



Victoria Government Gazette

No. S 414 Friday 14 August 2020
By Authority of Victorian Government Printer

Public Health and Wellbeing Act 2008

Section 200

DIRECTION FROM PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY

Diagnosed Persons and Close Contacts Directions (No. 9)

I, Dr Finn Romanes, Public Health Commander, consider it 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**):

1 Preamble

- (1) The purpose of these directions is to require persons:
 - (a) diagnosed with Novel Coronavirus 2019 (**2019-nCoV**) to self-isolate;
 - (b) who are living with a diagnosed person, or who have been in close contact with a diagnosed person, to self-quarantine;in order to limit the spread of 2019-nCoV.
- (2) These directions replace the **Diagnosed Persons and Close Contacts Directions (No. 8)**, and:
 - (a) allow nominated representatives, in addition to officers, of the Department to make determinations in relation to clearance of a person from self-isolation; and
 - (b) clarify that a person required to self-isolate or self-quarantine under these directions may leave the premises at which they are required to self-isolate or self-quarantine to get tested for 2019-nCoV.

2 Citation

- (1) These directions may be referred to as the **Diagnosed Persons and Close Contacts Directions (No. 9)**.
- (2) A reference in any other direction to the **Diagnosed Persons and Close Contacts Directions (No. 8)** is taken to be a reference to these directions.

3 Commencement and revocation

- (1) These directions commence at 2:59:00 pm on 13 August 2020.
- (2) The **Diagnosed Persons and Close Contacts Directions (No. 8)** are revoked at 2:59:00 pm on 13 August 2020.

4 Self-isolation for diagnosed persons

Who is a diagnosed person?

- (1) A person is a **diagnosed person** if the person:
 - (a) at any time between midnight on 25 March 2020 and 11:59:00 pm on 16 August 2020 has been informed that they have been diagnosed with 2019-nCoV; and
 - (b) has not been given, or is not taken to have been given, **clearance from self-isolation** under clause 5.

Requirement to self-isolate

- (2) A diagnosed person must **self-isolate** under these directions:
 - (a) if the diagnosis is communicated to the person on or after the commencement of these directions; or

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- (b) if the diagnosis was communicated to the person before the commencement of these directions.

Note: the requirements of self-isolation are specified in clause 8. A diagnosed person can still leave the premises at which they are self-isolating to obtain medical care.

Location of self-isolation

- (3) A diagnosed person must self-isolate:
 - (a) if subclause (2)(a) applies, at the **premises** chosen by the person under subclause (4); or
 - (b) if subclause (2)(b) applies, at the premises at which the person was required to reside under a **Revoked Isolation Direction**.
- (4) For the purposes of subclause (3)(a), the diagnosed person may choose to self-isolate at:
 - (a) a premises at which they ordinarily reside; or
 - (b) another premises that is suitable for the person to reside in for the purpose of self-isolation.

Note 1: a person can decide to self-isolate at a hotel or other suitable location, instead of self-isolating at their ordinary place of residence.

Note 2: once a person has chosen the premises at which to self-isolate, the person must reside at that premises for the entirety of the period of self-isolation: see clause 8(2)(a).

- (5) If a diagnosed person who has chosen a premises under subclause (4) is not at the premises at the time when the choice is made, the person must immediately and directly travel to that premises, unless the person is admitted to a **hospital** or other facility for the purposes of receiving medical care.

Self-isolation period

- (6) For the purposes of subclause (2), the period of self-isolation begins:
 - (a) if subclause (2)(a) applies, when the diagnosis is communicated to the person; or
 - (b) if subclause (2)(b) applies, upon the commencement of these directions.
- (7) For the purposes of subclause (2), the period of self-isolation ends when the person is given **clearance from self-isolation** under clause 5.

Notifications by the diagnosed person

- (8) Immediately after choosing a premises under subclause (4), the diagnosed person must:
 - (a) if any other person is residing at the premises chosen by the diagnosed person, notify the other person that:
 - (i) the diagnosed person has been diagnosed with 2019-nCoV; and
 - (ii) the diagnosed person has chosen to self-isolate at the premises; and
 - (b) notify the Department of:
 - (i) the address of the premises chosen by the diagnosed person; and
 - (ii) the name of any other person who is residing at the premises chosen by the diagnosed person.
- (9) If, during the period that a diagnosed person is self-isolating at a premises for the purposes of clause 4, another person informs the diagnosed person that they intend to commence residing at the premises chosen by the diagnosed person:
 - (a) the diagnosed person must inform the other person of their diagnosis; and
 - (b) if the other person commences residing at the premises, the diagnosed person must notify the Department that a person has commenced residing with the diagnosed person and of the name of that person.

5 Clearance from self-isolation

- (1) A diagnosed person is given **clearance from self-isolation** if:
 - (a) an officer or nominated representative of the Department makes a determination under subclause (2) in relation to the person; and
 - (b) the person is given notice of the determination in accordance with subclause (3).
- (2) For the purposes of subclause (1)(a), an officer or nominated representative of the Department may make a determination in relation to a person if the officer or nominated representative is satisfied that the person meets the criteria for discharge from self-isolation under existing **Departmental Requirements**.
- (3) For the purposes of subclause (1)(b), the notice must be in writing but is not required to be in a particular form.
- (4) A person who has been given clearance from self-isolation, however expressed, under a Revoked Isolation Direction is taken to have been given clearance from self-isolation under this clause.

6 Self-quarantine for close contacts

Who is a close contact?

- (1) For the purposes of this clause, a person is a **close contact** if:
 - (a) an officer or nominated representative of the Department has made a determination under subclause (2) in relation to the person; and
 - (b) between midnight on 11 May 2020 and 11:59:00 pm on 16 August 2020, the person has been given notice of the determination in accordance with subclause (3).
- (2) For the purposes of subclause (1)(a), an officer or nominated representative of the Department may make a determination in relation to a person if the officer or nominated representative is satisfied, having regard to Departmental Requirements, that the person has had close contact with another person who:
 - (a) since the time of last contact, has become a diagnosed person; or
 - (b) at the time of last contact, was a diagnosed person.

Note: under the Departmental Requirements, a person is generally considered to have had close contact if, in the period extending from 48 hours before onset of symptoms in the diagnosed person:

- *they have had face-to-face contact in any setting with the diagnosed person for more than a total of 15 minutes over the course of a week; or*
- *they have shared a closed space with a diagnosed person for a prolonged period (for example, more than 2 hours).*

- (3) For the purposes of subclause (1)(b), the notice:
 - (a) must specify the time (including by reference to an event) at which the person will no longer be required to self-quarantine, having regard to Departmental Requirements; and

Example: the notice could specify that a person is no longer required to self-quarantine from 14 days after a diagnosed person who the person is living with receives clearance from self-isolation.
 - (b) may be given orally or in writing, and, if given orally, must be confirmed in writing as soon as reasonably practicable; and
 - (c) is not required to be in a particular form.

Requirement to self-quarantine

- (4) A **close contact** must **self-quarantine** under these directions.

Note: the requirements of self-quarantine are specified in clause 8.

Location of self-quarantine

- (5) A close contact may choose to self-quarantine at:
- (a) a premises at which they ordinarily reside; or
 - (b) another premises that is suitable for the person to reside in for the purpose of self-quarantine.

Note 1: a person can decide to self-quarantine at a hotel or other suitable location, instead of self-quarantining at their ordinary place of residence.

Note 2: once a person has chosen the premises at which to self-quarantine, the person must reside at that premises for the entirety of the period of self-quarantine: see clause 8(2)(a).

- (6) If, at the time a person is given a notice under subclause (1)(b), the person is not at the premises chosen by the person under subclause (5), the person must immediately and directly travel to that premises.

End of self-quarantine period

- (7) For the purposes of this clause, the period of self-quarantine ends:
- (a) subject to paragraph (c), at the time specified in the notice given under subclause (1)(b) as given or as varied under subclause (9); or
 - (b) if the notice given to the person under subclause (1)(b) is revoked under subclause (9), at the time that revocation takes effect; or
 - (c) if the person becomes a diagnosed person following a test for 2019-nCoV – when the diagnosis is communicated to the person.

Note: a close contact who becomes a diagnosed person will then be required to self-isolate under clause 4, for a period ending when the person is given clearance from self-isolation under clause 5.

Exception – previous clearance

- (8) A person is not required to self-quarantine under this clause if, before the time that notice is given under subclause (1)(b), the person has been given, or is taken to have been given, clearance from self-isolation under clause 5.

Review of determination and notice

- (9) An **authorised officer**, who is authorised to exercise **emergency powers** by the Chief Health Officer under section 199(2)(a) of the PHW Act, may review a determination made under subclause (2) and, if satisfied that it is appropriate, having regard to Departmental Requirements, may vary or revoke the notice given to the person under subclause (1)(b), and must give the person notice of the authorised officer's decision.

Transitional provision – close contacts under Revoked Isolation Directions

- (10) If a person was a close contact under a Revoked Isolation Direction:
- (a) a determination made, or taken to have been made, under the Revoked Isolation Direction in relation to the person's status as a close contact is taken to be a determination made under subclause (2); and
 - (b) a notice given, or taken to have been given, to the person under the Revoked Isolation Direction in relation to the determination referred to in paragraph (a) is taken to be a notice given under subclause (1)(b); and
 - (c) for the purposes of subclause (5), the person is taken to have chosen to self-quarantine at the premises at which the person was required to self-quarantine under the Revoked Isolation Direction.

Note: a person who was required to self-quarantine under previous directions because they reside with a person who is, or was, a diagnosed person, are now treated as close contacts, and also continue to be required to self-quarantine for the period determined by the previous directions, unless that period is altered pursuant to subclause (9).

7 Testing of persons in self-quarantine

- (1) If a person is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person:
 - (a) is tested for 2019-nCoV; and
 - (b) the period for which the person is required to self-quarantine under clause 6 expires during the period in which the person is awaiting the result of that test, the period of self-quarantine is extended until the person receives the result of the test.

Note: persons who are in self-quarantine and experience a temperature higher than 37.5 degrees or symptoms of acute respiratory infection are encouraged to get tested. In certain circumstances, a person may be required to comply with an order that they undergo a medical test: PHW Act, section 113(3).
- (2) If a person is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person receives a test result stating that they have been diagnosed with 2019-nCoV, the person becomes a diagnosed person and must self-isolate under clause 4.
- (3) If a person is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person receives a test result stating that they have not been diagnosed with 2019-nCoV:
 - (a) if the period for which the person is required to self-quarantine under clause 6 has not expired – must continue to self-quarantine under that clause for the remainder of that period; or
 - (b) if the period of self-quarantine was extended under subclause (1) – may cease self-quarantining.

8 Requirements of self-isolation and self-quarantine

- (1) This clause applies to a person who is required to:
 - (a) **self-isolate** at a premises under clause 4; or
 - (b) **self-quarantine** at a premises under clause 6.
- (2) The person identified in subclause (1):
 - (a) must reside at that premises for the entirety of the period of self-isolation or self-quarantine, as the case requires, except for any period that the person is admitted to a hospital or other facility for the purposes of receiving medical care; and
 - (b) must not leave the premises, except:
 - (i) for the purposes of obtaining medical care or medical supplies; or
 - (ii) for the purposes of getting tested for 2019-nCoV; or
 - (iii) in any emergency situation; or
 - (iv) if required to do so by law; or
 - (v) for the purposes of visiting a patient in hospital if permitted to do so under the **Hospital Visitor Directions (No. 9)**; or
 - (vi) for the purposes of working in a care facility if permitted to do so under the **Care Facilities Directions (No. 9)**; and
 - (c) must not permit any other person to enter the premises unless:
 - (i) that other person:
 - (A) ordinarily resides at the premises; or
 - (B) is required to self-isolate or self-quarantine at the premises under these directions; or
 - (ii) it is necessary for the other person to enter for medical or emergency purposes; or

- (iii) the other person is a **disability worker**, and it is necessary for the disability worker to enter for the purpose of providing a **disability service** to a person with a **disability**; or
 - (iv) it is necessary for the other person to enter for the purpose of providing personal care or household assistance to the person as a result of that person's age, disability or chronic health condition; or
Example: personal care includes assistance with showering, toileting, eating; household assistance includes help with cooking, house cleaning, laundry and gardening.
 - (v) the entry is otherwise required or authorised by law.
- (3) Subclause (2)(c) does not apply to a person who is a **resident of a care facility**.
Note: the Care Facilities Directions (No. 9) govern who can enter a care facility.

9 Exemption power

- (1) A person is not required to comply with a requirement of these directions if the person is granted an exemption from that requirement under subclause (2).
- (2) The Chief Health Officer or Deputy Chief Health Officer may exempt a person or a group of persons, from any or all requirements contained in these directions, if satisfied that an exemption is appropriate, having regard to the:
 - (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the PHW Act, as appropriate.
- (3) An exemption under subclause (2) must:
 - (a) be given, in writing, to the person the subject of the exemption; and
 - (b) specify the requirement or requirements that the person need not comply with.
- (4) An exemption granted to a person under this clause does not prevent an authorised officer from exercising an emergency power to give the person a different direction or impose a different requirement on the person.

10 Definitions

In these directions:

- (1) **authorised officer** has the same meaning as in the PHW Act;
- (2) **care facility** has the same meaning as in the **Care Facilities Directions (No. 9)**;
- (3) **Department** means the Victorian Department of Health and Human Services;
- (4) **Departmental Requirements** means the document titled "COVID-19 Pandemic Plan for the Victorian Health Sector", as amended from time to time;
*Note: the Departmental Requirements are available at:
<https://www2.health.vic.gov.au/about/publications/ResearchAndReports/covid-19-pandemic-plan-for-vic>*
- (5) **emergency powers** has the same meaning as in the PHW Act;
- (6) **hospital** has the same meaning as in the **Hospital Visitor Directions (No 9)**;
- (7) **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;
- (8) **resident** of a care facility has the same meaning as in the **Care Facilities Directions (No. 9)**;
- (9) **Revoked Isolation Direction** means the following directions:
 - (a) **Isolation (Diagnosis) Direction**, given on 25 March 2020;
 - (b) **Isolation (Diagnosis) Direction (No. 2)**, given on 13 April 2020;
 - (c) **Diagnosed Persons and Close Contacts Directions**, given on 11 May 2020;

- (d) **Diagnosed Persons and Close Contacts Directions (No. 2)**, given on 31 May 2020;
 - (e) **Diagnosed Persons and Close Contacts Directions (No. 3)**, given on 21 June 2020;
 - (f) **Diagnosed Persons and Close Contacts Directions (No. 4)**, given on 1 July 2020;
 - (g) **Diagnosed Persons and Close Contacts Directions (No. 5)**, given on 15 July 2020;
 - (h) **Diagnosed Persons and Close Contacts Direction (No. 6)**, given on 19 July 2020;
 - (i) **Diagnosed Persons and Close Contacts Direction (No. 7)**, given on 22 July 2020;
 - (j) **Diagnosed Persons and Close Contacts Direction (No. 8)**, given on 3 August 2020;
- (10) the following expressions have the same meaning that they have in the **Disability Service Safeguards Act 2018**:
- (a) disability;
 - (b) disability service;
 - (c) disability worker.

11 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.

Dated 13 August 2020

DR FINN ROMANES
Public Health Commander,
as authorised to exercise emergency powers by the Chief Health Officer
under section 199(2)(a) of the PHW Act

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Permitted Worker Permit Scheme and Access to Onsite Childcare/Kindergarten Permit Scheme Directions (No. 3)**

I, Dr Finn Romanes, Public Health Commander, consider it necessary to eliminate or reduce the risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to section 200(1)(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 Victoria by Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions establish the **Permitted Worker Permit Scheme** and the **Access to Onsite Childcare/Kindergarten Permit Scheme**.
- (3) The Permitted Worker Permit Scheme details obligations on:
 - (a) **Permitted Employers** who operate a **Work Premises** in the **Restricted Area** or require an employee who ordinarily resides in the **Restricted Area** or the **Relevant Area** to attend a Work Premises; and
 - (b) employees who ordinarily reside in the **Restricted Area** to attend the Work Premises of a Permitted Employer,
 in relation to the Permitted Worker Permit Scheme, which are necessary to manage the risk associated with 2019-nCoV.
- (4) The Permitted Worker Permit Scheme is designed to allow Permitted Employers providing **Permitted Services** to operate during Stage 4 restrictions in Victoria, by issuing employees with a **Permitted Worker Permit** to work at a Work Premises during the **Permitted Worker Permit Scheme period**.
- (5) The Access to Onsite Childcare/Kindergarten Permit Scheme details the requirements for employees of Permitted Employers to access onsite childcare or kindergarten services.
- (6) These directions must be read together with the **Directions currently in force**.

2 Citation

- (1) These directions may be referred to as the **Permitted Worker Permit Scheme Directions (No. 3)**.
- (2) A reference in any other Directions currently in force, any **Direction and Detention Notice**, or in any approved form to the **Permitted Worker Permit Scheme Directions** or the **Permitted Worker Permit Scheme Directions (No. 2)** are taken to be a reference to these directions.
- (3) The **Permitted Worker Permit Scheme Directions (No. 2)** are revoked at 2:59:00 pm on 13 August 2020.

PART 2 – PERMITTED WORKER PERMIT SCHEME**3 Permitted Worker Permit Scheme period**

For the purposes of these directions, the **Permitted Worker Permit Scheme period** is the period beginning at 2:59:00 pm on 13 August 2020 and ending at 11:59:00 pm on 16 August 2020.

4 Diagnosed Persons and Close Contacts

- (1) A person who is a **diagnosed person** or a **close contact** is not permitted to:
 - (a) hold a Permitted Worker Permit; or
 - (b) otherwise attend a Work Premises in reliance on any of the provisions contained in these directions.
- (2) If a person is notified that they are a diagnosed person or a close contact in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 9)**:
 - (a) they must immediately notify their employer; and
 - (b) they must not attend or remain at the Work Premises; and
 - (c) any Permitted Worker Permit is automatically revoked upon such notification.

*Note: once a person has been released or given clearance from self-isolation or self-quarantine in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 9)**, the terms of these directions will apply to them.*

5 Requirement to hold a Permitted Worker Permit to attend a Work Premises

- (1) Subject to the further requirements set out in subclause (2):
 - (a) in accordance with clause 8(1)(a) and (2) of the **Stay At Home Directions (Restricted Areas) (No. 11)**, a person who ordinarily resides in the Restricted Area may only leave the premises where the person ordinarily resides to attend work (whether the work is paid or voluntary, including for charitable or religious purposes) if it is not reasonably practicable for the person to work from the premises at which they ordinarily reside; and
 - (b) in accordance with clause 8(1)(a) and (2) of the **Stay At Home Directions (Non-Melbourne) (No. 2)**, a person who ordinarily resides in the Relevant Area may only leave the premises where the person ordinarily resides to attend work (whether the work is paid or voluntary, including for charitable or religious purposes) if it is not reasonably practicable for the person to work from the premises at which they ordinarily reside; and
 - (c) in accordance with clause 6 of the **Workplace Directions (No. 2)**, an employer must not permit a worker to perform work at the Work Premises where it is reasonably practicable for the worker to work at the worker's place of residence or another suitable premises which is not the Work Premises.
- (2) A person must not leave the premises at which they ordinarily reside:
 - (a) to attend a Work Premises in the Restricted Area (regardless of whether they ordinarily reside in the Restricted Area or not); or
 - (b) attend a Work Premises outside of the Restricted Area, if they ordinarily reside in the Restricted Area,
unless:
 - (c) the person has been issued with, and has in their possession, photographic personal identification and a current Permitted Worker Permit issued by:
 - (i) a Permitted Employer to perform a Permitted Service where clause 6(1)(a) applies; or
 - (ii) an employer where clause 6(1)(b) applies; or
 - (d) an exemption in clause 9 applies.
- (3) For the avoidance of doubt, these directions apply to persons who:
 - (a) ordinarily reside in the Restricted Area and are required to attend a Work Premises located within the Restricted Area; and
 - (b) ordinarily reside outside the Restricted Area and are required to attend a Work Premises located within the Restricted Area; and

- (c) ordinarily reside in the Restricted Area and are required to attend a Work Premises located outside the Restricted Area.

Note: a current Permitted Worker Permit is required in each of these three scenarios.

6 Permitted Employers' duty to issue a Permitted Worker Permit

- (1) In circumstances where clause 5 applies, and subject to clause 9, prior to:
- (a) an employee being permitted to attend work at a Work Premises located within the Restricted Area, a Permitted Employer, which conducts a Permitted Service; or
 - (b) an employee who ordinarily resides in the Restricted Area being permitted to attend work at a Work Premises located outside the Restricted Area, their employer,

must issue the employee with a Permitted Worker Permit, in the approved form.

Note 1: the approved Permitted Worker Permit form for a person attending work at a Work Premises located within the Restricted Area is available at: <https://www.dhhs.vic.gov.au/permitted-worker-permit-covid-19-doc>.

Note 2: the approved Permitted Worker Permit form for a person who ordinarily resides in the Restricted Area attending work at a Work Premises located outside the Restricted Area is available at: <https://www.dhhs.vic.gov.au/permitted-worker-permit-regional-covid-19-doc>.

Note 3: a Permitted Employer is only permitted to issue a Permitted Worker Permit to their employee, and not to other persons working in their organisation who are not employees such as a sub-contractor. The Permitted Employer of a sub-contractor is required to authorise that a person is required on-site and to issue that person with a Permitted Worker Permit.

- (1A) In circumstances where subclause (1)(b) applies, clauses 6(2) to 9 (inclusive) apply as if a reference to 'Permitted Employer' were a reference to 'employer', except that subclauses (3), (5)(g) and (h)(ii) do not apply and the reference in clause 9(1)(d) to subclause (5) is to be construed accordingly.
- (1B) Prior to a **prescribed student** being permitted to attend a **clinical placement** outside the premises at which they ordinarily reside, if the prescribed student is either attending the clinical placement:
- (a) in the Restricted Area (regardless of whether they ordinarily reside in the Restricted Area or not); or
 - (b) outside the Restricted Area, if the prescribed student ordinarily resides in the Restricted Area,

the prescribed student's **prescribed higher education provider** must issue the prescribed student with a Permitted Worker Permit, in the approved form.

Note 1: the approved Permitted Worker Permit form for a prescribed student is available at the Department of Health and Human Services website.

Note 2: if a prescribed student has already received a Permitted Worker Permit from the organisation at which they are completing their clinical placement, they may rely on this Permitted Worker Permit and are not required to obtain a Permitted Worker Permit from their prescribed higher education provider.

- (1C) In circumstances where subclause (1B) applies, clauses 6(4) to 9 (inclusive) apply as if a reference to:
- (a) 'Permitted Employer' were a reference to the prescribed higher education provider;
 - (b) 'employee' were a reference to the prescribed student; and
 - (c) 'Work Premises' were a reference to the location of the prescribed student's clinical placement,

except that subclauses (5)(g) and (h)(ii) do not apply and the reference in clause 9(1)(d) to subclause (5) is to be construed accordingly.

- (2) If a person does not have a Permitted Employer because they are self-employed, a sole-trader, an independent contractor or sub-contractor, or a person appointed to or holding a statutory office, the person must issue themselves with a Permitted Worker Permit in the approved form, signed as both the Permitted Employer and the employee.
- (3) An employer must be a Permitted Employer operating or conducting a Permitted Service in order to issue an employee with a Permitted Worker Permit.
- (4) A Permitted Employer must keep a record of all Permitted Worker Permits they have issued during the Permitted Worker Permit Scheme period. A Permitted Employer must, on request, produce this record to an **Authorised Officer**, a Victoria Police Officer or a Protective Services Officer.
- (5) The Permitted Worker Permit must, amongst other things:
 - (a) be in the approved form; and
 - (b) only include details that are, to the best of the Permitted Employer's and employee's knowledge, complete, accurate and not in any way false, misleading or deceptive; and
 - (c) record relevant details of the Permitted Employer including:
 - (i) the Permitted Employer's company name; and
 - (ii) the Permitted Employer's ABN and/or ACN; and
 - (iii) the Permitted Employer's company address; and
 - (iv) the Permitted Employer's trading name; and
 - (v) the address of the Work Premises at which the employee is required to work; and

Note: if there is more than one Work Premises at which the employee is required to attend, this must be accompanied by a record detailing, as far as reasonably practicable, the expected place, date and time of attendance by the employee.

 - (vi) contact details of the Permitted Employer (or an authorised representative of the Permitted Employer) including:
 - (A) contact name; and
 - (B) contact title and role in the business; and
 - (C) telephone number; and
 - (D) contact name and telephone number of a secondary representative of the Permitted Employer; and
 - (d) record relevant details of the employee including:
 - (i) the employee's full name; and
 - (ii) the employee's date of birth; and
 - (iii) the employee's address; and
 - (e) record the expected dates, hours and duration of work required to be performed by the employee (or, if those details are irregular, the possible dates, hours and duration of work likely to be performed); and
 - (f) record the expected rostered hours of work for the employee during the Permitted Worker Permit Scheme period (or, if those details are irregular, the possible dates, hours and duration of work likely to be performed); and
 - (g) record the Permitted Service the employee is required to provide; and
 - (h) include a signed declaration by the Permitted Employer (or an authorised representative of the Permitted Employer) certifying that:

- (i) the Permitted Employer has taken all reasonable steps to avoid the necessity for the employee to attend the Work Premises and is of the view that the employee's attendance at the Work Premises is required; and
- (ii) the Permitted Employer's business is operating a Permitted Service; and
- (iii) the Permitted Employer's Work Premises and work practices are compliant with all relevant legal obligations, including the public health directions issued under the PHW Act, in place at the relevant time, and the Permitted Employer's obligations under the **OHS Act** (or, where applicable, the *Work Health and Safety Act 2011* (Cth)); and
- (iv) the Permitted Employer has a COVID Safe Plan, if required under the **Workplace Directions (No. 2)**; and

*Note: an employer is required to have a COVID Safe Plan under the **Workplace Directions (No. 2)** if they require or permit work to be performed at a Work Premises, unless they have fewer than five workers attending the Work Premises.*

- (v) the Permitted Employer is and will otherwise be operating in accordance with any applicable directions issued under the PHW Act; and
- (vi) the information contained within the Permitted Worker Permit is true and correct; and

Note 1: the Permitted Employer is not required to certify that the information provided by the employee under subclause (5)(i) is true and correct.

Note 2: the Permitted Employer (or an authorised representative of the Permitted Employer) may sign electronically.

- (i) include a signed declaration by the employee certifying that:
 - (i) their own name and address as contained in the Permitted Worker Permit are true and correct; and
 - (ii) their own work hours and place of work as contained in the Permitted Worker Permit are true and correct; and

Note: the employee may sign electronically.

- (j) be issued, signed and dated by the Permitted Employer (or an authorised representative of the Permitted Employer).

Note 1: the Permitted Worker Permit must be issued by a natural person residing in Victoria, unless there is no such person.

Note 2: the Permitted Employer (or an authorised representative of the Permitted Employer) may sign electronically.

7 Employer obligations

- (1) Subject to clause 9, an employer, including a Permitted Employer, must take all reasonable steps to ensure that a person does not enter, or remain on, their Work Premises if the person is prohibited from doing so by:
 - (a) clause 4; or
 - (b) the **Workplace Directions (No. 2)**; or
 - (c) clause 8.
- (2) An employer, including a Permitted Employer, must comply with any lawful direction given by an Authorised Officer, a Victoria Police Officer or a Protective Services Officer in relation to:
 - (a) these directions; or
 - (b) a Permitted Worker Permit that the employer has issued; or
 - (c) a worker at the employer's Work Premises.

- (3) Where a Permitted Employer requires work to be performed at a Work Premises, the Permitted Employer must keep a record of those who attend the Work Premises in accordance with the **Workplace Directions (No. 2)**.

8 Employee obligations

- (1) Subject to clause 9, a person must not enter, or remain at, a Work Premises:
- (a) in the Restricted Area; or
 - (b) outside the Restricted Area, if the employee ordinarily resides in the Restricted Area,
- if they do not hold a current Permitted Worker Permit.
- (2) An employee must:
- (a) not leave the premises at which they ordinarily reside to attend work if the employee has not been issued with a current Permitted Worker Permit to attend the Work Premises; and
 - (b) carry the Permitted Worker Permit at all times at which they have left the premises at which they ordinarily reside to perform work;
Note: a person may carry either or both a hardcopy or an electronic copy of the Permitted Worker Permit.
 - (c) carry photographic personal identification at all times at which they have left the premises at which they ordinarily reside to perform work.
- (3) An employee must, on request, produce to an Authorised Officer, a Victoria Police Officer or a Protective Services Officer photographic personal identification and a current Permitted Worker Permit:
- (a) when they have left the premises in which they ordinarily reside to perform work; and
 - (b) in relation to the employee's attendances at Work Premises.

9 Exemptions

- (1) An employee is permitted to travel to, and enter, a Work Premises, without a current Permitted Worker Permit where:
- (a) the primary purpose of the employee's travel and attendance at the Work Premises is to obtain their first Permitted Worker Permit from a Permitted Employer; or
 - (b) the employee is required to work from the Work Premises on short notice, rendering it impracticable for the employee to receive a current Permitted Worker Permit (or a Permitted Worker Permit that includes accurate details as to the employee's work hours or location) prior to attending the Work Premises. In these circumstances, the employee must carry a Permitted Worker Permit in relation to the same Permitted Employer which has expired, is incomplete or applies to another time period, so that if necessary the employee's Permitted Employer can be contacted to verify that the employee is required; or
 - (c) it is not reasonable for the employee to work from their ordinary place of residence because of a risk of harm (including harm relating to family violence or violence of another person at the premises); or
 - (d) in exceptional circumstances, if the employee is carrying a written document (other than in the approved form) that includes all of the details required in clause 6(5) and the approved form (without the employer's certification and signature).

- (2) An adult is permitted to travel to or from a Work Premises without a current Permitted Worker Permit in circumstances where they are transporting a dependant or a person they ordinarily reside with to or from the Work Premises in accordance with a current Permitted Worker Permit in relation to that dependant or other person.

Note: This encompasses circumstances where, for reasons including because of age, impairment, medical condition, disability, or other reasons, a person is not able to transport themselves to the Work Premises listed on their Permitted Worker Permit and require a parent, guardian, carer or other responsible adult to transport them to their Work Premises.

- (3) Subject to subclause (4) and (5), the following persons are not required to be issued with, and to hold, a Permitted Worker Permit prior to entering, or remaining at, their Work Premises:
- (a) all Victoria Police employees, Australian Defence Force employees, Australian Criminal Intelligence Commission employees, Australian Border Force employees and Australian Federal Police employees; or
 - (b) emergency service workers, which include officers and employees of:
 - (i) Ambulance Victoria; and
 - (ii) Australian Red Cross; and
 - (iii) Bushfire Recovery Victoria; and
 - (iv) Country Fire Authority; and
 - (v) Emergency Management Victoria; and
 - (vi) Emergency Services Telecommunications Authority; and
 - (vii) Fire Rescue Victoria; and
 - (viii) Forest Fire Management Victoria; and
 - (ix) Life Saving Victoria; and
 - (x) Marine Search and Rescue; and
 - (xi) Victoria State Emergency Service Authority; and
 - (xii) Victorian Institute of Forensic Medicine; or
 - (c) hospital and health workers (including non-emergency patient transfer workers); or
 - (d) any class of person approved by the Chief Health Officer in writing and subject to any conditions specified by the Chief Health Officer.
- (4) A person is not required to have a Permitted Worker Permit under subclause (3) provided that they have photographic personal identification issued by the organisation which employs or engages them in the capacity set out in subclause (3) and which identifies the person's place of work in that capacity.
- (5) An employee of the category defined in subclause (3) must, on request, produce the photographic personal identification referred to in subclause (4) which identifies the person's place of work to an Authorised Officer, a Victoria Police Officer or a Protective Services Officer.

PART 3 – ACCESS TO ONSITE CHILDCARE/KINDERGARTEN PERMIT SCHEME

10 Access to Onsite Childcare/Kindergarten Permit Scheme period

For the purposes of these directions, the **Access to Onsite Childcare/Kindergarten Permit Scheme period** is the period beginning at 2:59:00 pm on 13 August 2020 and ending at 11:59:00 pm on 16 August 2020.

11 Diagnosed Persons and Close Contacts

- (1) A person who is a diagnosed person or a close contact is not permitted to hold an **Access to Onsite Childcare/Kindergarten Permit**.

- (2) If a person is notified that they are a diagnosed person or a close contact in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 9)** then their Access to Onsite Childcare/Kindergarten Permit is automatically revoked upon such notification.

*Note: once a person has been released or give clearance from self-isolation or self-quarantine in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 9)**, the terms of these directions will apply to them.*

12 Requirement to hold an Access to Onsite Childcare/Kindergarten Permit to access onsite childcare or kindergarten services

For an employee who ordinarily resides in the Restricted Area to access onsite **childcare or kindergarten services** (regardless of whether they do so in the Restricted Area) they must hold a current and valid Access to Onsite Childcare/Kindergarten Permit, unless an exemption under clause 15 applies.

13 Permitted Employers' duty to issue an Access to Onsite Childcare/Kindergarten Permit

- (1) For an employee who attends work at a Work Premises located:
- (a) within the Restricted Area, a Permitted Employer, which conducts a Permitted Service; or

- (b) outside the Restricted Area, their employer,

may issue an employee with an Access to Onsite Childcare/Kindergarten Permit, in the approved form, if the employee has attested that their child and/or dependant cannot otherwise be cared for during work hours by the employee or another responsible adult at the employee's ordinary place of residence.

Note 1: the approved Onsite Childcare/Kindergarten Permit form for a person attending work at a Work Premises located within the Restricted Area is available at: <https://www.dhhs.vic.gov.au/access-onsite-childcarekindergarten-permit-covid-19-doc>.

Note 2: the approved Onsite Childcare/Kindergarten Permit form for a person who ordinarily resides in the Restricted Area attending work at a Work Premises located outside the Restricted Area is available at: <https://www.dhhs.vic.gov.au/access-onsite-childcare-kindergarten-permit-regional-covid-19-doc>.

- (1A) In circumstances where subclause (1)(b) applies, clauses 13(2) to 15 (inclusive) apply as if a reference to 'Permitted Employer' were a reference to 'employer', except that subclause (4)(e)(i) does not apply.

- (1B) For:

- (a) a prescribed student permitted to attend a clinical placement in accordance with clause 6(1B); or

- (b) a **permitted student** who is permitted to access onsite **higher education services**,

the student's prescribed higher education provider may issue the student with an Access to Onsite Childcare/Kindergarten Permit, in the approved form, if the student has attested that their child and/or dependant cannot otherwise be cared for by the student or another responsible adult at the student's ordinary place of residence.

Note 1: the approved Onsite Childcare/Kindergarten Permit form for a student is available at the Department of Health and Human Services website.

Note 2: if a prescribed student has already received an Access to Onsite Childcare/Kindergarten Permit from the organisation at which they are completing their clinical placement, they may rely on this Access to Onsite Childcare/Kindergarten Permit and are not required to obtain an Access to Onsite Childcare/Kindergarten Permit from their prescribed higher education provider.

- (1C) In circumstances where subclause (1B) applies, clauses 13(3) to 15 (inclusive) apply as if a reference to:

- (a) 'Permitted Employer' were a reference to the prescribed higher education provider;

- (b) 'employee' were a reference to the prescribed student or permitted student (as applicable); and

- (c) ‘Work Premises’ were a reference to the location of the prescribed student’s clinical placement or where the permitted student is accessing onsite higher education services (as applicable),
except that subclauses (4)(e)(i) does not apply.
- (2) If a person does not have a Permitted Employer because they are self-employed, a sole-trader, an independent contractor or sub-contractor, or a person appointed to or holding a statutory office, the person may issue themselves with an Access to Onsite Childcare/Kindergarten Permit in the approved form, signed as both the Permitted Employer and the employee.
- (3) A Permitted Employer must keep a record of all Access to Onsite Childcare/Kindergarten Permits they have issued during the Access to Onsite Childcare/Kindergarten Permit Scheme period. A Permitted Employer must, on request, produce this record to an Authorised Officer, a Victoria Police Officer or a Protective Services Officer.
- (4) The Access to Onsite Childcare/Kindergarten Permit must, amongst other things:
- (a) be in the approved form; and
 - (b) only include details that are, to the best of the Permitted Employer’s and employee’s knowledge, complete, accurate and not in any way false, misleading or deceptive; and
 - (c) record relevant details of the Permitted Employer including:
 - (i) the Permitted Employer’s company name; and
 - (ii) the Permitted Employer’s ABN and/or ACN; and
 - (iii) the Permitted Employer’s company address; and
 - (iv) the Permitted Employer’s trading name; and
 - (v) contact details of the Permitted Employer (or an authorised representative of the Permitted Employer) including:
 - (A) contact name; and
 - (B) contact title and role in the business; and
 - (C) telephone number; and
 - (D) contact name and telephone number of a secondary representative of the Permitted Employer; and
 - (d) record relevant details of the employee including:
 - (i) the employee’s full name; and
 - (ii) the employee’s date of birth; and
 - (iii) the employees’ role; and
 - (iv) the employee’s address; and
 - (e) include a signed declaration by the Permitted Employer (or an authorised representative of the Permitted Employer) certifying that:
 - (i) the Permitted Employer’s business is operating a Permitted Service; and
 - (ii) the information contained within the Access to Onsite Childcare/Kindergarten Permit is true and correct; and

Note 1: the Permitted Employer is not required to certify that the information provided by the employee under subclause (4)(f) is true and correct.

Note 2: the Permitted Employer (or an authorised representative of the Permitted Employer) may sign electronically.

- (f) include a signed declaration by the employee certifying that:
 - (i) their own name and address as contained in the Access to Onsite Childcare/Kindergarten Permit are true and correct; and
 - (ii) they seek access to onsite childcare or kindergarten services for their child and/or dependant as they cannot be cared for during work hours by the employee or another responsible adult who resides at the employee's ordinary place of residence; and

Note: the employee may sign electronically.

- (g) be issued, signed and dated by the Permitted Employer (or an authorised representative of the Permitted Employer).

Note 1: the Access to Onsite Childcare/Kindergarten Permit must be issued by a natural person residing in Victoria, unless there is no such person.

Note 2: the Permitted Employer (or an authorised representative of the Permitted Employer) may sign electronically.

14 Employee obligations

- (1) An employee who ordinarily resides in the Restricted Area (regardless of whether they access onsite childcare or kindergarten services in or outside the Restricted Area) must:
 - (a) not leave the premises at which they ordinarily reside to obtain onsite childcare or kindergarten services for their child or dependant, if the employee has not been issued with a current Access to Onsite Childcare/Kindergarten Permit; and
 - (b) carry the Access to Onsite Childcare/Kindergarten Permit at all times at which they have left the premises at which they ordinarily reside when travelling to or from the onsite childcare or kindergarten service; and
 - (c) on request, produce to an Authorised Officer, a Victoria Police Officer or a Protective Services Officer a current Access to Onsite Childcare/Kindergarten Permit:
 - (i) when they have left the premises in which they ordinarily reside to travel to or from the onsite childcare or kindergarten services; and
 - (ii) in relation to the employee's attendances at the onsite childcare or kindergarten service.

Note: a person may carry either or both a hardcopy or an electronic copy of the Access to Onsite Childcare/Kindergarten Permit.

15 Exemptions

- (1) Subject to subclause (2) and (3), the following persons are not required to be issued with, and to hold, an Access to Onsite Childcare/Kindergarten Permit to access and obtain onsite childcare or kindergarten services:
 - (a) all Victoria Police employees, Australian Defence Force employees, Australian Criminal Intelligence Commission employees, Australian Border Force employees and Australian Federal Police employees; or
 - (b) emergency service workers, which include officers and employees of:
 - (i) Ambulance Victoria; and
 - (ii) Australian Red Cross; and
 - (iii) Bushfire Recovery Victoria; and
 - (iv) Country Fire Authority; and
 - (v) Emergency Management Victoria; and

- (vi) Emergency Services Telecommunications Authority; and
 - (vii) Fire Rescue Victoria; and
 - (viii) Forest Fire Management Victoria; and
 - (ix) Life Saving Victoria; and
 - (x) Marine Search and Rescue; and
 - (xi) Victoria State Emergency Service Authority; and
 - (xii) Victorian Institute of Forensic Medicine; or
 - (c) hospital and health workers (including non-emergency patient transfer workers); or
 - (d) any class of person approved by the Chief Health Officer in writing and subject to any conditions specified by the Chief Health Officer.
- (2) A person is not required to have an Access to Onsite Childcare/Kindergarten Permit provided that they have photographic personal identification issued by the organisation which employs or engages them in the capacity set out in subclause (1) and which identifies the person's place of work in that capacity.
- (3) An employee of the category defined in subclause (1) must, on request, produce the photographic personal identification referred to in subclause (2) which identifies the person's place of work to an Authorised Officer, a Victoria Police Officer or a Protective Services Officer.

PART 5 – OTHER PROVISIONS

16 Relationship with other directions

- (1) If there is any inconsistency between these directions and a direction or other requirement contained in a Direction currently in force, these directions are inoperative to the extent of the 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.

17 Other definitions

For the purposes of these directions:

- (1) **Access to Onsite Childcare/Kindergarten Permit** means a permit issued under clause 13;
- (2) **Access to Onsite Childcare/Kindergarten Permit Scheme** means the scheme established under these directions;
- (3) **Access to Onsite Childcare/Kindergarten Permit Scheme period** means the period specified in clause 10;
- (4) **Authorised Officer** has the same meaning as in section 3 of the PHW Act;
- (5) **childcare or kindergarten services** means early childhood education and care services or children's service 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, but otherwise does not include where those services are provided in a person's home;

- (6) **clinical placement** means the placement of a prescribed higher education student in a medical, nursing, midwifery, allied health, health assistance or personal care clinical context, excluding a placement in a residential aged care facility;
- (7) **Close Contact** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 9)**;
- (8) **Diagnosed Person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions (No. 9)**;
- (9) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (10) **Directions currently in force** means the **Stay at Home Directions (Restricted Areas) (No. 11)**, the **Stay at Home Directions (Non-Melbourne) (No. 2)**, the **Restricted Activity Directions (Restricted Areas) (No. 7)**, the **Restricted Activity Directions (Non-Melbourne) (No. 2)**, the **Area Directions (No. 6)**, the **Diagnosed Persons and Close Contacts Directions (No. 9)**, the **Hospital Visitor Directions (No. 9)**, the **Care Facilities Directions (No. 9)**, the **Workplace Directions (No. 2)** and the **Workplace (Additional Industry Obligations) Directions (No. 3)** as amended or replaced from time to time;
- (11) **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;
- (12) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (13) **Permitted Employer** means an organisation or individual which operates a **Permitted Work Premises**;
- (14) **Permitted Services** means the services of the Permitted Work Premises as set out in the ‘Stage 4 Restrictions – Permitted Work Premises’ available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (15) **permitted student** means a student accessing higher education services which are permitted to be delivered onsite (where remote delivery is not possible) as set out in the ‘Education and Training’ section of the ‘Stage 4 Restrictions – Permitted Work Premises’ available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (16) **Permitted Work Premises** means the Work Premises described as ‘PERMITTED WORK PREMISES’ as set out in the ‘Stage 4 Restrictions – Permitted Work Premises’ available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (17) **Permitted Worker Permit** means a permit issued under clause 6;
- (18) **Permitted Worker Permit Scheme** means the scheme established under these directions;
- (19) **Permitted Worker Permit Scheme period** means the period specified under clause 3;
- (20) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (21) **premises** has the same meaning as in section 3 of the PHW Act;
- (22) **prescribed higher education provider** means an approved university or a TAFE institute under the **Education and Training Reform Act 2006** or a registered training organisation;

- (23) **prescribed student** mean a student at a prescribed higher education provider studying:
- (a) a diploma or undergraduate or postgraduate qualification in medicine, nursing, midwifery or allied health; or
 - (b) Certificate III and Certificate IV programs with a focus on health assistance or personal care;
- (24) **reasonably practicable** is to have its ordinary and common sense meaning;
- (25) **Relevant Area** means the area of Victoria outside the **Restricted Area**;
- (26) **Restricted Area** has the same meaning as in the **Area Directions (No. 6)**;
- (27) **vehicle** has the same meaning as in the PHW Act;
- (28) **Work Premises** means the **premises** of an employer in which work is undertaken, including any **vehicle** whilst being used for work purposes.

18 Penalties

- (1) Section 210 of the PHW Act provides:

False or misleading information

- (1) A person must not—
- (a) give information that is false or misleading in a material particular; or
 - (b) make a statement that is false or misleading in a material particular; or
 - (c) produce a document that is false or misleading in a material particular – to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information.
- Penalty: In the case of a natural person, 60 penalty units;
In the case of a body corporate, 300 penalty units.
- Note: currently, 60 penalty units equals \$9,912.20 and 300 penalty units equals \$49,466.00.*
- (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading.
- Penalty: In the case of a natural person, 60 penalty units;
In the case of a body corporate, 300 penalty units.
- (3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the charge for the accused to prove that at the time at which the offence is alleged to have been committed, the accused believed on reasonable grounds that the information, statement or document was true or was not misleading.

- (2) 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.
- Note: currently, 120 penalty units equals \$19,826.40 and 600 penalty units equals \$99,132.00.*
- (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.

- (3) A person who fails to comply with these directions is liable for an on-the-spot fine of:
 - (a) \$1,600 in the case of a natural person; or
 - (b) \$9,900 in the case of a body corporate.
- (4) Additionally, a person who fails to comply with these directions may in certain circumstances be liable to prosecution under the PHW Act for the maximum penalties outlined in subclause (2).
- (5) If the content of a Permitted Worker Permit is suspected to be fraudulent criminal investigations may be considered.

Dated 13 August 2020

DR FINN ROMANES
Public Health Commander,
as authorised to exercise emergency powers by the Chief Health Officer
under section 199(2)(a) of the PHW Act

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Restricted Activity Directions (Restricted Areas) (No. 7)**

I, Dr Finn Romanes, Public Health Commander, consider it necessary to eliminate or reduce the risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to section 200(1)(d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

1 Preamble

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings in the **Restricted Area** in order to limit the spread of Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **Restricted Activity Directions (Restricted Areas) (No. 6)** restricting activities in areas of Victoria, and provide clarification regarding activities of child-minding and childcare.

2 Revocation

The **Restricted Activity Directions (Restricted Areas) (No. 6)** are revoked at 2:59:00 pm on 13 August 2020.

3 Citation

- (1) These directions may be referred to as the **Restricted Activity Directions (Restricted Areas) (No. 7)**.
- (2) A reference in any other Directions currently in force or any **Direction and Detention Notice** to the **Restricted Activity Directions (Restricted Areas) (No. 6)** are taken to be a reference to these directions.

4 Relationship with other directions

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.

5 Restricted activity period

The restricted activity period is the period beginning at 2:59:00 pm on 13 August 2020 and ending at 11:59:00 pm on 16 August 2020.

6 Permitted Work Premises

- (1) A person who owns, controls or operates a **Permitted Work Premises** in the **Restricted Area** may operate that premises during the restricted activity period to the extent permitted by the Directions currently in force.

Note: the restrictions on Permitted Work Premises include the relevant restrictions listed in the “Stage 4 Restrictions – Permitted Work Premises” on the webpage www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government and the Permitted Worker Permit Scheme Directions (No. 3), the Workplace (Additional Industry Obligations) Directions (No. 3) and the Workplace Directions (No. 2) which include requirements for Work Premises including record keeping, density quotient, signage and cleaning requirements.

- (2) Despite subclause (1), a person who owns, controls or operates a Permitted Work Premises in the **Restricted Area** may operate that premises:
 - (a) for the purpose of **essential maintenance**; or
 - (b) by permitting employees to work from the place where they ordinarily reside; or
 - (c) as required or authorised by law; or

- (d) in an emergency; or
 - (e) as otherwise permitted by the Directions currently in force.
- (3) If a Work Premises includes multiple functions and some of those functions are not **Permitted Services** or are functions which are prohibited under these directions or any other Directions currently in force, then only those functions which are not prohibited may be undertaken.

*Note: Permitted Services should be undertaken in accordance with the **Permitted Worker Permit Scheme Directions (No. 3)**.*

Example: A book publishing business may operate the warehouse to deliver goods to consumers.

- (4) Where there is any inconsistency between the general obligations and the specific obligations set out in the Directions currently in force, the specific obligations will prevail.

7 Closed Work Premises

- (1) A person who owns, controls or operates a **Closed Work Premises** in the Restricted Area must not permit persons to attend that premises during the restricted activity period.
- (2) Despite subclause (1), a person who owns, controls or operates a Closed Work Premises in the Restricted Area may permit persons to attend that premises or operate the premises:
- (a) for the purpose of essential maintenance; or
 - (b) to ensure that the premises is closed safely for the duration of the restricted activity period; or
 - (c) by permitting employees to work from the place where they ordinarily reside to operate the premises; or
 - (d) as required or authorised by law; or
 - (e) in an emergency; or
 - (f) as otherwise permitted by these Directions.
- (3) Despite subclause (1), a person who owns, controls or operates a Closed Work Premises in the Restricted Area, which is a school, early childhood service, institution at which higher educational services are provided or other research facility, may permit persons to attend that premises during the restricted activity period to perform permitted activities.

8 Exceptions

Permitted operations – professional sport

- (1) A person who owns, controls or operates a **physical recreational facility** in the Restricted Area may operate that facility if it is operated for the exclusive use of training of professional and high-performance sports persons only.
- (2) A person who owns, controls or operates an arena or stadium in the Restricted Area may operate that facility for the purpose of providing an exclusive training venue for professional and high-performance sports persons at any one time.
- (3) A person who operates a facility under subclause (2) must:
- (a) only permit to attend the facility a person who is necessary for the management of the facility or professional sporting training; and
Examples: coaching staff of a professional sports team, and persons employed or engaged in the management or maintenance of the facility are necessary attendees.
 - (b) not permit a **food and drink facility** to operate at the arena or stadium, other than to the extent necessary to provide food and drink to persons permitted to attend the arena or stadium under subclause 3(a).

- (4) A person who owns, controls or operates a swimming pool at a non-residential premises in the Restricted Area may permit a person to use a swimming pool and facilities if the pool is only available for the exclusive use of professional and high-performance sports persons at any one time.
- (5) A person who operates a facility under subclauses (1), (2) or (4) must use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Permitted operations – Educational facilities

- (6) A person who owns, controls or operates a school or educational facility in the Restricted Area may only operate that facility during the restricted activity period in accordance with these directions.
- (7) A person who owns, controls or operates a school or educational facility in the Restricted Area may operate that facility for the purposes of providing services to the following persons:
 - (a) for school educational services (including at a school or non-school senior secondary provider and outside school hours care services):
 - (i) a person who is required to undertake essential Victorian Certificate of Education (VCE) or Victorian Certificate of Applied Learning (VCAL) assessments at a school or another educational facility or institution and it is not reasonably practicable for those assessments to be undertaken from the premises; or
 - (ii) a person whose parents or guardians ordinarily reside in:
 - A. the Relevant Area and are unable to work from the premises where they ordinarily reside or are a **permitted higher education student**, where it is not reasonably practicable for the person to obtain the higher educational services from the premises where they ordinarily reside; or
 - B. the Restricted Area and are a **permitted worker**; or
 - C. the Restricted Area and are a permitted higher education student, where it is not reasonably practicable for the person to obtain the higher educational services from the premises where they ordinarily reside;

Note: If a child or young person is residing with one or more parent or guardian (including stepparents) on the relevant day, all parents or guardians must not be able to work or study from home.
 - (iii) a **vulnerable child or young person in a school**;
- (b) for **higher education services** if they are a permitted higher education student, where it is not reasonably practicable for the person to obtain the higher educational services from the premises where they ordinarily reside.

Permitted operations – Childcare facilities

- (8) A person who owns, controls or operates a childcare facility in the Restricted Area may only operate that facility during the restricted activity period in accordance with these directions.
- (9) A person who owns, controls or operates a childcare facility in the Restricted Area may operate that facility for the purposes of providing services to the following persons:
 - (a) a person whose parents or guardians are permitted workers and unable to work from the premises where they ordinarily reside, where there is no appropriate alternative care available; or

- (b) permitted workers unable to work from the premises where they ordinarily reside and there is no appropriate alternative care available; or
- (c) a person is a vulnerable child or young person in a **childcare or early childhood service**.

9 Other definitions

For the purposes of these directions:

- (1) **childcare facility** means a facility providing a **childcare or early childhood service**;
- (2) **childcare or early childhood service** means onsite early childhood education and care services or children's service 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 not including 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;
- (3) **Closed Work Premises** means a Work Premises that is not a Permitted Work Premises;
- (4) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 9)** currently in force, as amended from time to time;
- (5) **Direction and Detention Notice** has the same meaning as in the **Stay at Home Directions (Restricted Areas) (No. 11)** as amended from time to time;
- (6) **Directions currently in force** means the **Restricted Activity Directions (Non-Melbourne) (No. 2)**, the **Stay at Home Directions (Non-Melbourne) (No. 2)**, the **Stay at Home Directions (Restricted Areas) (No. 11)**, the **Area Directions (No. 6)**, the **Diagnosed Persons and Close Contacts Directions (No. 9)**, the **Hospital Visitor Directions (No. 9)**, the **Care Facilities Directions (No. 9)** the **Workplace Directions (No. 2)**, the **Permitted Worker Permit Scheme Directions (No. 3)**, and the **Workplace (Additional Industry Obligations) Directions (No. 3)**;
- (7) **essential maintenance** means:
 - (a) treating or caring for animals or performing an animal rescue function; or
 - (b) critical maintenance and safety works including to satisfy environmental obligations;
- (8) **food and drink facility** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a cafe;
 - (b) a restaurant;
 - (c) a fast-food store;
 - (d) a cafeteria;
 - (e) a canteen;
- (9) **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;
- (10) **personal training facility** means a business the predominant activity of which is to provide personal training services;

- (11) **physical recreational facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a facility used predominantly for indoor physical recreation or sport;
Examples: gymnasium, health club, fitness centre, yoga studio, barre and spin facility, indoor basketball court, indoor climbing facility, squash court, table tennis centre.
 - (b) a facility used predominantly for outdoor sport or physical recreation;
Examples: golf club, tennis club, basketball centre, go kart track, rifle range, equestrian centre, mini golf, paint ball, lawn bowling, outdoor swimming or water skiing.
 - (c) a **personal training facility**;
 - (d) a skatepark;
 - (e) outdoor communal gym equipment;
 - (f) a trampolining centre;
- (12) **permitted higher education student** means a student accessing higher education services which are permitted to be delivered onsite either:
- (a) in the Restricted Area as set out in the ‘Education and Training’ section of the ‘Stage 4 Restrictions – Permitted Work Premises’ available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government; or
 - (b) outside the Restricted Area in accordance with the **Stay at Home Directions (Non-Melbourne) (No. 2)**;
- (13) **Permitted Services** means the services of the Permitted Work Premises as set out in the ‘Stage 4 Restrictions – Permitted Work Premises’ available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (14) **Permitted Work Premises** means Work Premises described as ‘PERMITTED WORK PREMISES’ in the ‘Stage 4 Restrictions – Permitted Work Premises’ on the webpage www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19;
- (15) **permitted worker** means a person who received a Permitted Worker Permit or is permitted to work without a Permitted Worker Permit, under the **Permitted Worker Permit Scheme Directions (No. 3)**;
- (16) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No. 3)**;
- (17) **premises** has the same meaning as in the PHW Act;
- (18) **restricted activity period** has the meaning in clause 5;
- (19) **Restricted Area** has the same meaning as in the **Area Directions (No. 6)** as amended or replaced from time to time;
- (20) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (21) **vulnerable child or young person in a school** 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);
 - (d) has a disability and the family is experiencing severe stress;

- (22) **vulnerable child or young person in a childcare or early childhood services** 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 childcare or early childhood service as vulnerable, including where the vulnerability is the result of severe family stress (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);
- (23) **Work Premises** means the premises of an employer in which work is undertaken, including any vehicle whilst being used for work purposes.

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.

Dated 13 August 2020

DR FINN ROMANES
Public Health Commander,
as authorised to exercise emergency powers by the Chief Health Officer
under section 199(2)(a) of the PHW Act

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Restricted Activity Directions (Non-Melbourne) (No. 2)**

I, Dr Finn Romanes, Public Health Commander, consider it necessary to eliminate or reduce the risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to section 200(1)(d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

1 Preamble

- (1) The purpose of these directions is to restrict the operation of certain businesses and undertakings in Victoria in the **Relevant Area** to address the serious public health risk posed to Victoria by Novel Coronavirus 2019 (**2019-nCoV**).
- (2) For the purposes of these directions, the Relevant Area means the area of Victoria outside the **Restricted Area**. More specific directions apply to those people who ordinarily reside in the Restricted Area.
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions replace the **Restricted Activity Directions (Non-Melbourne)** restricting activities in areas of Victoria, and provide clarification regarding activities of child-minding and childcare.

2 Revocation

The **Restricted Activity Directions (Non-Melbourne)** are revoked at 2:59:00 pm on 13 August 2020.

2A Relationship with other directions

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 Citation

- (1) These directions may be referred to as the **Restricted Activity Directions (Non-Melbourne) (No. 2)**.
- (2) A reference in any other Directions currently in force or any Direction and Detention Notice to the **Restricted Activity Directions (Non-Melbourne)** are taken to be a reference to these directions.

3A Restricted activity period

For the purposes of these directions, the **restricted activity period** is the period beginning at 2:59:00 pm on 13 August 2020 and ending at 11:59:00 pm on 16 August 2020.

4 Definition of density quotient

The **density quotient** limits the number of **members of the public** that are permitted in a space at any one time to the number calculated by dividing the total publicly accessible space (measured in square metres) by 4 and:

- (a) for an **indoor space** applies to each single undivided space permitted to operate under these directions; and
- (b) for an **outdoor space, market or retail shopping centre**, applies to the total space permitted to operate under these directions.

Example:

A: if an indoor space is 8.5 metres long and 4.5 metres wide, its total area is 38.25 square metres. Its density quotient is 9.56, so no more than 9 members of the public would be permitted to be in the indoor space at the same time.

B: if an indoor space is 15 metres long and 10 metres wide, its total area is 150 square metres. Its density quotient is 37.5, however if there is also a 20 person cap on the space, no more than 20 members of the public would be permitted to be in the indoor space at the same time.

Note: the density quotient, also referred to as the 'four square metre rule' is to be calculated by measuring the area which the members of the public can access, such as the table area in a restaurant, but not the food preparation area or in a store room.

5 Pubs, bars, clubs, nightclubs and hotels

- (1) A person who owns, controls or operates a **licensed premises** in the Relevant Area must not operate that **premises** during the restricted activity period.
- (2) A **licensed premises** means a business characterised as a pub, bar, club, nightclub or hotel that supplies alcohol under a **general licence**, an **on-premises licence**, a **late night licence**, a **producer's licence** or a **club licence**.
- (3) Despite subclause (1), a person who owns, controls or operates a licensed premises in the Relevant Area may operate that premises for the purposes of:
 - (a) operating a **bottleshop**; or
 - (b) providing food or drink to be consumed off the premises; or
 - (c) providing accommodation in accordance with clause 11.

6 Physical recreational facilities

- (1) A person who owns, controls or operates a **physical recreational facility** in the Relevant Area must not operate that facility during the restricted activity period.
- (2) A **physical recreational facility** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a facility used predominantly for indoor physical recreation or sport;
Examples: gymnasium, health club, fitness centre, yoga studio, barre and spin facility, indoor basketball court, indoor climbing facility, squash court, table tennis centre.
 - (b) a facility used predominantly for outdoor sport or physical recreation;
Examples: golf club, tennis club, basketball centre, go kart track, rifle range, equestrian centre, mini golf, paint ball, lawn bowling, outdoor swimming or water skiing.
 - (c) a **personal training facility**;
 - (d) a **play centre** or publicly accessible playground;
 - (e) a skatepark;
 - (f) outdoor communal gym equipment;
 - (g) a trampolining centre.

Permitted operations – outdoor activities

- (3) Despite subclause (1), a person who owns, controls or operates a facility under subclause (2)(b) (outdoor sport or physical recreation facility) or (2)(c) (personal training facility) in the Relevant Area may operate that facility if:
 - (a) its services are provided in an outdoor space; and
 - (b) the number of members of the public to whom its services are provided is:
 - (i) not more than 2 in any group; or
 - (ii) more than 2 in a group, if all persons have the same ordinary place of residence; and
 - (iii) not more than 10 in total at the facility at any one time, except where a distance of at least 100 metres between groups can be maintained at all times; and

Example: at a golf course, there may be more than 5 groups of 2 people, so long as a distance of at least 100 metres between all groups can be maintained at all times.

- (c) the space available is suitable to ensure members of the public are reasonably capable of maintaining a distance of 1.5 metres from each other; and
- (d) the person complies with the **records requirement**; and
- (e) no equipment is made available by the facility for hire, or for communal or shared use.

Note: community sport cannot take place in Victoria regardless of whether it is in or outside the Relevant Area.

- (4) Despite subclause (3), a person who owns, controls or operates a facility under subclause (2)(b) (outdoor sport or physical recreation facility) may operate that facility for the purposes of outdoor sport or physical recreation, but must not permit use of the indoor facilities, other than toilet facilities.

Examples: a golf or tennis club may operate to permit outside golf or tennis, although club rooms, indoor sitting areas, change facilities and showers are to remain closed.

Permitted operations – professional sport

- (5) Despite subclauses (1) and (3), a person who owns, controls or operates a physical recreational facility in the Relevant Area may operate that facility if it is operated for the exclusive use of training for professional and high-performance sports persons only at any one time and for training purposes by that team.
- (6) A person who operates a facility under subclause (5) must use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

6A Community facilities

- (1) A person who owns, controls or operates a **community facility** in the Relevant Area may operate that facility during the restricted activity period only for the purpose of:
 - (a) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise); or
Examples: a food bank, a service for homeless persons.
 - (b) hosting an essential support group; or
Examples: for alcohol and drugs, family violence and parenting.
 - (c) hosting a wedding or funeral in accordance with subclause (4); or
 - (d) providing an exclusive venue for a single school or outside school hours care services at any one time for educational purposes; or
Note: this subclause is intended only to allow the students that are permitted to attend school to use these facilities.
 - (e) a toy library to the extent necessary to facilitate collection and return of pre-booked toys or home delivery.
- (2) A **community facility** means any of the following, whether operated on a for-profit or not-for-profit basis:
 - (a) a community centre or community hall;
 - (b) a public library (including a toy library);
 - (c) a youth centre.

Restrictions – essential support groups

- (3) A person who operates a facility under subclause (1)(b) must:
 - (a) limit the number of members of the public in each indoor space to the lesser of:
 - (i) the number permitted by the density quotient; and
 - (ii) 20; and

- (b) comply with:
 - (i) the **signage requirement** for each indoor space; and
 - (ii) the **cleaning requirement**; and
 - (iii) the records requirement, except in relation to essential support groups if confidentiality is typically required.

Example: support groups for alcohol and drugs or family violence typically require confidentiality.

Restrictions – weddings and funerals

- (4) A person who operates a facility under subclause (1)(c):
 - (a) must not host a wedding or funeral unless that wedding or funeral complies with the requirements of the **Stay at Home Directions (Non-Melbourne) (No. 2)**; and
 - (b) must comply with:
 - (i) the signage requirement for each indoor space and **enclosed outdoor space**; and
 - (ii) the cleaning requirement; and
 - (iii) the records requirement.

Permitted operations – broadcast

- (5) Despite subclause (1), a person who owns, controls or operates a community facility in the Relevant Area may operate that facility for the purpose of allowing a performance to occur at the premises, if that performance is to be broadcast (live or otherwise) via electronic means.
- (6) If a performance is held at a facility for the purposes of subclause (5), the only persons permitted to attend the facility are those necessary for the performance and the broadcasting of that performance to occur.

7 **Entertainment facilities**

- (1) A person who owns, controls or operates an **entertainment facility** in the Relevant Area must not operate that facility during the restricted activity period.
- (2) An **entertainment facility** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a theatre;
 - (b) a cinema;
 - (c) a music hall, concert hall or auditorium;
 - (d) a gallery or a museum;
 - (e) an arena, stadium or convention centre;
 - (f) an arcade;
 - (g) an amusement park;
 - (h) a **casino**, except to the extent of:
 - (i) providing food and drink in accordance with clause 10; or
 - (ii) providing accommodation in accordance with clause 11;
 - (i) a **retail betting venue**;
 - (j) a **gaming machine area**;
 - (k) a **brothel, sex on premises venue** or **sexually explicit entertainment venue**;
 - (l) a **bingo centre**;
 - (m) an escape room.

Permitted operations – broadcast

- (3) Despite subclause (1), a person who owns, controls or operates an entertainment facility in the Relevant Area may operate that facility for the purpose of allowing a performance to occur at the premises, if that performance is to be broadcast (live or otherwise) via electronic means.
- (4) If a performance is held at a facility for the purposes of subclause (3), the only persons permitted to attend the facility are those necessary for the performance and the broadcasting of that performance to occur.

Permitted operations – professional sport

- (5) Despite subclause (1), a person who owns, controls or operates an arena or stadium in the Relevant Area may operate that facility for the purpose of:
 - (a) providing an exclusive training venue for training for professional and high-performance sports persons only at any one time; or
Note: physical recreational facilities located at an arena or stadium must comply with the requirements in clause 6(5) and (6).
 - (b) providing a venue for a professional sporting event.
- (6) A person who operates a facility under subclause (5) must:
 - (a) only permit to attend the facility a person who is necessary for the management of the facility, professional sporting event, training or the broadcasting of such an event to occur; and
*Examples: coaching staff of a professional sports team, and persons employed or engaged in the management or maintenance of the facility are necessary attendees.
Note: spectators are not necessary and not permitted for professional sporting events.*
 - (b) not permit a **food and drink facility** to operate at the arena or stadium, other than in accordance with clause 10 and to the extent necessary to provide food and drink to persons permitted to attend the arena or stadium under subclause 6(a); and
 - (c) use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

8 Places of worship

- (1) A person who owns, controls or operates a **place of worship** in the Relevant Area must not operate that place of worship during the restricted activity period.

Permitted operations

- (2) Despite subclause (1), a person who owns, controls or operates a place of worship in the Relevant Area may operate that place of worship during the restricted activity period for the purpose of:
 - (a) hosting a wedding or funeral, if that wedding or funeral complies with the requirements of the **Stay at Home Directions (Non-Melbourne) (No. 2)**; or
Note: the Stay at Home Directions (Non-Melbourne) (No. 2) limit the number of people who may attend a wedding at non-residential premises located in the Relevant Area to 5 people (inclusive of the marrying couple, 2 witnesses and the celebrant) and a funeral at non-residential premises located in the Relevant Area to 10 people plus those required to conduct the funeral.
 - (b) hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise); or
Examples: a food bank or service for homeless persons.
 - (c) hosting an essential support group; or
Examples: for alcohol and drugs, family violence, and parenting.
 - (d) conducting a ceremony at the place of worship, if that ceremony is to be broadcast (live or otherwise) via electronic means.

- (3) A person who operates a place of worship under subclause (2)(c) must limit the number of members of the public in each indoor space to the lesser of:
 - (a) the number permitted by the density quotient; and
 - (b) 20.
- (4) If a ceremony is held at a place of worship for the purposes of subclause (2)(d), the only persons permitted to attend the place of worship are those necessary for the ceremony and the broadcasting of that ceremony to occur, up to a maximum of 5 people.
- (5) A person who owns, operates or controls a place of worship under subclause (2) during the restricted activity period must comply with:
 - (a) the signage requirement for each:
 - (i) indoor space; and
 - (ii) enclosed outdoor space if hosting a wedding or funeral; and
 - (b) the cleaning requirement; and
 - (c) the records requirement, except in relation to essential support groups if confidentiality is typically required.

9 Restricted retail facilities

- (1) A person who owns, controls or operates an **open retail facility**, including a **restricted retail facility**, in the Relevant Area may only operate that facility during the restricted activity period to the extent permitted or required by these directions.
- (2) A **restricted retail facility** means the following:
 - (a) a **beauty and personal care facility**;
 - (b) a **hairdressing** facility;
 - (c) an auction house;
 - (d) a market stall, whether indoor or outdoor.

Beauty and personal care facility

- (3) A person who owns, controls or operates a beauty and personal care facility in the Relevant Area must not operate that beauty and personal care facility.

Permitted operations – hairdressers

- (4) A person who owns, controls or operates a hairdressing facility in the Relevant Area may operate that facility provided that the person complies with the records requirement.

Permitted operations – auction houses

- (5) A person who owns, controls or operates an auction house in the Relevant Area may operate that auction house for the purpose of conducting an auction to be attended remotely by members of the public.

Permitted operations – market stalls

- (6) A person who owns, controls or operates a market stall (whether indoor or outdoor) in the Relevant Area may only operate that stall if its predominant business is the provision of food and drink for consumption off the premises of the market.

Note: a market is only permitted to consist of market stalls that provide food and drink for consumption off the premises of the market permitted to operate in accordance with subclause (7).

Restrictions – requirements for market stalls, markets and retail shopping centres

- (7) A person who owns, operates or controls a market stall, market or retail shopping centre in the Relevant Area during the restricted activity period must:

- (a) limit the number of members of the public permitted by the density quotient as it applies respectively to the market stall, market or the retail shopping centre; and
- (b) comply with the cleaning requirement respectively for the market stall, market or the **common areas** of the retail shopping centre; and
- (c) use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

Restrictions – requirements for other open retail facilities

- (8) A person who owns, operates or controls an open retail facility that is not a market stall, market or retail shopping centre in the Relevant Area during the restricted activity period must comply with:
 - (a) the density quotient for each indoor space; and
 - (b) the signage requirement for each indoor space; and
 - (c) the cleaning requirement.

10 Food and drink facilities

- (1) A person who owns, controls or operates a food and drink facility in the Relevant Area must not operate that facility during the restricted activity period.
- (2) A **food and drink facility** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (a) a cafe;
 - (b) a restaurant;
 - (c) a fast-food store;
 - (d) a cafeteria;
 - (e) a canteen.

Permitted operations

- (3) Despite subclause (1), a person who owns, controls or operates a food and drink facility in the Relevant Area may operate that facility:
 - (a) for the purposes of providing food or drink to be consumed off the premises; or
Note: this paragraph permits both delivery and collection of takeaway food and drink.
 - (b) if the food and drink facility is located inside a **food court**, for the purpose of providing food or drink to be consumed outside a food court; or
 - (c) if the facility is located:
 - (i) on the premises of a **hospital**, if the facility is located within an area of the hospital that has been exempted from the operation of the **Hospital Visitor Directions (No. 9)** pursuant to clause 7 of those directions; or
 - (ii) on the premises of a **residential aged care facility**; or
 - (iii) on the premises of a **childcare facility** or school; or
 - (iv) on the premises of a prison, correctional facility, youth justice centre or other place of custody; or
 - (v) on land that is owned or held under lease by the Commonwealth and used, or intended for use, for the purposes of defence; or
 - (vi) on premises that have a dedicated area for the purposes of providing food and drink to drivers of **fatigue-regulated heavy vehicles**; or
 - (vii) on the premises of a workplace, if the facility provides food or drink only to persons who work at the workplace; or
 - (d) for the purposes of providing food or drink to homeless persons.

- (4) A person who owns, operates or controls a food or drink facility that is permitted to operate under subclause (3)(c)(vi) must use reasonable endeavours to ensure that a person does not remain in the dedicated area that is provided for the purposes of food and drink for longer than one hour at a time.

11 Accommodation facilities

- (1) A person who owns, controls or operates an **accommodation facility** in the Relevant Area must not operate that facility during the restricted activity period.
- (2) For the purposes of this clause, an **accommodation facility** includes, but is not limited to, any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a camping ground;
 - (b) a caravan park;
 - (c) a hotel;
 - (d) a hostel;
 - (e) a Bed and Breakfast;
 - (f) a private holiday rental facility, including AirBnBs;
 - (g) a motel;
 - (h) a serviced apartment.

Permitted operations

- (3) Despite subclause (1), a person who owns, controls or operates an accommodation facility in the Relevant Area may operate that facility for the purposes of providing accommodation:
- (a) to a person whose place of residence is the accommodation facility; or
 - (b) to a person who is ordinarily a resident of Victoria but has no permanent place of residence in Victoria; or
 - (c) to a person who has a permanent place of residence in Victoria, but that place is temporarily unavailable; or
 - (d) to a person, on a temporary basis, for work purposes; or
 - (e) to a person who was a temporary guest of the accommodation facility on the date that these directions were given; or
 - (f) to a person who requires emergency accommodation, including in relation to family violence and other vulnerable groups; or
 - (g) to a person who requires accommodation for work purposes, where their work is for the purposes of responding to the state of emergency in existence under the PHW Act; or
 - (h) to a person who is subject to a Direction and Detention Notice or the **Diagnosed Persons and Close Contacts Direction (No. 9)**; or
 - (i) as an exclusive venue for a single school at any one time for educational purposes.

12 Swimming pools

- (1) A person who owns, controls or operates premises in the Relevant Area at which there is a swimming pool may only operate the swimming pool in accordance with these directions.

Permitted operations – private swimming pools

- (2) A person is permitted to use a swimming pool in the Relevant Area if the swimming pool is not available for use by the public.

Permitted operations – professional sport

- (3) A person who owns, controls or operates a swimming pool at a non-residential premises in the Relevant Area may permit a person to use a swimming pool and facilities if the pool is only available for the exclusive use of training for professional and high-performance sports persons only at any one time.
- (4) A person who operates a facility under subclause (3) must use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.

13 Animal facilities

- (1) A person who owns, controls or operates an **animal facility** in the Relevant Area must not operate that facility for the purposes of allowing members of the public to visit that facility during the restricted activity period.
- (2) An **animal facility** means the following:
 - (a) a **zoological park**;
 - (b) a wildlife centre;
 - (c) a petting zoo;
 - (d) an aquarium;
 - (e) an animal farm that is not being operated for the purpose of producing food.
- (3) Despite subclause (1), a person who owns, controls or operates an animal facility in the Relevant Area may continue to operate the facility for the purposes of:
 - (a) treating or caring for animals; or
 - (b) performing an animal rescue function; or
 - (c) maintaining the facility.

14 Real estate auctions and inspections

An **estate agent** must not organise:

- (1) any auction to take place for the sale of a **real estate** in the Relevant Area during the restricted activity period, unless that auction is to be conducted remotely; or
- (2) an inspection by members of the public of a real estate in the Relevant Area during the restricted activity period for the purposes of a prospective sale or rental of the property, other than by private appointment, such private appointment to comply with the restrictions on public gatherings in the **Stay at Home Directions (Non-Melbourne) (No. 2)**.

15 Education and childcare facilities*Educational facilities*

- (1) A person who owns, controls or operates a school or educational facility in the Relevant Area may only operate that facility during the restricted activity period in accordance with these directions.
- (2) A person who owns, controls or operates a school or educational facility in the Relevant Area may operate that facility for the purposes of providing services to the following persons:
 - (a) for school educational services (including at a school or non-school senior secondary provider) and outside school hours care services:
 - (i) a person who is required to undertake essential Victorian Certificate of Education (VCE) or Victorian Certificate of Applied Learning (VCAL) assessments at a school or another educational facility or institution and it is not reasonably practicable for those assessments to be undertaken from the premises; or

- (ii) a person whose parents or guardians ordinarily reside in:
 - (A) the Relevant Area and are unable to work from the premises where they ordinarily reside or are unable to obtain higher education services from the premises where the person ordinarily resides; or
 - (B) the Restricted Area and are a **permitted worker**; or
 - (C) the Restricted Area and are obtaining the higher education services are permitted to be delivered on site as set out in the ‘Education and Training’ section of the ‘Stage 4 Restrictions – Permitted Work Premises’ available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government, where it is not reasonably practicable for the person to obtain the higher educational services from the premises where the person ordinarily resides;

Note: If a child or young person is residing with one or more parent or guardian (including stepparents) on the relevant day, all parents or guardians must not be able to work or study from home.
- (iii) a vulnerable child or young person; or
- (iv) a person enrolled in a specialist school in the Relevant Area; or
- (b) for **higher education services** if they are a person in:
 - (A) the Relevant Area and it is not reasonably practicable to obtain the higher education services from the premises where they ordinarily reside; or
 - (B) the Restricted Area and the higher education services are permitted to be delivered on site as set out in the ‘Education and Training’ section of the ‘Stage 4 Restrictions – Permitted Work Premises’ available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government, and it is not reasonably practicable to obtain higher education services from the premises where the person ordinarily resides.

Childcare facilities

- (3) A person who owns, controls or operates a childcare facility in the Relevant Area may only operate that facility during the restricted activity period in accordance with these directions.
 - (4) A person who owns, controls or operates a childcare facility in the Relevant Area may operate that facility for the purposes of providing services to a person whose parents or guardians ordinarily reside in:
 - (a) the Relevant Area; or
 - (b) the Restricted Area, and the person is a vulnerable child or young person; or
 - (c) the Restricted Area, and the parents or guardians are:
 - (i) providing a **Permitted Service**; or
 - (ii) permitted workers; or
 - (iii) receiving higher education services at Permitted Work Premises that provide higher education services or the premises where they ordinarily reside,
- and no alternative care is available.

16 Alpine resorts

- (1) A person who owns, controls or operates a facility in an **alpine resort** must not operate that facility for the purposes of allowing members of the public to visit that facility during the restricted activity period.

Note: clause 17 applies to facilities such as accommodation facilities, food and drink facilities and retail facilities in alpine resorts.

17 Other definitions

For the purposes of these directions:

- (1) **accommodation facility** has the meaning in clause 11(2);
- (2) **alpine resort** means any of the following as defined in the **Alpine Resorts (Management) Act 1997**:
- (a) Falls Creek Alpine Resort;
 - (b) Lake Mountain Alpine Resort;
 - (c) Mount Baw Baw Alpine Resort;
 - (d) Mount Buller Alpine Resort;
 - (e) Mount Hotham Alpine Resort;
 - (f) Mount Stirling Alpine Resort;
- (3) **animal facility** has the meaning in clause 13(2);
- (4) **Area Directions (No. 6)** means the directions issued by the Public Health Commander, setting out Restricted Areas, as amended or replaced from time to time;
- (5) **beauty and personal care facility** means the following:
- (a) a beauty therapy salon, tanning salon, waxing salon or nail salon;
 - (b) a wellness spa;
 - (c) a massage parlour;
 - (d) a tattoo or piercing parlour;
- (6) **bingo centre** means a facility that:
- (a) is operated by a bingo centre operator or community or charitable organisation under Chapter 8 of the **Gambling Regulation Act 2003**, that offers bingo or any similar game; or
 - (b) conducts bingo which is open to members of the public;
- (7) **bottleshop** means an area:
- (a) that is physically attached to a licensed premises, as defined in clause 5(2); and
 - (b) where packaged alcohol is sold to be consumed off the premises;
- (8) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (9) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (10) **childcare facility** means a facility providing a **childcare or early childhood service**;
- (11) **childcare or early childhood service** means onsite early childhood education and care services or children's service 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 not including outside school hours care services; and
 - (b) **Children's Services Act 1996** including limited hours services, Budget Based Funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;

- (12) **cleaned** has the same meaning as in the **Workplace Directions (No. 2)**;
- (13) **cleaning requirement** has the same meaning as in the **Workplace Directions (No. 2)**;
- (14) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (15) **common areas** of a retail shopping centre has the same meaning as in the **Retail Leases Act 2003**;
- (16) **community facility** has the meaning in clause 6A;
- (17) **density quotient** has the meaning in clause 4;
- (18) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 9)** currently in force, as amended from time to time;
- (19) **Direction and Detention Notice** has the same meaning as in the **Stay at Home Directions (Restricted Areas) (No. 11)** as amended from time to time;
- (20) **Directions currently in force** means the **Restricted Activity Directions (Restricted Area) (No. 7)**, the **Restricted Activity Directions (Non-Melbourne) (No. 2)** the **Stay At Home Directions (Restricted Areas) (No. 11)**, the **Area Directions (No. 6)**, the **Diagnosed Persons and Close Contacts Directions (No. 9)**, the **Hospital Visitor Directions (No. 9)**, the **Care Facilities Directions (No. 9)** the **Workplace Directions (No. 2)**, the **Permitted Worker Permit Scheme Directions (No. 3)**, and the **Workplace (Additional Industry Obligations) Directions (No. 3)**;
- (21) **enclosed outdoor space** means an **outdoor space** (or part of an outdoor space) that is substantially enclosed by either a roof or walls, regardless of whether the roof or walls or any part of them are open or closed;
- (22) **entertainment facility** has the meaning in clause 7(2);
- (23) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (24) **fatigue-regulated heavy vehicle** has the same meaning as in the **Heavy Vehicle National Law (Victoria)**;
- (25) **food and drink facility** has the meaning in clause 10(2);
- (26) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (27) **gaming machine area** has the same meaning as in the **Gambling Regulation Act 2003**;
- (28) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (29) **hairdressing** has the same meaning as in the PHW Act;
- (30) **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;
- (31) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 9)**;
- (32) **indoor space** means an area, room or premises that is or are substantially enclosed by a roof and walls, regardless of whether the roof or walls or any part of them are open or closed;
- (33) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (34) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (35) **licensed premises** has the meaning in clause 5(2);
- (36) **member of the public** is a person but does not include:
 - (a) a person who is an employee of an operator of the facility or venue; or
 - (b) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;

- (37) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (38) **open retail facility** means a **retail facility** that is permitted to operate under these directions, and includes a restricted retail facility to the extent that it is permitted to operate;
- (39) **outdoor space** means a space that is not an indoor space;
- (40) **permitted higher education student** means a student accessing higher education services which are permitted to be delivered onsite either:
- (a) in the Restricted Area as set out in the ‘Education and Training’ section of the ‘Stage 4 Restrictions – Permitted Work Premises’ available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government; or
 - (b) outside the Restricted Area in accordance with the **Stay At Home Directions (Non-Melbourne) (No. 2)**;
- (41) **Permitted Services** means the services of the Permitted Work Premises as set out in the ‘Stage 4 Restrictions – Permitted Work Premises’ available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (42) **Permitted Work Premises** means the Work Premises described as ‘PERMITTED WORK PREMISES’ set out in the ‘Stage 4 Restrictions – Permitted Work Premises’ available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (43) **permitted worker** means someone who received a Permitted Worker Permit, or is permitted to work without a Permitted Worker Permit, under the **Permitted Worker Permit Scheme Directions (No. 3)**;
- (44) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No. 3)**;
- (45) **personal training facility** means a business the predominant activity of which is to provide personal training services;
- (46) **physical recreational facility** has the meaning in clause 6(2);
- (47) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (48) **play centre** means a premises, whether indoor or outdoor, that has play equipment to be used predominantly by children under the age of 12 years, but does not mean play equipment in a public park;
- (49) **premises** has the same meaning as in the PHW Act;
- (50) **producer’s licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (51) **reasonably practicable** is to have its ordinary and common sense meaning;
- (52) **real estate** has the same meaning as in the **Estate Agents Act 1980**;
- (53) **records requirement** has the same meaning as in the **Workplace Directions (No. 2)**;
- (54) **Relevant Area** means the area of Victoria outside the Restricted Area;
- (55) **residential aged care facility** has the same meaning as in the **Care Facilities Directions (No. 9)**;
- (56) **restricted activity period** has the meaning in clause 3A;
- (57) **Restricted Area** has the same meaning as in the **Area Directions (No. 6)** as amended or replaced from time to time;
- (58) **restricted retail facility** has the meaning in clause 9(2);

- (59) **retail betting venue** means a premises, or part of a premises, operated by the **wagering and betting licensee**, the **keno licensee** or an agent of the wagering and betting licensee or keno licensee;
- (60) **retail facility** includes any facility that is used wholly or predominantly for:
- (a) the sale or hire of goods by retail; or
 - (b) the retail provision of services;
- (61) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (62) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (63) **sex on premises venue** has the same meaning as in the **Sex Work Act 1994**;
- (64) **sexually explicit entertainment** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (65) **sexually explicit entertainment venue** means a venue at which sexually explicit entertainment is provided;
- (66) **signage requirement** has the same meaning as in the **Workplace Directions (No. 2)**;
- (67) **vehicle** has the same meaning as in the PHW Act;
- (68) **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);
 - (d) has a disability;
- (69) **wagering and betting licensee** has the same meaning as in the **Gambling Regulation Act 2003**;
- (70) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

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.

Dated 13 August 2020

DR FINN ROMANES
Public Health Commander,
as authorised to exercise emergency powers by the Chief Health Officer
under section 199(2)(a) of the PHW Act

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Stay at Home Directions (Non-Melbourne) (No. 2)**

I, Dr Finn Romanes, Public Health Commander, consider it necessary to eliminate or reduce the 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 Victoria by Novel Coronavirus 2019 (**2019-nCoV**).
- (2) For the purposes of these directions, the **Relevant Area** means the area of Victoria outside the **Restricted Area**. More specific directions apply to those people who ordinarily reside in the Restricted Area.
- (3) These directions require everyone who ordinarily resides in the Relevant Area to limit their interactions with others by:
 - (a) restricting the circumstances in which they may leave the **premises** where they ordinarily reside and the Relevant Area; and
 - (b) placing restrictions on gatherings, including prohibiting private gatherings (no visitors to another person's home other than in very limited circumstances).
- (4) These directions must be read together with the **Directions currently in force**.
- (5) These directions replace the **Stay at Home Directions (Non-Melbourne Directions)** and provide clarification regarding child-minding and childcare.

2 Citation

These directions may be referred to as the **Stay at Home Directions (Non-Melbourne) (No. 2)**.

3 Revocation

The **Stay at Home Directions (Non-Melbourne)** are revoked at 2:59:00 pm on 13 August 2020.

4 Stay at home period

For the purposes of these directions, the **stay at home period** is the period beginning at 2:59:00 pm on 13 August 2020 and ending at 11:59:00 pm on 16 August 2020.

PART 2 – STAY AT HOME**5 Direction – stay at home other than in specified circumstances***Requirement to stay at home*

- (1) A person who ordinarily resides in the Relevant Area 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 or outdoor recreation**);
 - (e) clause 10 (**other specified reasons**).

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

- (1A) 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 1: unreasonable travel would include travel within or outside the Relevant Area to obtain goods or services that can be obtained closer to home.

Note 2: unreasonable travel would include travel within the Relevant Area for exercise or outdoor recreation where that can be done closer to home. Travelling to the Restricted Area for exercise or outdoor recreation is prohibited under these directions.

Requirement to stay outside the Restricted Area

- (1B) Subject to subclauses (1C) and (1D), a person who ordinarily resides in the Relevant Area during the stay at home period must not enter the Restricted Area other than for one or more of the reasons specified in:

- (a) clause 6 (***necessary goods or services***) provided that they must not:
- (i) do so more than once per day; and
 - (ii) only one person from a given residence per day may do so, except where:
 - (iii) the person leaves the premises to obtain goods and services:
 - (A) for health or medical purposes; or
 - (B) provided by a:
 - 1. financial institution; or
 - 2. government body or government agency; or
 - (iv) the person is a parent or guardian of a child, and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can leave the premises without the child; or
 - (v) it is necessary for the person to provide, or the person requires, care and support due to:
 - (A) age, infirmity, disability, illness or a chronic health condition; or
 - (B) matters relating to the relative or other person's health (including mental health or pregnancy);
- (b) clause 7 (***care or other compassionate reasons***);
- (c) clause 8 (***work or education***);
- (d) clause 10 (***other specified reasons***),

of, and provided they comply with the requirements set out in, the **Stay at Home Directions (Restricted Areas) (No. 11)**.

- (1C) If a person who ordinarily resides in the Relevant Area enters the Restricted Area in accordance with subclause (1B) or (1D), the **Stay at Home Directions (Restricted Areas) (No. 11)** and the **Restricted Activity Directions (Restricted Areas) (No. 7)** apply to that person when they are in the Restricted Area.

Note: If a person who ordinarily resides in the Relevant Area enters the Restricted Area, they must comply with the curfew which applies in the Restricted Area.

Principal place of residence

- (1D) If a person has more than one ordinary place of residence, the person must choose one of these residences to be their principal place of residence for the duration of the stay at home period. Such a person must not leave to go to any other ordinary place of residence (regardless of whether it is within or outside the Relevant Area) 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.

Example: a person has an ordinary place of residence in the Restricted Area and two other ordinary places of residence in the Relevant Area. This person must choose a principal place of residence. If they choose one of the places of residence in the Relevant Area, they cannot go to their other residence in the Restricted Area or the Relevant Area, except in accordance with subclause (1D).

Ordinary place of residence

- (2) Subject to subclause (3) and (3A), subclause (1) and (1D) do not apply to a person at any time during the stay at home period when the person:
 - (a) does not have an ordinary place of residence or a principal place of residence (as applicable); or
 - (b) has an ordinary place of residence or principal place of residence (as applicable), but that place is temporarily unavailable or is unavailable because of a risk of harm (including harm relating to family violence or violence of another person at the premises).
- (3) If a suitable premises is made available for a person identified in subclause (2) to reside at for the stay at home period (or part thereof):
 - (a) that premises is taken to be the person's ordinary place of residence for the stay at home period (or part thereof); and
 - (b) subclause (1) applies accordingly.
- (3A) If subclause (2) applies, if a person has more than one ordinary place of residence and can choose another such residence to be their principal place of residence for the duration of the stay at home period (or part thereof), that residence is taken to be the person's principal place of residence and subclause (1D) applies accordingly.
- (4) If a person's ordinary place of residence is outside Victoria, the premises where that person is temporarily residing in 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).
- (5) If, during the stay at home period, a person moves from the premises at which they ordinarily reside to a new premises, the new premises is taken to be the premises at which the person ordinarily resides from midnight on the day that the person moves.

Example: subclause (5) applies if a person sells their ordinary place of residence, buys a new ordinary place of residence and wishes to move between them. Otherwise, movement between multiple ordinary places of residence is regulated by subclause (1D).

Face covering requirement

- (6) A person may only leave the premises under subclause (1), (1B) and (1D) if they:
 - (a) wear a face covering at all times; and
 - (b) if subclause (7) (other than subclause (7)(a), (c), (d) or (e)) applies, carry a face covering at all other times.

Note: a face covering includes a face mask or face shield designed or made to be worn over the nose and mouth to provide the wearer protection against infection. Please refer to the Department of Health and Human Services' guidelines for further information.

- (7) Subclause (6)(a) does not apply if:
 - (a) the person is an infant or a child under the age of 12 years; or
 - (b) the person is a student while onsite at a primary school or outside school hours care; or

- (c) the person is a **prisoner** in a **prison** (either in their cell or common areas), subject to any policies of that prison; or
- (d) the person is detained in a **remand centre, youth residential centre or youth justice centre** (either in their room or common areas), subject to any policies of that centre; or
- (e) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or
Examples: persons who have obstructed breathing, a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.
- (f) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (g) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
- (h) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or
Examples: teaching, lecturing, broadcasting.
- (i) the person is working by themselves in an enclosed **indoor space** (unless and until another person enters that indoor space); or
Example: a person working by themselves in an office.
- (j) the person is working by themselves in an **outdoor space**, provided 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 with them.
- (k) the person is one of two persons being married while in the process of being married; or
- (l) the person is a professional sportsperson when training or competing; or
- (m) the person is engaged in any strenuous physical exercise; or
Examples: jogging, running.
- (n) the person is travelling in a **vehicle** by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (o) the person is riding a bicycle or motorcycle; or
- (p) the person is consuming food, drink or medicine; or
- (q) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (r) 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
- (s) 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.
- (t) for emergency purposes; or
- (u) required or authorised by law; or
- (v) doing so is not safe in all the circumstances.

PART 3 – REASONS TO LEAVE PREMISES

6 Leaving premises to obtain necessary goods or services

- (1) A person who ordinarily resides in the Relevant Area may leave the premises to obtain:
 - (a) take away food or drink; or

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

- (b) goods and services for health or medical purposes; or
- (c) 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 hardware store;
 - (vi) a petrol station;
 - (vii) a pet store or veterinary clinic;
 - (viii) a **retail facility** that is not prohibited from operating by the **Restricted Activity Directions (Non-Melbourne) (No. 2)** or the **Restricted Activity Directions (Restricted Areas) (No. 7)** (as applicable).

Note: a person who ordinarily resides in the Relevant Area may only visit retail facilities to obtain necessary goods or services in the Restricted Area in accordance with clause 5(1B) and (1C).

7 Leaving premises for care or other compassionate reasons

- (1) A person who ordinarily resides in the Relevant Area may leave the premises:
 - (a) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
 - (b) if the person is a parent or guardian of a child (with or without that child):
 - (i) to visit the child if the child is in detention, or in the care of another person; or
 - (ii) to meet any obligations in relation to care and support for that child; or
 - (iii) to take the child to another person's premises for the purpose of that other person providing child-minding assistance (whether on a paid or voluntary basis), so that the parent or guardian can:
 - (A) 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 outdoor recreation) or 10 (other specified reasons); or
 - (B) work, or obtain educational services, from their own premises; or
 - (iv) to obtain **childcare or early childhood services** in the Relevant Area or the Restricted Area; or
 - (c) to obtain or provide schooling to a **vulnerable child or young person**; or
 - (d) to provide care and support to a relative or other person:
 - (i) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or
 - (ii) because of matters relating to the relative or other person's health (including mental health or pregnancy); or
 - (e) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions (No. 9)**; or

Note: in-home child-minding assistance arrangements in the Restricted Area are limited to children who ordinarily reside at the same premises as each other; in addition to any children who ordinarily reside with the person providing child-minding assistance.

- (f) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions (No. 9)**; or
- (g) to attend a funeral or wedding, if that funeral or wedding complies with the requirements in clause 11; or
- (h) to donate blood; or
- (i) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises; or
- (j) to visit a person with whom they are in an intimate personal relationship; or
- (k) to attend a cemetery or other memorial for a deceased person to pay respects to a deceased person; or

Note: the reference to a memorial is to a physical place (for example, a place of interment such as a grave, crypt or cremation niche), not an event. Clause 7(1)(k) does not permit a person to attend an event in a person's home.

- (l) to provide child-minding assistance (whether on a paid or voluntary basis), so that a person who ordinarily resides in:
 - (i) the Relevant Area, and is the parent or guardian of a child, can:
 - (A) leave their own premises for one of the purposes specified in clauses 6 (necessary goods or services), 7 (care or other compassionate reasons), 8 (work or education), 9 (exercise or outdoor recreation) or 10 (other specified reasons); or
 - (B) work, from the premises where they ordinarily reside; or
 - (C) study, from the premises where they ordinarily reside; or
 - (ii) the Restricted Area, and is the parent or guardian of a child, can work if the parent or guardian is a **permitted worker** or is providing a **Permitted Service**, provided the child-minding assistance is in accordance with an arrangement which was already in place prior to 11:59:00 pm on 5 August 2020 and there is no appropriate alternative care available; or
- (m) 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 to attend work or education

- (1) Subject to subclauses (2) and (3), a person who ordinarily resides in the Relevant Area may leave the premises to:
 - (a) attend work (whether paid or voluntary, including for charitable or religious purposes); or

*Note: a person who works in the Restricted Area must hold a **Permitted Worker Permit** in accordance with, and comply with, the **Permitted Worker Permit Scheme Direction (No. 3)**.*

 - (b) obtain educational services (which includes going to **school** including outside school hours care or another educational facility or institution); or
 - (c) do anything necessary to attend that work or obtain those educational services including, but not limited to, taking a child to:
 - (i) a childcare or early childhood service, a school (including outside school hours care) or another educational facility or institution; or
 - (ii) another person's premises for child-minding under clause 7(1)(b)(iii).
- (2) A person may leave the premises under subclause (1)(a) only if it is not reasonably practicable for the person to work from the premises.

- (3) A person may leave the premises under subclause (1)(b) only if:
- (a) for school educational services (including at a school or non-school senior secondary provider and outside school hours care services):
 - (i) a person is required to undertake essential Victorian Certificate of Education (VCE) or Victorian Certificate of Applied Learning (VCAL) assessments at a school or another educational facility or institution and it is not reasonably practicable for those assessments to be undertaken from the premises; or
 - (ii) a person whose parents or guardians ordinarily reside in the Relevant Area and are unable to work or access higher education services from the premises where they ordinarily reside; or

Note: if a child or young person is residing with one or more parent or guardian (including stepparents) on the relevant day, all parents or guardians must not be working or studying (as applicable) from home.

- (iii) a vulnerable child or young person; or
- (iv) a person enrolled in a specialist school in the Relevant Area; or
- (b) for higher education services:
 - (i) in the Relevant Area, or
 - (ii) in the Restricted Area which are permitted to be delivered on site as set out in the 'Education and Training' section of the 'Stage 4 Restrictions – Permitted Work Premises' available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government,

where it is not reasonably practicable for the person to obtain the higher educational services from the premises where they ordinarily reside.

9 Leaving premises for exercise or outdoor recreation

- (1) A person who ordinarily resides in the Relevant Area may leave the premises to exercise or to participate in outdoor recreation, but must:
- (a) only participate in a sport or physical recreation activity, or only exercise at a facility, that is not prohibited by the **Restricted Activity Directions (Non-Melbourne) (No. 2)**; and

Note: community sport cannot take place in the Relevant Area.

*Example: as swimming pools are not open under the **Restricted Activity Directions (Non-Melbourne) (No. 2)**, a person may not leave their premises to swim in a pool in any location.*

- (b) comply with the restrictions on gatherings in clause 11; and
- (c) take reasonable steps to maintain a distance of 1.5 metres from all other persons.

Note 1: the effect of clause 11 is that a person can only exercise or participate in outdoor recreation with people that live at the same premises; or alternatively, with one other person with whom they do not ordinarily reside.

Examples: outdoor recreation includes sitting in a park, hiking, boating, fishing and recreational driving.

Note 2: in accordance with clause 11(3)(b), if a person is a parent or guardian of a child, and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can exercise with one other person with whom they do not ordinarily reside, then the child may accompany the person when exercising with that other person.

- (2) Subclause (1)(c) does not prevent a person from walking with another person or persons for the purposes of exercise.

10 Leaving premises for other reasons

- (1) A person who ordinarily resides in the Relevant Area may leave the premises in the following circumstances:
- (a) for emergency purposes; or
 - (b) as required or authorised by law; or
 - (c) for purposes relating to the administration of justice, including, but not limited to, attending:
 - (i) a police station; or
 - (ii) a court or other premises for purposes relating to the justice or law enforcement system; or
 - (d) to attend a **place of worship**, if that place of worship is operating in accordance with the **Restricted Activity Directions (Non-Melbourne) (No. 2)** or the **Restricted Activity Directions (Restricted Areas) (No. 7)** (as applicable); or
Example: attending an essential public support service (for example, a food bank, a service for homeless persons) or attending an essential support group (for example, for alcohol and drugs, family violence or parenting).
 - (e) to attend a **community facility**, if that facility is operating in accordance with the **Restricted Activity Directions (Non-Melbourne) (No. 2)** or the **Restricted Activity Directions (Restricted Areas) (No. 7)** (as applicable); or
Example: attending an essential public support service (for example, a food bank, a service for homeless persons) or attending an essential support group (for example, for alcohol and drugs, family violence or parenting).
 - (f) 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
Example: driving a household member who does not have a driver's licence to or from work, to obtain educational services, or to the ordinary place of residence of a person with whom they are in an intimate personal relationship.
 - (g) 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
 - (h) for purposes relating to, or associated with, **dealing with residential property**, including attending a private inspection of a residential property organised in accordance with the **Restricted Activity Directions (Non-Melbourne) (No. 2)** or the **Restricted Activity Directions (Restricted Areas) (No. 7)** (as applicable); or
 - (i) to attend a lesson to operate a vehicle, or to practise for the purposes of obtaining a licence to operate a vehicle, with another person who ordinarily resides at the same premises or with an instructor; 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 Victoria, for the purposes of leaving 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**.

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 Relevant Area, 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 in the Relevant Area must not permit another person to enter the premises at which they ordinarily reside (whether or not entering any building on the premises), unless:
 - (a) the other person also ordinarily resides at the premises; or
 - (b) the person is residing at the premises in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 9)**; or
 - (c) it is necessary for the other person to enter the premises for one or more of the purposes specified in clauses 7 (care or other compassionate reasons) or 8 (work or education); or

Note: those entering the premises for a care or other compassionate purpose should be no more than the minimum necessary to do so.

Example: a tradesperson for the purpose of carrying out repairs.

- (d) it is necessary for the other person to enter for the purposes of attending a private inspection of the premises, organised in accordance with the **Restricted Activity Directions (Non-Melbourne) (No. 2)**; or
 - (e) it is necessary for the other person to enter for the purpose of moving to the premises as the place where they will ordinarily reside; or
 - (f) it is necessary for the other person to enter for medical or emergency purposes; or
 - (g) the entry is for purposes relating to the administration of justice; or
 - (h) the entry is otherwise required or authorised by law; or
 - (i) the entry is for the purposes of national security.
- (2A) During the stay at home period, a person who ordinarily resides in the Relevant Area must not enter a premises (at which they do not ordinarily reside) in the Restricted Area except for one or more of the purposes specified in clauses 7 (care or other compassionate reasons), 8 (work or education) or 10 (other specified reasons).

Public gatherings

- (3) During the stay at home period, a person in the Relevant Area must not arrange to meet, or organise or intentionally attend a gathering of, more than one other person for a common purpose at a public place, except:

Note: clause 11(3) does not prevent a person attending a public place (for example, a shopping centre) for a purpose (for example, shopping), where other people are also likely to be attending that public place for a similar purpose. It prevents people from attending a public place intending to gather with other people for a common purpose (for example, meeting family or friends at the shopping centre).

- (a) where each other person ordinarily resides at the same premises; or
- (b) where 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 relative or other person's health (including mental health or pregnancy); or

- (c) if the person is a parent or guardian of a child, and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can leave the premises without the child, then the child may accompany the person when gathering with one other person; or
- (d) for the purpose of attending a wedding in the Relevant Area that complies with the requirements in subclause (4); or
Note: a person who ordinarily resides in the Relevant Area must not attend a wedding in the Restricted Area, except as a celebrant who may enter the Restricted Area under clause 5(1B)(c).
- (e) for the purpose of attending a funeral that complies with the requirements in subclause (5); or
- (f) it is necessary to arrange a meeting or organise a gathering for one or more of the purposes specified in clauses 7 (care or other compassionate reasons), 8 (work or education) or 10 (other specified reasons).

Weddings and funerals

- (4) The requirements for a wedding held in the Relevant Area are that:
 - (a) 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 **Marriage Act 1961** of the Commonwealth; 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) if held at a person's ordinary place of residence, it must comply with the gathering restriction in subclause (1).

Note 1: a wedding held at a person's ordinary place of residence is limited to those persons who ordinarily live at that residence and the celebrant who can enter the premises under subclause (2)(c) (work).

*Note 2: record keeping requirements apply to weddings as set out in the **Restricted Activity Directions (Non-Melbourne) (No. 2)**.*

*Note 3: the requirements for a wedding held in the Restricted Area are set out in the **Stay at Home Directions (Restricted Areas) (No. 11)**.*

- (5) The requirements for a funeral held in the Relevant Area are that:
 - (a) it involves no more than 10 members of the public regardless of whether it is held in an outdoor space or indoor space; 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) if held at a person's ordinary place of residence, it must comply with the gathering restriction in subclause (1).

Note 1: a funeral held at a person's ordinary place of residence is limited to those persons who ordinarily live at that residence and the persons reasonably necessary for the conduct of the funeral who can enter the premises under subclause (2)(c) (work).

*Note 2: record keeping requirements apply to funerals as set out in the **Restricted Activity Directions (Non-Melbourne) (No. 2)**.*

*Note 3: the requirements for a funeral held in the Restricted Area are set out in the **Stay at Home Directions (Restricted Areas) (No. 11)**.*

PART 5 – OTHER PROVISIONS

12 Relationship with other Directions

- (1) If there is any inconsistency between Parts 2, 3 and 4 of these directions and the **Diagnosed Persons and Close Contacts Directions (No. 9)**, 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 (No. 9)**, these directions are inoperative to the extent of the inconsistency.
- (4) A reference in any other **Directions currently in force** or any Direction and Detention Notice to the **Stay Safe Directions (No. 9)** or the **Stay at Home Directions (Non-Melbourne) (No. 2)** is taken to be a reference to these directions.

13 Definitions

For the purposes of these directions:

- (1) **Area Directions (No. 6)** means the directions issued by the Public Health Commander, setting out Restricted Areas, as amended from time to time;
- (2) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (3) **care facility** has the same meaning as in the **Care Facilities Directions (No. 9)**;
- (4) **childcare or early childhood service** means onsite early childhood education and care services or children's service 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;
- (5) **community facility** has the same meaning as in the **Restricted Activity Directions (Non-Melbourne) (No. 2)** or the **Restricted Activity Directions (Restricted Areas) (No. 7)** (as applicable);
- (6) **dealing** with residential property of a person includes:
 - (a) creating, acquiring, disposing of or assigning an interest in the property; and
 - (b) receiving or making a gift of the property; and
 - (c) using the property to obtain or extend credit; and
 - (d) using credit secured against the property;
- (7) **density quotient** limits the **members of the public** that are permitted in a space at any one time to the number calculated by dividing the total publicly accessible space (measured in square metres) by 4 and:
 - (a) for an **indoor space** applies to each single undivided area; and
 - (b) for an **enclosed outdoor space** applies to the total area;

Example: if a publicly accessible space is 8.5 metres long and 4.5 metres wide, its total area is 38.25 square metres. Its density quotient is 9.56, so no more than 9 members of the public would be permitted to be in the area at the same time.

Note: the density quotient, also referred to as the '4 metre square rule', is to be calculated by measuring the area which the members of the public can access, such as the table area in a restaurant, but not the food preparation area or in a store room.
- (8) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;

- (9) **Directions currently in force** means the **Restricted Activity Directions (Restricted Area) (No. 7)**, the **Restricted Activity Directions (Non-Melbourne) (No. 2)**, the **Stay at Home Directions (Restricted Area) (No. 11)**, the **Area Directions (No. 6)**, the **Diagnosed Persons and Close Contacts Directions (No. 9)**, the **Hospital Visitor Directions (No. 9)**, the **Care Facilities Directions (No. 9)** the **Workplace Directions (No. 2)**, the **Permitted Worker Permit Scheme Directions (No. 3)**, and the **Workplace (Additional Industry Obligations) Directions (No. 3)**;
- (10) **enclosed outdoor space** means an **outdoor space** (or part of an outdoor space) that is substantially enclosed by either a roof or walls, regardless of whether the roof or walls or any part of them are open or closed;
- (11) **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;
- (12) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 9)**;
- (13) **indoor space** means an area, room or premises that is or are substantially enclosed by a roof and walls, regardless of whether the roof or walls or any part of them are open or closed;
- (14) **members of the public** means a person but does not include:
- (a) a person who is an employee of an operator of the facility or venue; or
 - (b) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;
- (15) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (16) **outdoor space** means a space that is not an indoor space;
- (17) **Permitted Services** means the services of the Permitted Work Premises as set out in the ‘Stage 4 Restrictions – Permitted Work Premises’ available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (18) **Permitted Work Premises** means the Work Premises described as ‘PERMITTED WORK PREMISES’ set out in the ‘Stage 4 Restrictions – Permitted Work Premises’ available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (19) **permitted worker** means someone who has received a **Permitted Worker Permit**, or is permitted to work without a Permitted Worker Permit, under the **Permitted Worker Permit Scheme Directions (No. 3)**;
- (20) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No. 3)**;
- (21) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (22) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (23) **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;
- (24) **prison** has the same meaning as in the **Corrections Act 1986**;
- (25) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (26) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;

- (27) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (28) **Relevant Area** has the meaning in clause 1(2);
- (29) **Restricted Area** has the same meaning as in the **Area Directions (No. 6)**;
- (30) **retail facility** has the same meaning as in the **Restricted Activity Directions (Non-Melbourne) (No. 2)** or the **Restricted Activity Directions (Restricted Areas) (No. 7)** (as applicable);
- (31) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (32) **stay at home period** has the meaning in clause 4;
- (33) **vehicle** has the same meaning as in the PHW Act;
- (34) **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); or
 - (d) has a disability;
- (35) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (36) **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.

Dated 13 August 2020

DR FINN ROMANES
Public Health Commander,
as authorised to exercise emergency powers by the Chief Health Officer
under section 199(2)(a) of the PHW Act

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM PUBLIC HEALTH COMMANDER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Stay at Home Directions (Restricted Areas) (No. 11)**

I, Dr Finn Romanes, Public Health Commander, consider it necessary to eliminate or reduce the 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 Victoria by Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions require everyone who ordinarily resides in the **Restricted Area** to limit their interactions with others by:
 - (a) restricting the circumstances in which they may leave the **premises** where they ordinarily reside and the **Restricted Area**; and
 - (b) placing restrictions on gatherings, including prohibiting private gatherings (no visitors to another person's home other than in very limited circumstances).
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions replace the **Stay at Home Directions (Restricted Areas) (No. 10)** and provide clarification regarding child-minding and childcare for **permitted workers**.

2 Citation

These directions may be referred to as the **Stay at Home Directions (Restricted Areas) (No. 11)**.

3 Revocation

The **Stay at Home Directions (Restricted Areas) (No. 10)** are revoked at 2:59:00 pm on 13 August 2020.

4 Stay at home period

For the purposes of these directions, the **stay at home period** is the period beginning at 2:59:00 pm on 13 August 2020 and ending at 11:59:00 pm on 16 August 2020.

PART 2 – STAY AT HOME**5 Direction – stay at home other than in specified circumstances**

Requirement to stay at home

- (1) A person who ordinarily resides in the **Restricted Area** 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**).

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 (1D).

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

Travel restrictions

(1A) 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: Travelling to an area outside the Restricted Area for exercise is prohibited under these directions.

(1AA) 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 or doing their grocery shopping if it is not reasonably practicable for them to get there another way.

(1AB) A person who leaves their premises under either subclause (1)(a) (necessary goods or services) or (d) (exercise) must not:

- (a) travel further than 5 km from their premises; or
- (b) do so more than once per day.

Note: a person may leave their premises once per day under subclause (1)(a) and separately once per day under subclause (1)(d), but should seek to minimise separate trips as much as possible.

(1AC) Where a person leaves their premises under subclause (1)(a) (necessary goods or services):

- (a) subclause (1AB)(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)(c)(i); or
 - (ii) government body or government agency under clause 6(1)(c)(ii); and
- (b) subclause (1AB) does not apply if:
 - (i) the person leaves the premises to obtain goods and services for health or medical purposes under clause 6(1)(b); or
 - (ii) as a consequence of those requirements, it is not reasonably practicable for the person to obtain necessary goods and services.

Note 1: if the closest necessary goods or services are more than 5 km 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 (1AB).

Note 2: where this subclause (1AC) applies, the person must not travel any further than is reasonably necessary to obtain necessary goods or services.

(1AD) Only one person from a given residence per day may leave the premises under subclause (1)(a) (necessary goods or services), except where:

- (a) the person leaves the premises to obtain goods and services:
 - (i) for health or medical purposes under clause 6(1)(b); or
 - (ii) provided by a:
 - (A) financial institution under clause 6(1)(c)(i); or
 - (B) government body or government agency under clause 6(1)(c)(ii);
 or
- (b) the person is a parent or guardian of a child, and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can leave the premises 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 relative or other person's health (including mental health or pregnancy).

(1AE) Where a person leaves the premises under subclause (1)(d) (exercise), the person must not:

- (a) leave their premises for a period longer than 1 hour; or
- (b) use a vehicle, except where it is not reasonably practicable for the person to undertake exercise without using a vehicle.

Note: if a person needs to access an area within 5 km of their premises for exercise, but can only do so due to mobility (such as a parent with a small 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, then it would not be reasonably practicable for that person to undertake exercise without using a vehicle.

(1AF) A person must not leave their premises between 8:00:00 pm and 5:00:00 am during the stay at home period, except if:

- (a) they are leaving their premises (or their intimate partner's premises) for work in accordance with clause 8 (including travelling to and from work); or

Note: the curfew applies to a person when they are staying with a person with whom they are in an intimate personal relationship.

- (b) it is necessary:
 - (i) to obtain necessary goods and services:
 - (A) for health or medical purposes under clause 6(1)(b); or
 - (B) where the person is working between, or travelling to or from their premises for work, between 8:00:00 pm and 5:00:00 am; or
 - (ii) for the reasons set out in:
 - (A) clause 7(1)(b)(ii) (care and support of a child); or
 - (B) clause 7(1)(b)(iii) (take a child elsewhere for child-minding); or
 - (C) clause 7(1)(d) (care and support for a relative or other person); or
 - (D) clause 7(1)(i) (escape harm or the risk of harm); or
 - (E) clause 7(1)(l) (to provide child-minding assistance); or
 - (F) clause 7(1)(n) (pet toilet break); or
 - (G) clause 10(1)(a) (emergency purposes, which includes, without limitation, seeking emergency medical assistance); or
 - (H) clause 10(1)(b) (as required or authorised by law); or
 - (I) clause 10(1)(c) (for purposes relating to the administration of justice, including attending a police station); or
 - (J) clause 10(1)(f) (driving a person as permitted under these directions); or
 - (K) clause 10(1)(g) (the premises in which the person ordinarily resides is no longer available); or
 - (L) clause 10(1)(j) (leaving Victoria); or
 - (M) clause 10(1)(k) (leaving Australia); or
 - (N) clause 10(1)(l) (for the purposes of national security).

Requirement to stay in the Restricted Area

(1B) Subject to subclauses (1C) and (1D), a person who ordinarily resides in the Restricted Area during the stay at home period must not leave the Restricted Area other than for one or more of the reasons specified in:

- (a) clause 6 (***necessary goods or services***);
- (b) clause 7 (***care or other compassionate reasons***);

- (c) clause 8 (**work or education**);
- (d) clause 10 (**other specified reasons**).

Note: a person who leaves the Restricted Area for necessary goods or services remains subject to subclauses (1AB) to (1AD), including not travelling further than 5 km from their premises, not doing so more than once per day and only one person from a given residence per day doing so, subject to the exceptions in those subclauses.

- (1C) If a person who ordinarily resides in the Restricted Area leaves the Restricted Area in accordance with subclause (1B) or (1D), these directions and the **Restricted Activity Directions (Restricted Areas) (No. 7)** apply to that person when outside of the Restricted Area as if they were in the Restricted Area.

Principal place of residence

- (1D) If a person has more than one ordinary place of residence, their place of residence as at 11:59:00 pm on 1 August 2020 must remain their principal place of residence for the duration of the stay at home period. If the person's chosen principal place of residence is:
- (a) within the Restricted Area, they must not leave to go to any other ordinary place of residence (regardless of whether it is within or outside the Restricted Area); or
 - (b) outside the Restricted Area, they must not leave to go to any other ordinary place of residence within the Restricted Area,
- except:
- (c) for the purposes of (and provided they comply with) clause 8 (**work or education**); or
 - (d) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
 - (e) for emergency maintenance of the other residence; or
 - (f) for emergency purposes; or
 - (g) as required or authorised by law.

Ordinary place of residence

- (2) Subject to subclause (3) and (3A), subclause (1) and (1D) do not apply to a person at any time during the stay at home period when the person:
- (a) does not have an ordinary place of residence; or
 - (b) has an ordinary place of residence or principal place of residence (as applicable), but that place is temporarily unavailable or is unavailable because of a risk of harm (including harm relating to family violence or violence of another person at the premises).
- (3) If a suitable premises is made available for a person identified in subclause (2) to reside at for the stay at home period (or part thereof):
- (a) that premises is taken to be the person's ordinary place of residence for the period (or part thereof); and
 - (b) subclause (1) applies accordingly.
- (3A) If subclause (2) applies, if a person has more than one ordinary place of residence and can choose another such residence to be their principal place of residence for the duration of the stay at home period (or part thereof), that residence is taken to be the person's principal place of residence and subclause (1D) applies accordingly.
- (4) If a person's ordinary place of residence is outside Victoria, the premises where that person is temporarily residing in 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).

- (5) If, during the stay at home period, a person moves from the premises at which they ordinarily reside to a new premises, the new premises is taken to be the premises at which the person ordinarily resides from midnight on the day that the person moves.

Example: subclause (5) applies if a person sells their ordinary place of residence, buys a new ordinary place of residence and wishes to move between them. Otherwise, movement between multiple ordinary places of residence is regulated by subclause (1D).

Face covering requirement

- (6) A person may only leave the premises under subclause (1), (1B) and (1D) if they:
- (a) wear a face covering at all times; and
 - (b) if subclause (7) (other than subclause (7)(a), (c), (d) or (e)) applies, carry a face covering at all other times.

Note: a face covering includes a face mask or face shield designed or made to be worn over the nose and mouth to provide the wearer protection against infection. Please refer to the Department of Health and Human Services' guidelines for further information.

- (7) Subclause (6)(a) does not apply if:
- (a) the person is an infant or a child under the age of 12 years; or
 - (b) the person is a student while onsite at a primary school or outside school hours care; or
 - (c) the person is a **prisoner** in a **prison** (either in their cell or common areas), subject to any policies of that prison; or
 - (d) the person is detained in a **remand centre, youth residential centre or youth justice centre** (either in their room or common areas), subject to any policies of that centre; or
 - (e) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or
- Examples: persons who have obstructed breathing, a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.*
- (f) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
 - (g) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
 - (h) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or
- Examples: teaching, lecturing, broadcasting.*
- (i) the person is working by themselves in an enclosed **indoor space** (unless and until another person enters that indoor space); or
- Example: a person working by themselves in an office.*
- (j) the person is working by themselves in an **outdoor space**, provided 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 with them.*
- (k) the person is one of two persons being married while in the process of being married; or
 - (l) the person is a professional sports person when training or competing; or
 - (m) the person is engaged in any strenuous physical exercise; or
- Examples: jogging, running.*
- (n) the person is travelling in a vehicle by themselves or where each other person in the vehicle ordinarily resides at the same premises; or

- (o) the person is riding a bicycle or motorcycle; or
- (p) the person is consuming food, drink or medicine; or
- (q) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (r) 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
- (s) 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.
- (t) for emergency purposes; or
- (u) required or authorised by law; or
- (v) doing so is not safe in all the circumstances.

PART 3 – REASONS TO LEAVE PREMISES

6 Leaving premises to obtain necessary goods or services

- (1) A person who ordinarily resides in the Restricted Area may leave the premises to obtain:
- (a) take away food or drink; or
Note: a person who ordinarily resides in the Restricted Area may not leave their premises to have a dine-in meal at any location.
 - (b) goods and services for health or medical purposes; or
 - (c) 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 hardware store;
 - (vi) a petrol station;
 - (vii) a pet store or veterinary clinic;
 - (viii) a **retail facility** that is not prohibited from operating by the **Restricted Activity Directions (Restricted Areas) (No. 7)**, regardless of whether that retail facility is within the Restricted Area or not.

Note: a person who ordinarily resides in the Restricted Area may only visit retail facilities to obtain necessary goods or services outside the Restricted Area in accordance with clause 5(1B) and (1C) and if such retail facilities are permitted to operate in the Restricted Area.

*Example: as beauty salons are not open under the **Restricted Activity Directions (Restricted Areas) (No. 7)**, a person may not leave their premises to attend a beauty salon in any location.*

7 Leaving premises for care or other compassionate reasons

- (1) A person who ordinarily resides in the Restricted Area may leave the premises:
- (a) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
 - (b) if the person is a parent or guardian of a child (with or without that child):
 - (i) to visit the child if the child is in detention, or in the care of another person; or
 - (ii) to meet any obligations in relation to care and support for that child; or

(iii) to take the child to another person's premises for the purpose of that other person providing child-minding assistance (whether on a paid or voluntary basis), so that the parent or guardian can:

- (A) work if the parent or guardian is a permitted worker or providing a **Permitted Service**; or
- (B) study if the parent or guardian is a **permitted higher education student**,

provided the child-minding assistance is in accordance with an arrangement which was already in place prior to 11:59:00 pm on 5 August 2020 and there is no appropriate alternative care available; or

Note 1: only one of the parents or guardians of the child is required to be a permitted worker or providing a Permitted Service, or be a permitted higher education student.

Note 2: in-home child-minding assistance arrangements are limited to children who ordinarily reside at the same premises as each other; in addition to any children who ordinarily reside with the person providing child-minding assistance.

(iv) to take the child to a **childcare or early childhood service**, so that the parent or guardian can:

- (A) work if the parent or guardian is:
 - 1. a permitted worker; or
 - 2. providing a Permitted Service; or
 - 3. a person who has received an Access to Onsite Childcare/Kindergarten Permit, or is permitted to access onsite childcare or kindergarten services without an Access to Onsite Childcare/Kindergarten Permit, under the **Permitted Worker Permit Scheme Directions (No. 3)**; or
- (B) study if the parent or guardian is a permitted higher education student,

provided there is no appropriate alternative care available; or

Note: only one of the parents or guardians of the child is required to be someone providing a permitted service, be a permitted worker, be a permitted higher education student, or someone who has received an Access to Onsite Childcare/Kindergarten Permit (or be permitted to access onsite childcare or kindergarten services without one).

(v) to take the child to a school or outside schools hours care service, so that the parent or guardian can:

- (A) work if the parent or guardian is a permitted worker; or
- (B) study if the parent or guardian is a **permitted higher education student**,

provided the parent or guardian is not working or studying from home (as applicable); or

Note: if a child or young person is residing with one or more parent or guardian (including stepparents) on the relevant day, all parents or guardians must be permitted workers or permitted higher education students and not working or studying (as applicable) from home.

(c) to obtain or provide childcare or early childhood services or schooling to a **vulnerable child or young person**; or

(d) to provide care and support to a relative or other person:

- (i) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or

Note: care and support does not include the provision of child-minding to permitted workers or any other person.

- (ii) because of matters relating to the relative or other person's health (including mental health or pregnancy); or
- (e) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions (No. 9)**; or
- (f) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions (No. 9)**; or
- (g) to attend a funeral or wedding, if that funeral or wedding complies with the requirements in clause 11; or
- (h) to donate blood; or
- (i) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises; or
- (j) to visit a person with whom they are in an intimate personal relationship; or
- (k) to attend a cemetery or other memorial for a deceased person to pay respects to a deceased person, provided that this does not involve travelling further than 5 km from the premises where the person ordinarily resides; or

Note 1: the reference to a memorial is to a physical place (for example, a place of interment such as a grave, crypt or cremation niche), not an event. Subclause 7(1)(k) does not permit a person to attend an event in a person's home.

Note 2: for the avoidance of doubt, the 5 km travel limitation does not apply to funerals.

- (l) to provide child-minding assistance (whether on a paid or voluntary basis) in accordance with an arrangement which was already in place prior to 11:59:00 pm on 5 August 2020 so that the parent or guardian of a child can:
 - (i) work if the parent or guardian is a permitted worker or providing a Permitted Service; or
 - (ii) study if the parent or guardian is a permitted higher education student, provided there is no appropriate alternative care available; or

Note 1: A person may continue to provide existing in-home child-minding assistance (whether on a paid or voluntary basis) to a permitted worker, someone providing a Permitted Service or a permitted higher education student in the Restricted Area, but no new arrangements are permitted. Only one person may enter the premises for this purpose.

Note 2: only one of the parents or guardians of the child is required to be a permitted worker, someone providing a Permitted Service or a permitted higher education student.

- (m) To provide child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian of a child can leave the premises where they ordinarily reside:
 - (i) to visit a child in detention or in the care of another person;
 - (ii) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions (No. 9)**; or
 - (iii) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions (No. 9)**; or
 - (iv) to attend a funeral or wedding, if that funeral or wedding complies with the requirements in clause 11; or
 - (v) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises; or
 - (vi) for emergency purposes; or
 - (vii) as required or authorised by law; or
- (n) 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.

- (o) 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 to attend work or education

- (1) Subject to subclause (2) and (3), a person who ordinarily resides in the Restricted Area may leave the premises to:
 - (a) attend work if the person is a permitted worker:

*Note: a person who ordinarily resides in the Restricted Area, regardless of where they work, must hold a **Permitted Worker Permit** in accordance with, and comply with, the **Permitted Worker Permit Scheme Direction (No. 3)**.*
 - (b) obtain educational services (which includes going to primary or secondary school including outside school hours care).
- (2) A person may leave the premises under subclause (1)(a) only if it is not reasonably practicable for the person to work from the premises.
- (3) A person may leave the premises under subclause (1)(b) only if:
 - (a) for **school** educational services (including at a school or non-school senior secondary provider and outside school hours care services), they are:
 - (i) a person required to undertake essential Victorian Certificate of Education (VCE) or Victorian Certificate of Applied Learning (VCAL) assessments at a school or another educational facility or institution and it is not reasonably practicable for those assessments to be undertaken from the premises; or
 - (ii) a person whose parents or guardians ordinarily reside in the Restricted Area and the parents or guardians are:
 - (A) permitted workers; or
 - (B) permitted higher education students, and are not working or studying (as applicable) from home; or

Note: if a child or young person is residing with one or more parent or guardian (including stepparents) on the relevant day, all parents or guardians must be permitted workers or permitted higher education students and not working or studying (as applicable) from home.

 - (iii) a vulnerable child or young person; or
 - (iv) a person enrolled in a specialist school outside the Restricted Area; or
 - (b) for **higher education services** if they are a permitted higher education student, where it is not reasonably practicable for the person to obtain the higher educational services from the premises where they ordinarily reside.

9 Leaving premises for exercise

- (1) A person who ordinarily resides in the Restricted Area may leave the premises to exercise, but must:
 - (a) only exercise at a facility that is not prohibited by the **Restricted Activity Directions (Restricted Areas) (No. 7)**; and

Note: community sport cannot take place in the Restricted Area, nor can a person who ordinarily resides in the Restricted Area participate in any community sport in any location.

*Example: as swimming pools are not open under the **Restricted Activity Directions (Restricted Areas) (No. 7)**, a person may not leave their premises to swim in a pool in any location.*
 - (b) comply with the restrictions on gatherings in clause 11; and
 - (c) take reasonable steps to maintain a distance of 1.5 metres from all other

persons.

Note 1: the effect of clause 11 is that a person can only exercise with one other person (regardless of whether they ordinarily reside with them or not) unless the exceptions of clause 11(3)(a) (care and support) or 11(3)(b) (child) apply.

Note 2: in accordance with clause 11(3)(b), if a person is a parent or guardian of a child, and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can exercise with one other person with whom they do not ordinarily reside, then the child may accompany the person when exercising with that other person.

- (2) Subclause (1)(c) does not prevent a person from walking with another person or persons for the purposes of exercise.

10 Leaving premises for other reasons

- (1) A person who ordinarily resides in the Restricted Area may leave the premises in the following circumstances:

- (a) for emergency purposes; or
- (b) as required or authorised by law; or
- (c) for purposes relating to the administration of justice, including, but not limited to, attending:
 - (i) a police station; or
 - (ii) a court or other premises for purposes relating to the justice or law enforcement system; or

- (d) to attend a **place of worship**, if that place of worship is operating in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 7)**; or

- (e) to attend a **community facility**, if that facility is operating in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 7)**; or

- (f) 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

Example: driving a household member who does not have a driver's licence to or from work, to obtain educational services, or to the ordinary place of residence of a person with whom they are in an intimate personal relationship.

- (g) 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

- (h) for purposes relating to, or associated with, **dealing in residential property**, including attending a private inspection of a residential property organised in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 7)** and the **Restricted Activity Directions (Non-Melbourne) (No. 2)**; or

Note: if at the start of the stay at home period a person has a signed contract for a residential property which is scheduled to settle during the stay at home period, dealing with that residential property may continue. Similarly if a person is a residential tenant whose lease is expiring during the stay at home period, dealing with residential property may continue.

- (i) for the purposes of moving to a new premises at which the person will ordinarily reside; or

- (j) if the person ordinarily resides outside Victoria, for the purposes of leaving Victoria; or

- (k) if the person is permitted to leave Australia, for the purposes of leaving Australia; or

- (l) for the purposes of **national security**.

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 Restricted Area, 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 in the Restricted Area must not permit another person to enter the premises at which they ordinarily reside (whether or not entering any building on the premises), unless:
 - (a) the other person also ordinarily resides at the premises; or
 - (b) the person is residing at the premises in accordance with the **Diagnosed Persons and Close Contacts Directions (No. 9)**; or
 - (c) it is necessary for the other person to enter the premises for one or more of the purposes specified in:
 - (i) clause 7 (care or other compassionate reasons); or
Note: those entering the premises for a care or other compassionate purpose should be no more than the minimum necessary to do so.
 - (ii) clause 8 (work or education), provided that the premises is where the work will take place and such work is urgent and essential; 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.
 - (d) it is necessary for the other person to enter for the purposes of attending a private inspection of the premises, organised in accordance with the **Restricted Activity Directions (Restricted Areas) (No. 7)**; or
 - (e) it is necessary for the other person to enter for the purpose of moving to the premises as the place where they will ordinarily reside; or
 - (f) it is necessary for the other person to enter for medical or emergency purposes; or
 - (g) the entry is for purposes relating to the administration of justice; or
 - (h) the entry is otherwise required or authorised by law; or
 - (i) the entry is for the purposes of national security.
- (2A) During the stay at home period, a person who ordinarily resides in the Restricted Area must not enter a premises (at which they do not ordinarily reside) outside the Restricted Area except for one or more of the purposes specified in clauses 7 (care or other compassionate reasons), 8 (work or education) or 10 (other specified reasons).

Public gatherings

- (3) During the stay at home period, a person in the Restricted Area must not arrange to meet, or organise or intentionally attend a gathering of, more than one other person for a common purpose at a public place, except:
Note: subclause 11(3) does not prevent a person attending a public place (for example, a shopping centre) for a purpose (for example, shopping), where other people are also likely to be attending that public place for a similar purpose. It prevents people from attending a public place intending to gather with other people for a common purpose (for example, meeting family or friends at the shopping centre).
 - (a) where 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 relative or other person's health (including mental health or pregnancy); or

- (b) if the person is a parent or guardian of a child, and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can leave the premises without the child, then the child may accompany the person when gathering with one other person; or
- (c) for the purpose of attending a wedding in a Restricted Area that complies with the requirements in subclause (4); or
Note: a person who ordinarily resides in the Restricted Area must not attend a wedding outside the Restricted Area, except as a celebrant who may leave the Restricted Area under clause 5(1B)(c).
- (d) for the purpose of attending a funeral that complies with the requirements in subclause (5); or
- (e) it is necessary to arrange a meeting or organise a gathering for one or more of the purposes specified in clauses 7 (care or other compassionate reasons), 8 (work or education) or 10 (other specified reasons); or
- (f) where it is for one or more of the purposes specified in clause 6 (necessary goods or services) and the exceptions in clause 5(1AD) apply.

Weddings and funerals

- (4) The requirements for a wedding held in the Restricted Area are that:
 - (a) one or both of the two persons being married:
 - (i) are at the end of life; or
 - (ii) will 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 **Marriage Act 1961** of the Commonwealth; and
 - (c) 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
 - (d) if held at a person's ordinary place of residence, it must comply with the gathering restriction in subclause (1).

Note 1: a wedding held at a person's ordinary place of residence is limited to those persons who ordinarily live at that residence and the celebrant who can enter the premises under subclause (2)(c) (work).

*Note 2: record keeping requirements apply to weddings as set out in the **Restricted Activity Directions (Restricted Areas) (No. 7)**.*

*Note 3: the requirements for a wedding held in an area other than in the Restricted Area are set out in the **Stay At Home Directions (Non-Melbourne) (No. 2)**.*

- (5) The requirements for a funeral held in the Restricted Area are that:
 - (a) it involves no more than 10 members of the public regardless of whether it is held in an outdoor space or indoor space; 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) if held at a person's ordinary place of residence, it must comply with the gathering restriction in subclause (1).

Note 1: a funeral held at a person's ordinary place of residence is limited to those persons who ordinarily live at that residence and the persons reasonably necessary for the conduct of the funeral who can enter the premises under subclause (2)(c) (work).

*Note 2: record keeping requirements apply to funerals as set out in the **Restricted Activity Directions (Restricted Areas) (No. 7)**.*

*Note 3: the requirements for a funeral held in an area other than in the Restricted Area are set out in the **Stay At Home Directions (Non-Melbourne) (No. 2)**.*

PART 5 – OTHER PROVISIONS**12 Relationship with other Directions**

- (1) If there is any inconsistency between Parts 2, 3 and 4 of these directions and the **Diagnosed Persons and Close Contacts Directions (No. 9)**, 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 (No. 9)**, these directions are inoperative to the extent of the inconsistency.
- (4) A reference in any other **Directions currently in force** or any **Direction and Detention Notice** to the **Stay at Home Directions (Restricted Areas) (No. 8)**, the **Stay at Home Directions (Restricted Areas) (No. 9)** or the **Stay at Home Directions (Restricted Areas) (No. 10)** is taken to be a reference to these directions.

13 Definitions

For the purposes of these directions:

- (1) **Area Directions (No. 6)** means the directions issued by the Public Health Commander, setting out Restricted Areas, as amended from time to time;
- (2) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (3) **care facility** has the same meaning as in the **Care Facilities Directions (No. 9)**;
- (4) **childcare or early childhood service** means onsite early childhood education and care services or children’s service 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;
- (5) **community facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas) (No. 7)**;
- (6) **dealing** with residential property of a person includes:
 - (a) creating, acquiring, disposing of or assigning an interest in the property; and
 - (b) receiving or making a gift of the property; and
 - (c) using the property to obtain or extend credit; and
 - (d) using credit secured against the property;
- (7) **density quotient** limits the **members of the public** that are permitted in a space at any one time to the number calculated by dividing the total publicly accessible space (measured in square metres) by 4 and:
 - (a) for an **indoor space** applies to each single undivided area; and
 - (b) for an **enclosed outdoor space** applies to the total area;

Example: if a publicly accessible space is 8.5 metres long and 4.5 metres wide, its total area is 38.25 square metres. Its density quotient is 9.56, so no more than 9 members of the public would be permitted to be in the area at the same time.

Note: the density quotient, also referred to as the ‘4 metre square rule’, is to be calculated by measuring the area which the members of the public can access, such as the table area in a restaurant, but not the food preparation area or in a store room.

- (8) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (9) **Directions currently in force** means the **Restricted Activity Directions (Restricted Area) (No. 7)**, the **Restricted Activity Directions (Non-Melbourne) (No. 2)**, the **Stay At Home Directions (Non-Melbourne) (No. 2)**, the **Area Directions (No. 6)**, the **Diagnosed Persons and Close Contacts Directions (No. 9)**, the **Hospital Visitor Directions (No. 9)**, the **Care Facilities Directions (No. 9)** the **Workplace Directions (No. 2)**, the **Permitted Worker Permit Scheme Directions (No. 3)**, and the **Workplace (Additional Industry Obligations) Directions (No. 3)**;
- (10) **enclosed outdoor space** means an **outdoor space** (or part of an outdoor space) that is substantially enclosed by either a roof or walls, regardless of whether the roof or walls or any part of them are open or closed;
- (11) **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;
- (12) **hospital** has the same meaning as in the **Hospital Visitor Directions (No. 10)**;
- (13) **indoor space** means an area, room or premises that is or are substantially enclosed by a roof and walls, regardless of whether the roof or walls or any part of them are open or closed;
- (14) **members of the public** means a person but does not include:
 - (a) a person who is an employee of an operator of the facility or venue; or
 - (b) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;
- (15) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (16) **outdoor space** means a space that is not an indoor space;
- (17) **permitted higher education student** means a student accessing higher education services which are permitted to be delivered onsite as set out in the 'Education and Training' section of the 'Stage 4 Restrictions – Permitted Work Premises' available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (18) **Permitted Service** means the services of the Permitted Work Premises as set out in the 'Stage 4 Restrictions – Permitted Work Premises' available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (19) **Permitted Work Premises** means the Work Premises described as 'PERMITTED WORK PREMISES' set out in the 'Stage 4 Restrictions – Permitted Work Premises' available at: www.dhhs.vic.gov.au/business-industry-stage-4-restrictions-covid-19 as amended from time to time by the Victorian Government;
- (20) **permitted worker** means a person who has received a Permitted Worker Permit, or is permitted to work without a Permitted Worker Permit, under the **Permitted Worker Permit Scheme Directions (No. 3)**;
- (21) **Permitted Worker Permit** has the same meaning as in the **Permitted Worker Permit Scheme Directions (No. 3)**;
- (22) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;

- (23) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (24) **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;
- (25) **prison** has the same meaning as in the **Corrections Act 1986**;
- (26) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (27) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (28) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (29) **Restricted Area** has the same meaning as in the **Area Directions (No. 6)**;
- (30) **retail facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas) (No. 7)**;
- (31) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (32) **stay at home period** has the meaning in clause 4;
- (33) **vehicle** has the same meaning as in the PHW Act;
- (34) **vulnerable child or young person in a childcare or early childhood service** 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 childcare or early childhood 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);
- (35) **vulnerable child or young person in a school** 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); or
 - (d) has a disability and the family is experiencing severe stress;
- (36) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (37) **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.

Dated 13 August 2020

DR FINN ROMANES
Public Health Commander,
as authorised to exercise emergency powers by the Chief Health Officer
under section 199(2)(a) of the PHW Act

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