



Victoria Government Gazette

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Public Health and Wellbeing Act 2008

Section 200

DIRECTION FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY

Community Transmission Zone Directions

I, Professor Allen Cheng, Acting Chief Health Officer, consider it reasonably 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

The purpose of these directions is to restrict entry into Victoria of persons who have been in a **community transmission zone** in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

2 Citation

These directions may be referred to as the **Community Transmission Zone Directions**.

3 Commencement

These directions commence at 11:59:00 pm on 19 November 2020.

4 Restrictions on restricted persons entering Victoria

(1) A **restricted person** must not enter Victoria, except:

- (a) for medical or emergency purposes (including healthcare workers, care facility workers and emergency workers for work purposes); or
- (b) for purposes related to the administration of justice; or
- (c) for freight or time critical agriculture harvesting purposes; or
Note: a restricted person is required to produce upon request a letter issued by Agriculture Victoria as evidence of the need to enter Victoria for time critical agriculture harvesting purposes.
- (d) if a restricted person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal; or
- (e) as required or authorised by law; or
- (f) for the purposes of **national security**; or
- (g) a member of a flight crew; or
- (h) where the restricted person remains on the same premises where that premises is both in the community transmission zone and Victoria; or
- (i) the restricted person's ordinary place of residence is in New South Wales and the person travels through the community transmission zone to enter Victoria but does not stop in the community transmission zone.

(2) If a restricted person enters Victoria and cannot immediately depart (excluding in circumstances where they have entered Victoria in accordance with subclause (1) (a) to (i)), they will be deemed to have been determined to be a **close contact** for the purposes of, and required to **self-quarantine** in accordance with, the **Diagnosed Persons and Close Contacts Directions (No. 13)**.

SPECIAL

- (3) If a restricted person enters Victoria in accordance with subclause (1)(a) to (g), they must:
 - (a) only remain in Victoria for the period reasonably necessary for the exempt purpose; and
 - (b) minimise contact with other persons.
- (4) For the avoidance of doubt:
 - (a) an officer or representative of the **Department** must still give the restricted person the notice contemplated in clause 6(3) of the **Diagnosed Persons and Close Contacts Direction (No. 13)**; and
 - (b) for the time that a restricted person remains in Victoria (regardless of whether are allowed to enter Victoria under subclause (1)), the restricted person is subject to the **Directions currently in force**.

5 Exemption power

- (1) A person is not required to comply with a requirement of these directions if the person is granted an exemption from that requirement under subclause (2).
- (2) The Chief Health Officer or Deputy Chief Health Officer may exempt a person or a group of persons, from any or all requirements contained in these directions, if satisfied that an exemption 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.
- (3) An exemption under subclause (2) must:
 - (a) be given, in writing, to the person the subject of the exemption; and
 - (b) specify the requirement or requirements that the person need not comply with.
- (4) An exemption granted to a person under this clause does not prevent an **authorised officer** from exercising an emergency power to give the person a different direction or impose a different requirement on the person.

6 Definitions

In these directions:

- (1) **authorised officer** has the same meaning as in the PHW Act;
- (2) **close contact** has the meaning in the **Diagnosed Persons and Close Contacts Directions (No. 13)**;
- (3) **community transmission zone** means the State of South Australia;
- (4) **Department** means the Victorian Department of Health and Human Services;
- (5) **Directions currently in force** has the same meaning as in the Stay Safe Directions (Victoria);
- (6) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (7) **restricted person** means a person who has been in, or travelled through, a **community transmission zone** in the 14 days prior to their entry, or attempted entry, into Victoria;
- (8) **self-quarantine** has the meaning in the **Diagnosed Persons and Close Contacts Directions (No. 13)**.

7 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.

Dated 19 November 2020

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

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