

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

## Area Directions (No 8)

*Public Health and Wellbeing Act 2008 (Vic)*

Section 200

I, Associate Professor Michelle Giles, Deputy Public Health Commander, consider it necessary to eliminate or reduce the risk to public health—and 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 8)**.

### 3 Commencement and revocation

- (1) These directions apply beginning at 11:59:00pm on 13 September 2020 and ending at 11:59:00pm on 11 October 2020.
- (2) The **Area Directions (No 7)** are revoked at 11:59:00pm on 13 September 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**.

### 5 Addition or exclusion power

- (1) The Chief Health Officer or Deputy Chief Health Officer may add to or exclude from the Restricted 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.

## 6 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, then the direction that applies to the Restricted Area prevails to the extent of the inconsistency.
- (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.
- (3) Unless the context otherwise requires, a reference in any Directions currently in force, in any Direction and Detention Notice, or in any approved form under a Direction currently in force or a Direction and Detention Notice to:
- (a) a Direction currently in force or these directions, or a defined term in a Direction currently in force or these directions, will be taken to mean that direction (and hence that defined term) as amended or replaced from time to time; or
  - (b) an earlier version of a particular Direction currently in force or these directions will be taken to be a reference to the current version of that particular direction.

## 7 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 9)**, the **Restricted Activity Directions (Non-Melbourne) (No 4)**, the **Stay at Home Directions (Restricted Areas) (No 15)**, the **Stay at Home Directions (Non-Melbourne) (No 5)**, the **Diagnosed Persons and Close Contacts Directions (No 11)**, the **Hospital Visitor Directions (No 11)**, the **Care Facilities Directions (No 11)**, the

**Workplace Directions (No 4), the Workplace (Additional Industry Obligations) Directions (No 5) and the Permitted Worker Permit Scheme Directions (No 5), each as amended or replaced from time to time;**

- (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.

## 8 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.



**Associate Professor Michelle Giles**

Deputy Public Health Commander, as authorised to exercise emergency powers by the Chief Health Officer under section 199(2)(a) of the PHW Act.

13 September 2020