

Direction from Deputy Chief Health Officer (Communicable Disease) in accordance with emergency powers arising from declared state of emergency

Non-essential Business Closure Direction

Public Health and Wellbeing Act 2008 (Vic)

Sections 190 and 200

I, Dr Annaliese van Diemen, Deputy Chief Health Officer (Communicable Disease), consider it reasonably necessary to protect public health to give the following direction pursuant to ss 190(1)(a) and 200(1)(d) of the *Public Health and Wellbeing Act 2008 (Vic)*:

Preamble

1. The purpose of this direction is to prohibit the operation of non-essential businesses and undertakings in order to limit the spread of Novel Coronavirus 2019 (2019-nCoV).

*Note: All businesses or undertakings that continue to operate must comply with the **Mass Gatherings Directions (No 2)**. Those directions limit indoor gatherings in a single undivided space to fewer than 100 people. In addition, the total number of persons present in the indoor space at the same time must not exceed the number calculated by dividing the total area (measured in square metres) of the indoor space by 4.*

Citation

2. This direction may be referred to as the **Non-Essential Business Closure Direction**.

Direction

3. A person who owns, controls or operates a **non-essential business or undertaking** in the State of Victoria must not operate that business or undertaking between noon on 23 March 2020 and midnight on 13 April 2020.

Definition of non-essential business or undertaking

4. A **non-essential business or undertaking** means any of the following, whether operated on a for profit or not-for-profit basis:
 - a. a business characterised as a pub, bar or club that supplies alcohol under a **general licence**, an **on-premises licence** or a **club licence**, but not including any part of the business constituted by a **bottleshop**;
 - b. a hotel, whether licensed or unlicensed, but not:
 - i. to the extent that it provides accommodation, takeaway meals or a meal delivery service; or

- ii. any part of the hotel constituted by a bottleshop;
- c. a gym;
- d. an indoor sporting centre;
- e. a **casino**;
- f. a cinema, nightclub or entertainment venue of any kind;
- g. a restaurant or cafe, other than to the extent that it provides takeaway meals or a meal delivery service;
- h. a **place of worship**, other than for the purposes of a wedding or funeral.

Other definitions

- 5. **Bottleshop** means an area physically attached to the premises of a business characterised as a pub, bar or club referred to in paragraph 4(a), or a hotel referred to in paragraph 4(b), that is for the sale of packaged alcohol to be consumed off the premises of the pub, bar, club or hotel.
- 6. **Casino** has the same meaning as in the **Casino Control Act 1991**.
- 7. **Club licence** has the same meaning as in the **Liquor Control Reform Act 1998**.
- 8. **General licence** has the same meaning as in the **Liquor Control Reform Act 1998**.
- 9. **On-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**.
- 10. **Place of worship** has the same meaning as in the **Heritage Act 2017**.

PENALTIES

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

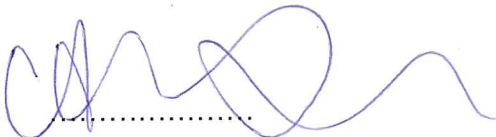
Compliance with direction or other requirement

- (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.



Dr Annaliese van Diemen,

Deputy Chief Health Officer (Communicable Disease), as authorised to exercise emergency powers by the Chief Health Officer under section 199(2)(a) of the *Public Health and Wellbeing Act 2008* (Vic).

23 March 2020