

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

Stay Safe Directions (Melbourne)

Public Health and Wellbeing Act 2008 (Vic)

Section 200

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, consider it reasonably necessary to eliminate or reduce the 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:
 - (a) restrict the circumstances in which they may leave the Restricted Area; and
 - (b) wear **face coverings**; and
 - (c) limit interactions with others by restricting gatherings.
- (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 19)** to ease the restrictions on leaving home and the restrictions on private and public gatherings.

2 Citation

These directions may be referred to as the **Stay Safe Directions (Melbourne)**.

3 Revocation

The **Stay at Home Directions (Restricted Areas) (No 19)** are revoked at 11:59:00pm on 27 October 2020.

4 Stay safe period

For the purposes of these directions, the **stay safe period** is the period beginning at 11:59:00pm on 27 October 2020 and ending at 11:59:00pm on 8 November 2020.

PART 2 — STAY SAFE

5 Direction — staying safe while leaving the home

Leaving the home

- (1) A person who ordinarily resides in the Restricted Area during the stay safe period may leave the **premises** where the person ordinarily resides for any reason subject to subclauses (2) and (2A).
- (2) When leaving their premises, a person:
 - (a) must not travel to the **Relevant Area** other than in accordance with subclauses (2B) to (3); and
 - (b) must comply with the face covering requirements in subclauses (9) and (10); and
 - (c) if leaving the premises where they ordinarily reside for work or education, must only do so if in accordance with clause 8 (**work or education**); and
 - (d) must comply with the restrictions on gatherings in clause 11 (**gatherings**); and
 - (e) must comply with the Directions currently in force, including (without limitation) by:
 - (i) not engaging in an activity that is prohibited under the **Restricted Activity Directions (Melbourne)**; and
 - (ii) only engaging in an activity permitted under the **Restricted Activity Directions (Melbourne)** in accordance with any requirements set out in those directions.

Note 1: a person should take reasonable steps to maintain a distance of 1.5 metres from all other persons (except those people with whom they ordinarily reside) when leaving their premises, and should practise hand hygiene in accordance with the Department of Health and Human Services' guidelines as updated from time to time, available at: www.dhhs.vic.gov.au/staying-safe-covid-19.

*Note 2: if a person experiences a temperature higher than 37.5°C or symptoms of respiratory infection, they are strongly encouraged to get a test for 2019-nCoV and remain at their ordinary place of residence until they obtain their test result. If they are diagnosed with 2019-nCoV, they must self-isolate in accordance with the **Diagnosed Persons and Close Contacts Directions (No 12)**.*

Travel restrictions

- (2A) A person must not travel further than 25km from:
 - (a) their premises if they leave for a purpose under clause 6 (necessary goods or services), 9(2) or (3) (exercise or social interaction outdoors), 10(1)(e) (place of worship) or 11(2)(i) (social gathering); or
 - (b) their workplace if they leave that workplace for a purpose under clause 9(2) (exercise outdoors),unless:

- (c) the person leaves the premises to obtain goods and services for health or medical purposes; or
- (d) as a consequence of this requirement, 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 25km 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 (2A).

Note 2: where paragraph (c) or (d) apply, the person must not travel any further than is reasonably necessary to obtain necessary goods or services.

Requirement to stay in the Restricted Area

(2B) Subject to subclauses (2C) and (3), a person who ordinarily resides in the Restricted Area during the stay safe period must not leave the Restricted Area other than for one or more of the purposes 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 1: a person who leaves the Restricted Area for a purpose under clause 6 (necessary goods or services) remains subject to the requirement not to travel further than 25km from their premises under subclause (2A), subject to the exceptions in that subclause.

Note 2: a person may visit another person with whom they are in an intimate personal relationship and whose ordinary place of residence is outside the Restricted Area in accordance with clause 7.

(2C) If a person who ordinarily resides in the Restricted Area leaves the Restricted Area in accordance with subclause (2B) or (3), these directions and the **Restricted Activity Directions (Melbourne)** apply to that person when outside of the Restricted Area as if they were in the Restricted Area.

Principal place of residence

- (3) If a person has more than one ordinary place of residence, their place of residence as at 11:59:00pm on 1 August 2020 must remain their principal place of residence for the duration of the stay safe period. If the person's chosen principal place of residence is:
- (a) within the Restricted Area, they may go to any other ordinary place of residence within 25km of their principal place of residence but must not go to any other ordinary place of residence outside the Restricted Area; or
 - (b) outside the Restricted Area, they must not leave to go to any other ordinary place of residence in 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 **approved emergency preparation activities**, provided they are in accordance with the Directions currently in force and the **emergency preparation activities approval** which applies to those activities or that person; or
 - (g) for emergency purposes (other than emergency maintenance or **emergency preparation activities**); or
 - (h) as required or authorised by law.

Ordinary place of residence

- (4) Subject to subclauses (5) and (6), subclauses (1) and (3) do not apply to a person at any time during the stay safe 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).
- (5) If a suitable premises is made available for a person identified in subclause (4) to reside at for the stay safe period (or part thereof) that premises is taken to be the person's ordinary place of residence for the period (or part thereof).
- (6) If subclause (4) applies and 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 safe period (or part thereof), that residence is taken to be the person's principal place of residence for the period (or part thereof) and subclause (3) applies accordingly.

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

Note: a person who is visiting and staying in Victoria, whether from overseas or interstate, is taken to be temporarily residing in Victoria. Where that person is staying in the Restricted Area, these directions apply to them.

- (8) If, during the stay safe 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 (8) 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 (3).

*Note: where a **seasonal worker** moves from the premises at which they ordinarily reside in the Restricted Area to **seasonal worker accommodation** in the Relevant Area for a period of more than 14 days, then that seasonal worker accommodation is taken to be the premises at which that seasonal worker ordinarily resides from midnight on the 14th day after they moved there, but only for the period that they reside at that seasonal worker accommodation.*

Face covering requirements

- (9) A person may only leave the premises under subclause (1) if they:
- (a) wear a face covering at all times; and
 - (b) if subclause (10) (other than subclause (10)(a), (c), (d) or (e)) applies, carry a face covering at all other times.

Note: face shields on their own do not meet the face covering requirements. For further information, please refer to the Department of Health and Human Services' guidelines as updated from time to time, available at: www.dhhs.vic.gov.au/face-masks-vic-covid-19.

- (10) Subclause (9)(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 receiving a service from a facility which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Melbourne)**, to the extent that it is not reasonably practicable to receive that service wearing a face covering; or
- (t) 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.

- (u) for emergency purposes (other than emergency preparation or emergency preparation activities, unless another exception under this subclause (10) applies); or
- (v) required or authorised by law; or
- (w) doing so is not safe in all the circumstances.

PART 3 — RESTRICTIONS ON LEAVING PREMISES OR RESTRICTED AREA

Note: a person may leave the premises where they ordinarily reside under Part 2 for any reason. Part 3 only applies to limit when a person may leave the premises where they ordinarily reside for work or education (clauses 5(2)(c) and 8), when travelling further than 25km from their premises or workplace for certain purposes (clause 5(2A)), when leaving the Restricted Area for certain purposes (clause 5(2B)) or as otherwise expressly provided.

6 Leaving to obtain necessary goods or services

- (1) A person may leave to obtain:
 - (a) take away 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 permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Melbourne)**, 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 clauses 5(2B) and (2C) and if such retail facilities are permitted to operate in the Restricted Area.

7 Leaving for care or other compassionate reasons

- (1) A person may leave:

- (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); or
 - (iv) to take the child to a **childcare or early childhood service**; or
 - (v) to take the child to a school or outside school hours care service in which they are enrolled in accordance with clause 8(3); or
- (c) to provide care and support to a 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 other person's health (including mental health or pregnancy); or
- (d) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions (No 14)**; or
- (e) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions (No 13)**; or
- (f) to attend a funeral, wedding or **end of life** activity, if that funeral, wedding or end of life activity complies with the requirements in clause 11; or

Note: under clause 11(6)(c), a person who ordinarily resides in the Restricted Area must not attend a wedding outside the Restricted Area.
- (g) to donate blood or breast milk; or
- (h) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises; or
- (i) to visit a person with whom they are in an intimate personal relationship; or
- (j) to attend a cemetery or other **memorial** to pay respects to a deceased person provided that it is only with:
 - (i) any other person (or people) who ordinarily resides at the same premises as that person; or
 - (ii) 9 other **members of the public** (with any infant under one year of age not counting towards this limit) from a maximum of two

different premises (including the premises where that person ordinarily resides); 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. Subclause (1)(j) does not permit a person to attend an event in a person's home.

- (k) to provide child-minding assistance (whether on a paid or voluntary basis); or
- (l) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal.

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

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

8 Leaving to attend work or education

- (1) Subject to subclauses (2) and (3), a person who ordinarily resides in the Restricted Area may leave the premises to:
 - (a) attend work (whether paid or voluntary, including for charitable or religious purposes); or
 - Note: a person who ordinarily resides in the Restricted Area and who works in the Relevant Area (or vice versa) must hold a **Metro-Regional Work Travel Permit** in accordance with, and comply with, the **Metro-Regional Work Travel Permit Scheme Directions**.*
 - (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.
- (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 for:
 - (a) school educational services (including at a school or non-school senior secondary provider and outside school hours care services); or
 - (b) **higher education services** where it is not reasonably practicable for the person to obtain the higher education services from the premises where they ordinarily reside.

9 Leaving for exercise or social interaction

- (1) A person may leave to exercise or for social interaction in accordance with this clause 9.
- (2) A person may leave to exercise outdoors:
 - (a) with any other person (or people) who ordinarily resides at the same premises as that person; or
 - (b) with up to nine other people (with any infant under one year of age not counting towards this limit); or
 - (c) for personal training purposes, but only in accordance with the **Restricted Activity Directions (Melbourne)**.

*Note: exercise outdoors such as surfing is only permitted if a person can access the water within 25km of the person's ordinary place of residence or workplace. Any exercise outdoors requiring the use of a facility must comply with the **Restricted Activity Directions (Melbourne)**. Subject to compliance with this clause 9 and clauses 5(2A) and 11(5), exercise outdoors may include sitting in an outdoor space.*

- (3) A person may leave for social interaction outdoors with:
 - (a) any other person (or people) who ordinarily resides at the same premises as that person; or
 - (b) up to nine other people (with any infant under one year of age not counting towards this limit).
- (4) A person leaving under subclause (2) or (3) must take reasonable steps to maintain a distance of 1.5 metres from all other persons.
- (5) Subclause (4) does not prevent a person from walking with another person or persons for the purposes of exercise or social interaction.

*Note: in accordance with clause 5(2B), a person who ordinarily resides in the Restricted Area may not enter the Relevant Area for this purpose. The **Stay Safe Directions (Non-Melbourne) (No 6)** provides that a person who ordinarily resides in the Relevant Area may not enter the Restricted Area for this purpose either.*

10 Leaving for other reasons

- (1) A person may leave:
 - (a) for approved emergency preparation activities (together with any other person or people who ordinarily reside with them or any immediate family member); or
 - (b) for emergency purposes (other than emergency preparation activities); or
 - (c) as required or authorised by law; or
 - (d) 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
- (e) to attend a **place of worship**, if that place of worship is operating in accordance with the **Restricted Activity Directions (Melbourne)**; or
- (f) to attend a **community facility**, which is permitted to operate under, and is operating in accordance with, the **Restricted Activity Directions (Melbourne)**; or
- (g) for the purpose of driving a person with whom they ordinarily reside where it is not otherwise reasonably practicable for that person to leave their premises for a purpose permitted under, and provided they comply with, these directions; or

Examples: driving a household member who 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.

- (h) 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
- (i) for purposes relating to, or associated with, **dealing with residential property**, in accordance with any requirements in the **Restricted Activity Directions (Melbourne)**, including to:
 - (i) receive services related to property settlements or commencement or ending of leases in accordance with the Directions currently in force; or
 - (ii) attend or facilitate a pre-arranged residential property or display home inspection, or attend a residential property outdoor auction, provided that the person must not travel outside the Restricted Area for these purposes; or

Note: a person may leave the premises where they ordinarily reside to facilitate a pre-arranged inspection of that premises by an agent and another person.

- (j) for the purposes of:
 - (i) receiving services related to property settlements or commencement or ending of leases in accordance with the Directions currently in force in relation to commercial property; or
 - (ii) attending a commercial property inspection or outdoor auction in accordance with any requirements in the **Restricted Activity Directions (Melbourne)**, provided that the person must not travel outside the Restricted Area for these purposes; or
- (k) for the purposes of moving to a new premises at which the person will ordinarily reside; or

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

PART 4 — GATHERINGS

11 Restrictions on gatherings

Private gatherings

- (1) During the stay safe 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).
- (2) Subclause (1) does not operate to prevent any person entering the premises:
 - (a) if the other person also ordinarily resides at the premises; or
 - (b) if permitted under, and provided they comply with the requirements of, the Directions currently in force; or
 - (c) to attend or undertake work or education services in accordance with clause 8 (*work or education*); or

Note: this includes a person who provides professional respite care for carers of people with complex needs, where that professional is permitted to work in accordance with the Directions currently in force.

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

- (d) to provide childcare, child-minding, early childhood education, schooling or education services (whether paid or on a voluntary basis); or
- (e) if that person is a parent or guardian of a child who ordinarily resides at the premises, to visit that child; or
- (f) to provide care and support to a relative or other person who ordinarily resides at the premises and:
 - (i) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or
 - (ii) because of matters relating to the relative or other person's health (including mental health or pregnancy); or
- (g) to visit someone who ordinarily resides at those premises and with whom they are in an intimate personal relationship; or

Note: people in an intimate personal relationship may stay overnight at each other's ordinary places of residence, and are not required to wear a face covering while visiting each other at those premises, provided they otherwise comply with these directions.

- (h) to visit a **nominee person** or **nominated person** for social interaction, provided that:
 - (i) the nominee person is permitting their nominated person (and any child or dependant permitted to accompany them in accordance with subclause (3)) to enter the premises; or
 - (ii) the nominated person is permitting their nominee person (and any child or dependant permitted to accompany them in accordance with subclause (3)) to enter the premises, but only while the nominated person is otherwise by themselves at their premises,and:
 - (iii) the nominee person has only one nominated person; and
 - (iv) the nominated person has only one nominee person,for the duration of these directions; or
- (i) if the person is visiting for a social gathering (**visiting person**), provided that there is no one else at the premises except for:
 - (i) the person (or people) who ordinarily reside at those premises (**host person**) and:
 - (A) any other person with whom the host person is in an intimate personal relationship; or
 - (B) any nominated person of the host person, (**special visiting persons**); and
 - (ii) no more than one other person who is visiting for a social gathering at the same time, provided they ordinarily reside with the visiting person; and
 - (iii) any infant under one year of age of a visiting person; and
 - (iv) any child or dependant permitted to accompany a person in accordance with subclause (3),and provided that:
 - (v) the premises does not have more than one social gathering (not including special visiting persons) each day; and
 - (vi) each visiting person (not including special visiting persons):
 - (A) does not travel further than 25km from their ordinary place of residence; and
 - (B) does not visit more than one premises for a social gathering each day; and
 - (C) on a day they visit a premises for a social gathering, they are not a host person for a social gathering at their own ordinary place of residence; and

- (vii) on a day they are visited, the host persons do not visit any other premises (other than those of any special visiting persons) for a social gathering; or

Note 1: under subclause (2)(i), only 2 people from the same premises may visit for a social gathering each day, with any infant under one year of age and any child or dependant permitted to accompany such people under subclause (3) not counting towards this limit.

- (j) to attend an inspection of real estate for the purposes of a prospective sale or rental of the property, organised in accordance with any requirements in the **Restricted Activity Directions (Melbourne)**; or
- (k) for the purpose of moving to the premises as the place where they will ordinarily reside; or
- (l) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
- (m) for medical or emergency purposes; or
- (n) for purposes relating to the administration of justice; or
- (o) as required or authorised by law; or
- (p) for the purposes of national security.

*Note: subclause (1) does not apply to a care facility, as defined in the **Care Facilities Directions (No 14)**. Access and visits to care facilities are regulated by those directions.*

- (3) If a person permitted to enter the premises under subclause (2), (6)(c) or (7)(c) is a parent, guardian or carer of a child or dependant, and they cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependant unattended so that they can enter the premises in accordance with subclause (2), (6)(c) or (7)(c) without the child or dependant, then the child or dependant may accompany that person when entering the premises in accordance with subclause (2), (6)(c) or (7)(c).
- (4) During the stay safe 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

- (5) During the stay safe period, a person in the Restricted Area must not arrange to meet, or organise or intentionally attend a gathering of, more than nine other persons (with any infant under one year of age not counting towards this limit) for a common purpose at a public place, except:

Note 1: under subclause (5), the limit on the number of people who may meet in a public place at any one time is 10.

Note 2: two or more groups of 10 cannot meet for a common purpose at a public place. In addition, a group in a public place must take reasonable steps to maintain a safe distance from any other groups in that public place.

Note 3: subclause (5) does not prevent a person attending a public place (for example, a shopping centre) for a purpose (for example, shopping), where other people are also likely to be attending that public place for a similar purpose. It prevents people from attending a public place intending to gather with other people for a common purpose (for example, meeting family or friends at the shopping centre).

- (a) where each other person ordinarily resides at the same premises; or
- (b) for the purpose of a religious gathering (including ceremonies) with no more than:
 - (i) nine other persons if held in an indoor space; or
 - (ii) 19 other persons if held in an outdoor space,
plus one faith leader, provided they comply with any requirements of the **Restricted Activity Directions (Melbourne)**; or
- (c) for the purpose of attending a wedding in the Restricted Area that complies with the requirements in subclause (6); 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(2B)(c).
- (d) for the purpose of attending a funeral that complies with the requirements in:
 - (i) subclause (7), if the funeral is in the Restricted Area; or
 - (ii) the **Stay Safe Directions (Non-Melbourne) (No 6)**, if the funeral is in the Relevant Area; or
- (e) for the purpose of attending end of life activity that complies with the requirements in:
 - (i) subclause (8), if the end of life activity is in the Restricted Area; or
 - (ii) the **Stay Safe Directions (Non-Melbourne) (No 6)**, if the end of life activity is in the Relevant Area; or
- (f) it is necessary to arrange a meeting or organise a gathering for one or more of the following purposes:
 - (i) engaging in an activity permitted under, and provided they comply with any requirements of, the **Restricted Activity Directions (Melbourne)**; or
 - (ii) to attend or undertake work or education services in accordance with clause 8; or
 - (iii) medical or emergency purposes; or
 - (iv) purposes as required or authorised by law; or
 - (v) purposes relating to the administration of justice.

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

Weddings, funerals and end of life activities

- (6) The requirements for a wedding held in the Restricted Area are that:
- (a) it involves only:
 - (i) the two persons being married; and
 - (ii) the **authorised celebrant**; and
 - (iii) a **photographer**; and
 - (iv) no more than 10 other guests, including 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 involves no more than:
 - (i) the authorised celebrant;
 - (ii) those persons who ordinarily reside at those premises and any other persons with whom those people are in an intimate personal relationship; and
 - (iii) two guests (with any infant under one year of age not counting towards this limit) and any child or dependant of those guests permitted to accompany them in accordance with subclause (3).

*Note 1: record keeping requirements apply to weddings as set out in the **Restricted Activity Directions (Melbourne)**.*

*Note 2: the requirements for a wedding held in an area other than in the Restricted Area are set out in the **Stay Safe Directions (Non-Melbourne) (No 6)**.*

- (7) The requirements for a funeral held in the Restricted Area are that:
- (a) it involves no more than 20 members of the public (with any infant under one year of age not counting towards this limit) 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 involves no more than:
 - (i) the persons required to conduct the funeral;

- (ii) those persons who ordinarily reside at those premises and any other persons with whom those people are in an intimate personal relationship; and
- (iii) two guests (with any infant under one year of age not counting towards this limit) and any child or dependant of those guests permitted to accompany them in accordance with subclause (3).

*Note 1: record keeping requirements apply to funerals as set out in the **Restricted Activity Directions (Melbourne)**.*

*Note 2: the requirements for a funeral held in an area other than in the Restricted Area are set out in the **Stay Safe Directions (Non-Melbourne) (No 6)**.*

- (8) The requirements for end of life activity in the Restricted Area are that:
 - (a) if a person is experiencing end of life, that person or someone on their behalf may apply to the Chief Health Officer or the Deputy Chief Health Officer for permission to conduct an end of life activity; and

Examples: a patient is deteriorating and death is expected soon; a patient may be commenced on a care plan for the dying; a person is unlikely to be discharged if they are admitted to hospital.
 - (b) the Chief Health Officer or the Deputy Chief Health Officer may, in writing, grant permission for an end of life activity which involves:
 - (i) the person experiencing end of life and either:
 - (A) any other person (or people) who ordinarily reside at the same premises as that person; or
 - (B) 10 other people (with any infant under one year of age not counting towards this limit); and
 - (ii) those people gathering indoors (including at a person's ordinary place of residence) or outdoors, or attending an entertainment or recreational facility which is permitted to operate in accordance with the Directions currently in force, but in each case only for a set period of time; 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.

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 12)**, 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 14)**, these directions are inoperative to the extent of the inconsistency.

13 Definitions

For the purposes of these directions:

- (1) **Area Directions (No 9)** means the directions issued by the Chief Health Officer, setting out the **Restricted Area**;
- (2) **approved emergency preparation activities** means **emergency preparation activities** that are the subject of an applicable **emergency preparation activities approval**;
- (3) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (4) **care facility** has the same meaning as in the **Care Facilities Directions (No 14)**;
- (5) **childcare or early childhood service** means onsite early childhood education and care services or children's services provided under the:
 - (a) **Education and Care Services National Law** and the **Education and Care Services National Regulations** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services; and
 - (b) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;
- (6) **community facility** has the same meaning as in the **Restricted Activity Directions (Melbourne)**;
- (7) **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; andfor the avoidance of doubt, includes activities in relation to a display home for any of the purposes in paragraphs (a) to (d);
- (8) **density quotient** has the same meaning as in the **Workplace Directions (No 8)**;
- (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** has the same meaning as in the **Area Directions (No 9)**;

- (11) **emergency preparation activities** means activities related to emergency preparedness in a municipal district in either the **Restricted Area** or the **Relevant Area**;
- (12) **emergency preparation activities approval** means an approval in writing, including any conditions imposed by that approval, issued by a local council to undertake **emergency preparation activities** within the municipal district for which that local council is responsible;
- (13) **end of life** means:
- (a) a situation where a person's death is expected within days (including periods of 14 days or longer), or where the person, with or without existing conditions, is at risk of dying from a sudden acute event; and
 - (b) does not mean a situation where a person has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the person is expected to die within 12 months (except where the situation also falls within paragraph (a));
- (14) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection (but does not include a face shield);
- (15) **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;
- (16) **hospital** has the same meaning as in the **Hospital Visitor Directions (No 13)**;
- (17) **host person** has the meaning in clause 11(2)(i);
- (18) **indoor space** means an area, room or **premises** that is or are substantially enclosed by a roof and walls that are permanent structures rising either from floor to ceiling or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are open or closed;
- (19) **member 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;
- (20) **memorial** means a place of interment of bodily remains or cremated human remains (including a columbarium), as each of these terms are defined in the **Cemeteries and Crematoria Act 2003**;
- (21) **Metro-Regional Work Travel Permit** has the same meaning as in the **Metro-Regional Work Travel Permit Scheme Directions**;
- (22) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;

- (23) **nominated person** means a person nominated by a **nominee person** for social interaction permitted in accordance with these directions;
- (24) **nominee person** means a person who:
 - (a) is not in an intimate personal relationship with any person and lives by themselves; or
 - (b) is the sole parent or guardian of a child who is under 18 years of age or who has a disability and in either case lives with them,
 and who has nominated one person only to be their **nominated person** for social interaction permitted in accordance with these directions;
- (25) **outdoor space** means a space that is not an **indoor space**;
- (26) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (27) **photographer** means a person who takes photographs as a business and has an Australia Business Number for this purpose;
- (28) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (29) **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;
- (30) **prison** has the same meaning as in the **Corrections Act 1986**;
- (31) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (32) **Relevant Area** means the area of Victoria outside the **Restricted Area**;
- (33) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (34) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (35) **Restricted Area** has the same meaning as in the **Area Directions (No 9)**;
- (36) **retail facility** has the same meaning as in the **Restricted Activity Directions (Melbourne)**;
- (37) **seasonal worker** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions (No 10)**;
- (38) **seasonal worker accommodation** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions (No 10)**;
- (39) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (40) **special visiting person** has the meaning in clause 11(2)(i);
- (41) **stay safe period** has the meaning in clause 4;
- (42) **vehicle** has the same meaning as in the PHW Act;
- (43) **visiting person** has the meaning in clause 11(2)(i);

- (44) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (45) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

14 Penalties

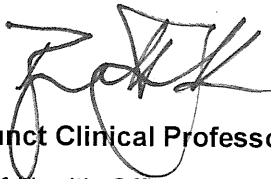
Section 203 of the PHW Act provides:

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.



Adjunct Clinical Professor Brett Sutton

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

27 October 2020