

BULLETIN

All Members



Reference No: travel/mm-04-20

Date issued: 14/04/2020

*****This is not legal advice *****

Automotive Retail is not prohibited under Chief Health Officers Direction (No.3)

The Victorian Automobile Chamber of Commerce (VACC) acknowledges Victoria Police are in a difficult position when dealing with recalcitrant community behaviour regarding COVID 19 and support the work of Victoria Police in the enforcement of the Chief Health Officers (CHO) directions to prevent the spread of COVID-19.

VACC also notes that slow or poor enforcement and compliance with public health advice is leading to disasters of an unbelievable scale across UK, Europe and the US that continue to unfold.

However, there is a requirement for Victoria Police to adhere with CHO published directions and any enforcement of the directions must be done with discretion.

The Victorian Premier Daniel Andrews announced on 12 April that the State of Emergency declared last month would be extended until midnight 11 May 2020 to continue the measures designed to 'flatten the curve' of coronavirus and give the Victorian health system the best chance of managing the virus. The State of Emergency was originally due to expire on 13 April.

Advice from the Office of the Minister for Police, The Hon Lisa Neville MP

VACC has also forwarded urgent correspondence stating industry concern regarding the confused messaging from Victoria Police to the Office of the Minister for Police, The Hon Lisa Neville MP.

VACC has been provided with advice back from the Office of the Minister for Police that states:

VACC is correct in that the automotive trade is not being prohibited from work or opening, so staff can work, and customers engage as appropriate and consistent with the CHO requirements around density quotients and physical distancing.

Accordingly, the Office of the Minister for Police has provided VACC's correspondence to the Chief Commissioner's office to ensure it informs the ongoing messaging to police members during this time.

In addition, police officers are not meant to be stopping people from travelling for work or restricting trade of businesses that can and should remain open as long as they are maintaining density quotients and physical distancing.

Directions issued by the Chief Health Officer

The Stay at Home directions (No 3) came into force at midnight on 7 April 2020 and replace the Stay at Home directions (No 2).

These directions outline the limitations on leaving home for all Victorians and provide clarification of previous directions.

I draw your attention to:

Public Health and Wellbeing Act 2008 (Vic), Section 20, Clause 6 (1)(Viii) '*Leaving premises to obtain necessary goods and services*' where it states that a person can leave a premises to obtain goods and services provided by:

(viii) a retail facility that is not prohibited from operating by the Restricted Activity Directions.

Situational advice for VACC members from the Victorian Government

Advice from the Victorian Department of Justice and Community Safety

Further, VACC has received formal written advice from the Department of Justice and Community Safety that states there is currently no statutory definition of essential service for the purpose of the Victorian Government's COVID-19 response.

The advice reiterates that Chief Health Officer's latest Restricted Activity Directions and Stay at Home Directions, issued on April 7, provides a detailed overview of activities which are currently not permitted or are subject to restrictions. Automotive retail is not one of those restrictions.

What should you do with this bulletin?

VACC would encourage you to print a copy of this bulletin, provide a copy to each of your staff members. Staff should produce this document to any law enforcement agency that is querying your businesses operational status or for when staff are legitimately travelling to and from work.

VACC would also encourage you to provide a copy of this bulletin to each of your consumers who is on your respective data bases or who is booked in for a service or repair during the COVID-19 crisis.

VACC reminds all members regarding the requirements around density quotients and physical distancing.

GEOFF GWILYM
Chief Executive Officer