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

Area Directions (No 5)

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):

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 identify areas within Victoria which have a higher prevalence of, or risk of exposure to, 2019-nCoV and which are subject to specific directions which are reasonably necessary to protect public health.
   (3) These directions must be read together with the Directions currently in force.

2 Citation
   These directions may be referred to as the Area Directions (No 5).

3 Commencement and revocation
   (1) These directions apply beginning at 11:59:00pm on 30 July 2020 and ending at 11:59:00pm on 16 August 2020.
   (2) The Area Directions (No 4) are revoked at 11:59:00pm on 30 July 2020.

4 Restricted Area
   For the purposes of the Directions currently in force, the Restricted Area means the aggregate area consisting of the municipal districts, suburbs, localities and addresses within greater Melbourne and the Shire of Mitchell.

5 Safety Area
   For the purposes of the Directions currently in force, the Safety Area means the aggregate area consisting of the municipal districts under the local government of:
   (1) Colac Otway Shire Council;
   (2) Golden Plains Shire Council;
   (3) City of Greater Geelong Council;
(4) Moorabool Shire Council;
(5) Borough of Queenscliffe Council; and
(6) Surf Coast Shire Council.

6 Addition or exclusion power

(1) The Chief Health Officer or Deputy Chief Health Officer may add to or exclude from the Restricted Area or the Safety Area any municipal district, suburb, locality, address or other identified area, if satisfied that such an addition or exclusion is appropriate, having regard to the:

(a) need to protect public health; and
(b) principles in sections 5 to 10 of the PHW Act, as appropriate.

(2) An addition or exclusion under subclause (1) must:

(a) be in writing and published on the website of the Department of Health and Human Services; and
(b) specify the relevant municipal district, suburb, locality, address or other identified area with sufficient particularity.

(3) An addition or exclusion under subclause (1) does not prevent an authorised officer from exercising an emergency power to give a person a different direction or impose a different requirement on the person.

7 Relationship with other directions

(1) If there is any inconsistency between any Directions currently in force (or a provision of such a direction) that applies generally to the State of Victoria and an equivalent Direction currently in force (or a provision of such a direction) that applies specifically to the Restricted Area (or the Safety Area), then the direction that applies to the Restricted Area (or the Safety Area, as applicable) prevails to the extent of the inconsistency.

Example: if the Stay Safe Directions (No 8) permits gatherings in public places in Victoria of up to 10 people, but the Stay At Home Directions (Restricted Areas) (No 5) permits gatherings in public places in the Restricted Area of only up to 2 people, then the Stay At Home Directions (Restricted Areas) (No 5) provision on gatherings in public places prevails in the Restricted Area to the extent of the inconsistency.

Note: the Stay at Home Directions (Restricted Areas) (No 5) regulates when a person may leave the Restricted Area and, together with the Restricted Activity Directions (Restricted Areas) (No 2), regulates what a person from the Restricted Area may do outside the Restricted Area.

(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.
8 Definitions

In these directions:

(1) authorised officer has the same meaning as in the PHW Act;

(2) Direction and Detention Notice means a notice given to a person requiring
    the person to be detained for a specified period;

(3) Directions currently in force means the Restricted Activity Directions
    (Restricted Areas) (No 3), the Restricted Activity Directions (No 15), the
    Stay at Home Directions (Restricted Areas) (No 5), the Stay Safe
    Directions (No 8), the Diagnosed Persons and Close Contacts
    Directions (No 7), the Hospital Visitor Directions (No 9) and the Care
    Facilities Directions (No 8);

(4) greater Melbourne means the municipal districts under the local
government of:
    (a) Banyule City Council;
    (b) Bayside City Council;
    (c) Boroondara City Council;
    (d) Brimbank City Council;
    (e) Cardinia Shire Council;
    (f) Casey City Council;
    (g) Darebin City Council;
    (h) Frankston City Council;
    (i) Glen Eira City Council;
    (j) Greater Dandenong City Council;
    (k) Hobsons Bay City Council;
    (l) Hume City Council;
    (m) Kingston City Council;
    (n) Knox City Council;
    (o) Manningham City Council;
    (p) Maribyrnong City Council;
    (q) Maroondah City Council;
    (r) Melbourne City Council;
    (s) Melton City Council;
    (t) Monash City Council;
    (u) Moonee Valley City Council;
    (v) Moreland City Council;
    (w) Mornington Peninsula Shire Council;
    (x) Nillumbik Shire Council;
(y) Port Phillip City Council;
(z) Stonnington City Council;
(aa) Whitehorse City Council;
(bb) Whittlesea City Council;
(cc) Wyndham City Council;
(dd) Yarra City Council; and
(ee) Yarra Ranges Shire Council;

(5) municipal district has the same meaning as in the Local Government Act 1989;
(6) Restricted Area has the meaning in clause 4;
(7) Safety Area has the meaning in clause 5;
(8) Shire of Mitchell means the municipal district under the local government of Mitchell Shire Council.

9 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.

30 July 2020