



# Victoria Government Gazette

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## Public Health and Wellbeing Act 2008

### Section 200

#### DIRECTIONS FROM DEPUTY CHIEF HEALTH OFFICER (COMMUNICABLE DISEASE) IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY

#### Care Facilities Directions

I, Dr Annaliese van Diemen, Deputy Chief Health Officer (Communicable Disease), consider it reasonably necessary to protect public health to give the following directions pursuant to 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 make provision for restricted access to care facilities in order to limit the spread of Novel Coronavirus 2019 (**2019-nCoV**) within a particularly vulnerable population.
- (2) These directions replace the **Aged Care Facilities Direction**, and extend the existing restrictions on access to residential aged care facilities to other care facilities.

#### 2 Revocation

The **Aged Care Facilities Direction** is revoked with effect from midnight on 7 April 2020.

#### 3 Citation

- (1) These directions may be referred to as the **Care Facilities Directions**.
- (2) A reference in any other direction to the **Aged Care Facilities Direction** is taken to be reference to these directions.

#### 4 Definition of care facility

A **care facility** is a facility in Victoria that is:

- (1) an **alcohol and drug residential service**;
- (2) a **homelessness residential service**;
- (3) a **residential aged care facility**;
- (4) a **disability residential service**;
- (5) an **eligible SDA enrolled dwelling**;
- (6) a **secure welfare service**;
- (7) a **short-term accommodation and assistance dwelling**;
- (8) a **supported residential service**;
- (9) the **Thomas Embling Hospital**.

#### 5 Prohibition on entry

- (1) A person must not enter, or remain on, the premises of a **care facility** between midnight on 7 April 2020 and midnight on 13 April 2020 unless:
  - (a) the person is a **resident** of the facility;
  - (b) the person is a **worker** in relation to the facility, as defined in Clause 6;
  - (c) the person is a **visitor** in relation to the facility, as defined in Clause 7.

#### *Excluded persons*

- (2) Despite subclause (1), a person who is a worker or a visitor in relation to a care facility must not enter or remain on the premises of the facility between midnight on 7 April 2020 and midnight on 13 April 2020 if:
  - (a) during the 14 days immediately preceding the entry, the person arrived in Australia from a place outside Australia; or

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- (b) during the 14 days immediately preceding the entry, the person had known contact with a person who has a confirmed case of 2019nCov; or
- (c) the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection; or
- (d) if the facility is a residential aged care facility – the person does not have an up to date vaccination against influenza, if such a vaccination is available to the person; or
- (e) the person is aged under 16 years, other than:
  - (i) in circumstances where the person’s presence at the premises is for the purposes of end of life support for a resident of the facility; or
  - (ii) if the facility is a secure welfare service or a supported residential service and the person is accompanied by an adult; or
  - (iii) if the facility is an alcohol and drug residential service and the person is accompanied by an adult.

## 6 Definition of worker

- (1) A person is a **worker** in relation to a care facility if:
  - (a) the person is the **operator** of the facility or an **employee or contractor** in relation to the facility; or
  - (b) the person’s presence at the premises of the facility is for the purposes of providing goods or services that are necessary for the effective operation of the facility, whether the goods or services are provided for consideration or on a voluntary basis; or
  - (c) the person’s presence at the premises of the facility is for the purposes of providing any of the following goods or services to a resident of the facility, whether the goods or services are provided for consideration or on a voluntary basis:
    - (i) health, medical, or pharmaceutical goods or services;
    - (ii) behavioural support services;
    - (iii) other support services; or
  - (d) in the case of a disability residential service or an eligible SDA enrolled dwelling – the person’s presence at the premises of the facility is for the purposes of providing treatment under a **treatment plan** to a resident of the facility, whether the treatment is provided for consideration or on a voluntary basis; or
  - (e) in the case of a secure welfare service – the person’s presence at the premises of the facility is for the purposes of providing educational services to a resident of the facility, whether the goods or services are provided for consideration or on a voluntary basis; or
  - (f) the person’s presence at the premises of the facility is for the purposes of emergency management or law enforcement, or for the purposes of the performance of a duty, function or power under a law.

## 7 Definition of visitor

- (1) A person is a **visitor** in relation to a care facility if the person’s presence at the premises of the facility is:
  - (a) for the purposes of a **care and support visit** to a resident of the facility; or
  - (b) for the purposes of providing end of life support to a resident of the facility; or

- (c) in the person's capacity as a prospective resident of the facility (if applicable); or
  - (d) for the purposes of accompanying a prospective resident (provided there are no more than two persons accompanying the prospective resident).
- (2) A resident may only have one care and support visit each day.

## 8 Operator to take all reasonable steps

The operator of a care facility in Victoria must take all reasonable steps to ensure that a person does not enter or remain on the premises of the facility if the person is prohibited from doing so by Clause 5.

## 9 Definitions

For the purposes of these directions

- (1) **alcohol and drug residential service** means any of the following:
- (a) a treatment centre within the meaning of the **Severe Substances Dependence Treatment Act 2010**;
  - (b) a residential treatment service (however described) that provides drug or alcohol withdrawal or rehabilitation services in a residential setting to people dependent on alcohol or other drugs;
  - (c) a service that provides supported accommodation to a person after the person has received residential treatment services of the kind referred to in paragraph (b);
- (2) **care and support visit** means a visit of no longer than 2 hours made to a resident of a care facility by one person, or two persons together, for the purposes of providing care and support to the resident;
- (3) **disability residential service** means a residential service within the meaning of the **Disability Act 2006** and to avoid doubt, includes the facility called the Intensive Residential Treatment Program of the Statewide Forensic Service;
- Note: The Intensive Residential Treatment Program of the Statewide Forensic Service is often referred to as 'DFATs'.*
- (4) **eligible SDA enrolled dwelling** means an SDA enrolled dwelling that is provided under an SDA residency agreement within the meaning of section 498B of the **Residential Tenancies Act 1997**;
- (5) **employee or contractor**, in relation to a care facility, means a person employed or engaged as a contractor by the **operator** of the facility, and includes a person who **provides labour hire services** to the operator of the facility;
- (6) **flexible care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (7) **homelessness residential service** means a service that is funded by government to provide a staffed residential service to people who are homeless or at risk of being homeless;
- (8) **operator** of a care facility means:
- (a) for an **alcohol and drug treatment facility** – the operator of the facility;
  - (b) for a **homelessness residential service** – the entity that receives government funding to provide the service;
  - (b) for a **residential aged care facility** – the operator of the facility;
  - (d) for a **disability residential service** – the **disability service provider** that operates the service;
  - (e) for an **eligible SDA enrolled dwelling** – the **disability service provider** or the **registered NDIS provider** that operates the service;

- (f) for a **short-term accommodation and assistance dwelling** – the **registered NDIS provider** or the **disability service provider** that operates the service;
  - (g) for a **secure welfare service** – the Secretary to the Department of Health and Human Services;
  - (h) for a **supported residential service** – the **proprietor** of the supported residential service;
  - (i) for the **Thomas Embling Hospital** – the **Victorian Institute of Forensic Mental Health**;
- (9) **proprietor** of a supported residential service has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (10) **provides labour hire services** has the same meaning as in the **Labour Hire Licensing Act 2018**;
- (11) **registered NDIS provider** has the same meaning as in the **National Disability Insurance Scheme Act 2017** of the Commonwealth;
- (12) **resident** of a care facility includes a patient of the care facility;
- (13) **residential aged care facility** means a premises at which accommodation, and personal care or nursing care or both, are provided to a person in respect of whom a residential care subsidy or a flexible care subsidy is payable under the **Aged Care Act 1997** of the Commonwealth;
- (14) **residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (15) **secure welfare service** has the same meaning as in the **Children Youth and Families Act 2005**;
- (16) **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (17) **Thomas Embling Hospital** means the hospital of that name operated by the **Victorian Institute of Forensic Mental Health**;
- (18) The following expressions have the same meaning as they have in the **Disability Act 2006**:
- (a) disability service provider;
  - (b) SDA enrolled dwelling;
  - (c) SDA provider;
  - (d) short-term accommodation and assistance dwelling;
  - (e) treatment plan.
- (19) **Victorian Institute of Forensic Mental Health** has the same meaning as in the **Mental Health Act 2014**.

## 10 Relationship with other Directions

If there is any inconsistency between these directions and the **Hospital Visitors Directions**, these directions are inoperative to the extent of the inconsistency.

## 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 7 April 2020

DR ANNALIESE VAN DIEMEN  
Deputy Chief Health Officer (Communicable Disease)  
as authorised to exercise emergency powers by the Chief Health Officer  
under section 199(2)(a) of the PHW Act.

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**Public Health and Wellbeing Act 2008**

Sections 190 and 200

**DIRECTIONS FROM DEPUTY CHIEF HEALTH OFFICER (COMMUNICABLE DISEASE) IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Restricted Activity Directions (No. 2)**

I, Dr Annaliese van Diemen, Deputy Chief Health Officer (Communicable Disease), 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 sections 190(1)(a) and (g) and 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 order to limit the spread of Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions replace the **Restricted Activity Directions** given on 30 March 2020, and:
  - (a) permit the broadcasting of ceremonies from places of worship;
  - (b) permit certain food and drink facilities to operate if they provide food and drink to drivers of fatigue-regulated heavy vehicles.
- (3) These directions must be read together with the **Stay at Home Directions (No. 3)** given on 6 April 2020.

**2 Revocation**

The **Restricted Activity Directions** are revoked with effect from midnight on 7 April 2020.

**3 Citation**

These directions may be referred to as the **Restricted Activity Directions (No. 2)**.

**4 Definition of density quotient**

The **density quotient** of a single undivided indoor space is the number calculated by dividing the total area of the space (measured in square metres) by 4.

*Example: 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 people would be permitted to be in the indoor space at the same time.*

**5 Pubs, bars, clubs, nightclubs and hotels**

- (1) A person who owns, controls or operates a **licensed premises** in Victoria must not operate that premises between midnight on 30 March 2020 and midnight on 13 April 2020.
- (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** or a **club licence**.
- (3) Despite subclause (1), a person who owns, controls or operates a licensed premises 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.

**6 Recreational facilities**

- (1) A person who owns, controls or operates a **recreational facility** in Victoria must not operate that facility between midnight on 30 March 2020 and midnight on 13 April 2020.

- (2) A **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;  
*Examples: a gymnasium, indoor swimming pool, health clubs, fitness centres, yoga studio, barre and spin facility, sauna, bathhouse, wellness centre and health studio.*
  - (b) an outdoor facility that is used predominantly for mini-golf, paint-ball, lawn bowling, outdoor swimming or water skiing, or an outdoor facility that is a go-kart track, rifle range or equestrian centre;
  - (c) subject to subclause (4), an outdoor facility that is predominantly a tennis centre or a basketball centre;
  - (d) an **indoor personal training facility**;
  - (e) a community centre or community hall;
  - (f) a public library (including a toy library);
  - (g) a gallery or a museum;
  - (h) a youth centre;
  - (i) a **play centre** or publicly accessible playground;
  - (j) a skatepark;
  - (k) outdoor communal gym equipment.
- (3) For the purposes of this clause, an **indoor personal training facility** means a facility at which personal training services are the predominant activity.

*Note: outdoor personal training and other exercise may occur but must comply with the Stay at Home Directions (No. 3).*

*Permitted operations – outdoor tennis and basketball centres*

- (4) Despite subclause (1), a person who owns, controls or operates an outdoor facility that is predominantly a tennis centre or a basketball centre may operate that facility if:
- (a) there is only one tennis court or basketball court in use at all times when the facility is being operated; and
  - (b) no tennis balls, tennis racquets or basketballs are made available for communal use by the facility.

*Permitted operations – essential public support service*

- (5) Despite subclause (1), a person who owns, controls or operates a recreational facility may operate that facility for the purpose of hosting an essential public support service (whether that service is provided on a voluntary basis or otherwise).

*Examples: a food bank or service for homeless persons.*

*Permitted operations – weddings and funerals*

- (6) Despite subclause (1), a person who owns, controls or operates a recreational facility may operate the facility for the purpose of a wedding or funeral, if that wedding or funeral complies with the requirements of the **Stay at Home Directions (No. 3)**.

*Note: the Stay at Home Directions (No. 3) limit the number of people who may attend a wedding (5 people) or funeral (10 people).*

## 7 **Entertainment facilities**

- (1) A person who owns, controls or operates an **entertainment facility** in Victoria must not operate that facility between midnight on 7 April 2020 and midnight on 13 April 2020.
- (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) an arena, stadium or convention centre;
- (e) an arcade;
- (f) an amusement park;
- (g) a **casino**;
- (h) a premises, the predominant purpose of which is to allow a person to place a bet on a **sports betting event**; or
- (i) a **brothel, sex on premises venue**, strip club, **escort agency** or other adult entertainment venue.

*Permitted operations*

- (3) Despite subclause (1), a person who owns, controls or operates an entertainment facility 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.

## 8 Places of worship

- (1) A person who owns, controls or operates a **place of worship** in Victoria must not operate that place of worship between midnight on 7 April 2020 and midnight on 13 April 2020.

*Permitted operations*

- (2) Despite subclause (1), a person who owns, controls or operates a place of worship may operate that facility for the purpose of:
  - (a) a wedding or funeral, if that wedding or funeral complies with the requirements of the **Stay at Home Directions (No 3)**; or  
*Note: the Stay at Home Directions (No. 3) limit the number of people who may attend a wedding (5 people) or a funeral (10 people).*
  - (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) conducting a ceremony at the place of worship, if that ceremony is to be broadcast (live or otherwise) via electronic means.
- (3) If a ceremony is held at a place of worship for the purposes of subclause (2)(c), the only persons permitted to attend the place of worship are those necessary for the ceremony and the broadcasting of that ceremony to occur.

## 9 Restricted retail facilities

- (1) A person who owns, controls or operates a **restricted retail facility** in Victoria must not operate that facility between midnight on 7 April 2020 and midnight on 13 April 2020.
- (2) A **restricted retail facility** means the following:
  - (a) a **beauty and personal care facility**;
  - (b) an auction house, other than for the purpose of conducting auctions remotely;
  - (c) a market stall, whether indoor or outdoor, other than a market stall the predominant business of which is the provision of food and drink for consumption off the premises of the market.



*Markets – density*

- (3) A person who owns, operates or controls a market (including a food market) must not allow a gathering of persons for the purpose of the business of the market between midnight on 7 April 2020 and midnight on 13 April 2020, unless the total number of persons present at the market does not exceed the number calculated by dividing the total area occupied by the market (measured in square metres) by 4.

**10 Food and drink facilities**

- (1) A person who owns, controls or operates a **food and drink facility** in Victoria must not operate that facility between midnight on 7 April 2020 and midnight on 13 April 2020.
- (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 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 Visitors Directions** pursuant to paragraph 11 of those directions;
    - (ii) on the premises of a **residential aged care facility**; or
    - (iii) on the premises of a childcare centre, early childhood centre 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**.
  - (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 not permit a person to 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 Victoria must not operate that facility between midnight on 7 April 2020 and midnight on 13 April 2020.

- (2) For the purposes of this clause, an **accommodation facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) a camping ground;
  - (b) a caravan park.

*Permitted operations*

- (3) Despite subclause (1), a person who owns, controls or operates an accommodation facility may operate that facility for the purposes of providing accommodation to:
- (a) a person whose place of residence is the accommodation facility; or
  - (b) a person who is ordinarily a resident of Victoria but has no permanent place of residence in Victoria; or
  - (c) a person who has a permanent place of residence in Victoria, but that place is temporarily unavailable; or
  - (d) a person, on a temporary basis, who has travelled to Victoria for work purposes; or
  - (e) a person who was a temporary guest of the accommodation facility on the date that these directions were given; or
  - (f) a person who requires emergency accommodation, including in relation to family violence and other vulnerable groups;
  - (g) a person who requires accommodation for work purposes, where their work is for the purposes of responding to the State of Emergency declared by the Minister for Health under section 198(1) of the PHW Act on 16 March 2020.

## 12 Swimming pools

A person who owns, controls or operates premises in Victoria at which there is a swimming pool must not permit any person to use the swimming pool, unless the pool is at the person's private residence and not available for communal use.

## 13 Animal facilities

- (1) A person who owns, controls or operates an **animal facility** in Victoria must not operate that facility for the purposes of allowing the public to visit that facility between midnight on 7 April 2020 and midnight on 13 April 2020.
- (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 for the purpose of producing food.
- (3) Despite subclause (1), a person who owns, controls or operates an animal facility may continue to operate the facility for the purposes of:
- (a) treating or caring for animals; and
  - (b) performing an animal rescue function; and
  - (c) maintaining the facility.

## 14 Real estate auctions and inspections

An **estate agent** in Victoria must not organise:

- (1) any auction to take place for the sale of a **residential property**, between midnight on 7 April 2020 and midnight on 13 April 2020, unless that auction is to be conducted remotely; and

- (2) a person to inspect a **residential property** between midnight on 7 April 2020 and midnight on 13 April 2020 for the purposes of a prospective sale or rental of the property, other than by private appointment.

**15 Open retail facilities – density, signage and cleaning requirements**

- (1) For the purpose of this clause an **open retail facility** means a **retail facility** (or part thereof) that is not prohibited from operating by these directions.

*Density quotient*

- (2) A person who owns, operates or controls an **open retail facility** must not allow a gathering of persons (including employees) between midnight on 7 April 2020 and midnight on 13 April 2020 in a single undivided indoor space, unless the total number of persons present in the indoor space at the same time does not exceed the **density quotient**.

*Signage*

- (3) A person who owns, control or operates an **open retail facility**, which involves members of the public entering any single undivided **indoor space**, must display a sign at each public entry to each such space that states that the maximum number of people that may be present in the space at a single time is the **density quotient**, rounded down to the nearest whole number.

*Example: 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. The sign at should state that the maximum number of people that may be present in the space at a single time is 9.*

*Cleaning*

- (4) A person who owns, controls or operates an **open retail facility** in Victoria must between midnight on 7 April 2020 and midnight on 13 April 2020 take all reasonable steps to ensure that:
- (a) frequently touched surfaces are **cleaned** at least twice on any given day; and
  - (b) surfaces are cleaned when visibly soiled; and
  - (c) surfaces are cleaned immediately after a spill on the surface.
- (5) To **clean** for the purposes of this clause, a person must wipe the surface with a disinfectant:
- (a) the label states a claim by the manufacturer that the disinfectant has anti-viral properties; or
  - (b) made by the person according to instructions issued by the Department of Health and Human Services.

**16 Other definitions**

For the purposes of these directions:

- (1) a **beauty and personal care facility** means the following:
- (a) a beauty therapy salon, tanning salon, waxing salon or nail salon;
  - (b) a spa;
  - (c) a massage parlour;
  - (d) a tattoo or piercing parlour.
- (2) **brothel** has the same meaning as in the **Sex Work Act 1994**;
- (3) **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;
- (4) **casino** has the same meaning as in the **Casino Control Act 1991**;
- (5) **density quotient** has the meaning in clause 4;

- (6) **escort agency** has the same meaning as in the **Sex Work Act 1994**;
- (7) **fatigue-regulated heavy vehicle** has the same meaning as in the **Heavy Vehicle National Law (Victoria)**;
- (8) **food court** has the same meaning as in the **Liquor Reform Control Act 1998**;
- (9) **hospital** has the same meaning as in the **Hospital Visitors Directions**;
- (10) **indoor space** has the same meaning as in the **Stay at Home Directions (No. 3)**;
- (11) **outdoor space** has the same meaning as in the **Stay at Home Directions**;
- (12) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (13) **premises** has the same meaning as in the PHW Act;
- (14) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (15) **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;
- (16) **residential aged care facility** has the same meaning as in the **Care Facilities Directions**;
- (17) **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;
- (18) **sex on premises venue** has the same meaning as in section 3B of the **Sex Work Act 1994**;
- (19) **sports betting event** has the same meaning as in the **Gambling Regulation Act 2003**;
- (20) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**;
- (21) The following expressions have the same meanings as they have in the **Liquor Control Reform Act 1998**:
  - (a) general licence;
  - (b) on-premises licence;
  - (c) club license;
- (22) The following expressions have the same meaning that they have in the **Estate Agents Act 1980**:
  - (a) estate agent;
  - (b) residential property.

## 17 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 7 April 2020

DR ANNALIESE VAN DIEMEN  
Deputy Chief Health Officer (Communicable Disease)  
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 DEPUTY CHIEF HEALTH OFFICER (COMMUNICABLE DISEASE) IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Stay at Home Directions (No. 3)**

I, Dr Annaliese van Diemen, Deputy Chief Health Officer (Communicable Disease), 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**):

**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 in Victoria to limit their interactions with others by:
  - (a) restricting the circumstances in which they may leave the premises where they ordinarily reside; and
  - (b) placing restrictions on gatherings.
- (3) These directions must be read together with the **Restricted Activity Directions (No. 2)**, the **Isolation (Diagnosis) Direction**, the **Hospital Visitor Directions** and the **Care Facilities Directions**.
- (4) These directions replace the **Stay at Home Directions (No. 2)**, and make express provision for childminding arrangements.

**2 Citation**

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

**3 Revocation**

The **Stay at Home Directions (No. 2)** are revoked with effect from midnight on 7 April 2020.

**4 Stay at home period**

For the purposes of these directions, the **stay at home period** is the period beginning at midnight on 7 April 2020 and ending at midnight on 13 April 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 is in Victoria during the **stay at home period** must not leave the premises where the person ordinarily resides, other than for one or more of the reasons specified in:
  - (a) Clause 6 (*necessary goods or services*);
  - (b) Clause 7 (*care or other compassionate reasons*);
  - (c) Clause 8 (*work and education*);
  - (d) Clause 9 (*exercise*);
  - (e) Clause 10 (*other specified reasons*).

*Note: a person may have more than one ordinary place of residence and, if so, is able to move freely between those places: see subclause (5) and Clause 10(1)(g).*

*Ordinary place of residence*

- (2) Subject to subclause (3), subclause (1) does 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, 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.
- (4) If a person ordinarily resides 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 a person has more than one premises at which they ordinarily reside, including a child under a shared parenting arrangement, each such premises is taken to be the person's ordinary place of residence for the stay at home period.
- Examples: a person works in the city during the week and resides at one premises during that time, but returns to a different premises at the weekend; a child who lives at different premises under a shared parenting arrangement.*
- (6) 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.

### PART 3 – REASONS TO LEAVE PREMISES

#### 6 Leaving premises to obtain necessary goods or services

- (1) A person may leave the premises to obtain:
- (a) food or drink; or
  - (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 (No. 2)**.

#### 7 Leaving premises for care and other compassionate reasons

- (1) A person may leave the premises:
- (a) to meet obligations in relation to shared parenting arrangements, whether the arrangements are under a court order or otherwise;
  - (b) if the person is a parent or guardian of a 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;

- (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 in Clauses 6 (food and drink), 7 (care), 8 (work and education), 9 (exercise) or 10 (other specified reasons); or
  - (B) work, or obtain educational services, from their own premises;
- (c) to provide childcare, early childhood education or schooling to a child or young person who is vulnerable because the child or young person:
  - (i) resides in the care of the State; or
  - (ii) is deemed vulnerable by a government agency, or funded family or family violence service, and is assessed as requiring education and care outside the family home;
- (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);
- (e) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions**, including for a **care and support visit**;
- (f) to attend a hospital if that attendance is not prohibited by the **Hospital Visitor Directions**, including for a **care and support visit**;
- (g) to attend a funeral or wedding, if that funeral or wedding complies with the requirements in Clause 11;
- (h) to donate blood;
- (i) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises;
- (j) to visit a person with whom they are in an intimate personal relationship; or
- (k) to provide child-minding assistance (whether on a paid or voluntary basis), so that the parent or guardian of a child can:
  - (i) leave their own premises for one of the purposes specified in Clauses 6 (food and drink), 7 (care), 8 (work and education), 9 (exercise) or 10 (other specified reasons); or
  - (ii) work, or obtain educational services, from their own premises.

## 8 Leaving premises to attend work or education

- (1) Subject to subclause (2), a person may leave the premises to:
  - (a) attend work (whether paid or voluntary, including for charitable or religious purposes); or
  - (b) attend an educational institution; or
  - (c) do anything necessary to attend that work or educational institution including, but not limited to, taking a child to:
    - (i) childcare, an early childhood educational facility, a school or another educational facility;
    - (ii) another person's premises for child-minding under Clause 7(1)(b)(iii).
- (2) A person may leave the premises under subclause (1) only if it is not reasonably practicable for the person:

- (a) to work from the premises; or
- (b) to obtain the educational services provided by the educational institution from the premises.

## 9 Leaving premises for exercise

- (1) A person may leave the premises to exercise, but must:
- (a) comply with the restrictions on gatherings in Clause 11; and
  - (b) take reasonable steps to maintain a distance of 1.5 metres from all other persons.

*Note: The effect of Clause 11 is that a person can only exercise with people that live at the same premises; or **alternatively**, with **one other person** with whom they do not ordinarily reside.*

- (2) Subclause (1)(b) 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 may leave the premises in the following circumstances:
- (a) for emergency purposes;
  - (b) as required by law, including, but not limited to, attending:
    - (i) a police station;
    - (ii) a court or other premises for purposes relating to the justice or law enforcement system;
  - (c) 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;
  - (d) for the purposes of moving to a new premises at which the person will ordinarily reside;
  - (e) if the person ordinarily resides outside Victoria, for the purposes of leaving Victoria;
  - (f) if the person is permitted to leave Australia, for the purposes of leaving Australia; or
  - (g) if the person ordinarily resides at more than one premises, for the purposes of moving between those premises.

## PART 4 – GATHERINGS

### 11 Restrictions on gatherings

#### *Indoor gatherings*

- (1) Subject to subclause (2), during the stay at home period, a person must not enter any single undivided **indoor space**, unless:
- (a) no other person is in that space; or
  - (b) only one other person is in that space; or
  - (c) more than one other person is in the space, but all of those other persons ordinarily reside at the same premises as the person.
- (2) Subclause (1) does not apply if the person enters the space:
- (a) for purpose of attending a wedding that complies with the requirements in subclause (5); or
  - (b) for the purpose of attending a funeral that complies with the requirements in subclause (6); or



- (c) for one or more of the purposes specified in Clauses 6 (food and drink), 7 (care), 8 (work and education), 9 (exercise) or 10 (other specified reasons).

*Note: This paragraph permits a person to enter, for example, a supermarket or their workplace, regardless of how many people are in that place. It also permits a person to use transport (public or private) to access a place that they are permitted to go, regardless of how many people are on the tram, train, or bus. It also permits a group of people from the same premises, or two people from different premises, to travel together in a car to a place that they are permitted to go, such as a supermarket.*

- (3) During the stay at home period, a person must not permit another person to enter their place of residence, unless:
  - (a) the other person also ordinarily resides at the premises; or
  - (b) the person is residing at the premises in accordance with the **Isolation (Diagnosis) Direction**; 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 8 (work and education); or

*Examples: a tradesperson for the purpose of carrying out repairs; a nanny or relative for the purpose of providing childminding assistance.*
  - (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 (No. 2)**; or
  - (e) it is necessary for the other person to enter for medical or emergency purposes; or
  - (f) the entry is otherwise required by law.

#### *Outdoor gatherings*

- (4) During the stay at home period, a person must not arrange to meet with more than one other person in an **outdoor space**, except:
  - (a) where each other person ordinarily resides at the same premises; or
  - (b) for the purpose of attending a wedding that complies with the requirements in subclause (5); or
  - (c) for the purpose of attending a funeral that complies with the requirements in subclause (6); or
  - (d) it is necessary to arrange a meeting for one or more of the purposes specified in Clauses 7 (care) or 8 (work and education).

#### *Weddings and funerals*

- (5) For the purposes of subclauses (2)(a) and(4)(b), the requirements for a wedding 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, if the wedding is held in a single undivided indoor space, the total number of persons present at the same time in the space must not exceed the **density quotient**.

- (6) For the purposes of subclauses (2)(b) and (4)(c), the requirements for a funeral are that:
- (a) it involves no more than 10 persons (excluding persons necessary for the conduct of the funeral); and
  - (b) in any case, if the funeral is held in a single undivided indoor space, the total number of persons present at the same time in the space must not exceed the density quotient.

## PART 5 – OTHER PROVISIONS

### 12 Relationship with other Directions

- (1) If there is any inconsistency between Parts 2 and 3 of these directions and the **Isolation (Diagnosis) Direction**, Parts 2 and 3 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**, given to a person who has arrived in Victoria from overseas, these directions are inoperative to the extent of the inconsistency.

### 13 Definitions

For the purposes of these directions:

- (1) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (2) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (3) **care and support visit** means a visit of no longer than 2 hours made to a patient of a hospital, or a resident of a residential aged care facility, by one person, or two persons together, for the purposes of providing care and support to the patient or resident, as the case requires;
- (4) **density quotient** of a single undivided indoor space is the number calculated by dividing the total area of the space (measured in square metres) by 4;  
*Note: 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 people would be permitted to be in the indoor space at one time.*
- (5) **hospital** has the same meaning as in the **Hospital Visitors Directions**;
- (6) **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 –
  - (a) permanent or temporary; or
  - (b) open or closed;
- (7) **outdoor space** means a space that is not an indoor space;
- (8) **patient** has the same meaning as in the **Hospital Visitors Directions**;
- (9) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (10) **premises** has the same meaning as in section 3 of the PHW Act, which includes a vehicle;
- (11) **retail facility** has the same meaning as in the **Restricted Activity Directions (No. 2)**.

## 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 7 April 2020

DR ANNALIESE VAN DIEMEN  
Deputy Chief Health Officer (Communicable Disease)  
as authorised to exercise emergency powers by the Chief Health Officer  
under section 199(2)(a) of the PHW Act.

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