

# First Nations Guide to COVID-19 Laws - Victoria

17 September 2020



Governments have introduced wide-ranging temporary measures to help prevent the spread of coronavirus (COVID-19) and keep communities safe. The police have powers to enforce these public health directions.

This may change your daily life and what communities can do together. Where you live may affect what you can do.

This information sheet explains the public health directions in Victoria and the powers of the police.

Directions and police powers are changing regularly and so it is important to check for any updates.

A State of Disaster was declared in Victoria on 13 September 2020. The State of Emergency in Victoria has also been extended until 11 October 2020.

## A. Public health laws - Social distancing and travel within communities

### What are the Restricted Areas?

If you live in Metropolitan Melbourne, then you are in a 'First Step' Restricted Area and must stay at home.

From 11.59pm on 13 September 2020, a curfew is in place from 9pm to 5am every night. You are only allowed to leave your house during this time for permitted work, and essential health, care or safety reasons.

During the day, from 5am to 9pm, you can only leave your house for 4 reasons:

- Shopping for necessary goods and services within 5km from your home (or nearest provider if necessary goods and services are beyond 5km). Only one person per household once a day can leave home to get necessary goods and services
- Care and caregiving
- To exercise or for outdoor recreation once a day for 2 hours with your household, or one other person. You must not travel more than 5km from where you live.
- Work if you work at a 'permitted workplace' and have a permit. The Department of Justice website has more information:

<https://www.justice.vic.gov.au/permitted-worker-scheme>

- Visit the home of a person who lives alone or is a single parent (all children under 18), only if you are the sole nominated visitor of the person who lives alone or is a single parent and you are not a nominated visitor of any other person

See the next page for more detail on what you can do in a Restricted Area.

Metropolitan Melbourne includes:

**Banyule, Bayside, Boroondara, Brimbank, Cardinia, Casey, Darebin, Frankston, Glen Eira, Greater Dandenong, Hobsons Bay, Hume, Kingston, Knox, Manningham, Maribyrnong, Maroondah, Melbourne, Melton, Monash, Moonee Valley, Moreland, Mornington Peninsula, Nillumbik, Port Phillip, Stonnington, Whitehorse, Whittlesea, Wyndham, Yarra and Yarra Ranges.**

### Non-Restricted Areas: Regional Victoria

From 11:59pm on 16 September 2020, 'Third Step' restrictions apply to Regional Victoria, including Mitchell Shire. There are no restrictions on the reasons you can leave home or the distance you can travel across regional Victoria, however, there are limits on public gatherings, visitors to the home, education and childcare, work, recreation, travel and ceremonies.

### Do I have to wear a mask?

Yes. From 11:59pm 2 August 2020, everyone in Victoria must wear a face covering when they leave home, no matter where they live.

A mask must cover your nose and mouth. You can use a scarf or bandana to cover your nose and mouth if you do not own a mask.

You do not have to wear a mask if:

- You have medical reasons why you cannot wear a mask
- You are under the age of 12

- You are a student while onsite at a primary school or outside school hours care
- You are communicating with someone who is deaf, hard of hearing or mouth visibility is essential for communication
- You are doing strenuous physical exercise. Strenuous exercise includes activities like jogging, running or cycling, but not walking
- If your profession requires clear enunciation or visibility of their mouth
- If you are working on your own property with members of your household, but no staff or contractors on site
- When directed to remove it for identification reasons
- During emergencies
- If you are communicating with someone who is deaf or hard of hearing and seeing their mouth is essential for communication
- You are working by yourself in an enclosed indoor space
- You are working by yourself in an outdoor space
- You are one of two persons getting married
- You are travelling by yourself or with someone else in a vehicle
- You are consuming food, drink or medicine
- You are smoking or vaping (including e-cigarettes)

You should still carry your mask with you, even if you do not have to wear the mask.

If you do not wear a mask, you may be fined \$200.

### What do I have to do if outside of the home?

In addition to wearing a mask, everyone must practice **social distancing**, which means reducing contact between you and other people in the community to slow the spread of COVID-19. If you are outside, you need to:

- stay at least 1.5 metres away from other people
- make sure there is only 1 person per 4 square metres

### Restricted Areas – When can I leave the house?

If you live in Metropolitan Melbourne, you can leave the house for the following reasons (between 5am and 9pm only):

- to shop for food and other necessary goods and services (or nearest provider if necessary goods

and services are beyond 5km). Only one person per household once a day can leave home to get necessary goods and services

- to go to work if your workplace is a permitted workplace and you have a permit
- to exercise or for outdoor recreation once a day for 2 hours with your household, or one other person. You must not travel more than 5km from where you live
- to visit the home of a person who lives alone or is a single parent (all children under 18), only if you are the sole nominated visitor of the person who lives alone or is a single parent and you are not a nominated visitor of any other person
- access medical services. This includes seeing a doctor or to get medical supplies, if you have health or mental health concerns, or are pregnant
- visiting a partner at home (if you live separately)
- provide care to people in need, or for compassionate reasons. This includes:
  - to donate blood
  - if you have shared parenting obligations and need to transport children between homes
  - to look after a child at someone's home because that person needs to leave the house
  - if you are the parent or guardian of a child and you wish to visit the child because they are in the care of another person or organisation, or you have obligations in relation to the care and support of the child
  - to provide childcare or early childhood education or school to a child who lives in the care of the State or family or family violence service
  - if you have carer responsibilities, for example, picking up or dropping off children in a foster care or respite care arrangement
  - to drop off or pick up a child at personal or private childcare, early childhood education or school, if you need to go to work if your workplace is a 'permitted workplace'
  - to provide care and support to a relative or other person – such as shopping, cooking or house-cleaning – because of their old age, infirmity, disability, sickness (including mental health concerns), pregnancy or chronic health condition

- to visit someone in an aged care facility, disability accommodation or other residential care facility (however restrictions apply on visits)
- to visit someone in hospital (however restrictions apply on visits)
- to attend the funeral service of a relative or close friend (10 people maximum regardless of indoor or outdoor funeral)
- to get married if one or both of the persons being married are at the end of life or will be deported from Australia unless the marriage takes place (5 people maximum, including the two persons getting married, celebrant and witnesses).

You may also leave your home in an emergency or if required by law.

You can also not travel to a Non-Restricted Area, unless travel is required for care or compassionate reasons, permitted work or study, or for necessary goods or services (if it is in 5km from where you live).

### **Non-Restricted Areas – What if I want to visit a Restricted Area (but I don't live in one)?**

If you don't live in a Restricted Area then you can only travel there to shop for necessary goods or services (if it is in 5km from where you live), for care or compassionate reasons, and to work or study.

If you live in a Non-Restricted Area, you may travel through one of the Restricted Areas to travel to another part of the Non-Restricted Area, however you should try to plan your trip so that you don't need to stop.

### **Restricted Areas – Can I meet other people?**

Yes, but you can only meet one other person outside for exercise or outdoor recreation once a day for 2 hours. You must not travel more than 5km from where you live.

Yes, if you live alone or are a single parent (all children under 18), you can nominate one person to visit you in your home. That nominated person cannot be a nominated visitor of any other person who lives alone (called a 'single social bubble').

You are not permitted to have visitors to your home or visit other people in their homes unless you are in a single social bubble.

### **Living outside a Restricted Area (in Regional Victoria)**

If you live in a Non-Restricted Area, you are subject to 'Third Step' Restrictions. There are no restrictions on

the reasons you can leave home or the distance you can travel across regional Victoria, however, there are limits on public gatherings, visitors to the home, education and childcare, work, recreation, travel and ceremonies. a number of restrictions still in place.

When you leave the house, you must wear a mask, practice social distancing and comply with all restrictions on gatherings.

You can leave the house for any reason, including to:

- Attend work where it is not reasonably practicable to work from home
- Visit a restaurant with up to nine other people
- Visit retail stores, hairdressing, beauty and personal care
- Obtain educational services where students are undertaking VCE, VCAL or VETiS, enrolled in special schools, are vulnerable young persons or if they are unable to access education from home. Tertiary education can also occur where not reasonably practicable to occur remotely
- Provide care and support for health reasons or child-minding services
- Visit the home of a person with whom you form a household bubble. There can only be two households, of not more than five persons in each, forming part of the household bubble and you can only be part of one household bubble
- Exercise or meet outdoors for social interaction with up to 9 other people. Two or more groups of 10 cannot meet for a common purpose at a public place. You should use the parks and public spaces which are closest to your home. To stop the spread of COVID-19, you cannot travel to Metropolitan Melbourne to exercise
- Visit indoor and outdoor entertainment facilities e.g. cinemas, galleries, museums, arenas and zoos
- Attend an auction, private inspection of a premises or move home
- Play sport at outdoor facilities e.g. golf
- Visit holiday accommodation and camping sites, including participating in outdoor tourism e.g. hiking, horse-back riding and walking
- Play professional sports
- Go to an outdoor skate park
- Play outdoor sports (contact and non-contact sports for under 19s; non-contact sport for over 19s)

- Attend an outdoor religious gathering (not ceremonies) of up to 10 people plus one faith leader or participate in private worship by one household or social bubble
- Travel across Non-Restricted Areas in Victoria (not to a Restricted Area in Metropolitan Melbourne)
- Attend a funeral (no more than 20 guests)
- Attend a wedding (limited to eight guests - the couple, and the celebrant)

### **What about family in other houses, can we visit each other?**

#### *If you live in a Restricted Area*

Yes, if you live alone or are a single parent (all children under 18), you can nominate one person to visit you in your home (called a 'single social bubble').

Otherwise, you cannot have visitors to your home or visit friends of family who live in another house, except for caregiving or compassionate reasons, or providing certain services. You must stay home. *If you do not live in a Restricted Area*

You can create a 'household bubble' with one nominated household allowing up to 5 visitors from that household at a time (infants under 12 months of age are not included in the cap). The household you form a bubble with must live in regional Victoria. Only two households can form a household bubble and you can only be part of one household bubble. **What if I don't feel safe in my home?**

You can leave if there is family violence, or violence by another person in the home. You can leave even if you are in a Restricted Area.

If you are in a family violence refuge or other emergency accommodation and you don't have an alternative safe accommodation option, you can stay there.

### **When do I have to self-isolate or quarantine?**

**Self-isolation** means that if you are confirmed to have COVID-19, you must stay at home (or at other accommodation) until you are told by a Public Health Officer that you can go back to your usual activities. If you live with other people, you should stay in a different room as much as possible, use a different bathroom, and wear a surgical mask when you see other people. You must not go out, except if you need medical attention.

**Quarantine** means staying in your home, hotel or health care setting for a minimum of 14 days, as a

precaution in particular circumstances, in case you develop COVID-19. You must quarantine if you:

- have been in close contact with someone who is a confirmed case of COVID-19
- if you have COVID-19 symptoms: fever or a cough, sore throat, shortness of breath or respiratory illness
- if you have returned to Australia from overseas
- if you travel between some states (for example, if you travel over the border to South Australia- see further below)

If you have COVID-19 symptoms during quarantine, you should contact a health professional.

### **What restrictions are there around using my car?**

#### *If you live in a Restricted Area*

From 2 August 2020, you can no longer leave your home to go for a drive. You can drive if you are leaving home for shopping for food and necessary supplies, medical care and caregiving and work.

#### *If you do not live in a Restricted Area*

You can go for a drive but should comply with 'Third Step' Restrictions. When you do leave your car, you must wear a mask. You can have passengers in your car but, where possible, this should be avoided, unless they live in your household.

### **Can I care for Elders?**

You can care for an Elder in need. However, older people are the most vulnerable to COVID-19 and you should think of ways you can care for them without close contact. For example, you could leave food on their doorstep, or clean or do other chores while they sit away in another room. You should stay at least 1.5 metres away at all times.

If you are well and have not been in known contact with a confirmed case of COVID-19 in the past 14 days, you can visit an aged-care facility to give care and support to a resident. You should keep 1.5 metres away from the residents and workers.

Only one person can visit at a time and the visit cannot be longer than one hour except to support end-of-life care. Each resident can have no more than one visit (of up to two visitors) a day. Visitors can only be under 16 if the Elder is receiving end-of-life care. You will also need an up-to-date influenza vaccination.

You should call the aged-care facility ahead of visiting to check they don't have any other restrictions in place.

### **Can we still get together outside for community events?**

### *If you live in a Restricted Area*

Community gatherings are not allowed. You must not enter any premises for any reason other than the specified permitted reasons (work, emergencies, shop for food, and compassionate reasons).

### *If you do not live in a Restricted Area*

You can attend a gathering of up to 10 people outdoors.

### **What about Sorry Business and funerals?**

#### *If you live in a Restricted Area*

You can attend Sorry Business and funerals but restrictions apply. If the ceremony is held in a Restricted Area, only 10 people can attend plus those required to conduct the funeral. If the funeral is held at home, only people who ordinarily live there can attend, plus those required to conduct the funeral.

You can travel to a funeral outside a Restricted Area (see below).

#### *If you do not live in a Restricted Area*

You can attend Sorry Business and funerals. Only 20 people can attend plus those required to conduct the funeral. You will still need to follow social distancing protocols.

### **What if I can't pay my rent?**

If you have lost your job, or you are making less money because of COVID-19, you should get in touch with your landlord as soon as possible to discuss options.

If you fall behind in rent, until 29 September 2020, you can't be evicted if you can't pay rent because you are suffering hardship as a result of COVID-19. You can still be evicted for other things, like damaging your property or not paying rent because of other reasons. You may also be eligible for a rent relief grant if you are suffering hardship. If your application is successful, payments will be made directly to your agent or landlord to contribute towards your rent payments. Details on how to apply are set out in Part E of this factsheet.

Landlords are not allowed to increase rent at this time.

## **B. Police enforcement powers**

### **What powers do the police have to enforce these directions?**

If you don't comply with social distancing, self-isolation, wearing a mask when required, curfew restrictions or any other Government order, police may:

- issue an on-the-spot fine

- arrest you
- restrict your movements within Victoria
- prevent you from entering Victoria
- give any other direction reasonably necessary to protect public health

There will be greater police presence in Restricted Areas, including roadblocks.

### **Do police have to issue a fine?**

No, the police have the discretion to choose how to respond. For example, police can decide to give you a warning and not issue a fine.

### **Can police arrest me if I do not follow a public health direction?**

Yes, under certain circumstances. If police believe on reasonable grounds that someone constitutes a serious risk to public health, they can arrest that person for as long as reasonably necessary to eliminate or reduce that risk. An arrest should always be a last resort.

### **What do I have to do if approached by police?**

If requested by a police officer, you need to provide your name, address, and any other information they require for the purpose of investigating, eliminating or reducing a risk to public health. This could include the reason why you are out of the house. Refusing to give this information without a reasonable excuse could result in a fine.

Before asking you to do something, Police will give you a warning that it is against the law not to follow their instructions, unless it is not practicable to do so.

You can film your interaction with police in a public place if you are concerned about your rights.

### **What are the possible penalties?**

Victoria Police have the power to issue the following on-the-spot fines:

- \$1,652 for persons and \$9,913 for businesses who do not comply with any Government directions
- \$200 for persons who are not wearing a face covering and do not have a lawful reason for doing so
- \$4,956.6 for persons who do not self-isolate or self-quarantine when they are required to do so

Instead of issuing an on-the-spot fine, police may decide to either arrest a person and/or issue a court

notice requiring them to attend court. An arrest should only be a last resort, especially if the offence is less serious. The court may impose a fine of up to \$19,826.40 for individuals and \$99,132 for businesses.

If you attempt to leave a Restricted Area (e.g.. leave Metropolitan Melbourne and travel to Regional Victoria) without a valid reason, you may receive a \$5000 fine.

Fines can be issued to a person aged 10 years or over.

### **Appeals, waiver, reduction**

You can request a review of your penalty notice by contacting Fines Victoria and/or have the matter heard in the Magistrates' Court (or the Children's Court, if you are under 18 years of age).

You may have a defence if there was a reasonable reason for you being unable to follow the Government order. You may also be able to seek a reduction or waiver on grounds of financial disadvantage or arrange to pay by instalments.

You should get legal advice before taking the matter to court, as the court may order you to pay further costs.

### **C. Restrictions on movement into Aboriginal communities and interstate**

#### **Can I travel to another State?**

There are new restrictions on movement between Victoria and other states and territories. These may mean that borders are closed to Victorians, that a permit is required to enter that visitors are required to quarantine. You should check the rules in the state or territory before you travel.

If you live in the NSW-Victorian border region (50km either side of the border), you may be eligible for a [border region resident permit](#) to enter NSW. If you have a border region resident permit, you can cross the border to get necessary goods or services, for care or other compassionate reasons, to attend work or education (if not possible to do so from home) or permanently relocate to NSW.

#### **What if I travel to another State for work?**

If you live at or near the South Australian border, and cannot work from home, you may be deemed an 'essential traveller'. As an essential traveller, you can move freely between Victoria and South Australia for work. Permit restrictions may apply. If you are not an essential traveller, you should not travel.

If you live in the NSW-Victorian border region (50km either side of the border), you may be eligible for a

[border region resident permit](#) to enter NSW. If you have a border region resident permit, you can cross the border to attend work (if not possible to do so from home).

#### **Can I travel to remote communities in Victoria or another State?**

##### *If you live in a Restricted Area*

You cannot travel further than 5km from your home for one of the four "permitted" reasons and you should stay as near to your home as possible. You must also stay home between the hours of 9:00pm and 5:00am, other than for work and essential health, care or safety reasons.

##### *If you do not live in a Restricted Area*

You can travel across the Non-Restricted Area and can only enter the Restricted Area to buy necessary goods and services, for care and compassionate reasons or for permitted work.

### **D. Businesses**

Businesses which are allowed to trade must follow physical distancing requirements by allowing entry to no more than one person for every four-square-metres of available floor space in their shop. For example, if a shop has a total floorspace of 20 square metres, then no more than 5 people (including staff) can be in that premises at the same time.

It is an offence for a business to not follow a direction.

#### **Restricted Areas – What if my business is in a Restricted Area?**

From 11:59pm Wednesday 5 August, workplaces in Restricted Areas must be closed unless the workplace is part of a permitted industry or all employees are working home.

##### *Permitted Worker Scheme*

If you are required to attend your workplace because your organisation is on the list of permitted activities, your employer must issue you with a worker permit. It is your employer's responsibility to issue a worker permit. You must carry your worker permit with you to and from your workplace.

##### *Businesses in Restricted Areas which must close include:*

- All retail stores, except for 'click and collect' or contactless delivery and essential services listed below
- Personal care services, including hairdressers
- Pubs, bars, nightclubs, food courts and taverns
- Accommodation

- Real Estate Services, Architectural and Engineering Services, Legal and Accounting Services, Advertising Services, Travel Agency and Tour Arrangement Services, Call Centre Operations
- Preschool, primary, secondary and tertiary education, including special schools (except in certain circumstances, such as where parents are essential workers or children are vulnerable)
- Museums, Parks and Gardens; Creative and Performing Arts; Sports and Recreation; Gambling and Alpine Resorts
- Religious services and places of worship

*Businesses in Restricted Areas which are part of the list of permitted activities include:*

- Essential services, such as supermarkets and liquor shops, bakeries, butchers, banks, petrol stations, pharmacies, post offices, public transport, taxis and hardware stores (for tradespeople only)
- Restaurants and cafes who must only serve take away and home delivery
- Large scale construction with 25% of employees onsite and small scale construction with a maximum of five workers
- Health services provided in hospitals and aged care services, as well as services that relate to the COVID-19 health response
- Law enforcement, emergency services and correctional facilities
- Certain manufacturing, wholesale, distribution, transport services, public administration services

**Non-Restricted Areas - What if my business is located in a Non-Restricted Area?**

From 11:59pm Wednesday 16 September, certain businesses will be subject to trading restrictions.

Certain businesses that are allowed to operate must limit the number of members of the public in their facility at any time. The number of people permitted in each facility is based on a “density quotient”. The “density” quotient is unique, calculated by dividing the total accessible space in the facility (in square metres):

- by 2 for food and drink facilities; and
- by 4 in any other shared space.

For example, an outdoor food and drink facility with a total area of 38 square metres has a density quotient of 19, so no more than 19 members of the public can be in the space at once.

Businesses subject to trading restrictions include:

- Restaurants and cafes can open for outdoor dining to the lesser of the density quotient or 50 seated customers and a ‘two square metre’ density limit. Groups cannot be greater than 10 people. Indoor dining can occur to the lesser of the density quotient for that facility or 10 seated customers (provided that the total number of members does not exceed 20 persons indoors) and subject to the ‘four square metre’ rule
- Retail shops can open subject to compliance with density quotients for each indoor space
- Hairdressing services, beauty and personal care are open (but only where a mask can be worn for the duration of the service and comply with the density quotient for each indoor space)
- Libraries and community venues will be closed, except for essential public support services like food banks (with no more than 20 persons)
- Real estate auctions can occur with up to 10 persons and private inspections can be arranged
- Physical recreation facilities will reopen in some cases:
  - Indoor sports centres including gyms and training facilities will stay closed. Fitness and dance classes must be broadcast electronically.
  - Outdoor sporting facilities will be open and outdoor personal training can only occur with 10 participants plus the instructor except where a distance of at least 100 metres between groups can be maintained at all times (e.g. a golf course).
  - Community outdoor sports (contact and non-contact sports for under 19s; non-contact sport only for over 19s)
  - Outdoor swimming pools will be open up to the lesser of 50 people or the density quotient permitted in the water and non-water parts of the facility, and subject to a ‘four square metre’ rule
- Educational facilities can operate for VCE, VCAL and VETiS students, vulnerable young persons and persons enrolled at special schools. Tertiary education can occur if not reasonably practicable to occur remotely. Childcare services can also operate
- Outdoor non-seated venues can operate, including theatres, cinemas, music halls, galleries

and museums (except for entertainment and sporting events) provided that the number of guests does not exceed the “density quotient” for that venue, there is a COVIDSafe Plan and there is no access to indoor spaces

- Drive-in cinemas can operate provided it is entirely outdoor and accessed by vehicles
- Seated outdoor spaces can operate, including theatres, cinemas, music halls, galleries, museums, arenas and convention centres (except for entertainment and sporting events) provided that the number of members is the lower of 50 or 25% of the maximum fixed seated capacity, there is no access to indoor spaces and patrons are seated at least 1.5 metres away from others
- Indoor entertainment facilities including theatres, cinemas, music halls, galleries, museums, arenas and convention centres (except for entertainment and sporting events) provided that the number of guests does not exceed the “density quotient” for that venue and here is a COVIDSafe Plan
- Animal facilities such as zoos and aquariums can operate non-seated outdoor spaces subject to the density quotient permitted at the facility, provided there is no access to any indoor space and with a COVIDSafe Plan. Seated outdoor spaces can operate to the lower of 50 persons or 25% of the maximum capacity. Visitors to indoor spaces must be limited based on the density quotient for that space
- Holiday accommodation and camping can operate but only for those living in regional Victoria
- Tourism operations can occur if provided solely outdoors e.g. hiking and walking and the number of members on a tour does not exceed 10
- Places of worship will be open for private worship for households or social bubbles, plus a faith leader. Religious gatherings can also occur outdoors for up to 10 people. Weddings can occur with a maximum of eight guests and funerals with a maximum of 20 guests

From 5 October, primary schools will commence a staggered return to on-site learning. From 12 October, all secondary school students will commence a staggered return to on-site learning.

All businesses, including essential businesses, must follow social distancing requirements, cleaning requirements and ensure employees wear face coverings at all times.

## **E. Who to call for help or information**

### **General information and helplines**

If you are looking for further information on COVID-19, you can contact:

- National Coronavirus Helpline: 1800 020 080
- Victoria State Government, Health and Human Services – Corona virus hotline: 1800 675 398

### **Apply for a rent relief grant**

Before you can apply for a grant, you must reach an agreement for a rent reduction with your landlord and lodge this agreement with Consumer Affairs Victoria, or complete a mediation process with Consumer Affairs Victoria.

Once you have done this, you can apply for a Rent Relief Grant online:

<https://rentrelief.covid19.dhhs.vic.gov.au/>.

### **If you need to talk to someone about fines?**

- Victorian Aboriginal Legal Service (VALS) on 1800 064 865 or [www.vals.org.au](http://www.vals.org.au)
- Victoria Legal Aid on 1300 92 387 or [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

Updated 17 September 2020

*This guidance sheet is not a substitute for legal advice. You should contact a lawyer for specific legal advice or referral.*