or pregnancy).
- (9) Where a person who does not ordinarily reside in the State of Victoria and is not temporarily residing in the State of Victoria enters the State of Victoria under clause 9 (**exercise**), the person must only use a vehicle where:
- (a) the person is using it by themselves; or

- (b) the person is using it with another person with whom they ordinarily reside in accordance with these directions,
- and it is not otherwise reasonably practicable for the person to undertake exercise without using a vehicle.

PART 3 — REASONS TO LEAVE PREMISES OR ENTER THE STATE OF VICTORIA

6 Leaving premises or entering the State of Victoria to obtain necessary goods or services

(1) A person who:

- (a) ordinarily resides in the State of Victoria may leave the premises; or
- (b) does not have an ordinary place of residence in the State of Victoria and is not temporarily residing in the State of Victoria, may enter the State of Victoria,

to obtain:

- (c) take away food or drink; or

Note: a person who ordinarily resides in the State of Victoria may not leave their premises to have a dine-in meal at any location.

- (d) goods and services for health or medical purposes (including vaccinations); or
- (e) other necessary goods or services, including (but not limited to) goods or services provided by:
- (i) a financial institution;
 - (ii) a government body or government agency;
 - (iii) a post office;
 - (iv) a **pharmacy**;
 - (v) a petrol station;
 - (vi) a pet store or veterinary clinic;
 - (vii) a retail facility that is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Victoria)**.

7 Leaving premises or entering the State of Victoria for care or other compassionate reasons

(1) A person who:

- (a) ordinarily resides in the State of Victoria may leave the premises: or
- (b) does not have an ordinary place of residence in the State of Victoria and is not temporarily residing in the State of Victoria, may enter the State of Victoria,

for any of the following reasons:

- (c) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
- (d) 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 (**exercise**) or 10 (**other specified reasons**); 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(3); or
- (e) 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
- (f) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions**; or
- (g) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions**; or
- (h) 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
- (i) 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
- (j) to donate biological material at a blood bank or other similar donation facility; or
- (k) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises; or
- (l) to visit a person 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.

- (m) if they are a nominee person or a nominated person for the purpose of social interaction in accordance with clause 11(3)(b)(iii); or
- (n) to provide child-minding assistance (whether on a paid or voluntary basis); or
- (o) if the person has a pet at their premises and it is necessary to take the pet outdoors to urinate or defecate, if it is not reasonably practicable for the pet to do so at the person's premises; or

Note: if a person takes their pet outdoors, the distance travelled and the time taken should be no more than is absolutely necessary.

- (p) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal.

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

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

8 Leaving premises or entering the State of Victoria to attend work or education

- (1) Subject to subclauses (2) and (3), a person who:
 - (a) ordinarily resides in the State of Victoria may leave the premises; or
 - (b) does not have an ordinary place of residence in the State of Victoria and is not temporarily residing in the State of Victoria, may enter the State of Victoria,for any of the following reasons:
 - (c) to attend work (whether paid or voluntary, including for charitable or religious purposes); or
 - (d) to obtain a childcare or early childhood service; or
 - (e) to obtain educational services, which includes going to primary or secondary school and outside school hours care, but does not include **higher education services** unless otherwise provided in subclause (3).
- (2) A person may leave the premises under subclause (1)(a) only if:
 - (a) it is not reasonably practicable for the person to work from the premises where they ordinarily reside; and
 - (b) the person is:
 - (i) an authorised worker, works for an authorised provider, or is required to attend a closed work premises, each as defined in,

- and provided they are permitted to do so, under the **Restricted Activity Directions (Victoria)**; or
- (ii) attending work in another State or Territory and the person complies with the requirements under that State's or Territory's laws.
- (3) A person may leave the premises under subclause (1)(c) only:
- (a) if it is not reasonably practicable for the person to obtain educational services from the premises where they ordinarily reside; and
 - (b) for school educational services (including at a school or non-school senior secondary provider and outside school hours care services), if the person:
 - (i) has:
 - (A) two parents or guardians and both of them are; or
 - (B) a single parent or guardian and that parent or guardian is, an authorised worker or work for an authorised provider and:
 - (C) are not working from the premises; or
 - (D) are working from the premises and are unable to make alternative supervision arrangements for the person leaving the premises to attend school educational services; or
 - (ii) is a **vulnerable child or young person**; or
 - (iii) is a secondary school student attending an assessment that is approved to proceed on site as specified in the **Authorised Provider and Authorised Worker List**; and
 - (c) for higher education services, if it is in relation to final year assessments for Tertiary Education Quality and Standards Agency regulated courses where the students do not have alternative options to complete the study by the end of the year.

9 Leaving premises or entering the State of Victoria for exercise

- (1) A person who:
- (a) ordinarily resides in the State of Victoria may leave the premises; or
 - (b) does not have an ordinary place of residence in the State of Victoria and is not temporarily residing in the State of Victoria, may enter the State of Victoria,
- to exercise, but must:
- (c) only exercise at a facility that is not prohibited by, and provided they comply with any requirements of, the **Restricted Activity Directions (Victoria)**; and
 - (d) comply with the gathering restrictions in clause 11; and

- (e) take reasonable steps to maintain a distance of 1.5 metres from all other persons.
- (2) Subclause (1)(c) does not prevent a person from walking with other persons for the purposes of exercise where this is permitted in accordance with the gathering restrictions in clause 11(4)(a)(iii).

10 Leaving premises or entering the State of Victoria for other reasons

- (1) A person who:
 - (a) ordinarily resides in the State of Victoria may leave the premises; or
 - (b) does not have an ordinary place of residence in the State of Victoria and is not temporarily residing in the State of Victoria, may enter the State of Victoria,

in the following circumstances:

- (c) for emergency preparation activities (together with any other person or people who ordinarily reside with them or any immediate family member), provided such work is urgent and essential; or
- (d) for emergency purposes (other than emergency preparation activities); or
- (e) as required or authorised by law; or
- (f) 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
- (g) to attend a **community facility**, which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Victoria)**; or
- (h) 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 is an authorised worker or works for an authorised provider, and who does not have a driver's licence, to or from work.

- (i) 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
- (j) for the purposes of moving to a new premises at which the person will ordinarily reside; or
- (k) if the person ordinarily resides outside the State of Victoria, for the purposes of leaving the State of Victoria; or

- (l) if the person is permitted to leave Australia, for the purposes of leaving Australia; or
- (m) for the purposes of **national security**.

10A Leaving premises or entering the State of Victoria for vaccination

- (1) A person who:
 - (a) ordinarily resides in the State of Victoria may leave the premises; or
 - (b) does not have an ordinary place of residence in the State of Victoria and is not temporarily residing in the State of Victoria, may enter the State of Victoria,to receive a SARS-CoV-2 vaccination, provided that the distance travelled and the time taken should be no more than is reasonably necessary.

PART 4 — GATHERINGS

11 Restrictions on gatherings

Private gatherings

- (1) During the stay at home period, a person must not enter a premises (at which they do not ordinarily reside) in the State of Victoria, except for one or more of the purposes specified in (and provided they comply with) clauses 6 (**necessary goods or services**), 7 (**care or other compassionate reasons**), 8 (**work or education**), or 10 (**other specified reasons**).
- (2) During the stay at home period, a person who ordinarily resides or temporarily resides in the State of Victoria must not permit another person to enter the premises at which they ordinarily reside or temporarily reside (whether or not entering any building on the premises).
- (3) Subclause (1) does not prevent any person entering the premises:
 - (a) if the other person also ordinarily resides at the premises; or
 - (b) if it is necessary for the other person to enter the premises for one or more of the purposes specified in:
 - (i) clause 6(1) (necessary goods or services); or
 - (ii) clause 7(1) (**care or other compassionate reasons**), subparagraphs (a), (b)(i)-(iii), (c), (f), (g), (i), (j), (l) or (n); or
Note: those entering the premises for a care or other compassionate purpose should be no more than the minimum number of people necessary to do so.
 - (iii) clause 7(1)(k) (social interaction) provided that:
 - (A) the nominee person is permitting their nominated person (and any child permitted to accompany them) to enter the premises; or

(B) the nominated person is permitting their nominee person (and any child permitted to accompany them) to enter the premises, but only while the nominated person is otherwise by themselves at their premises,

and:

(C) the nominee person has only one nominated person; and

(D) the nominated person has only one nominee person,

for the duration of these directions; or

(iv) clause 8 (**work or education**), to attend or undertake work or to provide or receive educational services; or

Examples: a tradesperson for the purpose of carrying out urgent and essential 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.

(v) clause 10(1) (**other specified reasons**), subparagraphs (a), (b), (c), (d), (g), (h) or (k); or

(c) if the person is a parent or guardian of a child and they cannot access any child-minding assistance (whether on a paid or voluntary basis) so that they can leave the premises without the child, then the child may accompany the parent or guardian when entering the premises in accordance with subparagraph (b); or

(d) if permitted under, and provided they comply with the requirements of, the Directions currently in force.

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

Public gatherings

(4) During the stay at home period, a person in the State of Victoria must not arrange to meet, or organise or intentionally attend a gathering, with any other person (with any infant under one year of age not counting towards this limit) for a common purpose at a public place, except:

Note: 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) if it is necessary to arrange a meeting or organise or attend a gathering for one or more of the purposes specified in:

(i) clause 7 (**care or other compassionate reasons**); or

- (ii) clause 8 (**work or education**); or
- (iii) clause 9 (**exercise**), provided it is only with:
 - (A) any other person (or people) who ordinarily reside at the same premises; or
 - (B) a person with whom they are in an intimate personal relationship; or
 - (C) one other person with whom the person does not ordinarily reside; or

Note: a person may exercise with the other person (or people) who ordinarily reside at the same premises together with a person with whom they are in an intimate personal relationship, who is considered part of their household for this purpose.

- (iv) clause 10 (**other specified reasons**), provided that if it is for approved emergency preparation activities and it is only with any other person (or other people) who ordinarily reside at the same premises or any immediate family member; or
- (b) where it is for one or more of the purposes specified in clause 6 (**necessary good or services**) and the exceptions in clause 5(7) apply; or
- (c) if the person is a parent or guardian of a child and they cannot access any child-minding assistance (whether on a paid or voluntary basis) so that they can leave the premises without the child, then the child may accompany the parent or guardian when gathering with one other person; or
- (e) for the purpose of attending a wedding in the State of Victoria that complies with the requirements in subclause (5); or
- (f) for the purpose of attending a funeral in the State of Victoria that complies with the requirements in subclause (6); or
- (g) for the purpose of attending an end of life activity that complies with the requirements in subclause (7).

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

- (5) The requirements for a wedding held in the State of Victoria 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; and
- (c) it complies with any applicable requirements of the **Restricted Activity Directions (Victoria)**; and
 - (d) in any case (other than at a person's ordinary place of residence), the total number of **members of the public** present at the same time in the space must not exceed the **density quotient**; and
 - (e) if held at a person's ordinary place of residence, it must comply with the gathering restrictions in subclauses (1) and (2).

Note: 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 for a wedding held at a private residence.

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

- (6) The requirements for a funeral held in the State of Victoria are that:
 - (a) it involves no more than:
 - (i) 10 members of the public (with any infant under one year of age not counting towards this limit); and
 - (i) no more than the minimum number of persons reasonably necessary for the conduct of the funeral; and
 - (b) in any case (other than at a person's ordinary place of residence), the total number of members of the public present at the same time in the space must not exceed the density quotient; and
 - (c) it complies with any applicable requirements of the **Restricted Activity Directions (Victoria)**; and
 - (d) if held at a person's ordinary place of residence, it must comply with the gathering restrictions in subclauses (1) and (2).

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 (3)(b)(iv) (work), are not subject to the gathering restrictions in subparagraph (a), 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**.*

- (7) The requirements for end of life activity in the State of Victoria are that:
 - (a) it involves no more than:
 - (i) the person experiencing end of life; and

- (ii) any other person (or people) who ordinarily reside at the premises of the person experiencing end of life; and
 - (iii) any other person whom a person in subparagraph (i) or (ii) is in an intimate personal relationship; and
 - (iv) two other people,
- with any infant under one year of age not counting towards these limits; and
- (b) if the end of life activity is conducted:
 - (i) at a person's principal place of residence in accordance with subparagraph (a), permission is not required from the Chief Health Officer or the Deputy Chief Health Officer and this activity will not breach the gathering restrictions; or
 - (ii) in an indoor space (other than at a person's principal place of residence) or an outdoor space, permission is required from the Chief Health Officer or the Deputy Chief Health Officer in accordance with subparagraphs (c) and (d); and
 - (c) a person experiencing end of life, or someone on their behalf may apply to the Chief Health Officer or the Deputy Chief Health Officer for permission to conduct an end of life activity; and
 - (d) the Chief Health Officer or the Deputy Chief Health Officer may, in writing, grant permission for an end of life activity in public, subject to any time limit set for that activity, and any end of life activity conducted in accordance with the permission will not breach the gathering restrictions; and
 - (e) in any case (other than at a person's principal place of residence), the total number of members of the public present at the same time in the space must not exceed the density quotient.

PART 6 — OTHER PROVISIONS

12 Relationship with other Directions

- (1) If there is any inconsistency between Parts 2, 3, 4 and 5 of these directions and the **Diagnosed Persons and Close Contacts Directions**, 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) **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) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (4) **authorised officer** has the same meaning as in the **PHW Act**;
- (5) **authorised provider** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (6) **Authorised Provider and Authorised Worker List** is the document available at www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-list as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer;
- (7) **authorised worker** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (8) **Care Facilities Directions** means **Care Facilities Directions (No 36)** as amended or replaced from time to time;
- (9) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (10) **childcare or early childhood service** means onsite early childhood education and care services or children's services provided under the:
 - (a) **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; or
 - (b) **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;
- (11) **closed work premises** has the same meaning as in the **Restricted Activity Directions (Victoria)**;

- (12) **community facility** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (13) **density quotient** has the same meaning as in the **Workplace Directions**;
- (14) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (15) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No 24)** as amended or replaced from time to time;
- (16) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (17) **Directions currently in force** means the **Restricted Activity Directions (Victoria)**, the **Stay at Home 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;
- (18) **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));
- (19) **excepted person** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (20) **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);
- (21) **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;
- (22) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (23) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No 33)** as amended or replaced from time to time;
- (24) **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;

- (25) **member of the public** has the same meaning as in the **Restricted Activity Directions (Victoria)**;
- (26) **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**;
- (27) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (28) **nominated person** means a person nominated by a **nominee person** for social interaction permitted in accordance with these directions;
- (29) **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;
- (30) **outdoor space** means a space that is not an **indoor space**;
- (31) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (32) **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;
- (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) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (36) **Restricted Activity Directions (Victoria)** means the **Restricted Activity Directions (Victoria) (No 18)** as amended or replaced from time to time;
- (37) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (38) **specified worker (exclusive outdoor activities) permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (39) **specified worker (low workplace interaction) permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (40) **specified worker (other) permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (41) **specified worker permit** means the **specified worker (exclusive outdoor activities) permit**, **specified worker (low workplace interaction) permit** or the **specified worker (other) permit**;

- (42) **stay at home period** has the meaning in clause 4;
- (43) **transit permit** has the meaning as in the **Victorian Border Crossing Permit Directions**;
- (44) **vehicle** has the same meaning as in the **PHW Act**;
- (45) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No 23)** as amended or replaced from time to time;
- (46) **vulnerable child or young person** means a child or young person who:
 - (a) resides in the care of the State or in out-of-home care; or
 - (b) is deemed vulnerable by a government agency, funded family or family violence service, and is assessed as requiring education and care outside the family home; or
 - (c) identified by a school as vulnerable, (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service);
- (47) **work premises** has the same meaning as in the **Workplace Directions**;
- (48) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No 33)** as amended or replaced from time to time;
- (49) **Workplace Directions** means the **Workplace Directions (No 38)** as amended or replaced from time to time;
- (50) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (51) **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.



Adjunct Clinical Professor Brett Sutton

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

20 July 2021