

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

Stay Safe Directions (Metropolitan Melbourne) (No 5)

Public Health and Wellbeing Act 2008 (Vic)

Section 200

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

PART 1 — PRELIMINARY

1 Preamble

- (1) The purpose of these directions is to address the serious public health risk posed to 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 (Metropolitan Melbourne) (No 4)**.
- (4) These directions require everyone who ordinarily resides in Metropolitan Melbourne to:
 - (a) restrict the circumstances in which they may leave Metropolitan Melbourne; and
 - (b) limit interactions with others by restricting private and public gatherings; and
 - (c) 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 (Metropolitan Melbourne) (No 5)**.

3 Commencement and revocation

- (1) These directions commence at 11:59:00pm on 23 October 2021 and end at 11:59:00pm on 18 November 2021.
- (2) The **Stay Safe Directions (Metropolitan Melbourne) (No 4)** are revoked at 11:59:00pm on 23 October 2021.

4 Stay safe period

For the purposes of these directions, the stay safe period is the period beginning at 11:59:00pm on 23 October 2021 and ending at 11:59:00pm on 18 November 2021.

PART 2 — STAY SAFE

5 Direction — staying safe

- (1) A person who ordinarily resides in Metropolitan Melbourne during the stay safe period may leave the premises where the person ordinarily resides for any reason.
- (2) When leaving their premises, a person must, during the stay safe period:
 - (a) not travel to Regional Victoria other than in accordance with subclauses (3), (4), (5), (6) and (7); and
 - (b) comply with the face covering requirements in subclauses (8), (9), (10), (11) and (12); and
 - (c) if attending work or obtaining education services, do so in accordance with clause 6 (**attending work or education**); and
 - (d) comply with the restrictions on gatherings in clause 7 (**restrictions on gatherings**); and
 - (e) comply with the Directions currently in force; and
 - (f) not attend or engage in an activity on a premises if the operator of that premises is prohibited from allowing the person to attend or engage in that activity under the **Open Premises 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 to Regional Victoria

- (3) Subject to subclauses (4), (5), (6) and (7) a person who ordinarily resides in Metropolitan Melbourne during the stay safe period must not travel to Regional Victoria other than for one or more of the following reasons:
 - (a) to obtain 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 **Open Premises Directions**, provided that the place from which the person is obtaining the necessary goods or services is the closest place to the person's principal place of residence from which those goods or services can be obtained; or
- (b) for **care or other compassionate reasons**; or
 - (c) if the person is an **authorised worker** or works for an **authorised provider** and is required to attend a **work premises** in Regional Victoria; or
 - (d) if permitted to attend work or obtaining education services in Regional Victoria in accordance with clause 6 (**attending work or education**); or
 - (e) to receive a SARS-CoV-2 vaccination, provided that the distance travelled and the time taken is no more than is reasonably necessary and the location where the person is receiving the SARS-CoV-2 vaccination is in an adjacent local government area to where the person resides; or
 - (f) for reasons relating to the following matters:
 - (i) for **emergency preparation activities** or **emergency response activities** provided that the person can only be accompanied by other persons who ordinarily reside with them and/or an intimate partner; or
 - (ii) for emergency purposes which includes, without limitation, seeking emergency medical assistance; or
 - (iii) as required or authorised by law; or
 - (iv) for purposes relating to the administration of justice, including (but not limited to) attending:
 - (A) a police station; or
 - (B) a court or other premises for purposes relating to the justice or law enforcement system; or
 - (v) to attend a **community facility**, which is permitted to operate under, and is operating in accordance with, the **Open Premises Directions**, and for the purposes of essential support services only; or
 - (vi) 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.

- (vii) 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
- (viii) for the purposes of moving to a new premises at which the person will ordinarily reside; or
- (ix) if the person ordinarily resides outside Metropolitan Melbourne, for the purposes of leaving Metropolitan Melbourne; or
- (x) if the person is permitted to leave Australia, for the purposes of leaving Australia; or
- (xi) for the purposes of **national security**; or
- (xii) to attend an inspection of real estate for the purposes of a prospective sale of the property, or for end of lease activities; or
- (xiii) if the person is temporarily residing at a premises that is not their ordinary place of residence, to return to their ordinary place of residence; or
- (xiv) for the purpose of recruitment, where it is not reasonably practicable for that recruitment to occur from the place where those involved in the recruitment ordinarily reside.

Example: Victoria Police may permit applicants for employment to attend examinations, fitness assessments and other medical and psychological screening where these activities cannot be undertaken from home.

Principal place of residence

- (4) If a person has more than one ordinary place of residence, their place of residence as at 11:59:00pm on 22 August 2021 must remain their principal place of residence for the duration of the stay safe period. If the person's principal place of residence is:
 - (a) within Metropolitan Melbourne, they must not leave to go to any other ordinary place of residence outside Metropolitan Melbourne; or
 - (b) outside Metropolitan Melbourne, they must not leave to go to any other ordinary place of residence within Metropolitan Melbourne,except:
 - (c) for the purposes of (and provided they comply with) clause 6 (**attending work or education**); or
 - (d) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or

- (e) for emergency maintenance of the other residence; or
- (f) for emergency purposes; or
- (g) for emergency preparation activities; or
- (h) for emergency response activities; or
- (i) as required or authorised by law.

Ordinary place of residence

- (5) If a person:
- (a) no longer has an ordinary place of residence in Metropolitan Melbourne; or
 - (b) has an ordinary place of residence or principal place of residence (as applicable) in Metropolitan Melbourne 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.

- (6) If a person moves to a new place of residence under subclause (5) 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.

- (7) If a person's ordinary place of residence is outside Metropolitan Melbourne and the person is temporarily residing in Metropolitan Melbourne, the premises where that person is temporarily residing in Metropolitan Melbourne during the stay safe period (or part thereof) is taken to be the person's ordinary place of residence for the period (or part thereof).

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

Face covering requirements

- (8) A person in Metropolitan Melbourne must:
- (a) carry a face covering at all times, except where subclause (9)(a), (b), (c), (d), (e) or (aa) 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) while attending onsite **educational services** onsite in Metropolitan Melbourne or Regional Victoria, in accordance with the **Open Premises Directions**; or
- (vii) if the person is a diagnosed person or close contact and is leaving the premises in accordance with the **Diagnosed Persons and Close Contacts Directions**; and
- (viii) 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.

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

- (9) Subclauses (8)(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 except the requirements in subclause (8)(b)(vi) continue to apply; or
 - (b) the person is a **prisoner** in a **prison** (either in their cell or common areas), subject to any policies of that prison; or
 - (c) 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
 - (d) 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.
 - (e) it is not practicable for the person to comply with subclauses (8)(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

- (f) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (g) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
- (h) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or
 - Examples: teaching, lecturing, broadcasting.*
- (i) the person is working by themselves in an enclosed indoor space (unless and until another person enters that indoor space); or
 - Example: a person working by themselves in an office.*
- (j) the person is working by themselves in an outdoor space, provided no other person is also in the outdoor space (except a person who ordinarily resides at the same premises with them); or
 - Example: a farmer working by themselves in a field, or with their family who lives in the same premises as them.*
- (k) the person is visiting a person in accordance with clause 7(1) and (2) (*private gatherings*); or
- (l) the person is one of two persons being married, during their wedding ceremony, or while being photographed at the wedding; or
- (m) the person is a professional sportsperson when training or competing; or
- (n) the person is engaged in any strenuous physical exercise; or
 - Examples: jogging, running, swimming, cycling.*
- (o) the person is riding a bicycle or a motorcycle; or
- (p) the person is travelling in a vehicle by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (q) the person is consuming:
 - (i) medicine; or
 - (ii) food or drink in any space except an indoor space within a retail facility or **restricted retail facility**; or
 - (iii) food or drink in an indoor space within a retail facility or restricted retail facility only if the person is:
 - (A) a worker at the retail facility or restricted retail facility; or
 - (B) on the premises of a **food and drink facility** within the retail facility or restricted retail facility; or
 - Example 1: a person buying takeaway food from a shopping centre food court cannot consume that food within the shopping centre unless they are a worker at the shopping centre.*

Example 2: a person buying coffee at a café within a shopping centre can consume the coffee at that café but not elsewhere in the shopping centre, unless they are a worker at the shopping centre.

- (r) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (s) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (t) the person is receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Open Premises Directions**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
- (u) the person is providing a service from a facility which is permitted to operate under, and is operating in accordance with, the **Open Premises Directions**, to the extent that it is not reasonably practicable to provide that service wearing a face covering; or
- (v) the person is an accused person in a criminal case in any court located in Metropolitan Melbourne and the person is in the dock either alone or with a co-accused, provided that any co-accused also present in the dock is at least 1.5 metres away from the person; or
- (w) 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.

- (x) for emergency purposes; or
- (y) when required or authorised by law; or
- (z) when doing so is not safe in all the circumstances; or
- (aa) 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

- (10) Without limiting subclause (8)(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 (11)(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.

- (11) Subclauses (10)(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 **Open Premises Directions**, 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 **Open Premises Directions**, 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.
- (12) An **authorised officer** may require a person to attest in writing that they have complied with the requirements of subclause (10) to wear a face covering on an aircraft (subject to subclause (11)).

PART 3 — WORK AND EDUCATION

6 Attending work or education

- (1) A person who ordinarily resides in Metropolitan Melbourne may only attend work (whether paid or voluntary, including for charitable or religious purposes) at a work premises in:
 - (a) Metropolitan Melbourne if it is not reasonably practicable for the person to work from the premises where they ordinarily reside or another suitable premises; or
 - (b) Regional Victoria if:
 - (i) they are an authorised worker or work for an authorised provider; and
 - (ii) it is not reasonably practicable for the person to work from the premises where they ordinarily reside or another suitable premises.
- (2) A person who ordinarily resides in Metropolitan Melbourne must only attend or obtain onsite **educational services** in Metropolitan Melbourne if the person attending the onsite educational services:
 - (a) has two parents, guardians or carers and both of them are authorised workers or work for authorised providers and are working outside their premises and are unable to make alternative supervision arrangements for that person leaving the premises to attend education services; or
 - (b) has a single parent, guardian or carer and that parent, guardian or carer is an authorised worker or works for an authorised provider and is working outside their premises and is unable to make alternative supervision arrangements for that person leaving the premises to attend education services; or
 - (c) is a **vulnerable child or young person**; or
 - (d) only attends the onsite educational services for no more than the number of days specified in the **Open Premises Directions** for the year level of the person and meets the requirements imposed on the operator of the educational services under the **Open Premises Directions** in relation to that person.
- (3) A person who ordinarily resides in Metropolitan Melbourne and is enrolled in onsite educational services in Regional Victoria can only attend or obtain those services in Regional Victoria if they would have been permitted to do so under the **Stay Safe Directions (Regional Victoria)**, if they were an ordinary resident of Regional Victoria.
- (4) A person who ordinarily resides in Metropolitan Melbourne must only obtain a **childcare or early childhood service** in Metropolitan Melbourne or Regional Victoria if:

- (a) at least one parent, guardian or carer of the child with whom the child ordinarily resides is:
 - (i) an authorised worker or works for an authorised provider; and
 - (ii) is unable to make alternative supervision arrangements for the child; or
 - (b) each parent, guardian or carer of the child with whom the child ordinarily resides is fully vaccinated or an excepted person; or
 - (c) the child has a single parent, guardian or carer, and that person is:
 - (i) working outside of the home and is unable to make alternative supervision arrangements for that child; or
 - (ii) working at home and is unable to make alternative supervision arrangements for that child; or
 - (d) is a vulnerable child or young person.
- (5) A person who ordinarily resides in Metropolitan Melbourne may only attend **higher education services** (whether in Regional Victoria or in Metropolitan Melbourne) if:
- (a) it is in relation to:
 - (i) final year assessments for Tertiary Education Quality and Standards Agency regulated courses; and
 - (ii) where the person does not have alternative options to complete the study by the end of 2021; or
 - (b) it is in relation to an assessment that a person is unable to complete at their ordinary place of residence; or
 - (c) the person is undertaking secondary school subjects, attend onsite higher education services for no more than the number of days specified in the **Open Premises Directions** for the year level of the subjects that they are undertaking and meet the requirement imposed on the operator of the educational services under the **Open Premises Directions** in relation to that person; or
 - (d) it is to perform the practical, skills-based components of a person's study that the person is unable to complete at their ordinary place of residence.

PART 4 — GATHERINGS

7 Restrictions on gatherings

Private gatherings

- (1) During the stay safe period, a person who ordinarily resides in Metropolitan Melbourne must not permit more than 10 persons per day to enter any premises at which the person is residing in Metropolitan Melbourne for any reason, with the following persons not counting towards this limit:
 - (a) any infant under 12 months of age; and

- (b) any person who ordinarily reside at the premises; and
- (c) any other person with whom a person in subparagraph (b) is in an intimate relationship,

except if the relevant premises is a **care facility**.

*Note: Any regulation of access and visits to care facilities is contained in the **Care Facilities Directions**.*

- (2) The capacity limit in subclause (1) does not prevent any person from permitting entry to another person or from entering a premises:

- (a) if permitted under, and provided they comply with the requirements of, the Directions currently in force; or
- (b) to provide or receive necessary goods or services; or
- (c) to attend or undertake work in accordance with clause 6 (**attending work or education**); or

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

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.

- (d) to provide childminding (where the child, children or young person is primary school age or younger), **childcare or early childhood service**, schooling or education services (whether paid or on a voluntary basis) only if the person also ordinarily resides in Metropolitan Melbourne; or
- (e) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
- (f) 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
- (g) 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),
including to assist the person with emergency preparation activities; or

- (h) 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.

- (i) to attend a wedding or funeral in Metropolitan Melbourne if that wedding or funeral complies with the requirements in subclauses (5) to (10); or
 - (j) to attend an **end of life** activity; or
 - (k) 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
 - (l) if the premises in which the person ordinarily resides is no longer available to, or is no longer suitable for, the person; or
 - (m) 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 **Open Premises Directions**; or
 - (n) for the purpose of moving to the premises as the place where they will ordinarily reside; or
 - (o) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
 - (p) for medical or emergency purposes (other than emergency maintenance); or
 - (q) 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
 - (r) for purposes relating to the administration of justice; or
 - (s) as required or authorised by law; or
 - (t) for the purposes of national security.
- (3) During the stay safe period, a person who ordinarily resides in Metropolitan Melbourne must not permit a person who ordinarily resides in Regional Victoria to enter the premises at which they ordinarily reside (whether or not entering any building on the premises) unless that other person is entering the premises for one or more of the following reasons:
- (a) for care or other compassionate reasons; or
 - (b) for emergency preparation activities or emergency response activities; or
 - (c) for emergency purposes; or
 - (d) as required or authorised by law; or

- (e) for purposes relating to the administration of justice; or
- (f) for the purposes of national security.

Public gatherings

- (4) During the stay safe period, a person who ordinarily resides in Metropolitan Melbourne must not arrange to meet, or organise or intentionally attend a gathering of:
 - (a) more than 14 other persons who ordinarily reside in Metropolitan Melbourne (with any infant under one year of age not counting towards this limit) for a common purpose at a public place; or
 - (b) any persons who ordinarily reside in Regional Victoria, 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 15, and all persons in attendance must ordinarily reside in Metropolitan Melbourne.

Note 2: two or more groups of 15 people 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).

- (c) where each other person ordinarily resides at the same premises; or
- (d) for the purpose of a religious gathering (including ceremonies) provided that the operator of the premises at which the religious gathering is held complies with any requirements under the **Open Premises Directions** and provided all attendees are persons who ordinarily reside in Metropolitan Melbourne (unless the religious gathering is a wedding or a funeral, in which case the wedding or a funeral must comply with subclauses (5) to (10)); or
- (e) for the purposes of an outdoor routine religious gathering (including ceremonies) if all attendees are fully vaccinated or excepted persons, provided that:
 - (i) the gathering is only conducted outdoors; and
 - (ii) the number of **members of the public** present at the same time in the space does not exceed the **density quotient**; and
 - (iii) the maximum number of members of the public that attend the gathering is 50, not including those necessary to conduct the service; or

- (f) for the purposes of an outdoor routine religious gathering (including ceremonies) if not all attendees are fully vaccinated or their vaccination status is unknown, provided that:
 - (i) the gathering is only conducted outdoors; and
 - (ii) the number of members of the public present at the same time in the space does not exceed the density quotient; and
 - (iii) the maximum number of members of the public that attend the gathering is 20, not including those necessary to conduct the service; or
- (g) for the purpose of a wedding in Metropolitan Melbourne that complies with the requirements in subclause (5), (6) or (7) or a wedding in Regional Victoria that complies with the requirements of the **Stay Safe Directions (Regional Victoria)**; or
- (h) for the purpose of a funeral in Metropolitan Melbourne that complies with the requirements in subclause (8), (9) or (10) or a funeral in Regional Victoria that complies with the requirements of the **Stay Safe Directions (Regional Victoria)**; or
- (i) 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 that an operator is permitted to operate at the premises under, and provided the operator complies with any requirements of, the **Open Premises Directions**; or
 - (ii) to attend or undertake work in accordance with clause 6 (**attending work or education**); or
 - (iii) medical or emergency purposes; or
 - (iv) purposes as required or authorised by law; or
 - (v) purposes relating to the administration of justice.

Note: a person may leave the premises at which they ordinarily reside using transport (public or private) regardless of how many people are on the tram, train, or bus or in the vehicle.

Weddings

- (5) The requirements for a wedding that is held at a person's ordinary place of residence in Metropolitan Melbourne during the stay safe period are that there are no more than 10 persons in attendance, with the following persons not counting towards this limit:
 - (a) the two persons being married; and
 - (b) the **authorised celebrant**; and
 - (c) the photographer; and
 - (d) any person who ordinarily resides at the premises; and
 - (e) any other person with whom a person in subparagraph (d) is in an intimate personal relationship.

- (6) The requirements for a wedding held in an indoor space that is not a person's ordinary residence in Metropolitan Melbourne during the stay safe period are that:
- (a) there are either no more than:
 - (i) 20 persons in attendance at the wedding excluding the two persons being married, the authorised celebrant, and the photographer provided that all persons aged 16 years or over are fully vaccinated or an excepted person including the two persons being married, the authorised celebrant, and the photographer; or
 - (ii) 10 persons in attendance at the wedding excluding the two persons being married, the authorised celebrant, and the photographer if any person aged 16 years or over is not fully vaccinated and is not an excepted person, or their vaccination status is unknown; and
 - (b) the total number of members of the public present at the same time in the space must not exceed the density quotient; and
 - (c) the operator of the premises where the wedding is held complies with any requirements under the **Open Premises Directions**.

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

- (7) The requirements for a wedding held in an outdoor space in Metropolitan Melbourne during the stay safe period are that:
- (a) there are either no more than:
 - (i) 50 persons in attendance at the wedding excluding the two persons being married, the authorised celebrant, and the photographer provided that all persons aged 16 years or over are fully vaccinated or an excepted person including the two persons being married, the authorised celebrant, and the photographer; or
 - (ii) 20 persons in attendance at the wedding excluding the two persons being married, the authorised celebrant, and the photographer if any person aged 16 years or over is not fully vaccinated and is not an excepted person, or their vaccination status is unknown; and
 - (b) the total number of members of the public present at the same time in the space must not exceed the density quotient; and
 - (c) the operator of the premises where the wedding is held complies with any requirements under the **Open Premises Directions**.

Funerals

- (8) The requirements for a funeral held at a person's ordinary place of residence in Metropolitan Melbourne are that:
- (a) if all people in attendance have a principal place of residence in Metropolitan Melbourne, it involves only **10 members of the public** with the following persons not counting towards this limit:
 - (i) any infant under 12 months 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 (iii) is in an intimate personal relationship.
- (9) The requirements for a funeral held in an indoor space that is not a person's ordinary place of residence in Metropolitan Melbourne during the stay safe period are that:
- (a) there are either no more than:
 - (i) 20 persons attending the funeral excluding the persons necessary to conduct the funeral provided that all persons aged 16 years or over are fully vaccinated or an excepted person including the persons necessary to conduct the funeral; or
 - (ii) 10 persons attending the funeral excluding the persons necessary to conduct the funeral if any person aged 16 years or over is not fully vaccinated and is not an excepted person, or their vaccination status is unknown; and
 - (b) the total number of members of the public present at the same time in the space must not exceed the density quotient; and
 - (c) the operator of the premises where the funeral is held complies with any requirements under the **Open Premises Directions**.
- Note: record-keeping requirements apply to funerals as set out in the **Workplace Directions**.*
- (10) The requirements for a funeral held in an outdoor space in Metropolitan Melbourne are that:
- (a) there are either no more than:
 - (i) 50 persons attending the funeral excluding the persons necessary to conduct the funeral provided that all persons aged 16 years or over are fully vaccinated or an excepted person including the persons necessary to conduct the funeral; or
 - (ii) 20 persons attending the funeral excluding the persons necessary to conduct the funeral if any person aged 16 years or over is not fully vaccinated and is not an excepted person, or their vaccination status is unknown; and

- (b) the total number of members of the public present at the same time in the space must not exceed the density quotient; and
- (c) the operator of the premises where the funeral is held complies with any requirements under the **Open Premises Directions**.

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

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 management board** has the same meaning as in the **Alpine Resorts (Management) Act 1997**;
- (4) **Area Directions** means the **Area Directions (No 27)** as amended or replaced from time to time;

- (5) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (6) **authorised officer** has the same meaning as in the **PHW Act**;
- (7) **authorised provider** means a provider of goods or services as set out in the **Authorised Provider and Authorised Worker List**;
- (8) **Authorised Provider and Authorised Worker List** means the “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, available at www.coronavirus.vic.gov.au/authorised-provider-and-authorised-worker-list;
- (9) **authorised worker** means a person who performs work as set out in the **Authorised Provider and Authorised Worker List**;
- (10) **bus company** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (11) **Care Facilities Directions** means **Care Facilities Directions (No 47)** as amended or replaced from time to time;
- (12) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (13) **care or other compassionate reasons** means:
 - (a) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
 - (b) if the person is a parent or guardian of a child (with or without that child):
 - (i) to visit the child if the child is in detention, or in the care of another person; or
 - (ii) to meet any obligations in relation to care and support for that child; or
 - (iii) to take the child to:
 - (A) a **childcare or early childhood service** in accordance with clause 6(4); or
 - (B) **educational services** in which they are enrolled in accordance with clause 6; or
 - (c) to provide care and support to a person who has, or to receive care or support because the person has:
 - (i) particular needs because of age, infirmity, disability, illness, a chronic health condition, homelessness or family violence; or
 - (ii) particular needs because of matters relating to the other person’s health (including mental health or pregnancy),including to assist the person with emergency preparation activities; or

- (d) to provide childminding services to a **vulnerable child or young person** only;
- (e) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions**; or
- (f) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions**; or
- (g) to attend a wedding or a funeral in an ordinary place of residence in Regional Victoria, if that wedding is for **end of life** purposes or funeral complies with the requirements in clause 7(8);
- (h) to attend a **memorial** site to pay respects to a deceased person provided that this is in alignment with private and public gathering limits outlined in clause 7; or
- (i) to donate biological material at a blood bank or other similar donation facility; or
- (j) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises; or
- (k) to visit a person with whom they are in an intimate personal relationship; or

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.

- (l) 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.

- (14) **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;
- (15) **commercial passenger vehicle** has the same meaning as in the **Workplace Directions**;
- (16) **community facility** has the same meaning as in the **Open Premises Directions**;

- (17) **COVID-19 Mandatory Vaccination (Specified Facilities) Directions** means the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No 10)** as amended or replaced from time to time;
- (18) **COVID-19 Mandatory Vaccination (Workers) Directions** means the **COVID-19 Mandatory Vaccination (Workers) Directions (No 5)** as amended or replaced from time to time;
- (19) **density quotient** has the same meaning as in the Workplace Directions;
- (20) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No 31)** as amended or replaced from time to time;
- (21) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (22) **Directions currently in force** means the **Open Premises Directions**, the **Area Directions**, the **Stay Safe Directions (Metropolitan Melbourne)**, the **Stay Safe Directions (Regional 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**, the **Workplace (Additional Industry Obligations) Directions**, the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**, and the **COVID-19 Mandatory Vaccination (Workers) Directions**, each as amended or replaced from time to time;
- (23) **educational services** means school educational services (including at a school or non-school senior secondary provider and outside school hours care services), but does not include **childcare or early childhood services** or **higher education services**;
- (24) **emergency preparation activities** means activities relating to emergency preparedness in either **Metropolitan Melbourne** or **Regional Victoria** that are:
- (a) urgent and essential; or
 - (b) from 11 October 2021, the subject of an approval in writing issued by a local council, **alpine resort management board** or Regional Director of the Department of Environment, Land, Water and Planning (DELWP) to undertake bushfire preparation activities within the municipal district, alpine resort area or unincorporated area for which that local council, **alpine resort management board** or DELWP is responsible and that comply with any conditions imposed under that approval;
- Note: emergency preparation activities includes activities such as travelling to a tip to dispose of garden waste or other bushfire preparedness activities.*
- (25) **emergency response activities** means activities related to emergency responses in either **Metropolitan Melbourne** or **Regional Victoria**

including to assess whether property has been damaged after an emergency;

- (26) **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));
- (27) **excepted person** has the same meaning as in the **Open Premises Directions**;
- (28) **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);
- (29) **food and drink facility** has the same meaning as in the **Open Premises Directions**;
- (30) **fully vaccinated** has the same meaning as in the **Open Premises Directions**;
- (31) **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;
- (32) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (33) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No 38)** as amended or replaced from time to time;
- (34) **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;
- (35) **licensed tourism operator** has the same meaning as in the **Open Premises Directions**;
- (36) **members of the public** has the same meaning as in the **Open Premises Directions**;
- (37) **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**;
- (38) **Metropolitan Melbourne** has the same meaning as in the **Area Directions**;
- (39) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;

- (40) **Open Premises Directions** means the **Open Premises Directions (No 2)** as amended or replaced from time to time;
- (41) **outdoor space** means a space that is not an **indoor space**;
- (42) **passenger transport company** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (43) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (44) **photographer** means a person who takes photographs as a business and has an Australian Business Number for this purpose;
- (45) **place of transit** means an **airport, port**, train station or bus terminal;
- (46) **port** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions**;
- (47) **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;
- (48) **prison** has the same meaning as in the **Corrections Act 1986**;
- (49) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (50) **public transport** means a vehicle operated by a **passenger transport company** or by a **bus company** in the provision of **public transport service**;
- (51) **public transport service** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (52) **Regional Victoria** has the same meaning as in the **Area Directions**;
- (53) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (54) **retail facility** has the same meaning as in the **Open Premises Directions**;
- (55) **restricted retail facility** has the same meaning as in the **Open Premises Directions**;
- (56) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (57) **Stay Safe Directions (Regional Victoria)** means the **Stay Safe Directions (Regional Victoria) (No 15)** as amended or replaced from time to time;
- (58) **stay safe period** has the meaning in clause 4;
- (59) **vehicle** has the same meaning as in the **PHW Act**;
- (60) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No 35)** as amended or replaced from time to time;
- (61) **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) is identified by a **school, childcare or early childhood education service** as vulnerable (including via referral from a government agency, or funded family or family violence service, homeless or youth justice service or mental health or other health service); or
 - (d) is identified by a parent or guardian as vulnerable because the child or young person has a disability and cannot learn from home due to the circumstances of that disability;
- (62) **work premises** has the same meaning as in the **Workplace Directions**;
- (63) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No 53)** as amended or replaced from time to time;
- (64) **Workplace Directions** means the **Workplace Directions (No 53)** as amended or replaced from time to time;
- (65) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (66) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

10 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.

Penalty: In the case of a natural person, 120 penalty units;
 In the case of a body corporate, 600 penalty units.

- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.

Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has refused or failed to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.



Professor Benjamin Cowie

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

23 October 2021