

# Directions from Public Health Commander in accordance with emergency powers arising from declared state of emergency

## Stay at Home Directions (Restricted Areas) (No 7)

*Public Health and Wellbeing Act 2008 (Vic)*

Section 200

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

### PART 1 — PRELIMINARY

#### 1 Preamble

- (1) The purpose of these directions is to address the serious public health risk posed to Victoria by Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions require everyone who ordinarily resides in the **Restricted Area** to limit their interactions with others by:
  - (a) restricting the circumstances in which they may leave the **premises** where they ordinarily reside and the **Restricted Area**; and
  - (b) placing restrictions on gatherings, including prohibiting private gatherings (no visitors to another person's home other than in very limited circumstances).
- (3) These directions must be read together with the **Restricted Activity Directions (Restricted Areas) (No 4)**, the **Area Directions (No 5)**, the **Stay Safe Directions (No 9)**, the **Diagnosed Persons and Close Contacts Directions (No 7)**, the **Hospital Visitor Directions (No 9)** and the **Care Facilities Directions (No 8)**.
- (4) These directions replace the **Stay at Home Directions (Restricted Areas) (No 6)** and impose further travel restrictions when leaving home and update the face covering requirements.

#### 2 Citation

These directions may be referred to as the **Stay at Home Directions (Restricted Areas) (No 7)**.

#### 3 Revocation

The **Stay at Home Directions (Restricted Areas) (No 6)** are revoked at 7:59:00pm on 2 August 2020.

#### 4 Stay at home period

For the purposes of these directions, the **stay at home period** is the period beginning at 7:59:00pm on 2 August 2020 and ending at 11:59:00pm on 16 August 2020.

### PART 2 — STAY AT HOME

#### 5 Direction — stay at home other than in specified circumstances

##### *Requirement to stay at home*

- (1) A person who ordinarily resides in the Restricted Area during the **stay at home period** must not leave the premises where the person ordinarily resides, other than for one or more of the reasons specified in:
- (a) clause 6 (**necessary goods or services**);
  - (b) clause 7 (**care or other compassionate reasons**);
  - (c) clause 8 (**work or education**);
  - (d) clause 9 (**exercise**);
  - (e) clause 10 (**other specified reasons**).

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

##### *Travel restrictions*

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

*Note: Travelling to an area outside the Restricted Area for exercise is prohibited under these directions.*

- (1AA) A person must not travel in a vehicle with another person with whom they do not ordinarily reside unless it is not otherwise reasonably practicable for either person to leave their premises for a purpose permitted under these directions.

*Example, a person who does not hold a driver's license may travel in a vehicle with another person with whom they do not ordinarily reside for the purposes of attending a medical appointment or doing their grocery shopping if it is not reasonably practicable for them to get there another way.*

- (1AB) A person who leaves their premises under either subclause (1)(a) or (d) must not:

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

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

(1AC) Where a person leaves their premises under sub-clause (1)(a):

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

*Note 1: if the closest necessary goods or services are more than 5km from a person's ordinary place of residence, then it would not be reasonably practicable for that person to obtain goods and services within the travel limits imposed by subclause (1AB).*

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

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

- (a) the person leaves the premises to obtain goods and services:
  - (i) for health or medical purposes under clause 6(1)(b); or
  - (ii) provided by a:
    - (A) financial institution under clause 6(1)(c)(i); or
    - (B) government body or government agency under clause 6(1)(c)(ii); or
- (b) the person is a parent or guardian of a child, and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can leave the premises without the child; or
- (c) it is necessary for the person to provide, or the person requires, care and support due to:
  - (i) age, infirmity, disability, illness or a chronic health condition; or
  - (ii) matters relating to the relative or other person's health (including mental health or pregnancy).

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

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

*Note: if a person needs to access an area within 5km of their premises for exercise, but can only do so due to mobility (such as a parent with a small child or a person with disability) or safety reasons (such as needing to exercise in an area with greater passive surveillance) by using a vehicle, then it would not be reasonably practicable for that person to undertake exercise without using a vehicle.*

(1AF) Subclauses (1AA) to (1AE) (both inclusive) and (1AG) do not apply to the **municipal district of the Shire of Mitchell**.

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

- (a) they are leaving their premises for work in accordance with clause 8 (including travelling to and from work); or
- (b) it is necessary:
  - (i) to obtain necessary goods and services:
    - (A) for health or medical purposes under clause 6(1)(b); or
    - (B) where the person is working between, or travelling to or from their premises from work), between 8:00:00pm and 5:00:00am; or
  - (ii) for the reasons set out in:
    - (A) clause 7(1)(b)(ii) (care and support of a child); or
    - (B) clause 7(1)(b)(iii) (take a child elsewhere for child-minding); or
    - (C) clause 7(1)(d) (care and support for a relative or other person); or
    - (D) clause 7(1)(i) (escape harm or the risk of harm); or
    - (E) clause 7(1)(j) (visit a person with whom you are in an intimate personal relationship); or

*Note: subclause (1AG)(b)(ii)(E) applies where you are staying with a person you are in an intimate personal relationship with and you are travelling from work.*

- (F) clause 7(1)(l) (to provide child minding assistance); or
- (G) clause 10(1)(a) (emergency purposes, which includes, without limitation, seeking emergency medical assistance); or
- (H) clause 10(1)(b) (as required or authorised by law); or
- (I) clause 10(1)(c) (for purposes relating to the administration of justice, including attending a police station); or

- (J) clause 10(1)(f) (the premises in which the person ordinarily resides is no longer available); or
- (K) clause 10(1)(i) (leaving Victoria); or
- (L) clause 10(1)(j) (leaving Australia); or
- (M) clause 10(1)(k) (for the purposes of national security).

*Note: the curfew provisions in subclause (1AG) reflect the curfew provisions under the State of Disaster.*

#### *Requirement to stay in the Restricted Area*

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

- (a) clause 6 (**necessary goods or services**);
- (b) clause 7 (**care or other compassionate reasons**);
- (c) clause 8 (**work or education**);
- (d) clause 10 (**other specified reasons**).

(1C) If a person who ordinarily resides in the Restricted Area leaves the Restricted Area in accordance with subclause (1B) or (1D), these directions and the **Restricted Activity Directions (Restricted Areas) (No 4)** apply to that person when outside of the Restricted Area as if they were in the Restricted Area.

#### *Principal place of residence*

(1D) If a person has more than one ordinary place of residence, their place of residence as at 11:59:00pm on 1 August 2020 must remain their principal place of residence for the duration of the stay at home period. If the person's chosen principal place of residence is:

- (a) within the Restricted Area, they must not leave to go to any other ordinary place of residence (regardless of whether it is within or outside the Restricted Area); or
- (b) outside the Restricted Area, they must not leave to go to any other ordinary place of residence within the Restricted Area,

except:

- (c) for the purposes of (and provided they comply with) clause 8 (**work or education**); or
- (d) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
- (e) for necessary maintenance of the other residence; or
- (f) for emergency purposes; or
- (g) as required or authorised by law.

#### *Ordinary place of residence*

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

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

#### *Face covering requirement*

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

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

- (7) Subclause (6)(a) does not apply if:

- (a) the person is an infant or a child under the age of 12 years; or
- (b) the person is a student while onsite at a primary school; or
- (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 work; or

*Examples: jogging, running.*

- (n) the person is travelling in a vehicle by themselves or where each other person in the vehicle ordinarily resides at the same premises; or
- (o) the person is riding a bicycle or motorcycle; or
- (p) the person is consuming food, drink or medicine; or
- (q) the person is smoking or vaping (including e-cigarettes) while stationary; or

- (r) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (s) the person is asked to remove the face covering to ascertain identity; or

*Examples: a person may be asked by police, security, bank or post office staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.*

- (t) for emergency purposes; or
- (u) required or authorised by law; or
- (v) doing so is not safe in all the circumstances.

### PART 3 — REASONS TO LEAVE PREMISES

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

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

- (a) take away food or drink; or

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

- (b) goods and services for health or medical purposes; or
- (c) other necessary goods or services including, but not limited to, goods or services provided by:
  - (i) a financial institution;
  - (ii) a government body or government agency;
  - (iii) a post office;
  - (iv) a **pharmacy**;
  - (v) a hardware store;
  - (vi) a petrol station;
  - (vii) a pet store or veterinary clinic;
  - (viii) a **retail facility** that is not prohibited from operating by the **Restricted Activity Directions (Restricted Areas) (No 4)**, regardless of whether that retail facility is within the Restricted Area or not.

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



*Example: as beauty salons are not open under the **Restricted Activity Directions (Restricted Areas) (No 4)**, a person may not leave their premises to attend a beauty salon in any location.*

## **7 Leaving premises for care or other compassionate reasons**

- (1) A person who ordinarily resides in the Restricted Area may leave the premises:
  - (a) to meet obligations in relation to shared parenting arrangements or family contact arrangements, whether the arrangements are under a court order or otherwise; or
  - (b) if the person is a parent or guardian of a child (with or without that child):
    - (i) to visit the child if the child is in detention, or in the care of another person; or
    - (ii) to meet any obligations in relation to care and support for that child; or
    - (iii) to take the child to another person's premises for the purpose of that other person providing child-minding assistance (whether on a paid or voluntary basis), so that the parent or guardian can:
      - (A) do one of the things specified in clauses 6 (necessary goods or services), 7 (care or other compassionate reasons), 8 (work or education), 9 (exercise) or 10 (other specified reasons); or
      - (B) work, or obtain educational services, from their own premises; or
  - (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; or
  - (d) to provide care and support to a relative or other person:
    - (i) who has particular needs because of age, infirmity, disability, illness or a chronic health condition; or
    - (ii) because of matters relating to the relative or other person's health (including mental health or pregnancy); or
  - (e) to attend a **care facility** if that attendance is not prohibited by the **Care Facilities Directions (No 8)**; or
  - (f) to attend a **hospital** if that attendance is not prohibited by the **Hospital Visitor Directions (No 9)**; or
  - (g) to attend a funeral or wedding, if that funeral or wedding complies with the requirements in clause 11; or

- (h) to donate blood; or
- (i) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at the premises; or
- (j) to visit a person with whom they are in an intimate personal relationship; or
- (k) to attend a cemetery or other memorial for a deceased person to pay respects to a deceased person; or

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

- (l) to provide child-minding assistance (whether on a paid or voluntary basis), so that the parent or guardian of a child can:
  - (i) leave their own premises for one of the purposes specified in clauses 6 (necessary goods or services), 7 (care or other compassionate reasons), 8 (work or education), 9 (exercise) or 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 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
  - (b) obtain educational services (which includes going to school 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) childcare, an early childhood educational facility, a school or another educational facility or institution; or
    - (ii) another person's premises for child-minding under clause 7(1)(b)(iii).
- (2) A person may leave the premises under subclause (1) only if it is not reasonably practicable for the person:
  - (a) to work from the premises; or
  - (b) to obtain education services from the premises.

*Note: if a school is providing on-site schooling, then other than in special circumstances, it is not reasonably practicable for a person employed or contracted to work in a registered school or to provide on-site support services to that school, to work from the premises where they ordinarily reside.*

## 9 Leaving premises for exercise

- (1) A person who ordinarily resides in the Restricted Area may leave the premises to exercise, but must:

- (a) only exercise at a facility, that is not prohibited by the **Restricted Activity Directions (Restricted Areas) (No 4)**, regardless of whether that activity or facility is within the Restricted Area or not; and

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

*Example: as swimming pools are not open under the **Restricted Activity Directions (Restricted Areas) (No 4)**, a person may not leave their premises to swim in a pool in any location.*

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

*Note 1: the effect of clause 11 is that a person can only exercise with one other person unless the exceptions of clause 11(3)(c) (care and support) or 11(3)(b) (child) apply.*

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

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

## 10 Leaving premises for other reasons

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

- (a) for emergency purposes; or
- (b) as required or authorised by law; or
- (c) for purposes relating to the administration of justice, including, but not limited to, attending:
- (i) a police station; or
- (ii) a court or other premises for purposes relating to the justice or law enforcement system; or
- (d) to attend a **place of worship**, if that place of worship is operating in accordance with the **Restricted Activity Directions (Restricted Areas) (No 4)**, regardless of whether that place of worship is within the Restricted Area or not; or

- (e) to attend a **community facility**, if that facility is operating in accordance with the **Restricted Activity Directions (Restricted Areas) (No 4)**, regardless of whether that community facility is within the Restricted Area or not; or
- (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; or
- (g) for purposes relating to, or associated with, **dealing in residential property**, including attending a private inspection of a residential property organised in accordance with the **Restricted Activity Directions (Restricted Areas) (No 4)** and the **Restricted Activity Directions (No 16)**; or
- (h) for the purposes of moving to a new premises at which the person will ordinarily reside; or
- (i) if the person ordinarily resides outside Victoria, for the purposes of leaving Victoria; or
- (j) if the person is permitted to leave Australia, for the purposes of leaving Australia; or
- (k) for the purposes of **national security**.

## PART 4 — GATHERINGS

### 11 Restrictions on gatherings

#### *Private gatherings*

- (1) During the stay at home period, a person must not enter a premises (at which they do not ordinarily reside) in the Restricted Area, except for one or more of the purposes specified in (and provided they comply with) clauses 6 (necessary goods or services), 7 (care or other compassionate reasons), 8 (work or education) or 10 (other specified reasons).
- (2) During the stay at home period, a person who ordinarily resides in the Restricted Area must not permit another person to enter the premises at which they ordinarily reside (whether or not entering any building on the premises), unless:
  - (a) the other person also ordinarily resides at the premises; or
  - (b) the person is residing at the premises in accordance with the **Diagnosed Persons and Close Contacts Directions (No 7)**; or
  - (c) it is necessary for the other person to enter the premises for one or more of the purposes specified in clauses 7 (care or other compassionate reasons) or 8 (work or education); or
 

*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 Areas) (No 4)**; or

- (e) it is necessary for the other person to enter for the purpose of moving to the premises as the place where they will ordinarily reside; or
  - (f) it is necessary for the other person to enter for medical or emergency purposes; or
  - (g) the entry is for purposes relating to the administration of justice; or
  - (h) the entry is otherwise required or authorised by law; or
  - (i) the entry is for the purposes of national security.
- (2A) During the stay at home period, a person who ordinarily resides in the Restricted Area must not enter a premises (at which they do not ordinarily reside) outside the Restricted Area except for one or more of the purposes specified in clauses 7 (care or other compassionate reasons), 8 (work or education) or 10 (other specified reasons).

#### *Public gatherings*

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

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

- (a) where it is necessary for the person to provide, or the person requires, care and support due to:
  - (i) age, infirmity, disability, illness or a chronic health condition; or
  - (ii) matters relating to the relative or other person's health (including mental health or pregnancy); or
- (b) if the person is a parent or guardian of a child, and the person cannot access any child-minding assistance (whether on a paid or voluntary basis) so that the parent or guardian can leave the premises without the child, then the child may accompany the person when gathering with one other person; or
- (c) for the purpose of attending a wedding in a Restricted Area that complies with the requirements in subclause (4); or

*Note: a person who ordinarily resides in the Restricted Area must not attend a wedding outside the Restricted Area, except as a celebrant who may leave the Restricted Area under clause 5(1B)(c).*

- (d) for the purpose of attending a funeral that complies with the requirements in subclause (5); or

- (e) it is necessary to arrange a meeting or organise a gathering for one or more of the purposes specified in clauses 7 (care or other compassionate reasons), 8 (work or education) or 10 (other specified reasons); or
- (f) where it is for one or more of the purposes specified in clause 6 (necessary goods or services) and the exceptions in clause 5(1AD) apply.

#### *Weddings and funerals*

- (4) The requirements for a wedding held in the Restricted Area are that:
  - (a) 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 Areas) (No 4)**.*

*Note 3: the requirements for a wedding held in an area other than in the Restricted Area are set out in the **Stay Safe Directions (No 9)**.*

- (5) The requirements for a funeral held in the Restricted Area are that:
  - (a) it involves no more than 10 members of the public regardless of whether it is held in an outdoor space or indoor space; and
  - (b) in any case (other than at a person's ordinary place of residence), the total number of members of the public present at the same time in the space must not exceed the density quotient; and
  - (c) if held at a person's ordinary place of residence, it must comply with the gathering restriction in 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 Areas) (No 4)**.*

*Note 3: the requirements for a funeral held in an area other than in the Restricted Area are set out in the **Stay Safe Directions (No 9)**.*

## **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 7)**, 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 8)**, these directions are inoperative to the extent of the inconsistency.
- (4) A reference in any other **Directions currently in force** or any **Direction and Detention Notice** to the **Stay at Home Directions (Restricted Areas) (No 4)**, the **Stay at Home Directions (Restricted Areas) (No 5)** or the **Stay at Home Directions (Restricted Areas) (No 6)** is taken to be a reference to these directions.

### **13 Definitions**

For the purposes of these directions:

- (1) **Area Directions (No 5)** means the directions issued by the Public Health Commander, setting out Restricted Areas, as amended from time to time;
- (2) **authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth;
- (3) **care facility** has the same meaning as in the **Care Facilities Directions (No 8)**;
- (4) **community facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas) (No 4)**;
- (5) **dealing** with residential property of a person includes:
  - (a) creating, acquiring, disposing of or assigning an interest in the property;
  - (b) receiving or making a gift of the property;
  - (c) using the property to obtain or extend credit; and
  - (d) using credit secured against the property;
- (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 requiring the person to be detained for a specified period;
- (8) **Directions currently in force** means the **Restricted Activity Directions (No 16)**, the **Restricted Activity Directions (Restricted Areas) (No 4)**, the **Stay Safe Directions (No 9)**, the **Area Directions (No 5)**, the **Diagnosed Persons and Close Contacts Directions (No 7)**, the **Hospital Visitor Directions (No 9)** and the **Care Facilities Directions (No 8)**;
- (9) **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;
- (10) **hospital** has the same meaning as in the **Hospital Visitor Directions (No 9)**;
- (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) **municipal district** has the same meaning as in the **Local Government Act 1989**;
- (14) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (15) **outdoor space** means a space that is not an indoor space;
- (16) **patient** has the same meaning as in the **Hospital Visitor Directions (No 9)**;
- (17) **pharmacy** has the same meaning as in the **Pharmacy Regulation Act 2010**;
- (18) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (19) **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;
- (20) **prison** has the same meaning as in the **Corrections Act 1986**;



- (21) **prisoner** has the same meaning as in the **Corrections Act 1986**;
- (22) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (23) **residential property** has the same meaning as in the **Estate Agents Act 1980**;
- (24) **Restricted Area** has the same meaning as in the **Area Directions (No 5)**;
- (25) **retail facility** has the same meaning as in the **Restricted Activity Directions (Restricted Areas) (No 4)**;
- (26) **Shire of Mitchell** means the municipal district under the local government of the Mitchell Shire Council;
- (27) **stay at home period** has the meaning in clause 4;
- (28) **vehicle** has the same meaning as in the PHW Act;
- (29) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (30) **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.



**Dr Finn Romanes**

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

2 August 2020