

First Nations Guide to COVID-19 Laws - Victoria

15 May 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.

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. Public health laws - Social distancing and travel within communities

The Victorian Government has made a rule that all Victorians must stay at home to slow the spread of COVID-19. This is called the “Stay at home direction”. This is compulsory and means that you can only leave your home for a small number of reasons.

When can I leave the house?

From Wednesday 13 May 2020, you can only leave your home for a “permitted” purpose or reason. These are to:

- shop for food and other necessary goods and services;
- go to work or education if you can't do those things from home;
- exercise and outdoor recreational activities;
- 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 friends and family, if you really need to;
- 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 or study
- 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 (however only 10 people can attend)

- to get married, or be a witness to a marriage

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

What do I have to do if outside of the home with a reasonable excuse?

Social distancing 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
- only meet with up to 10 other people (gatherings can be no more than 10 persons, this is the “ten-person” rule)
- only 1 person per 4 square meters can be in shops and businesses.

When does this not apply?

The ten-person rule does not apply:

- when you are at a gathering at home: you are only permitted 5 visitors
- when you are with people you already live with
- when you are at work
- when you are at school (or other education)
- if you are attending a wedding (maximum 10 guests, plus the couple and celebrant) or funeral (maximum 20 persons for an indoor ceremony and 30 people at an outdoor ceremony)

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

Visiting your family that you don't live with increases the risk of spreading COVID-19. Generally, you should minimise visits to your family in other houses or having family visit you.

You can have 5 visitors to visit the normal residents of a household.

You are allowed to visit your family in other houses, or have someone visit you, to:

- provide necessary care and support because of illness, disability, age or pregnancy
- look after children

Partners living in separate houses are allowed to visit each other at home.

What does this mean for children and young people living in out of home care?

If a child or young person is currently living in out of home care, including residential care units, kinship care or foster care, this is considered their normal place of residence for the purposes of the Stay at Home direction. Placements can continue to change to best meet their safety and care needs during this time.

If you are the parent or guardian of the child or young person, any existing arrangements for visits would continue.

What if I am homeless?

The rule of staying at home does not apply to you if you are homeless, unless you have had temporary accommodation arranged for you.

If you or someone you know is in immediate need of crisis or emergency accommodation, please contact the statewide after-hours service on 1800 825 955 (free call) Monday to Friday and 24 hours on weekends and public holidays.

What if I don't feel safe in my home?

You can leave your home if there is family violence, or violence by another person in the home.

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?

You can use your car but only if you have a permitted reason (e.g. to shop for food, get medical attention, go to work, exercise, or for care reasons).

Having passengers in your car, or being a passenger in someone else's car, should be avoided unless they live with you. It is not a rule, however cars are enclosed spaces and have an increased risk of transmission of COVID-19.

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 two people can visit at a time and the visit cannot be longer than two hours except to support end-of-life care. Each resident can have no more than one visit (of up to two visitors) a day. 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 events (other than weddings and funerals) are not a permitted reason to leave your home. Events should be rescheduled or, if possible, be online. This is difficult, but is to keep families and communities safe.

However, religious gatherings and ceremonies will be permitted with a maximum of 10 people, plus the people required to perform the ceremony.

What about Sorry Business and funerals?

You can attend Sorry Business and funerals. Up to 20 people are permitted to attend an indoor ceremony and up to 30 people are permitted to attend an outdoor ceremony. 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 because of COVID-19. 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.

You can still be evicted for other things, like damaging your property or not paying rent because of other reasons. 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 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

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 on-the-spot fines of \$1,652 for persons and \$9,913 for businesses who do not comply with any Government directions.

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 currently no restrictions on movement between Victoria, New South Wales and the Australian Capital Territory. However, you must stay home unless you have a permitted reason (eg to shop for food, get medical attention, go to work, exercise, or for care reasons).

If you live at or near the South Australian border there are restrictions that prevent free movement between South Australia and Victoria. If you decide to enter South Australia and are not considered an "Essential Traveller" you will be required to self-isolate for 14 days from your date of arrival in South Australia.

What if I travel to another State for work?

If you live at or near the New South Wales border, you can move freely between New South Wales and Victoria for your work where it is not possible to work from home.

If you work in Victoria and ordinarily travel to South Australia for work, education or daily life you will be considered an "Essential Traveller". This means you are allowed to travel between these two States without restriction.

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

There are currently no restrictions on travel to remote and regional communities in Victoria, New South Wales and the Australian Capital Territory. However, as explained above you must only leave your home to attend work or school, buy food, seek medical care and exercise. When planning to visit another community, you should consider calling beforehand to check on any requests from community for out-of-town visitors and postpone travel if you are unwell.

You cannot travel to remote communities in South Australia unless you are entering for the purpose of delivering an essential service or providing medical treatment. If you do enter a remote community you are required to self-isolate for 14 days before you can enter and once you leave you cannot re-enter until you self-isolate for 14 days. Restrictions are also in place in the Northern Territory, Queensland and Western Australia.

D. Businesses

The Victorian Government has restricted sporting, cultural, recreational and commercial activities to minimise the risk of people being in close contact with each other.

Businesses which are allowed to trade must:

- Allow 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.
- Put a sign at the entrance which says how many people there can be in the shop at one time
- Clean surfaces appropriately.

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

What businesses are still open to the public?

Essential services will remain open, which includes supermarkets, bakeries, butchers, banks, post offices, medical services, pharmacies, petrol stations, public transport, childcare services and some retail stores.

What businesses are closed to the public?

Some businesses must be closed to the public, including pubs, bars, clubs or nightclubs, caravan and camping parks (except to permanent residents), gyms, health clubs, swimming pools and indoor sporting venues, casinos and entertainment venues, cinemas, concert venues and theatres, amusement parks and arcades, children's play centres, play grounds and skate parks, zoos, aquariums and wildlife parks, museums, national institutions and historic sites, libraries, community centres and youth centres (except to provide essential voluntary services such as food banks and homeless services), auction houses, real estate auctions and open for inspections, non-food markets and beauty and personal care services, such as waxing and nail salons.

What businesses have restricted public access?

- Schools for Term 2 where all students who can learn from home must learn at home (except students cannot learn online or cannot be supervised)
- Restaurants, cafes and food courts can only sell takeaway meals
- Hotels can only provide accommodation or takeaway meals
- Food markets must ensure there is no more than 1 person for every 4 square metres
- Places of worship can only conduct weddings with a maximum of 5 attendants and funerals with a maximum of 10 attendants
- Hairdressers and barber shops must ensure there is no more than 1 person for every 4 square metres of space
- Arenas, auditoriums and stadiums where performances must only operate where a small group performs to an online audience via live-streaming
- Outdoor boot camps and personal training must ensure there is a maximum of two people at any session and ensure each person has 4 square metres of space

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/>.

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