

Media Release

The Hon Daniel Andrews MP
Premier



Monday, 16 March 2020

STATE OF EMERGENCY DECLARED IN VICTORIA OVER COVID-19

A State of Emergency has been declared in Victoria to combat COVID-19 and help to provide the Chief Health Officer with the powers he needs to enforce 14-day isolation requirements for all travellers entering Australia and cancel mass gatherings of more than 500 people, as agreed by National Cabinet yesterday.

Premier Daniel Andrews and Minister for Health Jenny Mikakos announced that the State of Emergency would begin on Monday, 16 March at midday and be in force for the next four weeks to assist with measures designed to 'flatten the curve' of COVID-19 and give our health system the best chance of managing the virus.

Under a State of Emergency, Authorised Officers, at the direction of the Chief Health Officer, can act to eliminate or reduce a serious risk to public health by detaining people, restricting movement, preventing entry to premises, or providing any other direction an AO considers reasonable to protect public health.

The first direction from the Chief Health Officer under these new powers will include banning non-essential mass gatherings of over 500 people such as cultural events, sporting events or conferences.

A number of our state's largest cultural institutions including the National Gallery of Victoria, the State Library and Museums Victoria have also announced temporary closures, and events such as the Melbourne Comedy Festival and Melbourne Food and Wine Festival have already been postponed.

Gatherings that are deemed essential and may continue include public transport, food markets and workplaces. Schools, TAFEs and universities will remain open for now but have been asked to restrict mass gatherings such as assemblies and lectures of over 500 people.

At this stage spaces or locations where 500 or more people may be in transit, such as Federation Square or Bourke Street Mall, are excluded from the ban on mass gatherings. However, if it is deemed necessary to protect public health, the powers can also be used in future to quarantine entire suburbs, businesses or professions – rather than just individuals.

The powers also allow the Chief Health Officer to do whatever is necessary to contain the spread of the virus and reduce the risk to the health of Victorians.

While most Victorians are voluntarily complying with requests to isolate, the expanded powers mean that people who don't comply with a directive could receive a fine of up to \$20,000. Fines for body corporates that don't comply could be up to \$100,000.

This is another step in the Victorian Government's plan to combat this virus and do what we need to do to slow the spread of COVID-19.

Anyone needing advice about whether a mass gathering can proceed can contact the DHHS advice line on 1800 675 398.

Quotes attributable to Premier Daniel Andrews

"We are taking these steps, after agreement from the National Cabinet that includes the Prime Minister and all Premiers and Chief Ministers, to contain the spread of coronavirus as much as we can."

"Make no mistake, the next few weeks and months will be tough for everyone, but we're doing what is necessary to protect Victorians."

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Quotes attributable to Minister for Health Jenny Mikakos

“This is the biggest public health challenge we’ve faced in our lifetimes – that’s why it’s so important that we have the right tools at our disposal to minimise the impact of this virus.”

“Expanding the powers of the Chief Health Officer will allow us to better protect public health and give our hospitals, GPs and other industries the best fighting chance we can.”

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

Public Health and Wellbeing Act 2008 (Vic)
Section 200

I, Brett Sutton, Chief Health Officer, consider it reasonably necessary to protect public health to give the following directions pursuant to ss 200(1)(b) and (d) of the *Public Health and Wellbeing Act 2008 (Vic)*:

PART 1 — NON-ESSENTIAL MASS GATHERINGS

The purpose of this Part is to prohibit non-essential mass gatherings.

Directions

1. A person who owns, controls or operates **premises** in the State of Victoria must not allow a **mass gathering** to occur on the premises between noon on 16 March 2020 and midnight on 13 April 2020.
2. A person must not organise a mass gathering on premises in the State of Victoria between noon on 16 March 2020 and midnight on 13 April 2020.
3. A person must not attend a mass gathering on premises in the State of Victoria between noon on 16 March 2020 and midnight on 13 April 2020.

Definitions

For the purposes of the directions in paragraphs 1,2 and 3:

4. **Premises** has the same meaning as in s 3 of the *Public Health and Wellbeing Act 2008 (Vic)*.
5. A **mass gathering** is any gathering of five hundred (500) or more persons in a single undivided space at the same time, whether in an indoor or outdoor space, but does **not** include a gathering:
 - a. at an airport that is necessary for the normal business of the airport;
 - b. for the purposes of or related to public transportation, including in vehicles or at public transportation facilities such as stations, platforms and stops;
 - c. at a medical or health service facility that is necessary for the normal business of the facilities;
 - d. for the purposes of emergency services;
 - e. at a disability or aged care facility that is necessary for the normal business of the facility;
 - f. at a prison, correctional facility, youth justice centre or other place of custody;
 - g. at a court or tribunal;
 - h. at Parliament for the purpose of its normal operations;
 - i. at a food market, supermarket, grocery store, retail store, shopping centre that is necessary for the normal business of those premises;
 - j. at an office building, factory or construction site that is necessary for the normal operation of those premises;
 - k. at a school, university, educational institution or childcare facility that is necessary for the normal business of the facility;
 - l. at a hotel or motel that is necessary for the normal operation of accommodation services;
 - m. at a place where five hundred (500) or more persons may be present for the purposes of transiting through the place; or
Example: Federation Square or Bourke Street Mall.
 - n. specified as exempt from this direction by the Chief Health Officer in writing or delivered by an operator who has a social distancing policy approved in writing by the Chief Health Officer.

6. For the purposes of paragraph 5(k), a school event that involves members of the community in addition to staff and students is deemed not necessary for the normal business of the facility.

Note: The intended effect of paragraph 6 is that a school event that involves members of the community in addition to staff and students will be a mass gathering if it involves a gathering of five hundred (500) or more persons in a single undivided space at the same time. School events include assemblies, sporting events or parent-teacher events.

Note: the exclusions identified in paragraph 5 will be reviewed on a day to day basis and further directions are expected to be issued to remove some of the current exclusions.

PART 2 — SELF-QUARANTINE FOLLOWING OVERSEAS TRAVEL

Direction

7. Except in those circumstances identified in paragraph 8 below, a person who arrives at an airport in Victoria on a flight that originated from a place outside Australia, or on a connecting flight from a flight that originated from a place outside Australia:
- must travel from the airport to a premises that is suitable for the person to reside in for a period of 14 days;
 - except in exceptional circumstances, must reside in that premises for the period beginning on the day of arrival and ending at midnight on the fourteenth (14th) day after arrival;
 - must not leave the premises, except:
 - for the purposes of obtaining medical care or medical supplies;
 - in any other emergency situation;
 - in circumstances where it is possible to avoid close contact with other persons; and
 - must not permit any other person to enter the premises unless that other person usually lives at the premises, or the other person is also complying with this direction for the same 14 day period, or for medical or emergency purposes.
8. A person is not required to comply with the direction in paragraph 7 if the person is:
- a member of the flight crew;
 - a citizen or permanent resident of a Pacific Island; or
 - a person intending to live indefinitely on a Pacific Island and who is travelling through an airport in Victoria in transit to the Pacific Island.

PENALTIES

Section 203 of the *Public Health and Wellbeing Act 2008* (Vic) 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.

Brett Sutton

Chief Health Officer