

First Nations Guide to COVID-19 Laws - Victoria

1 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 2 August 2020. The State of Emergency in Victoria has also been extended until 13 September 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 Restricted Area and must stay at home.

From 2 August 2020, a curfew is in place from 8pm 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 8pm, 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.
- Exercise once a day for 1 hour. You must not travel more than 5km from where you live to exercise. You can exercise with one other person who you live with.
- 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>.

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 5 August 2020, Stage 3 Stay at Home restrictions apply to Regional Victoria, including Mitchell Shire. You can only leave home for 4 reasons:

- To shop for food and essential goods and services
- To provide care, for compassionate reasons or to seek medical treatment
- To exercise or for outdoor recreation with your household, or one other person
- For work or study, if you can't do it from home

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 8pm only):

- 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

- go to work if your workplace is a permitted workplace and you have a permit
- exercise (with only one other person of your household once a day for 1 hour within 5km of your home)
- 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.

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 for one of the four reasons mentioned on Page 1 – shopping for necessary goods or services, care or compassionate reasons, exercise, and work or study.

If you need to travel through one of the Restricted Areas you can, however you should try to plan your trip so that you don't need to stop.

Restricted Areas – Can I meet other people?

No, you are no longer permitted to have visitors to your home or visit other people in their homes.

Living outside a Restricted Area (in Regional Victoria)

If you live in a Non-Restricted Area, you are subject to Stage 3 Restrictions and can only leave your house for the reasons listed on page 1.

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 to:

- Provide care and support for health reasons
- Exercise outdoors in a public space either alone or with members of your household or with one other person outside your household. 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.
- Play golf
- Go to a park for exercise or wellbeing
- Go to a dog park
- Go to a beach close to your home
- Cross country ski if it is close to your home

- Complete these recreational activities: fishing, hunting, boating, surfing, recreational driving, learning to drive or reading in a park
- Go horse-riding
- Play professional sports
- Attend a funeral (no more than 10 guests plus those required to conduct the funeral)
- Attend a wedding (limited to 5 people- the couple, two witnesses and the celebrant)

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

If you live in a Restricted Area

No, 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 no longer have visitors in your house except for certain reasons.

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 you should not leave your vehicle except for shopping for necessary goods or services, care, caregiving or compassionate reasons, and work or study. 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?

Community gatherings are no longer allowed. You must not enter any premises for any reason other than the specified permitted reasons (work, emergencies, shop for food, and compassionate reasons).

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 10 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.

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.

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.

What if I travel to another State for work?

If you live at or near the New South Wales or South Australia border, and cannot work from home, you may be deemed an 'essential traveller'. As an essential traveller, you can move freely between Victoria and the neighbouring state for work. Permit restrictions may apply.

If you are not an essential traveller, you should not travel.

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 8:00pm and 5:00am, other than for work and essential health, care or safety reasons.

If you do not live in a Restricted Area

You cannot travel except for one of the four "permitted" reasons and you cannot travel into the Restricted Areas, except 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 5 August, certain businesses will be subject to trading restrictions. This means that:

- Restaurants and cafes must only serve take away and home delivery
- Pubs, bars, clubs and nightclubs will be closed, except to offer takeaway food and alcohol or for accommodation purposes
- Beauty and personal care services will be closed, except for hairdressers and barbers (but they must follow records requirements)
- Libraries and community venues will be closed, except for essential public support services like food banks
- Auction houses and real estate auctions must occur remotely, and inspections must occur by private appointment
- Physical recreation facilities will be closed:
 - Indoor sports centres including gyms and training facilities
 - Some outdoor sporting facilities will be closed and outdoor personal training can only occur with two participants plus the instructor
 - Community sport training and competition cannot occur
 - Swimming pools will be closed
 - You can only exercise or undertake sporting activities outside with one other person or household member and keep at least 1.5 metres of distance between yourself and others
- Entertainment facilities will be closed. These include galleries, museums, historic sites, zoos, outdoor amusement parks, arcades, play centres,

indoor and drive-in cinemas, concert venues, theatres, auditoriums, stadiums, and casinos

- Holiday accommodation and camping will be closed
- Places of worship will be closed (services will continue online). Weddings can occur with a maximum of five people and funerals with a maximum of 10 people

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
- Victoria Legal Aid on 1300 92 387 or www.legalaid.vic.gov.au

Updated 29 August 2020

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