



# Victoria Government Gazette

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## Public Health and Wellbeing Act 2008

### Section 200

#### DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY

##### Diagnosed Persons and Close Contacts Directions (No. 29)

I, Adjunct Clinical Professor Brett Sutton, 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)(d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

#### 1 Preamble

- (1) The purpose of these directions is to require persons:
  - (a) diagnosed with severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) to self-isolate;
  - (b) who are living with a **diagnosed person**, or who have been in close contact with a diagnosed person, to self-quarantine, in order to limit the spread of SARS-CoV-2.
- (2) These directions replace the **Diagnosed Persons and Close Contacts Directions (No. 28)**.

#### 2 Citation

These directions may be referred to as the **Diagnosed Persons and Close Contacts Directions (No. 29)**.

#### 3 Commencement and revocation

- (1) These directions commence at 11:59:00 pm on 19 October 2021 and end at 11:59:00 pm on 21 October 2021.
- (2) The **Diagnosed Persons and Close Contacts Directions (No. 28)** are revoked at 11:59:00 pm on 19 October 2021.

#### 4 Self-isolation for diagnosed persons

*Who is a diagnosed person?*

- (1) A person is a **diagnosed person** if the person:
  - (a) at any time between midnight on 25 March 2020 and 11:59:00 pm on 21 October 2021 has been informed that they have been diagnosed with SARS-CoV-2; and
  - (b) has not been given, or is not taken to have been given, **clearance from self-isolation** under clause 5.

*Requirement to self-isolate*

- (2) A diagnosed person must self-isolate under these directions:
  - (a) if the diagnosis is communicated to the person on or after the commencement of these directions; or
  - (b) if the diagnosis was communicated to the person before the commencement of these directions.

*Note: the requirements of self-isolation are specified in clause 8. A diagnosed person can still leave the premises at which they are self-isolating to obtain medical care.*

**SPECIAL**

*Location of self-isolation*

- (3) A diagnosed person must self-isolate:
- (a) if subclause (2)(a) applies, at the premises chosen by the person under subclause (4); or
  - (b) if subclause (2)(b) applies, at the premises at which the person was required to reside under a **Revoked Isolation Direction**.
- (4) For the purposes of subclause (3)(a), the diagnosed person may choose to self-isolate at:
- (a) a premises at which they ordinarily reside; or
  - (b) another premises that is suitable for the person to reside in for the purpose of self-isolation.

*Note 1: a person can decide to self-isolate at a hotel or other suitable location, instead of self-isolating at their ordinary place of residence.*

*Note 2: once a person has chosen the premises at which to self-isolate, the person must reside at that premises for the entirety of the period of self-isolation: see clause 8(2)(a).*

- (5) If a diagnosed person who has chosen a premises under subclause (4) is not at the premises at the time when the choice is made, the person must immediately and directly travel to that premises, unless the person is admitted to a **hospital** or other facility for the purposes of receiving medical care.

*Self-isolation period*

- (6) For the purposes of subclause (2), the period of self-isolation begins:
- (a) if subclause (2)(a) applies, when the diagnosis is communicated to the person; or
  - (b) if subclause (2)(b) applies, upon the commencement of these directions.
- (7) For the purposes of subclause (2), the period of self-isolation ends when the person is given clearance from self-isolation under clause 5.

*Notifications by the diagnosed person*

- (8) Immediately after choosing a premises under subclause (4), the diagnosed person must:
- (a) if any other person is residing at the premises chosen by the diagnosed person, notify the other person that:
    - (i) the diagnosed person has been diagnosed with SARS-CoV-2; and
    - (ii) the diagnosed person has chosen to self-isolate at the premises; and
  - (b) notify the **Department** of:
    - (i) the address of the premises chosen by the diagnosed person; and
    - (ii) the name of any other person who is residing at the premises chosen by the diagnosed person.
- (9) If, during the period that a diagnosed person is self-isolating at a premises for the purposes of clause 4, another person informs the diagnosed person that they intend to commence residing at the premises chosen by the diagnosed person:
- (a) the diagnosed person must inform the other person of their diagnosis; and
  - (b) if the other person commences residing at the premises, the diagnosed person must notify the Department that a person has commenced residing with the diagnosed person and of the name of that person.

**5 Clearance from self-isolation**

- (1) A diagnosed person is given clearance from self-isolation if:
- (a) an officer or nominated representative of the Department makes a determination under subclause (2) in relation to the person; and
  - (b) the person is given notice of the determination in accordance with subclause (3).

- (2) For the purposes of subclause (1)(a), an officer or nominated representative of the Department may make a determination in relation to a person if the officer or nominated representative is satisfied that the person meets the criteria for discharge from self-isolation under existing **Departmental Requirements**.
- (3) For the purposes of subclause (1)(b), the notice must be in writing but is not required to be in a particular form.
- (4) A person who has been given clearance from self-isolation, however expressed, under a Revoked Isolation Direction is taken to have been given clearance from self-isolation under this clause.

## 6 Self-quarantine for close contacts

### *Who is a close contact?*

- (1) For the purposes of this clause, a person is a **close contact** if:
  - (a) an officer or nominated representative of the Department has made a determination under subclause (2) in relation to the person; and
  - (b) between midnight on 11 May 2020 and 11:59:00 pm on 21 October 2021, the person has been given notice of the determination in accordance with subclause (3).
- (2) For the purposes of subclause (1)(a), an officer or nominated representative of the Department may make a determination in relation to a person if the officer or nominated representative is satisfied, having regard to, and in accordance with, Departmental Requirements, that the person is a close contact for the purposes of the Departmental Requirements.

*Note: the Departmental Requirements set out different categories of close contacts and different requirements for each category of close contact, including self-quarantine requirements.*

*Example: a close contact may include a person who has had close contact with a diagnosed person, or a person who has had close contact with that close contact.*

- (3) For the purposes of subclause (1)(b), the notice:
  - (a) must specify the time (including by reference to an event) at which the person will no longer be required to self-quarantine, having regard to Departmental Requirements; and

*Example: the notice could specify that a person is no longer required to self-quarantine from 14 days after the last diagnosed person in their household has received clearance from self-isolation.*
  - (b) may be given orally or in writing, and, if given orally, must be confirmed in writing as soon as reasonably practicable; and
  - (c) is not required to be in a particular form.

### *Requirement to self-quarantine*

- (4) Subject to subclause (8), a close contact must self-quarantine under these directions.

*Note: the requirements of self-quarantine are specified in clause 8.*

### *Location of self-quarantine*

- (5) A close contact may choose to self-quarantine at:
  - (a) a premises at which they ordinarily reside; or
  - (b) another premises that is suitable for the person to reside in for the purpose of self-quarantine.

*Note 1: a person can decide to self-quarantine at a hotel or other suitable location, instead of self-quarantining at their ordinary place of residence.*

*Note 2: once a person has chosen the premises at which to self-quarantine, the person must reside at that premises for the entirety of the period of self-quarantine: see clause 8(2)(a).*

- (6) If, at the time a person is given a notice under subclause (1)(b), the person is not at the premises chosen by the person under subclause (5), the person must immediately and directly travel to that premises.

*End of self-quarantine period*

- (7) For the purposes of this clause, the period of self-quarantine ends:
- (a) subject to subclauses (b) and (c), at the time specified in the notice given under subclause (1)(b) as given or as varied under subclause (10); or
  - (b) if the notice given to the person under subclause (1)(b) is revoked under subclause (10), at the time that revocation takes effect; or
  - (c) if the person becomes a diagnosed person following a test for SARS-CoV-2, when the diagnosis is communicated to the person.

*Note 1: a close contact who becomes a diagnosed person will then be required to self-isolate under clause 4, for a period ending when the person is given clearance from self-isolation under clause 5.*

*Note 2: a close contact's period of self-quarantine may also be extended in certain circumstances under clause 7.*

*Exception – previous clearance*

- (8) A person is not required to self-quarantine under this clause if the person has been given clearance from self-quarantine by the **Expert Review Panel** in accordance with subclause (9).
- (9) For the purposes of subclause (8):
- (a) the Expert Review Panel may make a determination in relation to a person if the Expert Review Panel is satisfied that the person is at negligible risk of infection of SARS-CoV-2, on the basis that the person has previously been a diagnosed person and has since been given clearance from self-isolation in accordance with clause 5(1); and
  - (b) for the purposes of subclause (9)(a), the notice must be in writing but is not required to be in a particular form.

*Review of determination and notice*

- (10) An **authorised officer**, who is authorised to exercise **emergency powers** by the Chief Health Officer under section 199(2)(a) of the PHW Act, may review a determination made under subclause (2) and, if satisfied that it is appropriate, having regard to Departmental Requirements, may vary or revoke the notice given to the person under subclause (1)(b), and must give the person notice of the authorised officer's decision.

*Transitional provision – close contacts under Revoked Isolation Directions*

- (11) If a person was a close contact under a Revoked Isolation Direction:
- (a) a determination made, or taken to have been made, under the Revoked Isolation Direction in relation to the person's status as a close contact is taken to be a determination made under subclause (2); and
  - (b) a notice given, or taken to have been given, to the person under the Revoked Isolation Direction in relation to the determination referred to in subclause (a) is taken to be a notice given under subclause (1)(b); and
  - (c) for the purposes of subclause (5), the person is taken to have chosen to self-quarantine at the premises at which the person was required to self-quarantine under the Revoked Isolation Direction.

*Notifications by the close contact*

- (12) Immediately after choosing a premises under subclause (5), a close contact must notify the Department of:
- (a) the address of the premises chosen by the close contact; and
  - (b) the name of any other person who is residing at the premises chosen by the close contact.

- (13) If, during the period that a close contact is self-quarantining at a premises for the purposes of clause 6, another person informs the close contact that they intend to commence residing at the premises chosen by the close contact:
- (a) the close contact must inform the other person of their self-quarantine; and
  - (b) if the other person commences residing at the premises, the close contact must notify the Department that a person has commenced residing with the close contact and of the name of that person.

## 7 Testing of persons in self-quarantine

- (1) If a person is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person:
- (a) is tested for SARS-CoV-2; and
  - (b) the period for which the person is required to self-quarantine under clause 6 expires during the period in which the person is awaiting the result of that test,
- the period of self-quarantine is extended until the person receives the result of the test.

*Note 1: persons who are in self-quarantine and experience a temperature higher than 37.5 degrees or symptoms of acute respiratory infection are encouraged to get tested. In certain circumstances, a person may be required to comply with an order that they undergo a medical test: PHW Act, section 113(3).*

*Note 2: in some circumstances, the Chief Health Officer or Deputy Chief Health Officer may consider it appropriate to exempt a person from the extension of their self-quarantine period under clause 9, having regard to the need to protect public health and relevant principles in the PHW Act as they apply in the person's individual circumstances.*

*Note 3: a person is not required to continue to self-quarantine under subclause (1) if the person is exempted in accordance with clause 9, either before or after the period of self-quarantine is extended pursuant to subclause (1).*

- (2) If a person is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person receives a test result stating that they have been diagnosed with SARS-CoV-2, the person becomes a diagnosed person and must self-isolate under clause 4.
- (3) If a person is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person receives a test result stating that they have not been diagnosed with SARS-CoV-2, the person:
- (a) if the period for which the person is required to self-quarantine under clause 6 has not expired – must continue to self-quarantine under that clause for the remainder of that period; or
  - (b) if the period of self-quarantine was extended under subclause (1) – may cease self-quarantining; or
  - (c) if the period of self-quarantine was extended under subclause (4) – may cease self-quarantining at the time referred to in clause 6(7)(a) and, if that time has already passed, may cease self-quarantining immediately.
- (4) If a person is required to self-quarantine under clause 6 because they are a close contact of a diagnosed person and:
- (a) the person refuses or otherwise fails to take a test for SARS-CoV-2 when offered on the thirteenth day of their period of self-quarantine; and
  - (b) an authorised officer notifies the person to continue to self-quarantine for a further 14 days or until such other time (including by reference to an event) specified in the notice as given under this subclause,

then the period of self-quarantine is extended by the period set out in the notice in subclause (b) after the time specified in the notice given under clause 6(1)(b) or as varied under clause 6(10).

*Note 1: close contacts of diagnosed persons will be offered a test for SARS-CoV-2 on day 13 of their initial self-quarantine period, as testing at this time is likely to detect the presence of SARS-CoV-2 even if the person has not yet developed symptoms. As a person may be infectious for up to 14 days after the 14 day incubation period, if this test does not occur an authorised officer may give a further direction under section 200(1)(d) to extend the initial period of self-quarantine for an extended period of self-quarantine, being a period of up to 14 days. Such extended period of quarantine is required to prevent a person who develops SARS-CoV-2 towards the end of the 14 day incubation period, even if not symptomatic, transmitting SARS-CoV-2 to the broader community.*

*Note 2: in some circumstances, the Chief Health Officer or Deputy Chief Health Officer may consider it appropriate to exempt a person from the extension of their self-quarantine period under clause 9, having regard to the need to protect public health and relevant principles in the PHW Act as they apply in the person's individual circumstances.*

*Note 3: a person is not required to continue to self-quarantine under subclause (4) if the person is exempted in accordance with clause 9, either before or after the period of self-quarantine is extended pursuant to subclause (4).*

## 8 Requirements of self-isolation and self-quarantine

- (1) This clause applies to a person who is required to:
  - (a) self-isolate at a premises under clause 4; or
  - (b) self-quarantine at a premises under clause 6.
- (2) The person identified in subclause (1):
  - (a) must reside at that premises for the entirety of the period of self-isolation or self-quarantine, as the case requires, except for any period that the person is admitted to a hospital or other facility for the purposes of receiving medical care; and
  - (b) must not leave the premises, except:
    - (i) for the purposes of obtaining medical care or medical supplies; or
    - (ii) for the purposes of getting tested for SARS-CoV-2; or
    - (iii) in any emergency situation; or
    - (iv) if required to do so by law; or
    - (v) for the purposes of visiting a patient in hospital if permitted to do so under the **Hospital Visitor Directions**; or
    - (vi) for the purposes of working in a **care facility** if permitted to do so under the **Care Facilities Directions**; or
    - (vii) for the purpose of sitting a **Senior Secondary examination** provided that the person:
      - (A) is **fully vaccinated** or an **excepted person**; and
      - (B) is not a diagnosed person or a close contact of a diagnosed person who ordinarily resides with them; and
  - (c) must not permit any other person to enter the premises unless:
    - (i) that other person:
      - (A) ordinarily resides at the premises; or
      - (B) is required to self-isolate or self-quarantine at the premises under these directions; or
    - (ii) it is necessary for the other person to enter for medical or emergency purposes; or
    - (iii) the other person is a **disability worker**, and it is necessary for the disability worker to enter for the purpose of providing a **disability service** to a person with a **disability**; or
    - (iv) it is necessary for the other person to enter for the purpose of providing personal care or household assistance to the person as a result of that person's age, disability or chronic health condition; or

*Examples: personal care includes assistance with showering, toileting, eating; household assistance includes help with cooking, house cleaning, laundry and gardening.*

    - (v) the entry is otherwise required or authorised by law.
- (3) Subclause (2)(c) does not apply to a person who is a **resident** of a care facility.

*Note: the **Care Facilities Directions** govern who can enter a care facility.*

- (4) Despite subclause (2)(a):
  - (a) a diagnosed person who is required to self-isolate; or
  - (b) a close contact who is required to self-quarantine,may apply under clause 9(6) to a **Director or Medical Lead of a designated Local Public Health Unit** for an exemption from the requirement to remain at the premises designated for the purposes of subclause (2)(a) and to move to an alternate premises for the remainder of their self-quarantine or self-isolation period.
- (5) Despite subclause (2)(a), a **healthcare worker** who is a close contact and required to self-quarantine, may apply to a Director or Medical Lead of a designated Local Public Health Unit for an exemption from the requirement to remain at the premises designated for the purposes of subclause (2)(a) and to return to work.

## 9 Exemption power

### *General 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.

### *Exemption power – alternate self-quarantine and self-isolation location*

- (5) A person is not required to comply with a requirement of these directions to remain at their designated:
  - (a) self-isolation location pursuant to clauses 4(3) or 4(4); or
  - (b) self-quarantine location pursuant to clause 6(5),if the person is granted an exemption from that requirement under subclause (6).
- (6) A Director or Medical Lead of a Local Public Health Unit may exempt a person or group of persons from the requirements of clauses 4(3), 4(4) (location of self-isolation) or 6(5) (location of self-quarantine), if satisfied that an exemption from that requirement 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.
- (7) An exemption under subclause (6) must:
  - (a) be given, in writing, to the person the subject of the exemption; and
  - (b) specify the appropriate alternate self-isolation or self-quarantine location, that the person or group of persons must stay for the remainder of the self-isolation or self-quarantine period.
- (8) 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.

*Exemption power – healthcare workers return to work*

- (9) A healthcare worker is not required to comply with a requirement of these directions to remain at their designated self-quarantine location pursuant to clause 6(5), if the person is granted an exemption from that requirement under subclause (10).
- (10) A Director or Medical Lead of a Local Public Health Unit may exempt a healthcare worker from the requirements of clause 6(5) (location of self-quarantine), if satisfied that an exemption from that requirement 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.
- (11) An exemption under subclause (10) must:
- (a) be given, in writing, to the healthcare worker the subject of the exemption; and
  - (b) specify that the healthcare worker is no longer required to self-quarantine under clause 6(5) and may return to work.
- (12) An exemption granted to a healthcare worker 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.

*Transitional provision – exemption*

- (13) Any exemption granted under any Revoked Isolation Direction continues to have effect.
- (14) Any application for exemption under any Revoked Isolation Direction continues to have effect.

**10 Definitions**

In these directions:

- (1) **authorised officer** has the same meaning as in the **PHW Act**;
- (2) **Care Facilities Directions** means the **Care Facilities Directions (No. 46)** as amended or replaced from time to time;
- (3) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (4) **clearance from self-isolation** has the meaning in clause 5(1);
- (5) **close contact** has the meaning in clause 6(1);
- (6) **COVID-19 vaccine** means a vaccine to protect a person against SARS-CoV-2 that:
  - (a) has been registered or provisionally registered by the Therapeutic Goods Administration; or
  - (b) has been approved by a comparable overseas regulator, as determined by the Therapeutic Goods Administration under regulation 16DA(3) of the **Therapeutic Goods Regulation 1990** of the Commonwealth;
- (7) **Department** means the Victorian Department of Health;
- (8) **Departmental Requirements** means the document titled ‘Case and contact management guidelines for health services and general practitioners’ available at [www.dhhs.vic.gov.au/health-services-and-professionals-coronavirus-covid-19](http://www.dhhs.vic.gov.au/health-services-and-professionals-coronavirus-covid-19) as amended or reissued from time to time by the Victorian Government with the approval of the Chief Health Officer or a Deputy Chief Health Officer;
- (9) **designated Local Public Health Units** means:
  - (a) Western Public Health Unit;
  - (b) South Eastern Public Health Unit;
  - (c) North Eastern Public Health Unit;
  - (d) Barwon South West Public Health Unit;
  - (e) Grampians Wimmera Southern Mallee Public Health Unit;



- (f) Loddon-Mallee Public Health Unit;
  - (g) (Hume) Goulburn Valley Public Health Unit;
  - (h) (Hume) Albury-Wodonga Public Health Unit;
  - (i) Gippsland Public Health Unit;
- (10) **diagnosed person** has the meaning in clause 4(1);
- (11) **Director or Medical Lead of a designated Local Public Health Unit** means a person with the title of Director or Medical Lead in a **designated Local Public Health Unit** who is authorised to exercise public health risk powers under section 199(2)(a) of the **PHW Act**;
- (12) **emergency powers** has the same meaning as in the **PHW Act**;
- (13) **employee** includes a person who is self-employed;
- (14) **employer** means a person who owns, operates or controls **Work Premises** (or a Work Premises) and includes a person who is self-employed;
- (15) **excepted person** in relation to a person means if:
- (a) the person holds certification from a **medical practitioner** that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine due to a **medical contraindication**; or
  - (b) the person holds certification from a **medical practitioner** that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine due to an acute medical illness (including where the person has been diagnosed with SARS-CoV-2); or
  - (c) the person is under 12 years of age.
- (16) **exemption** means an exemption granted by the Chief Health Officer or the Deputy Chief Health Officer, or a **Director or Medical Lead of a designated Local Public Health Unit** under clause 9(2), 9(6), 6(10) of these directions or the equivalent provision in any Revoked Isolation Direction;
- (17) **Expert Review Panel** means the group of public health specialists convened on an as-required basis to review the available medical, epidemiological and laboratory information for the purposes of clinical assessments, case review, close contact designations and to provide evidence-based advice to the Chief Health Officer and Deputy Chief Health Officer. The panel is comprised of experts from public health medicine, infectious disease, microbiology, epidemiology and Department of Health representatives from Intelligence, Case and Contact Outbreak Management and Pathology;
- (18) **fully vaccinated** in relation to a person means if the person has received two doses of a COVID-19 vaccine;
- (19) **healthcare worker** means a **worker** of a health service managed by a **designated Local Public Health Unit**;
- (20) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (21) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 37)** as amended or replaced from time to time;
- (22) **premises** means:
- (a) a building, or part of a building; and
  - (b) any land on which the building is located, other than land that is available for communal use;
- (23) **medical contraindication** means one of the following contraindications to the administration of a **COVID-19 vaccine**:
- (a) anaphylaxis after a previous dose;

- (b) anaphylaxis to any component of the vaccine, including polysorbate or polyethylene glycol;
  - (c) in relation to AstraZeneca:
    - (i) history of capillary leak syndrome; or
    - (ii) thrombosis with thrombocytopenia occurring after a previous dose;
  - (d) in relation to Comirnaty or Spikevax:
    - (i) myocarditis or pericarditis attributed to a previous dose of either Comirnaty or Spikevax; or
  - (e) the occurrence of any other serious adverse event that has:
    - (i) been attributed to a previous dose of a COVID-19 vaccine by an experienced immunisation provider or medical specialist (and not attributed to any another identifiable cause); and
    - (ii) been reported to State adverse event programs and/or the Therapeutic Goods Administration;
- (24) **medical practitioner** means:
- (a) a general practice registrar on an approved 3GA training placement; or
  - (b) a public health physician; or
  - (c) an infectious disease physician; or
  - (d) a clinical immunologist; or
  - (e) a general practitioner who is vocationally registered; or
  - (f) a general practitioner who is a fellow of the Royal Australian College of General Practitioners (RACGP); or
  - (g) a general practitioner who is a fellow of the Australian College of Rural and Remote Medicine (ACRRM); or
  - (h) a paediatrician; or
  - (i) a medical practitioner who is a fellow of the Royal Australasian College of Physicians;
- (25) **resident** of a **care facility** has the same meaning as in the **Care Facilities Directions**;
- (26) **Revoked Isolation Direction** means the following directions:
- (a) **Isolation (Diagnosis) Direction**, given on 25 March 2020;
  - (b) **Isolation (Diagnosis) Direction (No. 2)**, given on 13 April 2020;
  - (c) **Diagnosed Persons and Close Contacts Directions**, given on 11 May 2020;
  - (d) **Diagnosed Persons and Close Contacts Directions (No. 2)**, given on 31 May 2020;
  - (e) **Diagnosed Persons and Close Contacts Directions (No. 3)**, given on 21 June 2020;
  - (f) **Diagnosed Persons and Close Contacts Directions (No. 4)**, given on 1 July 2020;
  - (g) **Diagnosed Persons and Close Contacts Directions (No. 5)**, given on 15 July 2020;
  - (h) **Diagnosed Persons and Close Contacts Directions (No. 6)**, given on 19 July 2020;
  - (i) **Diagnosed Persons and Close Contacts Directions (No. 7)**, given on 22 July 2020;
  - (j) **Diagnosed Persons and Close Contacts Directions (No. 8)**, given on 3 August 2020;

- (k) **Diagnosed Persons and Close Contacts Directions (No. 9)**, given on 13 August 2020;
  - (l) **Diagnosed Persons and Close Contacts Directions (No. 10)**, given on 16 August 2020;
  - (m) **Diagnosed Persons and Close Contacts Directions (No. 11)**, given on 13 September 2020;
  - (n) **Diagnosed Persons and Close Contacts Directions (No. 12)**, given on 11 October 2020;
  - (o) **Diagnosed Persons and Close Contacts Directions (No. 13)**, given on 8 November 2020;
  - (p) **Diagnosed Persons and Close Contacts Directions (No. 14)**, given on 6 December 2020;
  - (q) **Diagnosed Persons and Close Contacts Directions (No. 15)**, given on 3 January 2021;
  - (r) **Diagnosed Persons and Close Contacts Directions (No. 16)**, given on 29 January 2021;
  - (s) **Diagnosed Persons and Close Contacts Directions (No. 17)**, given on 26 February 2021;
  - (t) **Diagnosed Persons and Close Contacts Directions (No. 18)**, given on 15 March 2021;
  - (u) **Diagnosed Persons and Close Contacts Directions (No. 19)**, given on 26 March 2021;
  - (v) **Diagnosed Persons and Close Contacts Directions (No. 20)**, given on 27 March 2021;
  - (w) **Diagnosed Persons and Close Contacts Directions (No. 21)**, given on 9 April 2021;
  - (x) **Diagnosed Persons and Close Contacts Directions (No. 22)**, given on 7 May 2021;
  - (y) **Diagnosed Persons and Close Contacts Directions (No. 23)**, given on 3 June 2021;
  - (z) **Diagnosed Persons and Close Contacts Directions (No. 24)**, given on 1 July 2021;
  - (aa) **Diagnosed Persons and Close Contacts Directions (No. 25)**, given on 29 July 2021;
  - (bb) **Diagnosed Persons and Close Contacts Directions (No. 26)**, given on 26 August 2021;
  - (cc) **Diagnosed Persons and Close Contacts Directions (No. 27)**, given on 23 September 2021;
  - (dd) **Diagnosed Persons and Close Contacts Directions (No. 28)**, given on 29 September 2021;
- (27) **Senior Secondary examination** means an examination relating to a senior secondary certificate;
- (28) **Work Premises** means the **premises** of an **employer** in which work is undertaken, including any vehicle whilst being used for work purposes, but excluding a **worker's** ordinary place of residence;
- (29) **worker** includes **employees**, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work;

- (30) the following expressions have the same meaning that they have in the **Disability Service Safeguards Act 2018**:
- (a) **disability**;
  - (b) **disability service**;
  - (c) **disability worker**.

**11 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.*

Dated 19 October 2021

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

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**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH  
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Victorian Border Crossing Permit Directions (No. 34)**

I, Adjunct Professor Brett Sutton, Chief Health Officer, consider it reasonably necessary to eliminate or reduce the serious risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to sections 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008 (Vic.) (PHW Act)**:

**1 Preamble**

- (1) These directions replace the **Victorian Border Crossing Permit Directions (No. 33)** and continue to provide a ‘traffic light’ border crossing scheme for persons seeking to enter Victoria from any other **State** or **Territory** in Australia in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.

**2 Citation**

These directions may be referred to as the **Victorian Border Crossing Permit Directions (No. 34)**.

**3 Commencement, revocation and transitional provisions**

- (1) The **Victorian Border Crossing Permit Directions (No. 33)** are revoked at 11:59:00 pm on 19 October 2021.
- (2) These directions commence at 11:59:00 pm on 19 October 2021 and end at 11:59:00 pm on 21 October 2021.
- (3) Any **permit** issued under a **revoked Border Crossing Permit Scheme Direction** continues to have effect until the validity period expires under the revoked Border Crossing Permit Scheme Direction.

*Note: a person who has a permit under previous directions may continue to enter Victoria under that permit.*

**4 Restrictions on persons entering Victoria**

- (1) A person must not enter Victoria unless the person:
  - (a) is a **green zone person** under clause 5; or
  - (b) is an **orange zone person** under clause 6; or
  - (c) is a **red zone person** under clause 7; or
  - (d) is a **cross border community member** who is permitted to enter Victoria under clause 8; or
  - (e) is an **aircrew services worker** under clause 9; or
  - (f) is a **specified worker (single entry)** under clause 10(1) to 10(6); or
  - (g) is a **specified worker (multiple entry)** under clause 10(7) to 10(12) and clause 11; or
  - (h) is an **excepted person** under clause 13; or
  - (i) has a valid **exemption** under clause 14.

**4A Definition of zones**

- (1) For the purposes of these directions:
  - (a) a **green zone** means an area in a State or Territory that is not a **red zone** or an **orange zone**; and
  - (b) an **orange zone** means an area in a State or Territory that is determined by the Chief Health Officer to be an ‘orange zone’ from the **zone commencement time** until the **zone end time** for that area; and

- (c) a **red zone** means an area in a State or a Territory that is determined by the Chief Health Officer to be a ‘red zone’ from the zone commencement time until the zone end time for that area.
- (2) A **zone commencement time** in relation to an area, means the time from which the Chief Health Officer has determined that the area is an ‘orange zone’ or a ‘red zone’ (as applicable) as amended from time to time by the Chief Health Officer and detailed on the Department’s website available at [www.coronavirus.vic.gov.au/victorian-border-crossing-permit](http://www.coronavirus.vic.gov.au/victorian-border-crossing-permit)

*Note: the zone commencement time is not the date of the announcement by the Chief Health Officer or the Department that an area has been designated as a green zone, orange zone or red zone.*

- (3) A **zone end time** in relation to an area, means the time from which the Chief Health Officer has determined that the area ceases to be a ‘red zone’ or an ‘orange zone’ (as applicable) as amended from time to time by the Chief Health Officer and detailed on the Department’s website available at [www.coronavirus.vic.gov.au/victorian-border-crossing-permit](http://www.coronavirus.vic.gov.au/victorian-border-crossing-permit)

## 5 Green zone person

### *Eligibility*

- (1) Subject to the requirements in subclause (2), a person may enter Victoria from any other State or Territory in Australia as a **green zone person** if the person, at the time they enter Victoria:

- (a) meets the **general eligibility requirements**; and  
 (b) either:

- (i) has not been in an area that is a red zone or an orange zone in a State or Territory at any time after the relevant **zone commencement time** in the previous 14 days; or

*Note 1: a person that is in a red zone or orange zone some of the time during the 14 day period and in a green zone at other times (including entering Victoria from a green zone) will not be permitted to enter Victoria under this subclause.*

*Note 2: if a person has been in an area that is a green zone and one day prior to entering Victoria, the Chief Health Officer determines the area is a red zone or orange zone effective from a date 14 days prior to the announcement, the person cannot enter Victoria as a green zone person.*

*Note 3: if a person leaves an area before the zone commencement time for a red zone or an orange zone and travels to Victoria, that person is deemed to be a green zone person pursuant to subclause (1) (provided they have not been in any other area that is a red zone or orange zone 14 days prior to entry to Victoria).*

- (ii) has been in an area that is a red zone or an orange zone in a State or Territory at any time after the relevant zone commencement time in the previous 14 days but only for the purpose of undertaking **hotel quarantine** or **direct and short term transit** through a red zone or orange zone in a State or Territory to Victoria, and at all times complied with the **direct and short-term transit conditions**.

*Note: short term transit means a transit time of less than 24 hours. If a person spends more than 24 hours in any red zone or orange zone, they will not be a green zone person and will instead need to enter Victoria as an orange zone person or red zone person, unless any other exception applies or an exemption has been granted.*

### *Requirements for entry*

- (2) A green zone person may enter Victoria from any other State or Territory in Australia if the person:
- (a) if at least 12 years of age, obtains a valid **green zone permit** which must include:
- (i) the person’s **personal details**; and

- (ii) an attestation by the person stating that (as at the date of attestation) the person and each dependant under 12 years of age entering Victoria with that person:
  - (A) meets all the eligibility requirements in subclause (1); and
  - (B) has provided information in the permit that is true and correct; and
  - (C) will not re-enter Victoria using a green zone permit if they have entered a red zone or an orange zone in a State or Territory at any time after the relevant zone commencement time in the 14 days prior to the attempted re-entry and acknowledges that any green zone permit they have will be revoked if they enter a red or orange zone after receiving the green zone permit and the person will not re-enter Victoria with a revoked green zone permit; and
  - (D) subject to subclause (E), will comply with the **green zone general conditions**; and
  - (E) acknowledges that any zone in a State or Territory may change from time to time and the person may be required to comply with different conditions in these directions (as amended from time to time); and
- (iii) a QR code capable of being scanned by an **authorised officer**, a Victoria Police member or a Protective Services Officer (or other person under such person's direction); and

*Note: dependants under the age of 12 do not need to obtain their own permit but must instead be listed on the permit obtained by their parent or guardian that they are travelling with.*

- (b) if the person has been in **hotel quarantine** (including for the purpose of completing the required period of hotel quarantine or for any other purpose, including work) in Victoria or in any other State or Territory in the 14 days prior to entry to Victoria, provides:
  - (i) the name of the facility attended; and
  - (ii) the name of the State or Territory of the facility attended.

*Green zone general conditions after entry*

- (3) A green zone person who enters Victoria under subclause (1) must, for 14 days after entering Victoria (or, if clause 6(5)(b) or clause 7(5)(b) applies, for the relevant validity period in clause 6(4)(a) or clause 7(4)(a) respectively):
  - (a) comply with all **general post-entry conditions**; and
  - (b) carry and present on request to an authorised officer, Victoria Police Officer or a Protective Services officer (or other person under such person's direction);
    - (i) their valid green zone permit [or, if subclause 6(5)(b) applies, a valid orange zone permit or if subclause 7(5)(b) applies a valid red zone permit; and
    - (ii) an **acceptable form of identification**.

*Permit validity and revocation*

- (4) A green zone permit:
  - (a) is valid for 14 days from the date the person first enters Victoria (unless revoked earlier); and
  - (b) may be used by the person to enter Victoria multiple times during the validity period in subclause (a); and
  - (c) is revoked immediately if the person:
    - (i) enters a red zone or orange zone in a State or Territory after the delivery of the green zone permit; or

- (ii) a determination is made by the Chief Health Officer prior to the person's first entry to Victoria that results in the person having been in a red zone or orange zone in a State or Territory after the relevant zone commencement time in the 14 days prior to entry into Victoria; or
- (iii) has been at a **very high risk exposure site** in a State or Territory during the **very high risk period**:
  - (A) prior to delivery of the green zone permit; or
  - (B) after delivery of the green zone permit and during the period referred to in subclause (a); or
- (iv) becomes a diagnosed person or a close contact of a diagnosed person (or equivalent) and/or required to self-isolate or self-quarantine in any State or Territory within Australia.

*Note: a person who has entered Victoria with a valid green zone permit and remains in Victoria does not need to apply for nor produce a new green zone permit after the initial green zone permit's validity period has expired.*

*Change to obligations after entry by a green zone person*

- (5) If a green zone person has entered Victoria from any other State or Territory in Australia and during the green zone permit validity period in subclause (4)(a), the Chief Health Officer determines that any **relevant green zone** is:
  - (a) a red zone and the person was in the red zone after the relevant zone commencement time, at a time within the 14 days prior to the person's entry to Victoria, then the higher **red zone general conditions** (other than the requirement to carry the result of a pre-arrival test under clause 7(3)(a)(ii)(C)) and:
    - (i) if the person is either:
      - (A) 12 years of age or above and is fully vaccinated; or
      - (B) younger than 12 years of age and is either travelling with parents or guardians who are all fully vaccinated or is unaccompanied, the **red zone (fully vaccinated) conditions** will apply; or
    - (ii) if the person is either:
      - (A) 12 years of age or above and is not fully vaccinated; or
      - (B) younger than 12 years of age and is travelling with a parent or guardian who is not fully vaccinated, the **red zone (not fully vaccinated) conditions** will apply, to that person from the time of notification by the Department for the remainder of the green zone permit validity period in subclause (4)(a); or
  - (b) an orange zone and the person was in the orange zone after the relevant zone commencement time, at any time within the 14 days prior to the person's entry to Victoria, then the higher **orange zone general conditions** and:
    - (i) if the person is either:
      - (A) 12 years of age or above and is fully vaccinated; or
      - (B) younger than 12 years of age and is either travelling with parents or guardians who are all fully vaccinated or is unaccompanied, the **orange zone (fully vaccinated) conditions** will apply; or
    - (ii) if the person is either:
      - (A) 12 years of age or above and is not fully vaccinated; or
      - (B) the person is younger than 12 years of age and is travelling with a parent or guardian who is not fully vaccinated, the **orange zone (not fully vaccinated) conditions** will apply, to that person from the time of notification by the Department for the remainder of the green zone permit validity period in subclause (4)(a).

*Example: a person arrives in Victoria with a green zone permit which is valid for 14 days from their arrival date. Two days after entering Victoria, an area the person was in is determined to be a red zone and the person was in the red zone at a time after the relevant zone commencement*



time. The Department notifies the person that the green zone permit obligations which applied after entering Victoria have changed to align with the higher, red zone general conditions for the remaining 12 days of the green zone permit's validity period. This includes requirements for the person to self-quarantine for the remaining 12 days and get tested at certain times.

## 6 Orange zone person

### Eligibility

(1) Subject to the requirements in subclause (2), a person may enter Victoria from any other State or Territory as an orange zone person if the person, at the time they enter Victoria:

- (a) meets all of the general eligibility requirements; and
- (b) either:

- (i) has not been in an area that is a red zone in a State or Territory at any time after the relevant zone commencement time in the previous 14 days; or

*Note 1: a person that is in a red zone some of the time during the 14 day period and in an orange zone or green zone at other times (including entering Victoria from an orange zone or green zone), will not be permitted to enter Victoria under this subclause.*

*Note 2: if a person has been in an area that is an orange zone and one day prior to entering Victoria, the Chief Health Officer determines the area is a red zone effective from a date 14 days prior to the announcement, the person cannot enter Victoria as an orange zone person.*

*Note 3: if a person leaves an area before the zone commencement time for a red zone and travels to Victoria, that person is deemed to be an orange zone person pursuant to subclause (1) (provided they have not been in any other area that is a red zone 14 days prior to entry to Victoria).*

- (ii) has been in an area that is a red zone in a State or Territory at any time after the relevant zone commencement time in the previous 14 days but only for the purpose of direct and short term transit through the red zone in that State or Territory and at all times complied with the direct and short-term transit conditions.

*Note: short term transit means a transit time of less than 24 hours. If a person spends more than 24 hours in any red zone, they will be required to enter as a red zone person.*

### Requirements for entry

(2) An orange zone person may enter Victoria from any other State or Territory in Australia if the person:

- (a) if at least 12 years of age, obtains a valid **orange zone permit**, which must include:
  - (i) the person's personal details; and
  - (ii) an attestation by the person stating that (as at the date of attestation) the person and each dependant under 12 years of age entering Victoria with the person:
    - (A) meet all the eligibility requirements in subclause (1); and
    - (B) have provided information in the permit that is true and correct; and
    - (C) subject to subclause (E), will comply with the orange zone general conditions and either the orange zone (fully vaccinated) conditions or orange zone (not fully vaccinated) conditions, as applicable; and
    - (D) acknowledges that any child or dependant that is travelling separately with another parent or guardian that is not fully vaccinated, that child or dependant will be subject to the orange zone (not fully vaccinated) conditions; and

- (E) acknowledges that any zone in a State or Territory may change from time to time and the person may be required to comply with different conditions in these directions (as amended from time to time); and
- (iii) a QR code capable of being scanned by an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction); and
- (b) has been in **hotel quarantine** (including for the purpose of completing the required period of hotel quarantine or for any other purpose, including work) in Victoria or in other State or Territory in the 14 days prior to entry to Victoria, provides (at the time of applying for the orange zone permit):
  - (i) the name of the facility attended; and
  - (ii) the name of the State or Territory of the facility attended.

*Note: dependants under the age of 12 do not need to obtain their own permit but must instead be listed on the permit obtained by the parent or guardian that they .*

#### *Orange zone conditions after entry*

- (3) An orange zone person who enters Victoria must, for a period of 14 days after the date of their first entry into Victoria (or, if clause 5(5)(b) or clause 7(5)(a) applies, for the relevant validity period in clause 5(4)(a) or clause 7(4)(a) respectively):
  - (a) comply with the general post-entry conditions; and
  - (b) carry and present on request to an authorised officer, a Victoria Police member or Protective Services Officer (or other person under such a person's direction):
    - (i) their valid green zone permit (or, if subclause 5(5)(b) applies, a valid orange zone permit or if subclause 7(5)(a) applies a valid red zone permit); and
    - (ii) an **acceptable form of identification**; and
  - (c) if the person is:
    - (i) 12 years of age or above and is fully vaccinated; or
    - (ii) younger than 12 years of age and is either travelling with parents or guardians who are all fully vaccinated or is travelling unaccompanied: carry and present on request to an authorised officer, Victoria Police Officer or Protective Services Officer (or other person under such a person's direction) **vaccination evidence** to show that they, or if younger than 12 years of age, their parents or guardians, are fully vaccinated; or
  - (d) if the person is not fully vaccinated or, if under 12 years of age is travelling with a parent or guardian who is not fully vaccinated:
    - (i) travel immediately and directly to the residence where they will self-quarantine; and
    - (ii) get tested for **SARS-CoV-2** within 72 hours of:
      - (A) the time the person enters Victoria; or
      - (B) if clause 5(5)(b)(ii) applies, the time of notification by the Department; or
      - (C) if clause 7(5)(a)(ii) applies and the person has not been tested in accordance with subclause 7(3)(d)(ii)(A) since entering Victoria, the time the person enter Victoria; and
    - (iii) carry and present on request to an authorised officer, a Victoria Police member or Protective Services Officer (or other person under such a person's direction) evidence to show that they have obtained a SARS-CoV-2 test in accordance with subclause (ii); and

*Note: if a person has been tested in accordance with clause 7(3)(f) or (g) since entering Victoria under red zone obligations, the Department has notified the person that they are now subject to orange zone obligations and the person has already received a negative SARS-CoV-2 test result, they may cease self-quarantining immediately*

- (iv) remain in self-quarantine, unless while undertaking **essential activities**, until the person has been notified that they have received a negative COVID-19 test result from the test taken in accordance with subclause 3(d)(ii), and
- (v) wear a face covering if leaving self-quarantine when undertaking essential activities in:
  - (A) indoor public places; and
  - (B) outdoor public spaces; and
  - (C) vehicles, if the person is in a vehicle with any other person (unless the other person ordinarily resides with the person),unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person.

*Permit validity and revocation*

- (4) An orange zone permit:
  - (a) is valid for 14 days from the date the person enters Victoria (unless revoked earlier); and
  - (b) may only be used once by a person to enter Victoria during the validity period in subclause (a); and
  - (c) is revoked immediately if the person is outside Victoria and:
    - (i) enters a red zone in a State or Territory after the delivery of the orange zone permit but prior to entry to Victoria; or
    - (ii) a determination is made by the Chief Health Officer prior to the person's first entry to Victoria that results in the person having been in a very high risk exposure site or a red zone in a State or Territory after the relevant zone commencement time in the 14 days prior to entry into Victoria; or
    - (iii) is or becomes a diagnosed person or a close contact of a diagnosed person (or equivalent) and/or required to self-isolate or self-quarantine in any State or Territory within Australia.

*Note: a person who has entered Victoria with a valid orange zone permit and remains in Victoria does not need to apply for nor produce a new orange zone permit after the initial orange zone permit's validity period has expired.*

*Change to obligations after entry as an orange zone person*

- (5) If an orange zone person has entered Victoria from any other State or Territory in Australia, during the orange zone permit validity period in subclause (4)(a), the Chief Health Officer determines that:
  - (a) any **relevant orange zone** is a red zone and the person was in the red zone after the relevant zone commencement time, at a time within the 14 days prior to the person's entry to Victoria, then the higher red zone general conditions (other than the requirement to carry the result of a pre-arrival test under clause 7(3)(a)(ii)(C)) and:
    - (i) if the person is either:
      - (A) 12 years of age or above and is fully vaccinated; or
      - (B) younger than 12 years of age and is either travelling with parents or guardians who are all fully vaccinated, or is travelling unaccompanied,the **red zone (fully vaccinated) conditions** will apply; or
    - (ii) if the person is either:
      - (A) 12 years of age or above and is not fully vaccinated; or

- (B) younger than 12 years of age and is travelling with a parent or guardian who is not fully vaccinated,  
 the **red zone (not fully vaccinated) conditions** will apply, or  
 to that person from the time of notification by the Department for the remainder of the 14 day period following their date of first entry into Victoria; or
- (b) all relevant orange zones are green zones and the person was in only those, or other, green zones after the relevant zone commencement time, at a time within the 14 days prior to the person's entry to Victoria, then the lesser, green zone general conditions will apply to that person from the time of notification by the Department for the remainder of the orange zone permit validity period in subclause (4)(a).

*Example: a person arrives in Victoria with an orange zone permit which is valid for 14 days from their arrival date. Two days after entering Victoria, an area the person was in is determined to be a red zone and the person was in the red zone at a time after the relevant zone commencement time. The Department notifies the person that the orange zone permit obligations which applied after entering Victoria have changed to align with the higher, red zone permit obligations in clause 7(3) for the remaining 12 days of the orange zone permit's validity period. This includes requirements for the person to continue or recommence self-quarantining and get tested at certain times, including just prior to the end of the self-quarantine period.*

## 7 Red zone person

### Eligibility

- (1) Subject to the requirements in subclause (2), a person who has been in an area that is a red zone in a State or Territory at any time after the relevant zone commencement time in the previous 14 days may enter Victoria from any other State or Territory as a red zone person if the person, at the time the person enters Victoria:
- (a) meets the general eligibility requirements; and
- (b) has obtained a negative test result from a COVID-19 test that was undertaken less than 72 hours before entering Victoria.

### Requirements for entry

- (2) A red zone person may enter Victoria from any other State or Territory in Australia if the person
- (a) if at least 12 years of age, obtains a valid **red zone permit** which includes:
- (i) the person's personal details; and
- (ii) an attestation by the person stating that (as at the date of attestation) the person and each dependant under 12 years of age entering Victoria with the person:
- (A) meets all the eligibility requirements in subclause (1); and
- (B) have provided information in the permit that is true and correct; and
- (C) subject to subclause (E), will comply with the red zone general conditions and the red zone (fully vaccinated) conditions or red zone (not fully vaccinated) conditions, as applicable; and
- (D) acknowledges that any child or dependant that is travelling separately with another parent or guardian that is not fully vaccinated, that child or dependant will be subject to the red zone (not fully vaccinated) conditions; and
- (E) acknowledges that any zone in a State or Territory may change from time to time and the person may be required to comply with different conditions in these directions (as amended from time to time); and

- (b) a QR code capable of being scanned by an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction); and
- (c) has been in **hotel quarantine** (including for the purpose of completing the required period of hotel quarantine or for any other purpose, including work) in Victoria or in other State, Territory in the 14 days prior to entry to Victoria, provides (at the time of applying for the red zone permit):
  - (i) the name of the facility attended; and
  - (ii) the name of the State, Territory or of the facility attended.

*Note: Dependants under the age of 12 do not need to obtain their own permit but must instead be listed on the permit obtained by their parent or guardian.*

*Red zone conditions after entry*

- (3) A red zone person who enters under subclause (1) for the 14 days after entry, (or, if clause 5(5)(a) or clause 6(5)(a) applies, for the relevant validity period in clause 5(4)(a) or clause 6(4)(a) respectively, must:
  - (a) for 14 days from the date of entry into Victoria:
    - (i) comply with the general post-entry conditions; and
    - (ii) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
      - (A) their valid red zone permit (or if clause 5(5)(a) applies, a valid green zone permit, or if clause 6(5)(a) applies, a valid red zone permit; and
      - (B) an acceptable form of identification; and
      - (C) evidence of their negative COVID-19 test result that was carried out less than 72 hours before entering Victoria; and
  - (b) for the period of time the person is required to self quarantine under subclause (c) and (d):
    - (i) limit contact with any other person, except in an emergency; and
    - (ii) practise **physical distancing**; and
    - (iii) wear a face covering when undertaking essential activities and during each flight to Victoria unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person; and
  - (c) if the person is either:
    - (i) 12 years of age or above and is fully vaccinated; or
    - (ii) younger than 12 years of age and is either travelling with parents or guardians who are all fully vaccinated or is travelling unaccompanied, they must:
      - (iii) travel immediately and directly to the residence where they will self-quarantine; and
      - (iv) get tested for **SARS-CoV-2** within 72 hours of entering Victoria; and
      - (v) carry and present on request to an authorised officer, a Victoria Police member or Protective Services Officer (or other person under such a person's direction):
        - (A) evidence to show that they have obtained a SARS-CoV-2 test in accordance with subclause (iv); and

- (B) **vaccination evidence** to show that they are fully vaccinated or, if younger than 12 years of age, their parents or guardians are fully vaccinated; and
- (vi) remain in self-quarantine unless undertaking **essential activities**, until the person has been notified that they have received a negative COVID-19 test result, and
- (d) if the person is either:
  - (i) 12 years of age or above and is not fully vaccinated; or
  - (ii) younger than 12 years of age and is travelling with a parent or guardian who is not fully vaccinated,
 they must:
  - (iii) travel immediately and directly to the residence where they will self-quarantine for 14 days;
  - (iv) get tested for SARS-CoV-2 within 72 hours of the time:
    - (A) the person enters Victoria;
    - (B) if clause 5(5)(a) applies, the time of notification by the Department;
    - (C) if clause 6(5)(a) applies and the person has not been tested in accordance with clause 6(3)(d)(iii) since entry to Victoria, the time the person enters Victoria; and
  - (v) carry and present on request to an authorised officer, a Victoria Police member or Protective Services Officer (or other person under such a person's direction) evidence that they have undertaken a COVID-19 test; in accordance with subclauses (iv) and (vi); and
  - (vi) get tested for SARS-CoV-2:
    - (A) on the thirteenth day after entering Victoria, or
    - (B) if notified by the Department that an area has been rezoned as a red zone in accordance with either clause 5(5)(a) or clause 6(5)(a), on or about the thirteenth day before their quarantine period under subclause (d)(iii) ends; and
  - (vii) remain in self-quarantine;
    - (A) unless undertaking essential activities; and
    - (B) until the person has been notified that they have received a negative COVID-19 test result from the COVID-19 test they took in accordance with subclause (vi); and
  - (viii) if, during the period of self-quarantine, the person refuses or otherwise fails to take a test for SARS-CoV-2 in accordance with subclause (vi), the 14 day period of self-quarantine is extended for an additional period being the earlier of:
    - (A) an additional 14 days; or
    - (B) until the person gets tested for SARS-CoV-2 and receives a negative test result; and

*Note: any test undertaken in accordance with subclause (d)(vi) will not satisfy the requirement in subclause (d)(vi). Note: a red zone person who is not fully vaccinated entering Victoria will be required to test for SARS-CoV-2 on or around day 13 of their self-quarantine (or the day before the end of self-quarantine), as testing at this time is likely to detect the presence of SARS-CoV-2, even if a person has not yet developed symptoms. As a person may be infectious for up to 14 days after the 14 day incubation period, if this test does not occur, an additional 14 days of quarantine is required to prevent a person who develops SARS-CoV-2 towards the end of the 14 day incubation period, even if not symptomatic, transmitting SARS-CoV-2 to the broader community.*

- (ix) if, during the period of self-quarantine:
  - (A) the person is tested for SARS-CoV-2; and
  - (B) subject to subclause (C), the period for which the person is required to self-quarantine under subclause (d)(iii) expires during the period in which the person is awaiting the result of that test, the period of self-quarantine is extended until the person receives a negative SARS-CoV-2 test result; and
  - (C) if the person receives a negative SARS-CoV-2 test result and:
    - 1. the period for which the person is required to self-quarantine under subclause (d)(iii) has not expired, the person must continue to self-quarantine under subclause (c) for the remainder of that period; or
    - 2. the period for which the person is required to self-quarantine under subclause (d)(iii) (as extended under either or both of subclauses (viii)) has expired, the person may cease self-quarantining immediately.

*Permit validity and revocation*

- (4) A red zone permit:
  - (a) is valid for 14 days from the date the person first enters Victoria (unless revoked earlier); and
  - (b) may only be used once by a person to enter Victoria; and
  - (c) is revoked immediately if the person is outside Victoria and:
    - (i) has been at a very high risk exposure site in a State or Territory during the very high risk period:
      - (A) prior to delivery of the red zone permit; or
      - (B) after delivery of the red zone permit in subclause (a); or
    - (ii) the person is or becomes a diagnosed person or a close contact of a diagnosed person (or equivalent) in any State or Territory and/or required to self-isolate or self-quarantine (or equivalent) in any State or Territory:
      - (A) prior to delivery of the red zone permit; or
      - (B) after delivery of the red zone permit.

*Note: a red zone person who has entered Victoria with a valid red zone permit and remains in Victoria does not need to apply for nor produce a new red zone permit after the initial red zone permit's validity period has expired.*

*Change to obligations after entry as a red zone person*

- (5) If a red zone person has entered Victoria and during the red zone permit validity period in subclause (4)(a), the Chief Health Officer determines that:
  - (a) all **relevant red zones** are orange zones (or a combination of orange zones and green zones) and the person was in only those, or other orange zones or green zones after the relevant zone commencement time, at a time within the 14 days prior to the person's entry to Victoria, then:
    - (i) if the person is fully vaccinated (or under the age of 12 years), the orange zone (fully vaccinated) conditions will apply to the person; or
    - (ii) if the person is not fully vaccinated and 12 years or over, the orange zone (not fully vaccinated) conditions will apply,

in addition to the lesser, orange zone general conditions will apply to the person from the time of notification by the Department for the remainder of the 14 day period; or

- (b) all relevant red zones are green zones and the person was in only those, or other, green zones after the relevant zone commencement time, at a time within the 14 days prior to the person's entry to Victoria, then the lesser green zone general conditions will apply to the person from the time of notification by the Department for the remainder of the 14 day period

*Example: a person arrives in Victoria with a red zone permit which is valid for 14 days from their arrival date. Two days after entering Victoria, all areas that the person was in are determined to be orange zones (or a combination of orange and green zones) and the person was in all of those orange zones or green zones at a time after the relevant zone commencement time. The Department notifies the person that the red zone general conditions which applied after entering Victoria have changed to align with the lesser, orange zone general conditions for the remaining 12 days of the red zone permit's validity period. This includes requirements for the person to continue self-quarantining until they are tested for SARS-CoV-2 and receive a negative SARS-CoV-2 test result. If the person is a red zone person who is not fully vaccinated and has already been tested for SARS-CoV-2 on day 13 of their self-quarantine period and has received a negative SARS-CoV-2 test result, the person may cease self-quarantining immediately.*

## 8 Cross border community members

### *Cross border community*

- (1) Despite clauses 5, 6 and 7, a cross border community member may enter Victoria from a **cross border community area** without needing to obtain a **permit** if the person:
- meets the general eligibility requirements; and
  - has not been in a red zone outside the cross border community area at any time after the relevant zone commencement time in the previous 14 days; and
  - at the time they enter Victoria, has been in an orange zone outside of the cross border community area at any time after the relevant zone commencement time in the previous 14 days, the person has been tested for SARS-CoV-2 since they last left the orange zone and has received a negative SARS-CoV-2 test result.

### *Obligations after entry*

- (2) A person who enters Victoria as a cross border community member under subclause (1) must:
- comply with the general post-entry conditions; and
  - carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
    - proof that the person is a cross border community member (unless the person is under the age of 18); and
    - subject to subclause (iii), photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and
  - if the person is unable to provide proof that the person is a cross border community member or photographic personal identification and evidence of the current address where the person ordinarily resides in accordance with subclause (i) or (ii), other documentary evidence satisfactory to the authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) that the person is a cross border community member (unless the person is under the age of 18).

*Example: photographic personal identification includes a driver's licence issued by any State, Territory or a passport issued by Australia. Evidence of the current address where the person ordinarily resides includes a driver's licence or any other document issued by any State, Territory or any municipal district, local government area, unincorporated local government area (not including Lord Howe Island) or local authority, including a rates notice.*

*Example: a letter from an Indigenous community leader or community services provider from the cross border community area confirming that the person is a cross border community member, confirming the person's identity and confirming the person's address or other place of residence arrangements.*



## 9 Aircrew

- (1) Despite clauses 5, 6 and 7, a person who is an **aircrew services worker** may enter Victoria from any other State or Territory in Australia, if the person:
- (a) meets the general eligibility requirements; and
  - (b) is required to enter and be physically present in Victoria for the purpose of providing aircrew services; or
  - (c) is a Victorian resident and has been providing aircrew services in another State or Territory and is entering Victoria for the purpose of returning to their ordinary place of residence in Victoria.

### *Obligations after entry*

- (2) A person who enters Victoria as an aircrew services worker under subclause (1) must:
- (a) comply with the general post-entry conditions; and
  - (b) if entering Victoria to provide aircrew services and they have either been in an orange zone and the aircrew services worker is not fully vaccinated or they have been in a red zone within the last 14 days:
    - (i) travel directly by private transport between the designated crew hotel and any airport of arrival or departure; and
    - (ii) not leave the designated crew hotel other than:
      - (A) to undertake essential activities;
      - (B) to travel to the airport of departure; or
      - (C) to undertake required simulator training or emergency procedures training; and
  - (c) wear a face covering during each flight to and from Victoria and when travelling between the designated crew hotel and the airport (unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person); and
  - (d) otherwise comply with relevant airline requirements and **COVIDSafe Plan** whilst in Victoria and in any other State or Territory in Australia.
- (3) An aircrew services worker who enters Victoria under subclause (1) and whose ordinary place of residence, at the time they enter Victoria, is outside of Victoria and within a green zone, must comply with their respective airline's **COVIDSafe Plan** while travelling to and from a red zone or orange zone in the 14 days prior to entry to Victoria.

## 10 Specified workers

### *Specified worker (single entry) permit – eligibility*

- (1) Despite clause 7, a person who has been in a red zone in the 14 days prior to entry may enter Victoria from any other State or Territory in Australia as a **specified worker (single entry)** rather than as a red zone person if they:

*Note: a person on the Specified Worker List – Single Entry who has been in an orange zone but no red zones in the last 14 days may obtain an orange zone permit and enter Victoria as an orange zone person in accordance with clause 6.*

- (a) meet the general eligibility requirements;
- (b) have obtained a negative test result from a COVID-19 test that was undertaken less than 72 hours before entering Victoria; and
- (c) are either:
  - (i) required to enter and be physically present in Victoria for the purpose of providing **specified work** in an occupation included in the **Specified Worker List – Single Entry** where that specified work is urgent, essential to the operations of the person's employer or customer, and cannot practically be carried out in a timely manner by workers who ordinarily reside in Victoria or in an area that is a green zone; or

- (ii) a Victorian resident who is:
  - (A) required to enter and be physically present in another State or Territory for the purpose of providing specified work in an occupation included in the Specified Worker List – Single Entry; and
  - (B) is entering Victoria for the purpose of returning to their ordinary place of residence in Victoria.

*Specified worker (single entry) permit – requirements for entry*

- (2) A person who is a specified worker (single entry) and who enters Victoria under subclause (1) must:
  - (a) have a valid specified worker (single entry) permit which includes:
    - (i) the person’s personal details; and
    - (ii) an attestation by the person stating that (as at the date of attestation) the person (and each dependent under 12 years of age entering Victoria with the person):
      - (A) meets all the eligibility requirements in subclause (1); and
      - (B) has provided information in the permit that is true and correct; and
      - (C) will comply with the **specified worker (single entry) conditions**; and
    - (iii) a QR code capable of being scanned by an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person’s direction); and
  - (b) if the person has been in hotel quarantine (including for the purpose of completing the required period of hotel quarantine or for any other purpose, including work) in Victoria or in another State or Territory in the 14 days prior to entry to Victoria, provide (at the time of applying for the specified worker (single entry) permit):
    - (i) the name of the facility attended; and
    - (ii) the name of the State or Territory of the facility attended.

*Note: dependants under the age of 12 do not need to obtain their own permit but must instead be listed on the permit obtained by their parent or guardian.*

*Specified worker (single entry) permit – general conditions after entry*

- (3) A specified worker (single entry) who enters Victoria under subclause (1) must:
  - (a) comply with the general post-entry requirements;
  - (b) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person’s direction):
    - (i) a valid specified worker (single entry) permit; and
    - (ii) an acceptable form of identification; and
    - (iii) evidence of the SARS-CoV-2 test that they have undertaken in accordance with subclause (1)(b); and
    - (iv) evidence from their employer that the specified work that they are required to enter and be physically present in Victoria to perform is in an occupation included in the **Specified Worker List – Single Entry** and is urgent, essential to the operations of the person’s employer or customer, and cannot practically be carried out in a timely manner by workers who ordinarily reside in Victoria or in an area that is a green zone; and

*Note: a letter from an employer or customer on company letterhead that confirms that the work undertaken by the person meets the requirements in subclause (b)(ii) would be sufficient evidence.*

- (c) unless the person is a Victorian resident, only remain in Victoria for the period reasonably necessary to provide the specified work; and
- (d) otherwise comply with the relevant COVIDSafe Plan while in Victoria and in any other State or Territory (including while travelling to and from a red zone or orange zone in the other State or Territory in the 14 days prior to entry to Victoria); and
- (e) if the person is providing specified work for the purpose of a Tier 1 or Tier 2 event under the **Public Event Framework**, comply with the relevant COVIDSafe Plan for the Tier 1 or Tier 2 Event.

*Note: a specified worker (single entry) may be accompanied by a dependent child under the age of 18 years or other dependent person, such as an adult with a disability, if the dependent is to receive emergency or essential medical care or other urgent care, provided the dependent complies with the requirements under subclause (3) whilst in Victoria.*

*Specified worker (single entry – fully vaccinated) conditions*

- (4) If a person enters Victoria who is a specified worker (single entry) and is also fully vaccinated:
  - (a) that person must, in addition to the obligations specified in subclause (3):
    - (i) get tested for SARS-CoV-2 within 72 hours of entering Victoria; and
    - (ii) carry and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
      - (A) evidence of the SARS-CoV-2 test that they have undertaken in accordance with subclause (i); and
      - (B) vaccination evidence that they are fully vaccinated;
    - (iii) travel immediately and directly to the residence where they will self-quarantine; and
    - (iv) remain in self-quarantine, unless:
      - (A) undertaking their specified work; or
      - (B) undertaking essential activities; or
      - (C) obtaining takeaway food and drink; or
      - (D) accessing toilet and bathroom facilities,and until the person has been notified that they have received a negative COVID-19 test result from the test they took within 72 hours after entering Victoria under subclause 4(a)(i), and
    - (v) wear a face covering whenever leaving the premises for the purposes permitted in subclause (iv) in:
      - (A) indoor public spaces; and
      - (B) outdoor public spaces; and
      - (C) vehicles, if the person is in a vehicle with any other person (unless the other person ordinarily resides with the person),unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person.

*Specified worker (single entry – not fully vaccinated) conditions*

- (5) If a person enters Victoria who is a specified worker (single entry) and is not fully vaccinated:
  - (a) that person must, in addition to the obligations specified in subclause (3):
    - (i) subject to subclause (b), get tested for SARS-CoV-2:
      - (A) within 72 hours of entering Victoria; and
      - (B) on the thirteenth day after the person enters Victoria; and

- (ii) travel immediately and directly to, and self-quarantine at, the premises at which the person will reside for the purposes of self-quarantine for a period of 14 days; and
- (iii) remain in self quarantine unless:
  - (A) undertaking essential activities; or
  - (B) obtaining takeaway food and drink; or
  - (C) accessing toilet and bathroom facilities;
  - (D) undertaking relevant specified work, subject to having received their first negative COVID-19 test result from the test taken in accordance with subclause (i)(a);
 for 14 days and until the person has been notified that they have received a negative COVID-19 test result from the test undertaken on their thirteenth day of quarantine; and
- (iv) wear a face covering whenever leaving the premises for the purposes permitted in subclause (iii) (unless, in accordance with the Directions currently in force, an exception applies), and:
  - (A) indoor public places; and
  - (B) outdoor public places; and
  - (C) vehicles, if the person was in a vehicle with any other person (unless the other person ordinarily resides with the person); and
- (v) carry and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) evidence of each COVID-19 test that they have undertaken in accordance with subclause (i); and
- (vi) if, during the period of self-quarantine, the person refuses or otherwise fails to take a test for SARS-CoV-2 in accordance with subclause (a)(i)(B), remain in self-quarantine for an additional period being the earlier of:
  - (A) an additional 14 days; or
  - (B) until the person gets tested for SARS-CoV-2 and receives a negative test result; and

*Note 1: any tests undertaken pursuant to subclauses (5)(a)(i)(A) do not satisfy the requirement in subclause (5)(b)(B)).*

*Note 2: persons entering Victoria pursuant to subclause (5) will be required to test for SARS-CoV-2 on or around day 13 of their self-quarantine (or the day before the end of self-quarantine), as testing at this time is likely to detect the presence of SARS-CoV-2, even if a person has not yet developed symptoms. As a person may be infectious for up to 14 days after the 14 day incubation period, if this test does not occur, an additional 14 days of quarantine is required to prevent a person who develops SARS-CoV-2 towards the end of the 14 day incubation period, even if not symptomatic, transmitting SARS-CoV-2 to the broader community.*

- (b) if, during the period of self-quarantine:
  - (i) the period for which the person is required to self-quarantine under subclause (a)(ii) expires during the period in which the person is awaiting the result of a test required by subclause (a)(i)(B), the period of self-quarantine is extended until the person receives a negative SARS-CoV-2 test result; and
  - (ii) if the person receives a negative SARS-CoV-2 test result and the period for which the person is required to self-quarantine under subclause (a)(ii):
    - (A) has not expired, the person must continue to self-quarantine under subclause (a) for the remainder of that period; and

- (B) (as extended under either or both of subclauses (b) and (c)(i)) has expired, the person may cease self-quarantining immediately; and
  - (c) If the person is a worker at an offshore petroleum or gas storage facility who cannot reasonably get tested for SARS-CoV-2 while working, get tested for SARS-CoV-2 within 72 hours of the time the person first enters Victoria during each specified worker (single entry) permit validity period.
- (6) A specified worker (single entry) permit:
  - (a) is valid for 14 days from the date the person first enters Victoria (unless revoked earlier); and
  - (b) may be used by a person to enter Victoria on a single occasion during the validity period in subclause (a).

*Specified worker (multiple entry) permit – eligibility*

- (7) Despite clauses 6 and 7 and subject to the requirements in subclause (8), a person who has been in a red zone or an orange zone within the last 14 days may enter Victoria from any other State or Territory in Australia as a **specified worker (multiple entry)** if:
  - (a) they meet the general eligibility requirements; and
  - (b) they have not obtained a **specified worker (multiple entry) permit** within the last 14 days, unless it has been revoked; and
  - (c) they are either:
    - (i) required to enter and be physically present in Victoria for the purpose of providing specified work in an occupation included in the **Specified Worker List – Multiple Entry** where that specified work is urgent, essential to the operations of the person’s employer or customer, and cannot be carried out in a timely manner by workers who ordinarily reside in Victoria or in an area that is a green zone; or
    - (ii) a Victorian resident who is:
      - (A) required to enter and be physically present in any other State or Territory in Australia for the purpose of providing specified work in an occupation included in the Specified Worker List – Multiple Entry; and
      - (B) entering Victoria from any other State or Territory in Australia for the purpose of returning to their ordinary place of residence in Victoria.
  - (d) during all times the person was in a red zone in which they do not ordinarily reside, in the 14 days prior to entry to Victoria, the person:
    - (i) only remained in that red zone for as long as necessary to provide the relevant specified work;
    - (ii) has not carried any person as a passenger in the driver’s cabin of a vehicle, other than for the purpose of providing specified work in an occupation listed in the Specified Worker List – Multiple Entry;
    - (iii) kept detailed records of all travel and each place they stopped (including accommodation);
    - (iv) wore a face covering at all times in all:
      - (A) indoor public places; and
      - (B) outdoor public places; and
      - (C) vehicles, if the person was in a vehicle with any other person (unless the other person ordinarily resides with the person); and

- (v) minimised contact with other persons (except in cases of emergency); and
- (vi) did not enter or stay in any indoor space or vehicle except when reasonably necessary for:
  - (A) providing specified work; or
  - (B) accessing toilet or bathroom facilities; or
  - (C) obtaining medical care or medical supplies; or
  - (D) paying for fuel; or
  - (E) purchasing takeaway food and drink; or
  - (F) accessing accommodation; or
  - (G) travelling to Victoria from an airport, seaport, railway station, bus station or other transport facility; or
  - (H) travelling to Victoria on an aircraft, train, sea vessel, bus or other transport vehicle; and
- (vii) has complied with the relevant COVIDSafe Plan while in Victoria and in any other State or Territory (including while travelling to and from a red zone or an orange zone in the other State or Territory) and any other requirements applicable to specified worker (multiple entry) permit holders in clause 11.

*Specified worker (multiple entry) – requirements for entry*

- (8) A person who is a specified worker (multiple entry) and who enters Victoria must:
- (a) have a valid specified worker (multiple entry) permit which includes:
    - (i) the person's personal details; and
    - (ii) an attestation by the person stating that (as at the date of attestation) the person (and any person under the age of 18 or other dependant entering Victoria with the person):
      - (A) meets all the eligibility requirements in subclause (7) and the pre-entry obligations specified in subclause (7)(c); and
      - (B) has provided information in the permit that is true and correct; and
      - (C) will comply with the specified worker (multiple entry) conditions; and
    - (iii) a QR code capable of being scanned by an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction); and
  - (b) if the person has been in hotel quarantine (including for the purpose of completing the required period of hotel quarantine or for any other purpose, including work) in Victoria or in other State or Territory in the 14 days prior to entry to Victoria, provide (at the time of applying for the specified worker (multiple entry) permit):
    - (i) the name of the facility attended; and
    - (ii) the name of the State or Territory of the facility attended.

*Specified worker (multiple entry) permit – general conditions*

- (9) A specified worker (multiple entry) must for a period of 14 days after entering Victoria for the purpose of providing specified work:
- (a) comply with the general post-entry conditions;
  - (b) not work if experiencing any SARS-CoV-2 symptoms;

- (c) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
  - (i) a valid specified worker (multiple entry) permit; and
  - (ii) an acceptable form of identification; and
  - (iii) evidence from their employer that the specified work that they are required to enter and be physically present in Victoria to perform is in an occupation included in the **Specified Worker List – Multiple Entry** and is urgent, essential to the operations of the person's employer or customer, and cannot practically be carried out in a timely manner by workers who ordinarily reside in Victoria or in an area that is a green zone; and

*Note: a letter from an employer or customer on company letterhead that confirms that the work undertaken by the person meets the requirements in subclause (6)(a)(i) would be sufficient evidence.*

- (d) if the person is not a returning Victorian resident and has been in a red zone during the 14 days prior to entering Victoria:
  - (i) only remain in Victoria for the minimum period necessary to provide the specified work;
  - (ii) keep detailed records of each place the stop (including accommodation) in Victoria;
  - (iii) wear a face covering in indoor public places, outdoor public places and vehicles if the person is in the vehicle with any other person which who the person does not ordinarily reside;
  - (iv) not carry a passenger in the driver's cabin other than for specified work;
  - (v) not enter or stay in any vehicle or indoor space except when reasonably necessary for the purposes of:
    - (A) providing the specified work in an occupation listed in the Specified Worker – Multiple Entry List, that they have entered Victoria to perform;
    - (B) accessing toilet or bathroom facilities;
    - (C) purchasing fuel;
    - (D) purchasing essential items;
    - (E) undertaking essential activities;
    - (F) purchasing takeaway food or drink;
    - (G) entering and residing in accommodation;
    - (H) travelling from Victoria on an aircraft, train, sea vessel, bus or other transport vehicle; or
    - (I) obtaining medical care or medical supplies.

*Note: the person is permitted to purchase takeaway food or drink only and must eat or drink in that person's vehicle or the room at their accommodation and not in any other vehicle or indoor space while in transit through Victoria.*

- (e) has taken, kept and maintained detailed records of travel and stops for a period of 14 days;

*Specified worker (multiple entry – fully vaccinated) conditions after entry*

- (10) A specified worker (multiple entry) who is fully vaccinated and enters Victoria must, in addition to the conditions specified in subclause (9):
  - (a) get tested for SARS-CoV-2:
    - (i) within 72 hours after the person enters Victoria; and

- (ii) if that person has been in a red zone within 14 days prior to entry Victoria, every seven days after the first test undertaken after entering Victoria;
- (b) carry and present on request to authorised officer, a Victoria Police member or Protective Services Officer (or other person under such a person's direction) evidence of each COVID-19 test that they have undertaken in accordance with subclause (a) and vaccination evidence showing that they are fully vaccinated.

*Specified worker (multiple entry – not fully vaccinated) conditions*

- (11) If a person enters Victoria who is a specified worker (multiple entry) and is not fully vaccinated, that person must, in addition to the obligations specified in subclause (9):
  - (a) get tested for SARS-CoV-2:
    - (i) within 72 hours of entering Victoria; and
    - (ii) if that person has been in an orange zone within 14 days prior to entering Victoria, every seven days after the first test undertaken after entering Victoria; or
    - (iii) if that person has been in a red zone within 14 days prior to entering Victoria, every three days after the first test undertaken after entering Victoria;
  - (b) carry and present on request to an authorised officer, a Victoria Police member or Protective Services Officer (or other person under such a person's direction), evidence of each COVID-19 test that they have undertaken in accordance with subclause (a).

*Note 1: the person is permitted to purchase takeaway food or drink only and must eat or drink in that person's vehicle or the room at their:*

*Note 2: a specified worker (multiple entry) may be accompanied by a dependent child under the age of 18 years or other dependent person, such as an adult with a disability, if the dependent is to receive emergency or essential medical care or other urgent care, provided the dependent complies with the requirements under subclause (9) whilst in Victoria.*

- (12) A specified worker (multiple entry) permit:
  - (a) is valid for 14 days from the date the person first enters Victoria from any other State or Territory in Australia (unless revoked earlier); and
  - (b) may be used by a person to enter Victoria from any other State or Territory in Australia multiple times during the validity period in subclause (a); and
  - (c) can only be obtained once in any 14 day period, unless their current permit has been revoked or an application is made within the last 24 hours of a current permit's validity period.

## 11 Mandatory vaccination requirement – specified worker (multiple entry) permit obligations

- (1) A person who enters Victoria under a specified worker (multiple entry) permit and who is a:
  - (a) **commercial freight worker**; or
  - (b) **health care worker**,
 must comply with the requirements in subclause (2).

*Note: specified worker (multiple entry) permit holders who are not listed in subclause (1) do not need to comply with subclause (2) and (3).*

- (2) A person referred to in subclause (1) must carry and provide documentary evidence that:
  - (a) they are fully vaccinated; or
  - (b) they have received a **partial COVID-19 vaccination**; or
  - (c) they have a **vaccination exception** that is provided by a **medical practitioner** certifying that a vaccination exception applies to the person.



## 12 Applications for a permit

- (1) A person may apply for a permit using a digital system provided by the **Service Victoria CEO** and other parts of the Victorian Government.
- (2) An application for a permit must contain all information reasonably required by the Department from time to time, for the purpose of protecting public health.
- (3) The Service Victoria CEO:
  - (a) may deliver a permit to a person if clause:
    - (i) 5 (*green zone person*); or
    - (ii) 6 (*orange zone person*); or
    - (iii) 7 (*red zone person*); or
    - (iv) 10(1) (*specified worker (single entry)*); or
    - (v) 10(7) (*specified worker (multiple entry)*); orapplies, the person makes an application under subclause (1) and the application complies with the requirements under subclause (2); and
  - (b) may provide a copy of the permit to the Department; and
  - (c) will provide any information contained in an application to the Department on behalf of the person.
- (4) A person must not give information, or make a statement, in an application for a permit that is false or misleading in a material particular.

## 13 Excepted persons

- (1) Despite clause 5, 6 and 7, a person may enter Victoria from any other State or Territory in Australia, without a permit:
  - (a) if the person is entering Victoria to provide emergency or time-critical essential medical care or other urgent care as a **worker**; or  
*Note: people that provide routine medical care or other routine care are not included in subclause (a).*
  - (b) to receive or accompany a dependant who is to receive, emergency or essential medical care or other urgent care; or  
*Note: for the purposes of subclauses (b) and (c), a dependant includes a person who is dependent on another to facilitate attendances to receive essential medical care, or is dependent on others for the provision of essential medical care.*  
*Example 1: a person is a dependant of their intimate partner where they require essential medical care in Victoria and rely on their intimate partner to transport and support them to receive that essential medical care.*  
*Example 2: essential medical care includes medical care requiring continuity of treatment, such as chemotherapy or dialysis treatment.*  
*Example 3: other urgent care may include essential care for a person with a disability or a dependant of a person, if there are no alternate care arrangements available, but does not include ordinary child-minding services.*
  - (c) if the person is a transplant surgeon, to provide medical care including care that is not urgent or time-critical; or
  - (d) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria to:
    - (i) provide emergency or time-critical essential medical care or other urgent care as a worker; or
    - (ii) receive or accompany a dependant who received, emergency or essential medical care or other urgent care; or
  - (e) if the person is an **emergency worker** and they are providing emergency services to prevent or respond to an emergency; or

- (f) to provide essential public services to prevent or respond to an emergency; or
- (g) to ensure the provision of telecommunications, critical infrastructure, or essential services where the worker is acting to prevent or respond to an emergency; or
- (h) to receive emergency services or essential public services (including services provided by emergency workers and child protection workers); or
- (i) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria to receive emergency services or essential public services (including services provided by emergency workers and child protection workers); or
- (j) to escape harm or the risk of harm, including harm relating to family violence or violence of another person and is only required to self-quarantine to the extent it is reasonably practicable to do so in all the circumstances; or
- (k) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
- (l) if the person is a **school** student travelling on a bus undertaking a usual or regular route to or from the school that the student is enrolled at; or
- (m) if the person remains on the same premises where that premises is both in the State of Victoria and either:
  - (i) the State of New South Wales; or
  - (ii) the State of South Australia; or
- (n) for purposes related to the administration of justice in Victoria, any other State or Territory in Australia or the Commonwealth of Australia; or  
*Example: State, Territory or Commonwealth judicial officers and essential court or tribunal staff entering Victoria for the purpose of necessary, in-person court or tribunal hearings in Victoria, and prison transfers.*
- (o) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria for purposes related to the administration of justice in Victoria, any other State or Territory in Australia or the Commonwealth of Australia; or  
*Example: State, Territory or Commonwealth judicial officers and essential court or tribunal staff returning to Victoria after necessary in-person court or tribunal hearing in any other State or Territory in Australia, and prison transfers.*
- (p) for purposes related to shared custody arrangements (court ordered or non-court ordered); or
- (q) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria for purposes related to shared custody arrangements (court ordered or non-court ordered); or
- (r) as required or authorised by law; or
- (s) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria as required or authorised by law; or
- (t) for the purposes of **national security**; or
- (u) if the person leaves Victoria to travel along the Murray River but only if the person:
  - (i) does not set foot on the banks of the Murray River on the New South Wales side or South Australian side of the Murray River (unless the person is from a cross border community area); and
  - (ii) prohibits or prevents any person who has been in a red zone at any time after the relevant zone commencement time in the previous 14 days from travelling on the Murray River with them or entering Victoria with them;

- (v) if the person is a passenger or **public transport** worker travelling on a public transport service which leaves and re-enters Victoria without stopping at a place outside of Victoria during the course of its usual and regular route and operations.

*Note: a person who boards a public transport service in Victoria where the route goes through New South Wales or South Australia and back into Victoria without stopping before disembarking in is not required to apply for a permit.*

- (2) A person who enters Victoria as an excepted person under subclause (1) (except where the person enters Victoria as an excepted person in accordance with subclause (1)(k) or (l)) must:
  - (a) if the person is entering Victoria and has been in a green zone but has not been in a Red Zone or Orange Zone in a State or Territory for the 14 days prior to entry, comply with the green zone general conditions other than the requirement in subclause 5(3)(b)(i); or
  - (b) if the person entering Victoria has been in an orange zone but not a red zone at any time after the relevant zone commencement time in the previous 14 days, comply with:
    - (i) the orange zone general conditions, except for subclause 6(3)(b)(i) (the requirement to have an orange zone permit); and
    - (ii) if the person is either:
      - (A) 12 years of age or above and is fully vaccinated; or
      - (B) younger than 12 years of age and is either travelling with parents or guardians who are all fully vaccinated or is unaccompanied, the orange zone (fully vaccinated) conditions; or
    - (iii) if the person is either:
      - (A) 12 years of age or above and is not fully vaccinated; or
      - (B) the person is younger than 12 years of age and is travelling with a parent or guardian who is not fully vaccinated, the **orange zone (not fully vaccinated) conditions**, except the person may leave their self-quarantine premises to fulfil the purpose of their entry as an excepted person;
  - (c) if the person entering Victoria has been in a red zone at any time after the relevant zone commencement time in the previous 14 days, comply with:
    - (i) the red zone general conditions, other than the requirement to obtain a red zone permit as excepted is subclause (3)(a)(ii)(A) from (c)(i); and
    - (ii) if the person is either:
      - (A) 12 years of age or above and is fully vaccinated; or
      - (B) younger than 12 years of age and is either travelling with parents or guardians who are all fully vaccinated or is unaccompanied, the red zone (fully vaccinated) conditions; or
    - (iii) if the person is either:
      - (A) 12 years of age or above and is not fully vaccinated; or
      - (B) the person is younger than 12 years of age and is travelling with a parent or guardian who is not fully vaccinated, the red zone (not fully vaccinated) conditions, except the requirement to self-quarantine when in Victoria to fulfil the purpose of entry and the requirement to obtain a red zone permit.

**14 Exemption power***Request for exemption*

- (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:
  - (a) subclause (6) (specific circumstances); or
  - (b) subclause (11).
- (2) A person may request an exemption by:
  - (a) using a digital system provided by the Service Victoria CEO and other parts of the Victorian Government; or
  - (b) contacting the Department by phone (or other method determined by the Department from time to time).
- (3) A request for exemption must contain all information reasonably required by the Department from time to time, for the purpose of protecting public health.
- (4) The Service Victoria CEO will provide any information contained in a request for exemption under subclause (2)(a) to the Department.

*Exemptions for specific circumstances*

- (5) A person may request an exemption from any or all requirements contained in these directions:
  - (a) to attend a funeral or end of life event; or
  - (b) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal; or
  - (c) to return to the person's ordinary place of residence for health, wellbeing, care or compassionate reasons; or
  - (d) to return to the person's ordinary place of residence in Victoria from a cross border community area; or
  - (e) to effect an emergency relocation; or
  - (f) to receive or accompany a dependant who is attending boarding school.
- (6) The Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) may exempt a person 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.
- (7) Before granting any exemption under subclause (6) the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) must consider:
  - (a) if the person is:
    - (i) a diagnosed person or close contact of a diagnosed person (or equivalent), lawfully permitted to leave a State or Territory in accordance with the laws in force in that jurisdiction; and
    - (ii) seeking to enter Victoria:
      - (A) to attend a funeral or end of life event; or
      - (B) as a person who owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal; or

- (C) to return to the person's ordinary place of residence for health, wellbeing, care or compassionate reasons; or
  - (D) as a person who is a Victorian resident in a cross border community area; or
  - (E) to effect an emergency relocation; or
  - (F) to receive or accompany a dependant who is attending boarding school; and
- (b) documentary evidence provided by the person of:
- (i) the circumstances described in subclause (a); or
  - (ii) test results or other medical information in relation to the person, including any negative SARS-CoV-2 test result received by the person within 72 hours prior to the person's proposed or actual entry to Victoria; or  
*Note: a Victorian resident may not need to be tested for SARS-CoV-2 in any other State or Territory before entering Victoria but if not tested within 72 hours prior to the person's proposed or actual entry to Victoria, must be tested for SARS-CoV-2 within 72 hours of returning to Victoria (unless the exemption specifically provides otherwise).*
  - (iii) directions or permissions given to that person from a State or Territory not to self-isolate or self-quarantine (or equivalent); and
- (c) any further documentary evidence requested by the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) and provided by the person.
- (8) An exemption granted under subclause (6):
- (a) must:
    - (i) be given by the Department, in writing, to the person who is the subject of the exemption; and
    - (ii) specify the requirement or requirements that the person need not comply with; and
  - (b) may be subject to additional or different conditions approved by the Chief Health Officer or Deputy Chief Health Officer.
- (9) An exemption granted under subclause (6) does not prevent an authorised officer from exercising an emergency power to give the person a different direction or impose a different requirement or condition of exemption on the person.

*Exemptions, generally*

- (10) A person may request an exemption from any or all requirements contained in these directions.
- (11) The Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) may exempt a person or 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.
- (12) Before granting any exemption under subclause (11) the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) must consider:
- (a) the circumstances set out in any request; and

- (b) any documentary evidence provided by the person, including test results or other medical information in relation to the person; and
  - (c) any further documentary evidence requested by the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) and provided by the person.
- (13) An exemption under subclause (11):
- (a) must:
    - (i) be given by the Department, in writing, to the person who is the subject of the exemption; or
    - (ii) be published by the Department, in writing, for the purpose of any group of persons who are the subject of the exemption; and
    - (iii) specify the requirement or requirements that the person or group of persons need not comply with; and
  - (b) may be subject to additional or different conditions approved by the Chief Health Officer or Deputy Chief Health Officer.
- (14) An exemption granted under subclause (11) does not prevent an authorised officer from exercising an emergency power to give the person or group of persons a different direction or impose a different requirement on the person or group of persons.

*Conditions of exemption*

- (15) A person who has not been in a red zone at any time after the relevant zone commencement time in the previous 14 days must:
- (a) enter Victoria within 72 hours of the time set out in the exemption; and
 

*Note 1: an exemption will expire if the person does not enter Victoria within 72 hours of the time set out in the exemption and the person will need to re-apply for a new exemption.*

*Note 2: an exemption may be subject to a condition to enter at a particular point of entry into Victoria under subclause (13)(b).*
  - (b) comply with any conditions imposed on the exemption.
- (16) A person who has been in a red zone at any time after the relevant zone commencement time in the previous 14 days enters Victoria under an exemption granted under subclauses (6) or (11) must:
- (a) enter Victoria within 72 hours of the time set out in the exemption; and
 

*Note 1: an exemption will expire if the person does not enter Victoria within 72 hours of the time set out in the exemption and the person will need to re-apply for a new exemption.*

*Note 2: an exemption may be subject to a condition to enter at a particular point of entry into Victoria under subclause (13)(b).*
  - (b) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
    - (i) the exemption; and
    - (ii) documentary evidence supporting the grounds for the exemption, if applicable; and
    - (iii) an acceptable form of identification; and
  - (c) travel directly from their place of departure to Victoria; and
  - (d) whilst in direct and short term transit to Victoria, minimise contact with other persons; and

*Additional conditions for fully vaccinated persons*

- (17) In addition to the obligations imposed on a person entering Victoria under subclause (16), a person who is granted an exemption and is:
- (a) aged 12 years and above and is fully vaccinated; or

- (b) under 12 years of age and is either travelling with parents or guardians who are all fully vaccinated or is unaccompanied,  
must:
  - (c) travel directly to the premises at which the person ordinarily resides or such other premises suitable for the person to reside in for the purpose of self-quarantine in accordance with subclause (d); and
  - (d) self-quarantine at the premises at which the person ordinarily resides or another premises that is suitable for the person to reside in for the purpose of self-quarantine for 14 days (subject to subclauses (h) and (i)(ii)), and only leave that premises:
    - (i) to attend a specified event or place, subject to additional requirements set out in the exemption in relation to:
      - (A) the period the person may spend at the specified event or place; and
      - (B) whether other persons with whom the person does not ordinarily reside are permitted to be present at the specified event or place; and
      - (C) if the person is permitted to attend a worksite, record keeping requirements of any worksite the person attends; or
    - (ii) to carry out essential activities; and
  - (e) carry and present on request to an authorised officer, Victoria Police Officer or Protective Services Officer (or other person under such a person's direction) **vaccination evidence** to show that they, or if younger than 12 years of age, their parents or guardians, are fully vaccinated; and
  - (f) unless the specific conditions of the exemption granted to the person provide that the person is not required to be tested for SARS-CoV-2 or the person has received a negative SARS-CoV-2 test result within 72 hours prior to entry to Victoria, obtain a SARS-CoV-2 test within 72 hours of the time the person enters Victoria.

*Additional conditions for not fully vaccinated persons*

- (18) In addition to the obligations imposed on a person entering Victoria under subclause (16), a person who is granted an exemption and is:
  - (a) aged 12 years and above and is not fully vaccinated; or
  - (b) under 12 years of age and travelling with at least one parent or guardian who is not fully vaccinated,  
must:
    - (c) unless the specific conditions of the exemption granted to the person provide that the person is not required to be tested for SARS-CoV-2, get tested for SARS=CoV-2;
      - (i) within 72 hours of the time the person enters Victoria, unless the person has received a negative SARS-CoV-2 test result no more than 72 hours before entering Victoria; and
      - (ii) on the thirteenth day of self-quarantine; and
    - (d) travel directly to the premises at which the person ordinarily resides or such other premises suitable for the person to reside in for the purpose of self-quarantine in accordance with subclause, and only leave those premises:
      - (i) to attend a specified event or place, subject to additional requirements set out in the exemption in relation to:
        - (A) the period the person may spend at the specified event or place; and

- (B) whether other persons with whom the person does not ordinarily reside are permitted to be present at the specified event or place; and
      - (C) if the person is permitted to attend a worksite, record keeping requirements of any worksite the person attends; or
    - (ii) to carry out essential activities; and
  - (e) unless the specific conditions of the exemption granted to the person provide that the person is not required to be tested for SARS-CoV-2, if, during the period of self-quarantine:
    - (i) the person is tested for SARS-CoV-2; and
    - (ii) subject to subclause (iii), the period for which the person is required to self-quarantine under subclause (g) expires during the period in which the person is awaiting the result of that test, the period of self-quarantine is extended until the person receives a negative SARS-CoV-2 test result; and
    - (iii) if the person receives a negative SARS-CoV-2 test result and:
      - (A) the period for which the person is required to self-quarantine under subclause (g) has not expired, the person must continue to self-quarantine under subclause (g) for the remainder of that period; or
      - (B) the period for which the person is required to self-quarantine under subclause (g) (as extended under either or both of subclauses (h) and (i)(ii)) has expired, the person may cease self-quarantining immediately; and
  - (f) unless the specific conditions of the exemption granted to the person provide that the person is not required to be tested for SARS-CoV-2, provide documentary evidence:
    - (i) of any negative SARS-CoV-2 test result received by the person within 72 hours prior to the person's proposed or actual entry to Victoria; and
    - (ii) that the person has been tested in accordance with subclause (c) (including evidence of the person's most recent test) to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) when requested to do so; and
  - (g) wear a face covering when in public (over and above the Directions currently in force), unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person.
- (19) Nothing in subclauses (17) and (18) prevents an authorised officer from exercising an emergency power to give a person a different direction or impose a different requirement or condition of exemption on the person.

## 15 Definitions

In these directions:

- (1) **acceptable form of identification** means:
- (a) subject to subclauses (b) and (c), photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and

*Example: photographic personal identification includes a driver's licence issued by any State or Territory or a passport issued by Australia. Evidence of the current address where the person ordinarily resides includes a driver's licence or any other document issued by any State or Territory or any **municipal district**, local government area, unincorporated local government area (not including Lord Howe Island) or local authority, including a rates notice.*



- (b) if the person is unable to provide photographic personal identification in accordance with subclause (a), two forms of documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) to prove the person's identity (unless the person is under the age of 18); and
- Example: documentary evidence includes Medicare card, Australian, State or Territory government correspondence, credit card or utility bill.*
- (c) if the person is unable to provide evidence of the current address where the person ordinarily resides in accordance with subclause (a), other documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) of the person's address (unless the person is under the age of 18);
- Example: a letter from an Indigenous community leader or community services provider confirming the person's identity and confirming the person's address or other place of residence arrangements.*
- (2) **aircrew services worker** means a pilot or a member of cabin crew who:
- (a) is undertaking operational flying duties or proficiency training on an aircraft that is not an aircraft of any part of the Australian Defence Force (including any aircraft that is commanded by a member of that Force in the course of duties as such a member); or
- (b) is required by their employer to attend facilities in Victoria for the purpose of undertaking simulator training or emergency procedures training;
- (3) **authorised officer** has the same meaning as in the PHW Act;
- (4) **childcare or early childhood services** means onsite early childhood education and care services or children's services provided under the:
- (a) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs; or
- (b) **Education and Care Services National Law Act 2010** and the **Education and Care Services National Regulations 2011** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services;
- (5) **commercial freight worker** means a freight worker who crosses State or Territory borders for their work including:
- (a) drivers of any heavy vehicles over 4.5 GVM;
- (b) rail crew; and
- (c) support workers essential to the supply chain but not travelling in a heavy vehicle or train, including workers carrying out repairs or repositioning empty trailers and prime movers to carry freight and rail track workers;
- (6) **COVID-19 Mandatory Vaccination Directions** means the **COVID-19 Mandatory Vaccination Directions (No. 4)** as amended or replaced from time to time;
- (7) **COVID-19 vaccine** means a vaccine to protect a person against SARS-CoV-2 that:
- (a) has been registered or provisionally registered by the Therapeutic Goods Administration; or
- (b) has been approved by a comparable overseas regulator, as determined by the Therapeutic Goods Administration under regulation 16DA(3) of the **Therapeutic Goods Regulation 1990** of the Commonwealth;
- (8) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;

- (9) **cross border community area** means a **municipal district**, local government area or unincorporated local government area adjacent to or in close proximity to the border between the **State** of New South Wales and Victoria, or the border between the **State** of South Australia and Victoria, as detailed on the **Department's** website available at: [www.coronavirus.vic.gov.au/information-cross-border-communities](http://www.coronavirus.vic.gov.au/information-cross-border-communities) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer;
- (10) **cross border community member** means a person whose ordinary place of residence is in the **cross border community area**;
- (11) **Department** means the Victorian Department of Health;
- (12) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (13) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 28)** as amended or replaced from time to time;
- (14) **direct and short-term transit** means when in a **red zone** or **orange zone** and:
- (a) if travelling from a **green zone**, spend no more than 24 hours in total within an **orange zone** or a **red zone**; or
  - (b) if travelling from an **orange zone**, spend no more than 24 hours within a **red zone**;
- (15) **direct and short-term transit conditions** means:
- (a) practise **physical distancing** (except in cases of emergency);
  - (b) not enter or stay in any **vehicle** (other than the vehicle used for transit) or indoor space, except to the extent that such entry and stay was reasonable and necessary for the purpose of:
    - (i) departing for Victoria from an airport, seaport, railway station, bus station or other transport facility; or
    - (ii) travelling to Victoria on an aircraft, train, sea vessel, bus or other transport vehicle; or
    - (iii) accessing essential medical care;
    - (iv) accessing toilet and bathroom facilities; or
    - (v) paying for fuel; or
    - (vi) purchasing essential items; or
    - (vii) purchasing takeaway food or drink, which must only be consumed in the **vehicle** used for transit and not in any other **vehicle** or indoor space whilst in transit; or
    - (viii) accessing accommodation; and
  - (c) keep detailed records, including QR codes, of each place they stop (including accommodation); and
  - (d) wear a **face covering** at all times in all:
    - (i) indoor public spaces; and
    - (ii) outdoor public spaces; and
    - (iii) flights to and from Victoria, if applicable (unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person); and
    - (iv) vehicles, if the person is in a vehicle with any other person (unless the other person ordinarily resides with the person),  
unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person;

- (16) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (17) **emergency** means a situation related to an **excepted person** where the delay caused by using the permit or exemption systems would create an unacceptable risk to human or animal life, including injury, or create an unacceptable risk of severe damage to essential infrastructure or significant disruption to an essential service;
- (18) **emergency worker** has the same meaning as in the **Sentencing Act 1991**, but does not include a person employed or engaged to provide, or support the provision of, emergency treatment to patients in a hospital;
- (19) **essential activities** means:
- (a) obtaining medical care or medical supplies; or
  - (b) obtaining a **SARS-CoV-2** test; or
  - (c) responding to an emergency situation; or
  - (d) activities required to comply with any law; or
  - (e) departing the State of Victoria;
- (20) **excepted person** has the meaning in clause 14(1);
- (21) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection (but does not include a face shield);
- (22) **fully vaccinated** means a person who has received either one dose of a one dose **COVID-19 vaccine** or two doses of a two dose **COVID-19 vaccine**;
- (23) **general eligibility requirements** means that a person:
- (a) has not been at a **very high risk exposure site** in any State or Territory in Australia at any time during a **very high risk period**;
  - (b) is not experiencing **SARS-CoV-2 symptoms**; and
  - (c) is not a diagnosed person or a close contact of a diagnosed person (or equivalent) and/or required to self-isolate or self-quarantine in any State or Territory within Australia;
- (24) **general post-entry conditions** means that a person must:
- (a) comply with all of the **Directions currently in force**;
  - (b) monitor for **SARS-CoV-2 symptoms**; and
  - (c) obtain a test for **SARS-CoV-2** as soon as possible after experiencing any **SARS-CoV-2 symptoms**;
- (25) **green zone** has the meaning in clause 4A(1)(a);
- (26) **green zone general conditions** means all of the conditions set out in clause 5(2);
- (27) **green zone permit** is a permit held by a **green zone person** that meets all of the requirements specified in clause 5(2)(a);
- (28) **green zone person** means a person who meets all of the requirements specified in clause 5(1);
- (29) **healthcare worker** means:
- (a) healthcare workers, including patient or clinical facing ancillary staff, who reside on the Victorian side of a **cross border community area** and work in:
    - (i) City of Broken Hill;
    - (ii) City of Wagga Wagga;
    - (iii) Hay Shire;
    - (iv) Lockhart Shire; or
    - (v) Murrumbidgee Council; and

- (b) healthcare workers, including patient or clinical facing ancillary staff, who reside in Victoria outside of a **cross border community area** and work on the New South Wales side of a **cross border community area** and in:
    - (i) City of Broken Hill;
    - (ii) City of Wagga Wagga;
    - (iii) Hay Shire;
    - (iv) Lockhart Shire; or
    - (v) Murrumbidgee Council; and
  - (c) healthcare workers, including patient or clinical facing ancillary staff, who reside on the New South Wales side of a **cross border community area**, if they work in Victoria and have been in a red zone outside of the cross border community area in the 14 days prior to entering Victoria; and
  - (d) a healthcare worker, including patient or clinical facing ancillary staff, who resides in;
    - (i) City of Broken Hill;
    - (ii) City of Wagga Wagga;
    - (iii) Hay Shire;
    - (iv) Lockhart Shire; or
    - (v) Murrumbidgee Council,if they work in a healthcare service located on the Victorian side of a cross border community area or a healthcare services located in:
    - (vi) City of Greater Bendigo;
    - (vii) City of Greater Shepparton;
    - (viii) Rural City of Benalla;
    - (ix) Shire of Buloke;
    - (x) Shire of Loddon; or
    - (xi) Shire of Yarriambiack;
- (30) **hotel quarantine** means a program requiring a person to quarantine at a hotel in accordance with a public health order, public health directions, regulations or any other law of any **State, Territory** or the Commonwealth of Australia made in order to limit the spread **SARS-CoV-2**;
- (31) **medical practitioner** has the meaning in the **COVID-19 Mandatory Vaccination Directions**;
- (32) **medical contraindication** has the meaning in the **COVID-19 Mandatory Vaccination Directions**;
- (33) **municipal district** has the same meaning as in the **Local Government Act 1989**;
- (34) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (35) **offshore petroleum or gas storage facility** has the meaning that facility has in Schedule 3 to the **Offshore Petroleum and Greenhouse Gas Storage Act 2010**;
- (36) **orange zone** has the meaning in clause 4A(1)(b);
- (37) **orange zone (fully vaccinated) conditions** means the conditions set out in clause 6(3)(c);
- (38) **orange zone (not fully vaccinated) conditions** means the conditions set out in clause 6(3)(d);
- (39) **orange zone general conditions** means the conditions set out in clauses 6(3)(a) and 6(3)(b);

- (40) **orange zone permit** has the meaning in clause 6;
- (41) **orange zone person** means a person who meets all of the requirements specified in clause 6(1);
- (42) **permit** means the written notice (digital or otherwise) provided under clause 12 and includes:
- (a) **green zone permit**; and
  - (b) **orange zone permit**; and
  - (c) **red zone permit**; and
  - (d) **specified worker (single entry) permit**; and
  - (e) **specified worker (multiple entry) permit**; and
- (43) **permitted reasons** has the meaning in clause 8(6);
- (44) **personal details** means:
- (a) the person's full name; and
  - (b) the person's contact phone number; and
  - (c) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and
  - (d) the address from which the person is departing when entering Victoria; and
  - (e) where applicable, the current address where the person ordinarily resides; and
  - (f) the address where the person will reside after entering Victoria; and
- Note: if the person is in Victoria temporarily, they can provide details of the accommodation at which they are staying.*
- (g) the date of entry to Victoria; and
  - (h) if applicable, any planned date of departure from Victoria;
  - (i) the person's **vaccination status**;
- (45) **physical distancing** means the practice of physically maintaining a distance, where it is reasonably practicable to do so, of at least 1.5 metres from any other person except those persons with whom a person ordinarily resides;
- (46) at the time they enter Victoria, has been in a **red zone** at any time after the relevant zone commencement time in the previous 14 days **Public Event Framework** means the Public Event Framework available at [www.coronavirus.vic.gov.au/public-events](http://www.coronavirus.vic.gov.au/public-events) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer;
- (47) **public transport** means a **vehicle** operated by a **passenger transport company** or by a **bus company** in the provision of a **public transport service**;
- (48) **red zone** has the meaning in clause 4A(1)(c);
- (49) **red zone (fully vaccinated) conditions** means the conditions set out in clause 7(3)(c);
- (50) **red zone general conditions** means the conditions specified in clauses 7(3)(a) and 7(3)(b);
- (51) **red zone (not fully vaccinated) conditions** means the conditions set out in clause 7(3)(d), 7(3)(e) and 7(3)(f);
- (52) **red zone permit** has the meaning in clause 7;
- (53) **red zone person** means a person who meets all of the requirements specified in clause 7(1);
- (54) **red zone requirements for entry** means the requirements specified in clause 7(2);
- (55) **relevant green zone** means, in relation to a person who entered Victoria, any **green zone** in a **State** or **Territory** that the person had been in after the zone commencement time in the 14 days prior to the person's entry to Victoria;

- (56) **relevant orange zone** means, in relation to a person who entered Victoria, any **orange zone** in a **State** or **Territory** that the person had been in after the zone commencement time in the 14 days prior to the person's entry to Victoria;
- (57) **relevant red zone** means, in relation to a person who entered Victoria, any **red zone** in a **State** or **Territory** that the person had been in after the zone commencement time in the 14 days prior to the person's entry to Victoria;
- (58) **relevant zone** means, in relation to a person who entered Victoria from a **cross border community area**, any **relevant green zone**, **relevant orange zone** or **relevant red zone** that is outside the **cross border community area**;
- (59) **returning Victorian resident** means a person who:
- (a) ordinarily resides in Victoria;
  - (b) enters Victoria from any other **State** or **Territory** in Australia where they performed **specified work** to return to their ordinary place of residence in Victoria; and
  - (c) is not performing any work or travelling to work in Victoria;
- (60) **revoked Border Crossing Permit Scheme Directions** means any of the **New South Wales Border Crossing Permit Scheme Directions**, **New South Wales and Queensland Border Crossing Scheme Directions** or the **Victorian Border Crossing Permit Directions**;
- (61) **SARS-CoV-2 symptoms** means symptoms consistent with **SARS-CoV-2**, including but not limited to the following:
- (a) a fever ( $\geq 37.5^{\circ}\text{C}$ ) or consistent fever of less than  $37.5^{\circ}\text{C}$  (such as night sweats, chills);
  - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
  - (c) loss of smell;
  - (d) loss of taste;
- (62) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (63) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (64) **short term transit** means a transit period of less than 24 hours, except in an emergency;
- (65) **specified work** has the same meaning as in the Department's document titled 'Travellers eligible to apply for a permit under specified workers categories' ([www.coronavirus.vic.gov.au/travellers-eligible-to-apply-for-specified-worker-permit](http://www.coronavirus.vic.gov.au/travellers-eligible-to-apply-for-specified-worker-permit)), as amended from time to time by the Victorian Government with the approval of the Chief Health Officer;
- (66) **Specified Worker List – Multiple Entry** means the list on the Department's website at [www.coronavirus.vic.gov.au/travellers-eligible-to-apply-for-specified-worker-permit](http://www.coronavirus.vic.gov.au/travellers-eligible-to-apply-for-specified-worker-permit) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer;
- (67) **Specified Worker List – Single Entry** means the list on the Department's website at [www.coronavirus.vic.gov.au/travellers-eligible-to-apply-for-specified-worker-permit](http://www.coronavirus.vic.gov.au/travellers-eligible-to-apply-for-specified-worker-permit) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer;
- (68) **specified worker (multiple entry)** means a person employed or engaged to provide **specified work** in an occupation included in the **Specified Worker List – Multiple Entry** and who meets the requirements specified in clause 10(7);
- (69) **specified worker (multiple entry) conditions** means the conditions specified for a **specified worker (multiple entry)** in clauses 10(9) and 10(10) (fully vaccinated) or 10(11) (not fully vaccinated);

- (70) **specified worker (multiple entry) permit** means a permit that may be granted to a person who is a **specified worker (multiple entry)**;
- (71) **specified worker (single entry)** means a person employed or engaged to provide **specified work** in an occupation included in the **Specified Worker List – Single Entry** and who meets the requirements specified in clause 10(1);
- (72) **specified worker (single entry) conditions** means the conditions specified for a **specified worker (single entry)** in clauses 10(3) and 10(4) (fully vaccinated) or 10(5) (not fully vaccinated);
- (73) **specified worker (single entry) permit** means a permit that may be granted to a person who is a **specified worker (single entry)**;
- (74) **State** means a State in Australia (and otherwise has the meaning in the Australian Constitution);
- (75) **Territory** means a territory in Australia (and otherwise has the meaning in the Australian Constitution);
- (76) **vaccination exception** means a person that has a medical contraindication;
- (77) **vaccination status** means whether a person is **fully vaccinated**, received one dose of a two dose **COVID-19 vaccine** or has not received any dose of a **COVID-19 vaccine**;
- (78) **vehicle** has the same meaning as in the **PHW Act**;
- (79) **very high risk exposure site** means a site in a **State** or a **Territory**:
- (a) assessed as very high risk for **SARS-CoV-2** transmission described:
- (i) by a State, Territory or the Commonwealth of Australia on the relevant government website, as amended from time to time; or
- (ii) on the **Department’s** website available at [www.coronavirus.vic.gov.au/victorian-border-crossing-permit](http://www.coronavirus.vic.gov.au/victorian-border-crossing-permit) as amended from time to time with the approval of the Chief Health Officer; and
- (b) which is subject to:
- (i) any public health order, public health directions, regulations or any other law made in order to limit the spread **SARS-CoV-2** currently in force in a State, Territory or the Commonwealth of Australia; or
- (ii) any **Directions currently in force**,  
requiring any persons who have been at the site at any time during the **very high risk period** to self-isolate or to self-quarantine (or equivalent) until a period of 14 days (or such longer period as may be directed) has elapsed from the time the persons had been at the site during the very high risk period;
- (80) **very high risk period** means the period of time in which a **very high risk exposure site** in a **State** or a **Territory** is assessed as very high risk for **SARS-CoV-2** transmission, as specified:
- (a) by a State, Territory or the Commonwealth of Australia on the relevant government website, as amended from time to time; or
- (b) on the **Department’s** website available at [www.coronavirus.vic.gov.au/victorian-border-crossing-permit](http://www.coronavirus.vic.gov.au/victorian-border-crossing-permit) as amended from time to time with the approval of the Chief Health Officer;
- (81) **Victorian resident** means a person who ordinarily resides in Victoria;
- (82) **worker** has the meaning in the **Workplace Directions**;
- (83) **Workplace Directions** means the **Workplace Directions (No. 50)** as amended from time to time;

- (84) the following expressions have the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**:
- (a) **bus company**;
  - (b) **passenger transport company**;
  - (c) **public transport service**;
- (85) **zone commencement time** has the meaning in clause 4A(2).

## 16 Penalties

- (1) Section 210 of the PHW Act provides:

### **False or misleading information**

- (1) A person must not –
- (a) give information that is false or misleading in a material particular; or
  - (b) make a statement that is false or misleading in a material particular; or
  - (c) produce a document that is false or misleading in a material particular –
- to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

Penalty: In the case of a natural person, 60 penalty units;  
In the case of a body corporate, 300 penalty units.

- (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading.

Penalty: In the case of a natural person, 60 penalty units;  
In the case of a body corporate, 300 penalty units.

- (3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the charge for the accused to prove that at the time at which the offence is alleged to have been committed, the accused believed on reasonable grounds that the information, statement or document was true or was not misleading.

- (2) 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.

- (3) A person who fails to comply with these directions is liable for an on-the-spot fine of:

- (a) in the case of a natural person:
  - (i) aged 18 years or older – 10 penalty units
  - (ii) aged 15 years or older but under the age of 18 years – 4 penalty units;
  - (iii) aged under 15 years – 1 penalty unit; or
- (b) in the case of a body corporate – 60 penalty units; or

*Note: it is intended that subclauses (a) and (b) are a reference to Item 74 of Table 2 of Schedule 8 of the **Public Health and Wellbeing Regulations 2019**. Item 74 establishes the infringement offence constituted by refusing or failing 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 of the PHW Act. This includes a direction or requirement in relation to travelling from a green zone or orange zone and seeking to enter Victoria.*



- (c) if the contravention of these directions is constituted by refusing or failing to comply with a requirement to self-isolate or self-quarantine:
- (i) in the case of a person aged 18 years or older – 30 penalty units;
  - (ii) in the case of a child aged 15 years or older but under the age of 18 years – 5 penalty units;
  - (iii) in the case of a child under the age of 15 years – 1 penalty unit; or

*Note: it is intended that subclause (c) is a reference to Item 76 of Table 2 of Schedule 8 of the **Public Health and Wellbeing Regulations 2019**. Item 76 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 to self-isolate or self-quarantine.*

- (d) if the contravention of these directions is constituted by refusing or failing to comply with a requirement in relation to a person travelling from a restricted area and seeking to enter Victoria without a reasonable excuse or other valid reason or excuse, in the case of a natural person:
- (i) aged 15 years or older but under the age of 18 years – 5 penalty units;
  - (ii) under the age of 15 years – 1 penalty unit;
  - (iii) in any other case – 30 penalty units.

*Note: it is intended that subclause (d) is a reference to Item 79 of Table 2 of Schedule 8 of the **Public Health and Wellbeing Regulations 2019**. Item 79 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 a person travelling from a restricted area (however described) and seeking to enter Victoria without a reasonable excuse or other valid reason or excuse. For the purposes of Item 79, a red zone is a restricted area.*

- (4) Additionally, a person who fails to comply with these directions may in certain circumstances be liable to prosecution under the PHW Act for the maximum penalties outlined in subclause (2).

Dated 19 October 2021

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

**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH  
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****COVID-19 Mandatory Vaccination (Workers) Directions (No. 4)**

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

**PART 1 – PRELIMINARY****1 Preamble**

- (1) The purpose of these directions is to impose obligations upon employers in relation to the vaccination of **workers**, in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) within the population of those workers.
- (2) Key definitions are contained in clause 8.
- (3) Worker-specific definitions are contained in clause 9.
- (4) Other definitions are contained in clause 10.
- (5) These directions must be read together with the **Directions currently in force**.
- (6) These directions replace the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 3)**.

**2 Citation**

These directions may be referred to as the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 4)**.

**3 Commencement and revocation**

- (1) These directions commence at 11:59:00 pm on 19 October 2021 and end at 11:59:00 pm on 21 October 2021.
- (2) The **COVID-19 Mandatory Vaccination (Workers) Directions (No. 3)** are revoked at 11:59:00 pm on 19 October 2021.

**PART 2 – EMPLOYER OBLIGATIONS****4 Employer must collect, record and hold vaccination information***Vaccination information*

- (1) If a worker is, or may be, scheduled to work outside the worker's ordinary place of residence on or after the **relevant date**, the employer of the worker must collect, record and hold **vaccination information** about the worker.

*Booking information – partially vaccinated and unvaccinated workers*

- (2) If the employer collects information that a worker is **partially vaccinated**, the employer must also collect, record and hold information about whether that worker has a booking to receive, by the **second dose deadline**, a dose of a **COVID-19 vaccine** that will cause the worker to become **fully vaccinated**.
- (3) If the employer collects information that a worker is **unvaccinated**, the employer must also collect, record and hold information about whether that worker has a booking to receive, by the **first dose deadline**, a dose of a **COVID-19 vaccine** that will cause the worker to become **partially vaccinated**.

*Timing*

- (4) An employer must comply with the obligations in subclauses (1) to (3) as soon as reasonably practicable after the commencement of these directions.

*Exception*

- (5) Subclauses (1) to (4) do not apply if the employer already holds vaccination information about a worker who is, or may be, scheduled to work outside the worker's ordinary place of residence on or after the relevant date.

**5 Employer must ensure unvaccinated workers do not work outside ordinary place of residence***No work outside ordinary place of residence*

- (1) On or after the relevant date, an employer of a worker must not permit a worker who is unvaccinated to work for that employer outside the worker's ordinary place of residence.
- (2) For the purposes of subclause (1), if an employer does not hold vaccination information about a worker, the employer must treat the worker as if the worker is unvaccinated.

*Exception – booking by first dose deadline*

- (3) Despite subclause (1), an employer of a worker may, between the relevant date and the first dose deadline, permit a worker who:
- (a) is unvaccinated; and
  - (b) has a booking to receive, by the first dose deadline, a dose of a COVID-19 vaccine that will cause the worker to become partially vaccinated,
- to work for that employer outside the worker's ordinary place of residence.

*Exception – self-quarantine*

- (4) Despite subclause (1), an employer of a worker may, after the first dose deadline, permit a worker who:
- (a) is unvaccinated; and
  - (b) was unable to become partially vaccinated before the first dose deadline because they were in self-quarantine under the **Diagnosed Persons and Close Contacts Directions**; and
  - (c) has a booking to receive, within 7 days of the end of the period of self-quarantine as determined under the **Diagnosed Persons and Close Contacts Directions**, a dose of a COVID-19 vaccine that will cause the worker to become partially vaccinated,
- to work for that employer outside the worker's ordinary place of residence.

*Authorisation to use vaccination information*

- (5) For the purposes of complying with this clause, an employer is authorised to use any information about a worker that it holds under clause 4.

*Notification to current workers*

- (6) An employer of a worker must, as soon as reasonably practicable after the commencement of these directions, inform each worker who is, or may be, scheduled to work outside the worker's ordinary place of residence on or after the relevant date that:
- (a) clause 4 obliges the employer to collect, record and hold vaccination information about the worker; and
  - (b) subclause (1) obliges the employer, on and after the relevant date, not to permit a worker who is unvaccinated to work for that employer outside the worker's ordinary place of residence unless an exception applies under these directions.
- (7) Subclause (6) does not apply if the employer has previously notified the worker of the matters specified in that subclause under a previous version of these directions.

*Notification to new workers*

- (8) If an employer engages a worker who is, or may be, scheduled to work outside the worker's ordinary place of residence on or after the relevant date, the employer must inform the worker, as soon as reasonably practicable after engaging the worker that:
- (a) clause 4 obliges the employer to collect, record and hold vaccination information about the worker; and
  - (b) subclause (1) obliges the employer, on and after the relevant date, not to permit a worker who is unvaccinated to work for that employer outside the worker's ordinary place of residence unless an exception applies under these directions.

**6 Exception – exceptional circumstances**

- (1) An employer of a worker is not required to comply with clauses 4 and 5 if one or more of the exceptional circumstances specified in subclause (2) applies.
- (2) The exceptional circumstances are:
  - (a) a worker is required to perform work or duties that is or are necessary to provide for urgent specialist clinical or medical care due to an **emergency situation** or a **critical unforeseen circumstance**; or
  - (b) a worker is required to fill a vacancy to provide urgent care, to maintain quality of care and/or to continue essential operations due to an emergency situation or a critical unforeseen circumstance; or  
*Example 1: a large number of workers furloughed due to exposure at a Tier 1 site.*  
*Example 2: a medical practitioner is required to work outside their ordinary place of residence on short notice due to an emergency situation.*
  - (c) a worker is required to respond to an emergency; or
  - (d) a worker is required to perform urgent and essential work to protect the health and safety of workers or members of the public, or to protect assets and infrastructure; or
  - (e) an education worker that is required to:
    - (i) carry out assessments of an oral or performance examination as part of the Victorian Certificate of Education or International Baccalaureate; or
    - (ii) work as a venue coordinator for those examinations.
- (3) If a circumstance specified in subclause (2) applies, the employer must take all reasonable steps to ensure that the worker does not work outside the worker's ordinary place of residence for any longer than the period of time necessary to respond to the exceptional circumstance.

**7 Disclosure to Authorised Officers**

- (1) An **Authorised Officer** may request an employer to produce to the Authorised Officer any vaccination information held by the employer under clause 4.
- (2) If an Authorised Officer makes a request to a person under subclause (1), the person must comply with the request.

*Note: Authorised Officers may also be authorised to exercise the public health risk power in section 190(1) (d) of the PHW Act to require the provision of any information needed to investigate, eliminate or reduce the risk to public health.*

**PART 3 – DEFINITIONS****8 Key definitions***Vaccination status*

- (1) A person's **vaccination status** is one of the following:
  - (a) **fully vaccinated**; or
  - (b) **partially vaccinated**; or

- (c) **unvaccinated**; or
  - (d) **excepted person**.
- (2) A person is **fully vaccinated** if the person has received two doses of a COVID-19 vaccine.
- (3) A person is **partially vaccinated** if the person has received one dose of a COVID-19 vaccine and is not an **excepted person**.
- (4) A person is **unvaccinated** if the person has not received a dose of a COVID-19 vaccine and is not an **excepted person**.
- (5) A person is an **excepted person**:
- (a) if the person holds certification from a **medical practitioner** that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine due to a medical contraindication; or
  - (b) if the person holds certification from a medical practitioner that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine due to an acute medical illness (including where the person has been diagnosed with SARS-CoV-2).
- (6) A certification for the purpose of subclause (5)(b) is effective until the earlier of:
- (a) the date specified by the medical practitioner; or
  - (b) the date 6 months from the date the certification was given by the medical practitioner.

#### *Vaccination information*

- (7) For the purposes of these directions, **vaccination information** is information about a person's vaccination status and includes information that is derived from a record of information that was made under, or in accordance with, the **Australian Immunisation Register Act 2015** of the Commonwealth.

*Note: Vaccination information may be recorded in a variety of documents, such as a letter from a medical practitioner, a certificate of immunisation or an immunisation history statement obtained from the Australian Immunisation Register.*

#### *Employers and workers*

- (8) For the purpose of these directions:
- (a) **employer** in relation to a **worker** means:
    - (i) the person who employs or engages the worker; or
    - (ii) if the worker is self-employed—the worker.
  - (b) **worker** means a person identified in Column 1 of Schedule 1, whether paid or unpaid, but does not include:
    - (i) a **Commonwealth employee**;
    - (ii) a worker who works in connection with proceedings in a **court**, where that work cannot be done from the person's ordinary place of residence; or
    - (iii) a person under 12 years of age.

#### *Dates*

- (9) For the purposes of these directions:
- (a) **first dose deadline** in relation to a **worker** means the date identified in Column 3 of Schedule 1 for that worker;
  - (b) **relevant date** in relation to a **worker** means the date specified in Column 2 of Schedule 1 for that worker;
  - (c) **second dose deadline** in relation to a **worker** means the date identified in Column 4 of Schedule 1 for that worker.

## 9 Worker-specific definitions

### *Accommodation worker*

(1) For the purposes of these directions:

- (a) **accommodation worker** means a person who works at or in connection with one of the following accommodation facilities, whether operated on a for-profit or not-for-profit basis:
- (i) camping ground;
  - (ii) caravan park;
  - (iii) hotel;
  - (iv) hostel;
  - (v) bed and breakfast;
  - (vi) private holiday rental facility, including Airbnbs;
  - (vii) motel; or
  - (viii) serviced apartment.

### *Agricultural and forestry worker*

(2) For the purposes of these directions:

- (a) **agricultural and forestry worker** means a person who works in connection with:
- (i) food safety and verification, inspection or associated laboratory services and biosecurity functions;
  - (ii) animal saleyards, knackeries and animal transportation services (including livestock and pets);
  - (iii) services connected with animal health, husbandry or welfare;
  - (iv) farm, animal and bloodstock leasing activities, including but not limited to:
    - (A) farming activities and other operations relating to agriculture, horticulture, viticulture, irrigation, permaculture, apiculture, grains, fibre production, dairy, flower industry, commercial fishing, aquaculture and livestock;
    - (B) intensive agricultural production including greenhouses and animal production;
    - (C) agricultural, veterinary chemicals and vaccine production, transportation and distribution (including the Pig Services Centre);
    - (D) laboratory and diagnostic services;
    - (E) animal feed production, transportation, packaging, sale, and feeding (including livestock and pets);
    - (F) animal pounds and shelters activities; or
  - (v) forestry activities for the purposes of or relating to:
    - (A) production of firewood for heating of **premises**;
    - (B) production of pallets;
    - (C) production of building supplies for construction;
    - (D) production of other goods (e.g. paper, packaging, caskets and coffins).

### *Airport worker*

(3) For the purposes of these directions:

- (a) **airport** has the same meaning as in the **Airports Act 1996** of the Commonwealth;
- (b) **airport worker** means a person who works at or in connection with an airport.

*Ancillary, support and welfare worker*

- (4) For the purposes of these directions:
- (a) **ancillary, support and welfare worker** means:
- (i) a person who works in connection with:
    - (A) services that are critical to, and relate to, the Victorian Government's COVID-19 response (including hotel quarantine);
    - (B) a public event where that event has received an exemption from the Chief Health Officer allowing it to proceed, including any workers and public broadcast personnel that support the safe running of the public event;
    - (C) employment services;
    - (D) union/peak body/employer organisation officials attending a worksite as permitted by law or for Occupational Health and Safety (OHS) advice;
  - (ii) fly in fly out workers or drive in drive out workers who are required for continuity of an industry or business and maintenance of a competitive operation and where the service is time-critical, or for the critical maintenance or repair of infrastructure critical to a region of, or to, Victoria; or
  - (iii) maritime crew.

*Authorised Officer*

- (5) For the purposes of these directions:
- (a) **Authorised Officer** has the same meaning as in the **PHW Act**.

*Care worker*

- (6) For the purposes of these directions:
- (a) **alcohol and drug residential service** means:
- (i) a treatment centre within the meaning of the **Severe Substance Dependence Treatment Act 2010**;
  - (ii) a residential treatment service (however described) that provides drug or alcohol withdrawal or rehabilitation services in a residential setting to people dependent on alcohol or other drugs; or
  - (iii) a service that provides supported accommodation to a person after the person has received residential treatment services of the kind referred to in subclause (b);
- (b) **care worker** means a person who works in connection with:
- (i) an **alcohol and drug residential service**;
  - (ii) a **disability residential service**;
  - (iii) services provided to an **NDIS participant** in any setting;
  - (iv) a **homelessness residential service**;
  - (v) a **secure welfare service**;
  - (vi) a **supported residential service**;
  - (vii) essential relief activities including the activities provided at Neighbourhood Houses;
  - (viii) an **eligible SDA enrolled dwelling**;
  - (ix) a **short-term accommodation and assistance dwelling**;
  - (x) a **mental health residential service** including the service provided at a Community Care Unit or a Prevention and Recovery Centre; or
  - (xi) a **retirement village**;

- (c) **disability residential service** means a residential service within the meaning of the **Disability Act 2006** and includes the Intensive Residential Treatment Program of the Statewide Forensic Service, often referred to as ‘DFATS’;
- (d) **eligible SDA enrolled dwelling** means a Specialist Disability Accommodation (SDA) enrolled dwelling that is provided under an SDA residency agreement within the meaning of section 498B of the **Residential Tenancies Act 1997**;
- (e) **homelessness residential service** means a service that is funded by government to provide a staffed residential service to people who are homeless or at risk of being homeless;
- (f) **mental health residential service** means a service that is funded by the Victorian Government to provide a staffed residential service to people who have a mental illness;
- (g) **retirement village** has the same meaning as in the **Retirement Villages Act 1986**;
- (h) **secure welfare service** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (i) **short-term accommodation and assistance dwelling** has the same meaning as in the **Disability Act 2006**;
- (j) **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**.

*Community worker*

- (7) For the purposes of these directions:
  - (a) **community worker** means a person who works at or in connection with a community facility or an organisation providing community services, whether operated on a for profit or not-for-profit basis, including but not limited to:
    - (i) a facility at which services are provided by an Aboriginal Community Controlled Organisation;
    - (ii) a community centre or community hall;
    - (iii) a public library;
    - (iv) a youth centre; or
    - (v) a skatepark in an outdoor space.

*Creative arts worker*

- (8) For the purposes of these directions:
  - (a) **creative arts worker** means a person who works at or in connection with:
    - (i) an art studio;
    - (ii) a ceramics studio;
    - (iii) a music room or studio;
    - (iv) a rehearsal room or studio; or
    - (v) any other facility that is used for creative art.

*Custodial worker*

- (9) For the purposes of these directions:
  - (a) **custodial worker** means a person who works at or in connection with a:
    - (i) custodial facility that is a facility used for the detention of persons, including but not limited to a:
      - (A) **prison**;
      - (B) **remand centre**;
      - (C) **youth residential centre**;



- (D) **youth justice centre;**
  - (E) **residential facilities;** or
  - (F) **residential treatment facilities.**
- (b) **prison** has the same meaning as in the **Corrections Act 1986;**
  - (c) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005;**
  - (d) **residential facility** has the same meaning as **Serious Offenders Act 2018**, and includes the Maribyrnong Community Residential Facility;
  - (e) **residential treatment facility** has the same meaning as **Serious Offenders Act 2018;**
  - (f) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005;**
  - (g) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005.**

*Emergency service worker*

- (10) For the purposes of these directions:
  - (a) **emergency service worker** means a person who works in connection with emergency services including but not limited to:
    - (i) the Victoria State Emergency Services;
    - (ii) Fire Rescue Victoria, the Country Fire Authority or any other firefighting services;
    - (iii) the Emergency Services Telecommunications Authority;
    - (iv) aquatic safety services, including life saving services and marine search and rescue services;
    - (v) paramedical services;
    - (vi) ambulance and paramedics services;
    - (vii) air ambulance and medical retrieval services (including Royal Flying Doctor Service);
    - (viii) Victoria Police, protective services and police custody services; or
    - (ix) essential infrastructure and essential services that are required to maintain or protect human health, safety and wellbeing (whether provided by a public or private undertaking), and including maintenance and repair of such infrastructure.

*Entertainment and function worker*

- (11) For the purposes of these directions:
  - (a) **entertainment and function worker** means a worker who works at an amusement park for the purpose of providing statutorily required training for staff prior to reopening.

*Funeral worker*

- (12) For the purposes of these directions:
  - (a) **funeral worker** means a person who works in connection with funerary or mortuary services.

*Higher education worker*

- (13) For the purposes of these directions:
  - (a) **higher education worker** means a person who works at or in connection with:
    - (i) a university;

- (ii) a vocational education and training institute;
- (iii) a technical and further education institute;
- (iv) an adult community and further education institute;
- (v) a registered training organisation; or
- (vi) any other facility undertaking post-compulsory education or training.

*Justice worker*

- (14) For the purposes of these directions:
- (a) **honorary justice** has the same meaning as in the **Honorary Justices Act 2014**;
  - (b) **justice service centre** means:
    - (i) a premises or place appointed as a community corrections centre pursuant to section 86 of the **Corrections Act 1986** or a youth justice unit pursuant to section 478 of the **Child Youth and Families Act 2005**; or
    - (ii) the Wulgunggo Ngalu Learning Place;
  - (c) **justice worker** means:
    - (i) a person who works at or in connection with a **justice service centre**; or
    - (ii) an **honorary justice** or a person who works in connection with an honorary justice.

*Manufacturing worker*

- (15) For the purposes of these directions:
- (a) **manufacturing worker** means a person who works at or in connection with a premises used for the distribution, production or processing of goods, including but not limited to production or processing of:
    - (i) food (excluding meat, seafood or poultry);
    - (ii) beverages including brewed and bottled drinks;
    - (iii) textiles, leather, clothing, footwear and accessories;
    - (iv) wood products;
    - (v) pulp and paper products;
    - (vi) printing including small and large production runs;
    - (vii) chemicals, including fertilisers, pesticides, pharmaceutical, medicinal, cleaning products, toiletries, cosmetics, photographic and explosives;
    - (viii) metal and plastics;
    - (ix) machinery and equipment manufacturing including parts;
    - (x) furniture;
    - (xi) household goods;
    - (xii) whole or partial products; or
    - (xiii) software, essential marketing or product installation.

*Marriage celebrant*

- (16) For the purposes of these directions:
- (a) **marriage celebrant** has the same meaning as **authorised celebrant** in the **Marriage Act 1961** of the Commonwealth.

*Meat and seafood processing worker*

- (17) For the purposes of these directions:
- (a) **meat and seafood processing worker** means a person who works at or in connection with an abattoir or a meat, seafood or poultry processing plant.

*Media and film production worker*

(18) For the purposes of these directions:

- (a) **media and film production worker** means a person who works:
  - (i) in connection with:
    - (A) journalism;
    - (B) media services;
    - (C) the production of feature films, theatre, television shows and documentaries (excluding television commercials, student and corporate productions);
    - (D) broadcasting performances from an entertainment facility; or
    - (E) a rehearsal conducted by a National Performing Arts Company.

*Mining worker*

(19) For the purposes of these directions:

- (a) **mining worker** means a person who works at a premises at which mining activities take place, including coal mining, oil and gas extraction, metal ore mining, non-metallic mineral mining and quarrying petroleum production.

*Physical recreation worker*

(20) For the purposes of these directions:

- (a) **physical recreation worker** means a person:
  - (i) who works at or in connection with:
    - (A) a facility used or partly used for sport, sport racing or physical recreation;
    - (B) a **play centre**;
    - (C) a trampolining centre; or
    - (D) a swimming pool, **hydrotherapy pool**, spa, sauna, steam room or **spring facility**; or
  - (ii) who provides personal training services;
- (b) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (c) **play centre** means a premises, whether indoor or outdoor, that has play equipment to be used or partly used by children under the age of 12 years but does not mean a playground;
- (d) **spring facility** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer.

*Port or freight worker*

(21) For the purposes of these directions:

- (a) **port or freight worker** means a person works in connection with:
  - (i) air transport services;
  - (ii) port operations;
  - (iii) freight services (including postal and courier services);
  - (iv) services provided by a transport, freight or logistics driver; or
  - (v) monitoring compliance with the **Heavy Vehicle National Law**.

*Professional sports, high-performance sports, or racing person*

(22) For the purposes of these directions:

- (a) **professional sports, high-performance sports, or racing person** means a person who:
- (i) performs a sporting activity in an open-aged national or international competition (at the highest level as identified by the recognised national body);
  - (ii) is employed to perform a sporting activity as their primary source of income (for example, employed by a professional club or recognised national body);
  - (iii) is a National Institute Network Scholarship holder or equivalent level national categorised athlete;
  - (iv) supports the safe conduct of another person's professional sport;
  - (v) publicly broadcasts professional sport; or
  - (vi) participates in thoroughbred, harness and greyhound racing.

*Professional services worker*

(23) For the purposes of these directions:

- (a) **Australian legal practitioner** has the same meaning as in the **Legal Profession Uniform Law Application Act 2014**;
- (b) **legal worker** means:
- (i) an **Australian legal practitioner** who provides services in connection with the administration of justice where the services cannot be provided by an online communication, teleconference or by means of an audiovisual link facility; or
  - (ii) a person who works in connection with a person specified in subclause (i).
- (c) **professional services worker** means:
- (i) a person who **provides a financial service** within the meaning of section 766A of the **Corporations Act 2001** of Commonwealth, or works in connection with the provision of such a service; or
  - (ii) a **legal worker**.

*Public sector worker*

(24) For the purposes of these directions:

- (a) **local government worker** means:
- (i) a Chief Executive Officer within the meaning of the **Local Government Act 2020**;
  - (ii) a member of Council staff appointed under section 48 of the **Local Government Act 2020**;
- (b) **public sector worker** means:
- (i) a Ministerial officer employed under section 98 of the **Public Administration Act 2004**;
  - (ii) a local government worker; or
  - (iii) a person who is a public sector employee within the meaning of the **Public Administration Act 2004**, except:
    - (A) a person who is a member of the staff of Court Services Victoria within the meaning of the **Court Services Victoria Act 2014**;
    - (B) a parliamentary officer within the meaning of the **Parliamentary Administration Act 2004**; or
    - (C) a person employed or engaged by the Chief Executive Officer of the Victorian Civil and Administrative Tribunal.

*Real estate worker*

(25) For the purposes of these directions:

- (a) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (b) **real estate worker** means an **estate agent** or any person who works in connection with the provision of services by an estate agent.

*Religious worker*

(26) For the purposes of these directions:

- (a) **religious worker** means a person who works at or in connection with a **place of worship**, but does not include a person who:
  - (i) conducts services of public worship and acknowledgments of faith;
  - (ii) performs marriages, funerals and special memorial services according to tradition and ecclesiastical and civil law; or
  - (iii) visits members of the community in their homes, hospitals and other institutions to provide advice and religious comfort for the purpose of end of life faith reasons;
- (b) **place of worship** has the same meaning as in the **Heritage Act 2017**.

*Repair and maintenance worker*

(27) For the purposes of these directions:

- (a) **repair and maintenance worker** means a person who works in connection with:
  - (i) laundry services;
  - (ii) dry cleaning services;
  - (iii) car washing services;
  - (iv) commercial cleaning service;
  - (v) locksmith services;
  - (vi) roadside assistance services;
  - (vii) pool and spa maintenance services for commercial pools and spas;
  - (viii) vehicle and mechanical repair services;
  - (ix) outdoor maintenance, repairs, and cleaning, including at occupied premises;
  - (x) outdoor home installations;
  - (xi) home solar panel installations that involve outdoor work or in roof cavities with external access; or
  - (xii) critical repairs to any premises where required for emergency or safety.

*Retail worker*

(28) For the purposes of these directions:

- (a) **bottle shop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the premises;
- (b) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (c) **food and drink facility** means a café, restaurant, **licensed premises**, fast-food store, cafeteria, canteen, winery, food truck or food court;

*Note: a food and drink facility includes a food and drink facility at a stadium or arena.*

- (d) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (e) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;

- (f) **licensed premises** means a business characterised as a pub, bar, club, **nightclub** or hotel that supplies alcohol under a **general licence**, an **on-premises licence**, a **late night licence**, a **producer’s licence**, a **club licence**, a **packaged liquor licence**, or a **restaurant and café licence**;
- (g) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;
- (h) **nightclub** means a facility:
  - (i) to which a **late night licence** applies; and
  - (ii) with a dancefloor; and
  - (iii) which does not serve food prepared at the facility for consumption on the premises;
- (i) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (j) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (k) **producer’s licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (l) **restaurant and café licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (m) **retail facility** means a premises, or part of a premises, at which a business operates to provide for the sale or hire of goods by retail, or the provision of services by retail, including but not limited to a:
  - (i) **market**, but only to obtain groceries or fresh food;
  - (ii) **retail shopping centre**;
  - (iii) supermarket, grocery store, bakery, butcher, fruit and vegetable store or fishmonger;
  - (iv) **food and drink facility**;
  - (v) post office;
  - (vi) news agent;
  - (vii) petrol station (including a petrol station that sells groceries);
  - (viii) **bottle shop**;
  - (ix) pet store; or
  - (x) a facility that provides ‘click and collect’ services;
- (n) **retail worker** means a person who works at or in connection with a **retail facility** or a wholesale or distribution facility;
- (o) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**.

*Science and technology worker*

- (29) For the purposes of these directions:
  - (a) **science and technology worker** means a person who works in connection with scientific and technical research or activities, but only in relation to:
    - (i) COVID-19 (e.g. MedTech research regarding vaccines);
    - (ii) hazard monitoring and resilience;
    - (iii) biosecurity and public health;
    - (iv) medical or other research, which is ongoing and requires on site attendance; or
    - (v) critical scientific experiments, labs, and collections.

*Social and community service worker*

(30) For the purposes of these directions:

- (a) **social and community service worker** means a person who works in connection with:
- (i) disability services;
  - (ii) services provided to an NDIS participant in any setting;
  - (iii) child protection services;
  - (iv) family violence and sexual assault support services;
  - (v) homelessness support services;
  - (vi) public housing support services;
  - (vii) mental health services;
  - (viii) aged care services;
  - (ix) any social services provided or contracted by the government to support members of the community who have a particular need because of family violence, homelessness, illness or a chronic health condition, infirmity, disability, contact with the justice system or other essential support service; or
  - (x) interpreter, cultural, or support services.

*Transport worker*

(31) For the purposes of these directions:

- (a) **transport worker** means a person who performs work in connection with:
- (i) a **bus company**;
  - (ii) a **commercial passenger vehicle service**; or
  - (iii) a **public transport service**;
- (b) **bus company** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (c) **commercial passenger vehicle service** has the same meaning as in the **Commercial Passenger Vehicle Industry Act 2017**;
- (d) **public transport service** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**.

*Utility and urban worker*

(32) For the purposes of these directions:

- (a) **utility and urban worker** means a person who works in connection with:
- (i) specialist services at telecommunications stores to support telecommunications as a critical service during the COVID-19 pandemic;
  - (ii) services to support the ongoing provision and regulation of electricity, gas, water, sewage and waste and recycling services and their maintenance;
  - (iii) domestic and commercial waste and resource recovery services (including collection, treatment and disposal services and transfer stations), including:
    - (A) electricity services;
    - (B) operation of energy systems;
    - (C) gas services;
    - (D) water supply, sewerage and drainage services; or
    - (E) liquid fuels and refinery services;

- (iv) the operation of primary clinical waste incinerators by specialised clinical waste workers;
- (v) the operation of carparks for the purposes of supporting workers.

*Veterinary and pet/animal care worker*

(33) For the purposes of these directions:

- (a) **veterinary and pet/animal care worker** means a person who works:
  - (i) in connection with:
    - (A) pet grooming services;
    - (B) veterinary services;
    - (C) animal rescue services;
    - (D) animal health, husbandry or welfare services; or
  - (ii) at the premises of or in connection with:
    - (A) a nature reserve at which animals are treated and cared for;
    - (B) a zoo.

## 10 Other definitions

For the purposes of these directions:

- (1) **Commonwealth employee** has the same meaning as in the **Sex Discrimination Act 1984** of the Commonwealth;
- (2) **court** means:
  - (a) the Supreme Court;
  - (b) the County Court;
  - (c) the Magistrates' Court;
  - (d) the Children's Court; and
  - (e) any Federal Court;
- (3) **COVID-19 Mandatory Vaccination (Specified Facilities) Directions** means the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 7)** as amended or replaced from time to time;
- (4) **COVID-19 vaccine** means a vaccine to protect a person against SARS-CoV-2 that:
  - (a) has been registered or provisionally registered by the Therapeutic Goods Administration; or
  - (b) has been approved by a comparable overseas regulator, as determined by the Therapeutic Goods Administration under regulation 16DA(3) of the **Therapeutic Goods Regulation 1990** of the Commonwealth;
- (5) **critical unforeseen circumstance** means a circumstance that the employer could not reasonably have foreseen nor planned for which results in a critical need for staff;
- (6) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 28)** as amended or replaced from time to time;
- (7) **Directions currently in force** has the same meaning as in the **Workplace Directions** as amended or replaced from time to time;
- (8) **emergency situation** means a situation where it is reasonably apparent to an employer that medical treatment is necessary, as a matter of urgency to:
  - (a) save a person's life; or
  - (b) prevent serious damage to a person's health; or
  - (c) prevent a person from suffering or continuing to suffer significant pain or distress;



- (9) **medical contraindication** means one of the following contraindications to the administration of a **COVID-19 vaccine**:
- (a) anaphylaxis after a previous dose;
  - (b) anaphylaxis to any component of the vaccine, including polysorbate or polyethylene glycol;
  - (c) in relation to AstraZeneca:
    - (i) history of capillary leak syndrome; or
    - (ii) thrombosis with thrombocytopenia occurring after a previous dose;
  - (d) in relation to Comirnaty or Spikevax:
    - (i) myocarditis or pericarditis attributed to a previous dose of either Comirnaty or Spikevax; or
  - (e) the occurrence of any other serious adverse event that has:
    - (i) been attributed to a previous dose of a COVID-19 vaccine by an experienced immunisation provider or medical specialist (and not attributed to any another identifiable cause); and
    - (ii) been reported to State adverse event programs and/or the Therapeutic Goods Administration;
- (10) **medical practitioner** means:
- (a) a general practice registrar on an approved 3GA training placement; or
  - (b) a public health physician; or
  - (c) an infectious disease physician; or
  - (d) a clinical immunologist; or
  - (e) a general practitioner who is vocationally registered; or
  - (f) a general practitioner who is a fellow of the Royal Australian College of General Practitioners (RACGP); or
  - (g) a general practitioner who is a fellow of the Australian College of Rural and Remote Medicine (ACRRM); or
  - (h) a paediatrician; or
  - (i) a medical practitioner who is a fellow of the Royal Australasian College of Physicians;
- (11) **NDIS participant** has the meaning given to ‘participant’ under the **National Disability Insurance Scheme Act 2013** of the Commonwealth;
- (12) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (13) **premises** has the same meaning as in the **PHW Act** but does not include a worker’s ordinary place of residence.

## 11 Penalties

- (1) 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.*

(2) Section 210 of the PHW Act provides:

**False or misleading information**

(1) A person must not –

- (a) give information that is false or misleading in a material particular; or
- (b) make a statement that is false or misleading in a material particular; or
- (c) produce a document that is false or misleading in a material particular – to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

Penalty: In the case of a natural person, 60 penalty units;  
In the case of a body corporate, 300 penalty units.

(2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading.

Penalty: In the case of a natural person, 60 penalty units;  
In the case of a body corporate, 300 penalty units.

(3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the charge for the accused to prove that at the time at which the offence is alleged to have been committed, the accused believed on reasonable grounds that the information, statement or document was true or was not misleading.

Dated 19 October 2021

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

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## SCHEDULE 1 – WORKERS

| Row | Worker<br>(Column 1)  | Relevant date<br>(Column 2) | First dose<br>deadline<br>(Column 3) | Second dose deadline<br>(Column 4) | Worker-<br>specific<br>definitions |
|-----|---|-----------------------------|--------------------------------------|------------------------------------|------------------------------------|
| 1.  | accommodation worker  | 15 October 2021             | 22 October 2021                      | 26 November 2021                   | 9(1)                               |
| 2.  | agricultural and forestry worker                              | 15 October 2021             | 22 October 2021                      | 26 November 2021                   | 9(2)                               |
| 3.  | airport worker  | 15 October 2021             | 22 October 2021                      | 26 November 2021                   | 9(3)                               |
| 4.  | ancillary, support and welfare worker                         | 15 October 2021             | 22 October 2021                      | 26 November 2021                   | 9(4)                               |
| 5.  | Authorised Officer  | 15 October 2021             | 22 October 2021                      | 26 November 2021                   | 9(5)                               |
| 6.  | care worker   | 15 October 2021             | 22 October 2021                      | 26 November 2021                   | 9(6)                               |
| 7.  | community worker  | 15 October 2021             | 22 October 2021                      | 26 November 2021                   | 9(7)                               |
| 8.  | creative arts worker  | 15 October 2021             | 22 October 2021                      | 26 November 2021                   | 9(8)                               |
| 9.  | custodial worker  | 15 October 2021             | 22 October 2021                      | 26 November 2021                   | 9(9)                               |
| 10. | emergency service worker                                      | 15 October 2021             | 22 October 2021                      | 26 November 2021                   | 9(10)                              |
| 11. | entertainment and function worker                             | 15 October 2021             | 22 October 2021                      | 26 November 2021                   | 9(11)                              |
| 12. | funeral worker  | 15 October 2021             | 22 October 2021                      | 26 November 2021                   | 9(12)                              |
| 13. | higher education worker                                       | 15 October 2021             | 22 October 2021                      | 26 November 2021                   | 9(13)                              |
| 14. | justice worker  | 15 October 2021             | 22 October 2021                      | 26 November 2021                   | 9(14)                              |
| 15. | manufacturing worker  | 15 October 2021             | 22 October 2021                      | 26 November 2021                   | 9(15)                              |
| 16. | marriage celebrant  | 15 October 2021             | 22 October 2021                      | 26 November 2021                   | 9(16)                              |
| 17. | meat and seafood processing worker                            | 15 October 2021             | 22 October 2021                      | 26 November 2021                   | 9(17)                              |
| 18. | media and film production worker                              | 15 October 2021             | 22 October 2021                      | 26 November 2021                   | 9(18)                              |
| 19. | mining worker   | 15 October 2021             | 22 October 2021                      | 26 November 2021                   | 9(19)                              |
| 20. | physical recreation worker                                    | 15 October 2021             | 22 October 2021                      | 26 November 2021                   | 9(20)                              |
| 21. | port or freight worker  | 15 October 2021             | 22 October 2021                      | 26 November 2021                   | 9(21)                              |
| 22. | professional sports, high-performance sports or racing person | 15 October 2021             | 22 October 2021                      | 26 November 2021                   | 9(22)                              |

|     |  |                 |                 |                  |       |
|-----|--|-----------------|-----------------|------------------|-------|
| 23. | <b>professional services worker</b>          | 15 October 2021 | 22 October 2021 | 26 November 2021 | 9(23) |
| 24. | <b>public sector worker</b>                  | 15 October 2021 | 22 October 2021 | 26 November 2021 | 9(24) |
| 25. | <b>real estate worker</b>                    | 15 October 2021 | 22 October 2021 | 26 November 2021 | 9(25) |
| 26. | <b>religious worker</b>                      | 15 October 2021 | 22 October 2021 | 26 November 2021 | 9(26) |
| 27. | <b>repair and maintenance worker</b>         | 15 October 2021 | 22 October 2021 | 26 November 2021 | 9(27) |
| 28. | <b>retail worker</b>                         | 15 October 2021 | 22 October 2021 | 26 November 2021 | 9(28) |
| 29. | <b>science and technology worker</b>         | 15 October 2021 | 22 October 2021 | 26 November 2021 | 9(29) |
| 30. | <b>social and community service worker</b>   | 15 October 2021 | 22 October 2021 | 26 November 2021 | 9(30) |
| 31. | <b>transport worker</b>                      | 15 October 2021 | 22 October 2021 | 26 November 2021 | 9(31) |
| 32. | <b>utility and urban worker</b>              | 15 October 2021 | 22 October 2021 | 26 November 2021 | 9(32) |
| 33. | <b>veterinary and pet/animal care worker</b> | 15 October 2021 | 22 October 2021 | 26 November 2021 | 9(33) |

**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH  
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 9)**

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

**PART 1 – PRELIMINARY****1 Preamble**

- (1) The purpose of these directions is to impose obligations upon operators of **specified facilities** in relation to the vaccination of **workers**, in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) within the population in these settings.
- (2) These directions impose obligations on operators of:
  - (a) **residential aged care facilities**;
  - (b) **construction sites**;
  - (c) **healthcare facilities**; and
  - (d) **education facilities**.
- (3) Key definitions are contained in clause 8.
- (4) Facility-specific definitions are contained in clause 9.
- (5) Other definitions are contained in clause 10.
- (6) These directions must be read together with the **Directions currently in force**.

**2 Citation**

These directions may be referred to as the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 9)**.

**3 Commencement and revocation**

- (1) These directions commence at 11:59:00 pm on 19 October 2021 and end at 11:59:00 pm on 21 October 2021.
- (2) The **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 8)** are revoked at 11:59:00 pm on 19 October 2021.

**PART 2 – OPERATOR OBLIGATIONS****4 Operator must collect, record and hold vaccination information***Vaccination information*

- (1) If a worker is, or may be, scheduled to work at a specified facility on or after the **relevant date**, the operator must collect, record and hold **vaccination information** about the worker.

*Booking information – partially vaccinated and unvaccinated workers*

- (2) If the operator collects information that a worker is **partially vaccinated**, the operator must also collect, record and hold information about whether that worker has a booking to receive, by the **second dose deadline**, a dose of a **COVID-19 vaccine** that will cause the worker to become **fully vaccinated**.
- (3) If the operator collects information that a worker is **unvaccinated**, the operator must also must collect, record and hold information about whether that worker has a booking to receive, by the **first dose deadline**, a dose of a **COVID-19 vaccine** that will cause the worker to become **partially vaccinated**.

*Timing*

- (4) An operator must comply with the obligations in sub-clauses (1) to (3) as soon as reasonably practicable after the commencement of these directions.

*Exception*

- (5) Subclauses (1) to (4) do not apply if the operator already holds vaccination information about a worker who is, or may be, scheduled to work at the specified facility on or after the relevant date.

**5 Operator must take reasonable steps to prevent entry of unvaccinated workers***Prevention of entry to premises*

- (1) An operator of a specified facility must take all reasonable steps to ensure that, on or after the relevant date, a worker who is unvaccinated does not enter, or remain on, the premises of a specified facility for the purposes of working at the facility.
- (2) For the purposes of subclause (1), if an operator does not hold vaccination information about a worker, the operator must treat the worker as if the worker is unvaccinated.

*Exception – booking by first dose deadline*

- (3) Despite subclause (1), an operator of a specified facility may, between the relevant date and the first dose deadline, permit a worker who:
- (a) is unvaccinated; and
  - (b) has a booking to receive, by the first dose deadline, a dose of COVID-19 vaccine that will cause the worker to become partially vaccinated;
- to enter, and remain on, the premises of the facility for the purposes of working at the facility.
- (4) If an operator of a healthcare facility permits a worker to enter, and remain on, the premises of the facility under subclause (3), the operator must take reasonable steps to ensure that the worker wears, at all times while on the premises of the facility, **PPE** that includes at a minimum, a surgical mask and face shield.

*Exception – self-quarantine*

- (5) Despite subclause (1), an operator of a specified facility may, after the first dose deadline, permit a worker who:
- (a) is unvaccinated; and
  - (b) was unable to become partially vaccinated before the first dose deadline because they were in self-quarantine under the **Diagnosed Persons and Close Contacts Directions**; and
  - (c) has a booking to receive, within 7 days of the end of the period of self-quarantine as determined under the **Diagnosed Persons and Close Contacts Directions**, a dose of a COVID-19 vaccine that will cause the worker to become partially vaccinated,
- to enter, and remain on, the premises of the specified facility.

*Authorisation to use vaccination information*

- (6) For the purposes of complying with this clause, an operator is authorised to use any information about a worker that it holds under clause 4.

*Disclosure to employer or contractor*

- (7) If the operator is obliged to comply with subclause (1) in relation to a worker and the operator is not:
- (a) the employer of the worker; or
  - (b) the person who engaged the worker to work at the facility;
- the operator is authorised to disclose to the employer or person who engaged the worker that the operator is obliged to comply with subclause (1) in relation to the worker.

*Notification to current workers*

- (8) Subject to subclause (9), an operator of specified facility must, as soon as reasonably practicable after the commencement of these directions, inform each worker who is, or may be, scheduled to work at the facility on or after the relevant date that:
- (a) clause 4 obliges the operator to collect, record and hold vaccination information about the worker before the relevant date;
  - (b) subclause (1) obliges the operator to take all reasonable steps to ensure that, on or after the relevant date, a worker who is unvaccinated does not enter, or remain on, the premises of a specified facility for the purposes of working at the facility, unless an exception applies under these directions.
- (9) Subclause (8) does not apply to an operator in respect of a worker if the operator informed the worker of the matters specified in that subclause under a previous version of these directions.

*Notification to new workers*

- (10) If an operator of a specified facility engages a worker who is, or may be, scheduled to work at the facility on or after the relevant date, the employer must inform the worker, as soon as reasonably practicable after engaging the worker, that:
- (a) clause 4 obliges the employer to collect, record and hold vaccination information about the worker; and
  - (b) subclause (1) obliges the employer, on and after the relevant date, not to permit a worker who is unvaccinated to work for that employer outside the worker's ordinary place of residence unless an exception applies under these directions.

**6 Exception – exceptional circumstances**

- (1) An operator of a specified facility is not required to comply with clauses 4 and 5 if one or more of the exceptional circumstances specified in subclause (2) applies.
- (2) The exceptional circumstances are:

- (a) a worker is required to perform work or duties at the facility that is or are necessary to provide for urgent specialist clinical or medical care due to an **emergency situation** or a **critical unforeseen circumstance**; or
- (b) a worker is required to fill a vacancy to provide urgent care, to maintain quality of care and/or continue essential operations at the facility due to an emergency situation or a critical unforeseen circumstance; or

*Example 1: a work premises has a large number of workers furloughed due to exposure at a Tier 1 site.*

*Example 2: a medical practitioner is required to attend the premises on short notice due to an emergency situation.*

- (c) a worker is required to attend the facility to respond to an emergency at the facility; or
- (d) a worker is required to perform urgent and essential work at the facility to protect the health and safety of workers or members of the public, or to protect assets and infrastructure; or

*Example 1: securing a crane due to impending high winds.*

*Example 2: works required at a construction site in order to make the construction site safe for continued operation.*

- (e) an education worker is required to:
  - (i) carry out assessments of an oral or performance examination as part of the Victorian Certificate of Education or International Baccalaureate; or
  - (ii) work as a venue coordinator for those examinations.

- (3) If a circumstance specified in subclause (2)(b), (c), (d) or (e) applies, the operator must take all reasonable steps to ensure that the worker remains upon the premises of the facility only for the period of time necessary to respond to the exceptional circumstance.

*Additional obligation*

- (4) If the circumstances specified in subclause (2) apply in relation to a residential aged care facility or a healthcare facility, the relevant operator must take all reasonable steps to ensure that the worker wears, at all times while on the premises of the facility, PPE that includes, at a minimum, a surgical mask and face shield.

## 7 Disclosure to Authorised Officers

- (1) An Authorised Officer may request an operator to produce to the Authorised Officer any vaccination information held by the operator under clause 4.
- (2) If an Authorised Officer makes a request to a person under subclause (1), the person must comply with the request.

*Note: Authorised officers may also be authorised to exercise the public health risk power in section 190(1)(d) of the PHW Act to require the provision of any information needed to investigate, eliminate or reduce the risk to public health.*

## PART 3 – DEFINITIONS

### 8 Key definitions

*Vaccination status*

- (1) A person's **vaccination status** is one of the following:
- fully vaccinated**; or
  - partially vaccinated**; or
  - unvaccinated**; or
  - excepted person**.
- (2) A person is **fully vaccinated** if the person has received two doses of a COVID-19 vaccine.
- (3) A person is **partially vaccinated** if the person has received one dose of a COVID-19 vaccine and is not an **excepted person**.
- (4) A person is **unvaccinated** if the person has not received a dose of a COVID-19 vaccine and is not an **excepted person**.
- (5) A person is an **excepted person** if:
- the person holds certification from a **medical practitioner** that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine due to a **medical contraindication**; or
  - the person holds certification from a medical practitioner that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine due to an acute medical illness (including where the person has been diagnosed with SARS-CoV-2).
- (6) A certification for the purpose of subclause (5)(b) is effective until the earlier of:
- the date specified by the medical practitioner; or
  - the date 6 months from the date the certification was given by the medical practitioner.

*Vaccination information*

- (7) For the purposes of these directions, **vaccination information** is information about a person's vaccination status and includes information that is derived from a record of information that was made under, or in accordance with, the **Australian Immunisation Register Act 2015** of the Commonwealth.

*Note: Vaccination information may be recorded in a variety of documents, such as a letter from a medical practitioner, a certificate of immunisation or an immunisation history statement obtained from the Australian Immunisation Register.*



*Schedule 1 definitions*

- (8) For the purposes of these directions:
- (a) **first dose deadline** in relation to a **specified facility** means the date identified in Column 4 of Schedule 1 for that facility;
  - (b) **operator** in relation to a **specified facility** means a person identified in Column 2 of Schedule 1 for that facility;
  - (c) **relevant date** in relation to a **specified facility** means the date specified in Column 6 of Schedule 1 for that facility;
  - (d) **second dose deadline** in relation to a **specified facility** means the date identified in Column 5 of Schedule 1 for that facility;
  - (e) **specified facility** means a facility identified in Column 1 of Schedule 1;
  - (f) **worker** in relation to a **specified facility** means a person identified in Column 3 of Schedule 1 for that facility except for a person under 12 years of age.

**9 Facility-specific definitions***Residential aged care facilities*

- (1) For the purposes of these directions:
- (a) **approved provider** has the same meaning as in the **Aged Care Quality and Safety Commission Act 2018** of the Commonwealth;
  - (b) **residential aged care facility** means the premises at which accommodation and personal care or nursing care or both are provided to a person in respect of whom a **residential care subsidy** or a **flexible care subsidy** is payable under the **Aged Care Act 1997** of the Commonwealth;
  - (c) **residential aged care facility worker** means a person (including a volunteer) that is:
    - (i) employed, or engaged as a contractor, by an **operator** that operates a **residential aged care facility** to perform work at the residential aged care facility including:
      - (A) direct care workforce including nurses, personal care workers, allied health professionals, and allied health assistants;
      - (B) administration staff including reception and management staff;
      - (C) ancillary staff including food preparation, cleaning, laundry, gardening and general maintenance staff;
      - (D) dental practitioners;
      - (E) phlebotomists (pathology nurses);
      - (F) lifestyle and social staff, such as those delivering music or art therapy;
      - (G) transport drivers who are responsible for collecting and transporting residents to and from the residential aged care facility for outings;
      - (H) volunteers engaged by the residential aged care facility to undertake duties at the facility;
      - (I) students on placement;
      - (J) **medical practitioners** and allied health professionals who attend the residential aged care facility to provide care to residents of the facility; and
    - (ii) a medical practitioner, dental practitioner or allied health professional who is employed or engaged by a resident of a residential aged care facility to provide care to the resident;
  - (d) **residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth.

*Construction sites*

(2) For the purposes of these directions:

- (a) **construction site** means a premises at which civil works, building or construction activities are taking place (the primary premises) and includes:
- (i) premises that are nearby to the primary premises at which work relating to the operation of the primary premises is undertaken (secondary premises);
  - (ii) any **vehicle** used to carry out work at the primary premises or secondary premises.

*Example: a site office for a construction site that is located in an office building close to the construction site.*

- (b) **principal contractor** means the owner of a **construction site** unless the owner:
- (i) appoints a principal contractor for the construction work performed for or on behalf of the owner; and
  - (ii) authorises the principal contractor to manage or control the **construction site** to the extent necessary to discharge the duties imposed on a principal contractor under the **Occupational Health and Safety Regulations 2017**;
- (c) **vehicle** has the same meaning as in the **PHW Act**.

*Healthcare facilities*

(3) For the purposes of these directions:

- (a) **healthcare facility** means each of the following premises:
- (i) hospitals, including outpatient settings and in reach services;
  - (ii) ambulance and patient transport services vehicles,
  - (iii) community health centres including mental health, child and maternity, and drug and alcohol counselling services centres;
  - (iv) general practices;
  - (v) COVID-19 related healthcare sites, including testing sites, vaccination centres and hotel quarantine premises;
  - (vi) dental surgeries and practices;
  - (vii) day procedure centres;
  - (viii) health clinics, including medical specialist and allied health professional operated clinics;
  - (ix) pharmacies;
  - (x) diagnostic and medical imaging centres;
  - (xi) premises at which mobile health services are provided;
  - (xii) premises at which blood donation services are provided;
  - (xiii) premises at which healthcare students undertake placement, registration or internships;
  - (xiv) premises at which health services within government agencies are provided, including the Victorian Department of Justice and Community Services – Victorian Institute of Forensic Medicine;
  - (xv) Coroner’s Court; and
  - (xvi) any retail or other premises operating within a healthcare facility, including cafes, newsagents and florists.

- (b) **healthcare operator** means a person who operates a **healthcare facility** whether public, private or denominational; and
- (c) **healthcare worker** means a person who is employed or engaged as a contractor by a **healthcare operator** to perform at a **healthcare facility** any of the following:
  - (i) healthcare services including:
    - (A) **medical practitioners**, dental professionals, nurses and midwives;
    - (B) allied health professionals (including those that work within a discipline classified by the Victorian Department of Health as allied health, or are registered with the *Australian Health Practitioner Regulation Agency*);
    - (C) personal care attendants;
    - (D) phlebotomists and pathology workers;
    - (E) coroners;
    - (F) lifestyle and social therapists;
    - (G) formal language and interpretation services;
    - (H) students; and
    - (I) volunteers;
  - (ii) administrative or ancillary roles, including:
    - (A) an administrative, clerical and managerial worker, and each of their assistants delegates;
    - (B) food preparation, cleaning and laundry services;
    - (C) patient service assistants and porters;
    - (D) operating theatre technicians;
    - (E) security, maintenance and repair and information technology, gardening and landscaping;
  - (iii) ambulance and patient transport services; and
  - (iv) work at a retail business operating within a healthcare facility, including cafes, restaurants, newsagents and florists.

#### *Education facilities*

- (4) For the purposes of these directions:
  - (a) **childcare or early childhood service** means onsite early childhood education and care services or children's services provided under the:
    - (i) **Education and Care Services National Law** and the **Education and Care Services National Regulations**, including long day care services, kindergartens and/or preschool and family daycare services, but not including outside **school** hours care services; and
    - (ii) **Children's Services Act 1996**, including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;
  - (b) **education facility** means:
    - (i) premises at which a **childcare or early childhood service** is provided;
    - (ii) premises at which an outside school hours care service is provided;
    - (iii) a **school**; and
    - (iv) **school boarding premises**;

- (c) **education operator** means a person who operates an **education facility**, whether public, private or denominational;
- (d) **education worker** means:
  - (i) any person who is employed by an **education operator** to work in an **education facility** (including teachers, early childhood educators and educational support staff);
  - (ii) a person contracted to work at an **education facility** and who will or may be in close proximity to children, students or staff, whether or not engaged by the **education operator** including casual relief teachers, Breakfast Club suppliers, IT personnel, NDIS providers and auditors, (but does not include delivery personnel);
  - (iii) staff of the Department of Education and Training who attend an **education facility** (such as allied health personnel or Authorised Officers);
  - (iv) staff of any other entity who attends an **education facility**;
  - (v) volunteers that attend an **education facility** and that work in close proximity to children, students or staff (including parent helpers); and
  - (vi) students on placements at an **education facility**;
- (e) **school** means a registered school as defined in the **Education and Training Reform Act 2006**; and
- (f) **school boarding premises** means a registered school boarding premises, as defined in the **Education and Training Reform Act 2006**.

## 10 Other definitions

For the purposes of these directions:

- (1) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (2) **COVID-19 vaccine** means a vaccine to protect a person against SARS-CoV-2 that:
  - (a) has been registered or provisionally registered by the Therapeutic Goods Administration; or
  - (b) has been approved by a comparable overseas regulator, as determined by the Therapeutic Goods Administration under regulation 16DA(3) of the **Therapeutic Goods Regulation 1990** of the Commonwealth;
- (3) **critical unforeseen circumstance** means a circumstance that the operator of a work premises could not reasonably have foreseen nor planned for which results in a critical need for staff;
- (4) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 28)** as amended or replaced from time to time;
- (5) **Directions currently in force** has the same meaning as in the **Workplace Directions** as amended or replaced from time to time;
- (6) **emergency situation** means a situation where it is reasonably apparent to the operator of a specified facility that medical treatment is necessary, as a matter of urgency to:
  - (a) save a person's life; or
  - (b) prevent serious damage to a person's health; or
  - (c) prevent a person from suffering or continuing to suffer significant pain or distress;
- (7) **medical contraindication** means one of the following contraindications to the administration of a **COVID-19 vaccine**:
  - (a) anaphylaxis after a previous dose;

- (b) anaphylaxis to any component of the vaccine, including polysorbate or polyethylene glycol;
  - (c) in relation to AstraZeneca:
    - (i) history of capillary leak syndrome; or
    - (ii) thrombosis with thrombocytopenia occurring after a previous dose;
  - (d) in relation to Comirnaty or Spikevax:
    - (i) myocarditis or pericarditis attributed to a previous dose of either Comirnaty or Spikevax; or
  - (e) the occurrence of any other serious adverse event that has:
    - (i) been attributed to a previous dose of a **COVID-19 vaccine** by an experienced immunisation provider or medical specialist (and not attributed to any another identifiable cause); and
    - (ii) been reported to State adverse event programs and/or the Therapeutic Goods Administration;
- (8) **medical practitioner** means:
- (a) a general practice registrar on an approved 3GA training placement; or
  - (b) a public health physician; or
  - (c) an infectious disease physician; or
  - (d) a clinical immunologist; or
  - (e) a general practitioner who is vocationally registered; or
  - (f) a general practitioner who is a fellow of the Royal Australian College of General Practitioners (RACGP); or
  - (g) a general practitioner who is a fellow of the Australian College of Rural and Remote Medicine (ACRRM); or
  - (h) a paediatrician; or
  - (i) a medical practitioner who is a fellow of the Royal Australasian College of Physicians;
- (9) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (10) **PPE** means personal protective equipment;
- (11) **premises** has the same meaning as in the **PHW Act** but does not include a worker's ordinary place of residence.

## 11 Penalties

- (1) 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.*

(2) Section 210 of the PHW Act provides:

**False or misleading information**

(1) A person must not –

- (a) give information that is false or misleading in a material particular; or
- (b) make a statement that is false or misleading in a material particular; or
- (c) produce a document that is false or misleading in a material particular – to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

Penalty: In the case of a natural person, 60 penalty units;  
In the case of a body corporate, 300 penalty units.

(2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading.

Penalty: In the case of a natural person, 60 penalty units;  
In the case of a body corporate, 300 penalty units.

(3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the charge for the accused to prove that at the time at which the offence is alleged to have been committed, the accused believed on reasonable grounds that the information, statement or document was true or was not misleading.

Dated 19 October 2021

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

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## SCHEDULE 1 – SPECIFIED FACILITIES

| Specified facility (Column 1)  | Operator (Column 2)   | Worker (Column 3)   | First dose deadline (Column 4) | Second dose deadline (Column 5) | Relevant date (Column 6) | Facility-specific definitions |
|--------------------------------|---|---|--------------------------------|---------------------------------|--------------------------|-------------------------------|
| residential aged care facility | approved provider with responsibility for that residential aged care facility | residential aged care facility worker   | 1 October 2021                 | 15 November 2021                | 30 September 2021        | Clause 9(1)                   |
| construction site              | principal contractor for that construction site                               | any person (paid or unpaid) performing work at a construction site, including:<br>(a) an employee of the operator; and<br>(b) any contractor engaged by the operator or by a third-party. | 2 October 2021                 | 13 November 2021                | 30 September 2021        | Clause 9(2)                   |
| healthcare facility            | healthcare operator   | healthcare worker   | 29 October 2021                | 15 December 2021                | 15 October 2021          | Clause 9(3)                   |
| education facility             | education operator  | education worker  | 25 October 2021                | 29 November 2021                | 18 October 2021          | Clause 9(4)                   |

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