

# Directions from Chief Health Officer in accordance with emergency powers arising from declared state of emergency

## Area Directions (No 21)

*Public Health and Wellbeing Act 2008* (Vic)

Section 200

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, 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 severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions identify areas within Victoria which have a higher prevalence of, or risk of exposure to, SARS-CoV-2 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**.
- (4) These directions replace the **Area Directions (No 20)**.

### 2 Citation

These directions may be referred to as the **Area Directions (No 21)**.

### 3 Commencement and revocation

- (1) These directions commence at 11:59:00pm on 26 September 2021 and end at 11:59:00pm on 21 October 2021.
- (2) The **Area Directions (No 20)** are revoked at 11:59:00pm on 26 September 2021.

### 4 Meaning of Restricted Area and Regional Victoria

- (1) For the purposes of the Directions currently in force, **Restricted Area** means the aggregate area consisting of the **municipal districts**, suburbs, localities and addresses 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) Mitchell Shire Council;
  - (u) Monash City Council;
  - (v) Moonee Valley City Council;
  - (w) Moreland City Council;
  - (x) Mornington Peninsula Shire Council;
  - (y) Nillumbik Shire Council;
  - (z) Port Phillip City Council;
  - (aa) Stonnington City Council;
  - (bb) Whitehorse City Council;
  - (cc) Whittlesea City Council;
  - (dd) Wyndham City Council, except Little River;
  - (ee) Yarra City Council; and
  - (ff) Yarra Ranges Shire Council.
- (2) For the purposes of the Directions currently in force, **Restricted Area – Regional Victoria** means the aggregate area consisting of the municipal districts, suburbs, localities and addresses under the local governments listed in subclause (1) which are not located in **Metropolitan Melbourne**.
- (3) For the purposes of the Directions currently in force, **Regional Victoria** means the aggregate area consisting of the municipal districts, suburbs,

localities and addresses under the local governments in the State of Victoria that are not listed in subclause (1).

- (4) For the purposes of Item 77 and 78 of Table 2 of Schedule 8 of the **Public Health and Wellbeing Regulations 2019** it is intended that a Restricted Area includes all municipal districts, suburbs, localities and addresses under the local government areas in the State of Victoria that are listed in subclause (1).

*Note: Item 77 establishes the infringement offence constituted by a contravention of directions given under section 200(1) of the PHW Act by refusing or failing to comply with a requirement in relation to leaving a Restricted Area in Victoria without a reasonable excuse or other valid reason or excuse. Item 78 establishes the infringement offence constituted by a contravention of directions given under section 200(1) of the PHW Act by refusing or failing to comply with a requirement in relation to private or public gatherings in a Restricted Area in Victoria without a reasonable excuse or other valid reason.*

## 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
  - (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.

## 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** has the same meaning as in the **Workplace Directions**;
- (4) **Little River** means the registered locality known as “Little River” to the extent that it is within the **municipal district** under the local government of the Wyndham City Council;

*Note: VICNAMES identifies the registered locality known as “Little River” at: <http://maps.land.vic.gov.au/lassi/VicnamesUI.jsp> as amended from time to time by the Victorian Government.*

- (5) **Metropolitan Melbourne** means the area within the municipal districts under the local government of the municipal councils set out in Schedule 2 of the **Planning and Environment Act 1987**;
- (6) **municipal district** has the same meaning as in the **Local Government Act 1989**;
- (7) **Regional Victoria** has the meaning in clause 4(3);
- (8) **Restricted Area** has the meaning in clause 4(1);
- (9) **Restricted Area – Regional Victoria** has the meaning in clause 4(2);
- (10) **Workplace Directions** means the **Workplace Directions (No 50)** as amended or replaced from time to time.

## 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.

*Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has refused or failed 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. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.*



**Adjunct Clinical Professor Brett Sutton**

Chief Health Officer, as authorised to exercise emergency powers under sections 20A and 199(2)(a) of the PHW Act.

26 September 2021