

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

Prohibited Gatherings Directions

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)**:

1 Preamble

- (1) The purpose of these directions is to prohibit non-essential gatherings in order to limit the spread of Novel Coronavirus 2019 (**2019-nCoV**).
- (2) These directions replace the **Mass Gatherings Directions (No 2)** given on 22 March 2020, and add two new categories of prohibited gatherings:
 - (a) social sport gatherings; and
 - (b) weddings and funerals.
- (3) These directions must be read together with the **Non-Essential Business Activity Directions** given on 25 March 2020.

2 Revocation

The Mass Gatherings Directions (No 2) are revoked with effect from midnight on 25 March 2020.

3 Citation

These directions may be referred to as the **Prohibited Gatherings Directions**.

4 Definition of density quotient

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

Note: If an indoor space is 8.5 metres long and 4.5 metres wide, its total area is 38.25 square metres. Its density quotient is 9.56, so no more than 9 people would be permitted to be in the indoor space at one time.

5 Prohibition on mass gatherings

- (1) A person who owns, controls or operates **premises** in Victoria must not allow a **mass gathering** to occur on the premises between midnight on 25 March 2020 and midnight on 13 April 2020.
- (2) A person must not organise for a mass gathering to occur between midnight on 25 March 2020 and midnight on 13 April 2020 on premises in Victoria.
- (3) A person must not attend a mass gathering on premises in Victoria between midnight on 25 March 2020 and midnight on 13 April 2020.

6 Definition of mass gathering

- (1) Subject to subclause (2), a **mass gathering** means:
 - (a) a gathering of five hundred (500) or more persons in a single undivided **outdoor space** at the same time; or
 - (b) a gathering of one hundred (100) or more persons in a single undivided **indoor space** at the same time; or
 - (c) for the purposes of clause 5(1) and (2) only, a gathering of fewer than 100 persons in a single undivided indoor space, unless:
 - (i) the total number of persons present in the indoor space at the same time does not exceed the **density quotient**; or
 - (ii) the gathering is at a person's private residence; or
 - (iii) the gathering is in a private vehicle, or a commercial passenger vehicle within the meaning of the **Commercial Passenger Vehicle Industry Act 2017**.
- (2) A **mass gathering** does **not** include a gathering:
 - (a) at an airport that is necessary for the normal business of the airport; or
 - (b) for the purposes of or related to public transportation, including in vehicles or at public transportation facilities such as stations, platforms and stops; or
 - (c) at a medical or health service facility that is necessary for the normal business of the facilities; or
 - (d) for the purposes of emergency services; or
 - (e) at a disability or aged care facility that is necessary for the normal business of the facility; or
 - (f) at a prison, correctional facility, youth justice centre or other place of custody; or
 - (g) at a court or tribunal; or
 - (h) at Parliament for the purpose of its normal operations; or

- (i) at a food market, supermarket, grocery store, retail store or shopping centre that is necessary for the normal business of those premises; or
- (j) at an office building, factory, mining site or construction site that is necessary for the normal operation of those premises; or
- (k) at a school, university, educational institution or childcare facility that is necessary for the normal business of the facility; or
- (l) at a hotel, motel or other accommodation facility that is necessary for the normal operation of accommodation services; or
- (m) at an outdoor place where five hundred (500) or more persons may be present for the purposes of transiting through the place; or

Example: Federation Square or Bourke Street Mall.

- (n) specified as exempt from these directions by the Chief Health Officer or a Deputy Chief Health Officer in writing; or
- (o) delivered by an operator who has a social distancing policy approved in writing by the Chief Health Officer or a Deputy Chief Health Officer.

(3) For the purposes of subclause (2)(k), a school event that involves members of the community in addition to staff and students is deemed not necessary for the normal business of the facility.

Note: The intended effect of subclause (3) is that a school event that involves members of the community in addition to staff and students will be a mass gathering if it involves a gathering of five hundred (500) or more persons in a single undivided outdoor space at the same time, a gathering of one hundred (100) or more persons in a single undivided indoor space at the same time, or a gathering of fewer than 100 persons that does not meet the density requirement. School events include assemblies, sporting events or parent-teacher events.

7 Prohibition on social sport gatherings

- (1) A person must not organise for a **social sport gathering** to occur on premises in Victoria between midnight on 25 March 2020 and midnight on 13 April 2020.
- (2) A person must not attend a social sport gathering on premises in Victoria between midnight on 25 March 2020 and midnight on 13 April 2020.
- (3) A **social sport gathering** means a gathering of two or more people, who do not ordinarily reside at the same premises, for the purpose of participating in a sporting activity together.

Examples: sporting activity includes bike-riding, playing football, running, cricket, netball, etc.

8 Prohibition on weddings and funerals

- (1) A person must not organise for a wedding or funeral to be held on premises in Victoria between midnight on 25 March 2020 and midnight on 13 April 2020.

- (2) A person must not attend a wedding or funeral in Victoria between midnight on 25 March 2020 and midnight on 13 April 2020.
- (3) Subclauses (1) and (2) do not apply:
 - (a) to a wedding, which involves only:
 - (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;
 - (b) to a funeral which involves no more than 10 persons (excluding persons necessary for the conduct of the funeral).

Note: This prohibition applies to weddings and funerals, regardless of whether they are held in an indoor space or an outdoor space.

- (4) If a wedding or funeral is held in an indoor space, the total number of persons present at the same time in the space must not exceed the density quotient.

9 Other definitions

- (1) **Authorised celebrant** has the same meaning as in the **Marriage Act 1961** of the Commonwealth.
- (2) **Indoor space** means an area, room or premises that is or are substantially enclosed by a roof and walls, regardless of whether the roof or walls or any part of them are—
 - (a) permanent or temporary; or
 - (b) open or closed.
- (3) **Outdoor space** means a space that is not an indoor space.
- (4) **Premises** has the same meaning as in section 3 of the PHW Act.

10 Prior exemptions and approvals cease to have effect

- (1) An exemption under paragraph 9(n) of the Mass Gatherings Directions (No 2) given on 22 March 2020 ceases to have effect when those directions are revoked.
- (2) An approval of a social distancing policy given under paragraph 9(o) of the Mass Gatherings Directions (No 2) given on 22 March 2020 does not have effect as an approval for the purposes of clause 6(2)(o) of these directions.

11 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.

Penalty: In the case of a natural person, 120 penalty units.
In the case of a body corporate, 600 penalty units.

(2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement



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.

25 March 2020