

Directions from Deputy Chief Health Officer (Communicable Disease) in accordance with emergency powers arising from declared state of emergency

Stay at Home Directions (Restricted Postcodes)

Public Health and Wellbeing Act 2008 (Vic)

Section 200

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 who ordinarily resides in a **Restricted Postcode** 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, including prohibiting private gatherings (no visitors to another person's home other than in very limited circumstances).
- (3) These directions must be read together with the **Restricted Activity Directions (Restricted Postcodes)**, the **Area Directions**, the **Stay Safe Directions (No 3)**, the **Diagnosed Persons and Close Contacts Directions (No 4)**, the **Hospital Visitor Directions (No 7)** and the **Care Facilities Directions (No 6)**.
- (4) These directions replace the **Stay at Home Directions (No 2)** insofar as they applied to persons who ordinarily reside in Restricted Postcodes.

2 Citation

These directions may be referred to as the **Stay at Home Directions (Restricted Postcodes)**.

3 Revocation

The **Stay Safe Directions (No 2)** are revoked at 11:59:00pm on 1 July 2020 by the **Stay Safe Directions (No 3)**, which now apply to persons who ordinarily reside in areas other than Restricted Postcodes.

4 Stay at home period

For the purposes of these directions, the **stay at home period** is the period beginning at 11:59:00pm on 1 July 2020 and ending at 11:59:00pm on 19 July 2020.

PART 2 — STAY AT HOME

5 Direction — stay at home other than in specified circumstances

Requirement to stay at home

(1) A person who ordinarily resides in a Restricted Postcode 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)(k).

(1A) A person may only leave their premises under clause 6 or 9 where it does not involve travelling to a place for an unreasonable period of time.

Note: an unreasonable period of time for the purposes of subclause (1A) includes an overnight stay.

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

- (5) If 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 who ordinarily resides in a Restricted Postcode may leave the premises to obtain:

- (a) take away food or drink; or

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

- (b) goods and services for health or medical purposes; or

- (c) other necessary goods or services including, but not limited to, goods or services provided by:

- (i) a financial institution;
- (ii) a government body or government agency;
- (iii) a post office;
- (iv) a **pharmacy**;
- (v) a hardware store;
- (vi) a petrol station;
- (vii) a pet store or veterinary clinic;
- (viii) a **retail facility** that is not prohibited from operating by the **Restricted Activity Directions (Restricted Postcodes)**, regardless of whether that retail facility is within the Restricted Postcode or not.

Note: a person who ordinarily resides in a Restricted Postcode may only visit retail facilities to obtain necessary goods and services outside the Restricted Postcode if such retail facilities are permitted to operate in that Restricted Postcode.

*Example: as beauty salons are not open under the **Restricted Activity Directions (Restricted Postcodes)**, a person may not leave their premises to attend a beauty salon in any location.*

7 Leaving premises for care and other compassionate reasons

- (1) A person who ordinarily resides in a Restricted Postcode 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 (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;
 - (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 (No 6)**, including for a **care and support visit**;
 - (f) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions (No 7)**, 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.

Example: if a child ordinarily resides at a boarding school during the school term, then that child's parent, guardian or relative may still visit them.

8 Leaving premises to attend work or education

- (1) Subject to subclause (2), a person who ordinarily resides in a Restricted Postcode 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; or
 - (ii) another person's premises for child-minding under clause 7(1)(b)(iii).
- (2) A person may leave the premises under subclause (1) only if it is not reasonably practicable for the person:
 - (a) to work from the premises; or
 - (b) to obtain **higher educational services** from the premises.

9 Leaving premises for exercise

- (1) A person who ordinarily resides in a Restricted Postcode may leave the premises to exercise, but must:
 - (a) only participate in a sport or physical recreation activity, or only exercise at a facility, that is not prohibited by the **Restricted Activity Directions (Restricted Postcodes)**, regardless of whether that activity or facility is within the Restricted Postcode or not;

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

*Example: as swimming pools are not open under the **Restricted Activity Directions (Restricted Postcodes)**, a person may not leave their premises to swim in a pool in any location.*

- (b) comply with the restrictions on gatherings in clause 11; and

- (c) take reasonable steps to maintain a distance of 1.5 metres from all other persons.

*Note: 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 who ordinarily resides in a Restricted Postcode may leave the premises in the following circumstances:
 - (a) for emergency purposes;
 - (b) as required or authorised by law;
 - (c) for purposes relating to the administration of justice, 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;
 - (d) to attend a **place of worship**, if that place of worship is operating in accordance with the **Restricted Activity Directions (Restricted Postcodes)** regardless of whether that place of worship is within the Restricted Postcode or not;
 - (e) to attend a **community facility**, if that facility is operating in accordance with the **Restricted Activity Directions (Restricted Postcodes)** regardless of whether that place of worship is within the Restricted Postcode or not;
 - (f) 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;
 - (g) for the purposes of attending a private inspection of the premises, organised in accordance with the **Restricted Activity Directions (Restricted Postcodes)** and the **Restricted Activity Directions (No 11)**;
 - (h) for the purposes of moving to a new premises at which the person will ordinarily reside;
 - (i) if the person ordinarily resides outside Victoria, for the purposes of leaving Victoria;
 - (j) if the person is permitted to leave Australia, for the purposes of leaving Australia;
 - (k) if the person ordinarily resides at more than one premises, for the purposes of moving between those premises; or
 - (l) for the purposes of **national security**.

PART 4 — GATHERINGS

11 Restrictions on gatherings

Private gatherings

- (1) During the stay at home period, a person must not enter a premises (at which they do not ordinarily reside) in the Restricted Postcode, except 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).
- (2) During the stay at home period, a person who ordinarily resides in a Restricted Postcode must not permit another person to enter the premises at which they ordinarily reside (whether or not entering any building on the premises), unless:
 - (a) the other person also ordinarily resides at the premises; or
 - (b) the person is residing at the premises in accordance with the **Diagnosed Persons and Close Contacts Directions (No 4)**; 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 (Restricted Postcodes)**; or
- (e) it is necessary for the other person to enter for medical or emergency purposes; or
- (f) the entry is otherwise required or authorised by law.

Public gatherings

- (3) During the stay at home period, a person who ordinarily resides in a Restricted Postcode must not arrange to meet, or organise a gathering of, more than one other person for a common purpose at a public place, except:
 - (a) where each other person ordinarily resides at the same premises; or
 - (b) if the person is a parent or guardian of a child, and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can leave the premises without the child, then the child may accompany the person when gathering with one other person; or
 - (c) for the purpose of attending a wedding that complies with the requirements in subclause (4); or
 - (d) for the purpose of attending a funeral that complies with the requirements in subclause (6); or

- (e) it is necessary to arrange a meeting or organise a gathering for one or more of the purposes specified in clauses 7 (care) or 8 (work and education), or 10 (other specified reasons).

Weddings and funerals

- (4) The requirements for a wedding held in a Restricted Postcode are that:
 - (a) it involves only 5 persons:
 - (i) the two persons being married; and
 - (ii) the **authorised celebrant**; and
 - (iii) two persons witnessing the marriage for the purposes of section 44 of the **Marriage Act 1961** of the Commonwealth; and
 - (b) in any case (other than at a person's ordinary place of residence), the total number of **members of the public** present at the same time in the space must not exceed the **density quotient**; and
 - (c) if held at a person's ordinary place of residence, it must comply with the gathering restriction in clause 11(1).

Note 1: a wedding held at a person's ordinary place of residence is limited to those persons who ordinarily live at that residence and the celebrant who can enter the premises under clause 11(2)(c) (work).

*Note 2: record keeping requirements apply to weddings as set out in the **Restricted Activity Directions (Restricted Postcodes)**.*

- (5) The requirements for a wedding held in an area other than in a Restricted Postcode are set out in the **Stay Safe Directions (No 3)**.
- (6) The requirements for a funeral held in a Restricted Postcode are that:
 - (a) it involves no more than 10 members of the public regardless of whether it is held in an **outdoor space** or **indoor space**; and
 - (b) in any case (other than at a person's ordinary place of residence), the total number of members of the public present at the same time in the space must not exceed the density quotient; and
 - (c) if held at a person's ordinary place of residence, it must comply with the gathering restriction in clause 11(1).

Note 1: a funeral held at a person's ordinary place of residence is limited to those persons who ordinarily live at that residence and the persons reasonably necessary for the conduct of the funeral who can enter the premises under clause 11(2)(c) (work).

*Note 2: record keeping requirements apply to funerals as set out in the **Restricted Activity Directions (Restricted Postcodes)**.*

- (7) The requirements for a funeral held in an area other than in a Restricted Postcode are set out in the **Stay Safe Directions (No 3)**.

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 4)**, 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**, given to a person who has arrived in Victoria from overseas, 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 6)**, these directions are inoperative to the extent of the inconsistency.

13 Definitions

For the purposes of these directions:

- (1) **Area Directions** means the directions issued by the Deputy Chief Health Officer, setting out Restricted Postcodes, as amended from time to time;
- (2) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (3) **care facility** has the same meaning as in the **Care Facilities Directions (No 6)**;
- (4) **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 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;
- (5) **community facility** has the same meaning as in the **Restricted Activity Directions (Restricted Postcodes)**;
- (6) **density quotient** limits the **members of the public** that are permitted in a space at any one time to the number calculated by dividing the total publicly accessible space (measured in square metres) by 4 and:
 - (a) for an **indoor space** applies to each single undivided area; and
 - (b) for an **enclosed outdoor space** applies to the total area;

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

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

- (7) **Direction and Detention Notice** means a notice given to a person who has arrived in Victoria from overseas, requiring the person to be detained for a specified period;
- (8) **enclosed outdoor space** means an **outdoor space** (or part of an outdoor space) that is substantially enclosed by either a roof or walls, regardless of whether the roof or walls or any part of them are open or closed;
- (9) **hospital** has the same meaning as in the **Hospital Visitors Directions (No 7)**;
- (10) **higher education services** means university, vocational education and training, technical and further education (TAFE), adult community and further education, and other post-compulsory education and training;
- (11) **indoor space** means an area, room or premises that is or are substantially enclosed by a roof and walls, regardless of whether the roof or walls or any part of them are open or closed;
- (12) **members of the public** means a person but does not include:
 - (a) a person who is an employee of an operator of the facility or venue; or
 - (b) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;
- (13) **national security** has the meaning that security has in the *Australian Security Intelligence Organisation Act 1979* of the Commonwealth;
- (14) **outdoor space** means a space that is not an indoor space;
- (15) **patient** has the same meaning as in the **Hospital Visitors Directions (No 7)**;
- (16) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (17) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (18) **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;
- (19) **Restricted Postcode** has the same meaning as in the **Area Directions**;
- (20) **retail facility** has the same meaning as in the **Restricted Activity Directions (Restricted Postcodes)**; and
- (21) **stay at home period** has the meaning in clause 4.

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.



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.

1 July 2020

