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Public Health and Wellbeing Act 2008

Section 200

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

Diagnosed Persons and Close Contacts Directions (No. 33)

I, Professor Benjamin Cowie, Acting Chief Health Officer, consider it reasonably necessary to eliminate or reduce the risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to section 200(1)(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. 32)**.

2 Citation

These directions may be referred to as the **Diagnosed Persons and Close Contacts Directions (No. 33)**.

3 Commencement and revocation

- (1) These directions commence at 6:00:00 pm on 11 November 2021 and end at 11:59:00 pm on 18 November 2021.
- (2) The **Diagnosed Persons and Close Contacts Directions (No. 32)** are revoked at 6:00:00 pm on 11 November 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 18 November 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.

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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 unless an exemption to move to and self-isolate at an alternate premises has been given: see clauses 8(2)(a) and 8(7).

- (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 18 November 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 that the person is a close contact of a diagnosed person, having regard to whether the person has had face to face contact or shared a closed space with a diagnosed person during their **infectious period**, where there is a reasonable risk of transmission based on a risk assessment conducted in accordance with Departmental Requirements.

Note: the Departmental Requirements describe the different types of close contacts and the public health risks associated with each type of close contact (e.g. household close contacts, workplace close contacts, school exposure site close contacts and other exposure site close contacts).

- (3) For the purposes of subclause (1)(b), the notice:
 - (a) may be given orally or in writing, and, if given orally, must be confirmed in writing as soon as reasonably practicable; and
 - (b) is not required to be in a particular form.

Period of self-quarantine

- (4) Subject to subclause (9), for the purposes of this clause, a close contact is no longer required to self-quarantine:
 - (a) if the person is **fully vaccinated** and is not a **household close contact**, seven days after the time (including by reference to an event); or
 - (b) if the person is not fully vaccinated or is a household close contact, 14 days after the time (including by reference to an event),

determined by an officer or nominated representative of the Department having regard to, and in accordance with, Departmental Requirements and notified to the person by an officer or nominated representative of the Department.

Note 1: a person who is not fully vaccinated, including persons who are ineligible or unable to be vaccinated, will be required to self-quarantine for 14 days pursuant to subclause (b).

Note 2: subclause (4) applies to any person who is required to self-quarantine under these Directions on or after 6:00:00 pm on 11 November 2021.

- (5) For the purposes of subclause (4), the notice:
 - (a) may be given orally or in writing, and, if given orally, must be confirmed in writing as soon as reasonably practicable; and
 - (b) is not required to be in a particular form.

Requirement to self-quarantine

(6) Subject to subclause (10), a close contact must self-quarantine under these directions.

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

Location of self-quarantine

(7) 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 unless an exemption to move to and self-quarantine at an alternate premises has been given: see clauses 8(2)(a) and 8(7).

(8) 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 (7), the person must immediately and directly travel to those premises.

End of period of self-quarantine

(9) 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 (4) as given or as varied under subclause (12) or extended under clause 7(1) or 7(3); or
- (b) the notice given to the person under subclause (1)(b) is revoked under subclause (12), 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 be extended if the person is waiting to receive test result under clause 7(1) or has refused to undertake a test for SARS-CoV-2 under clause 7.

Exception – previous clearance

(10) A close contact 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 (11).

(11) For the purposes of subclause (10):

- (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 must give the person notice of the decision; and
- (b) for the purposes of subclause (a), the notice must be in writing but is not required to be in a particular form.

Review of determination and notice

(12) The Chief Health Officer, a Deputy Chief Health Officer or an **authorised officer** who is authorised to exercise **emergency powers** under section 199(2)(a) of the PHW Act, may review a determination made under subclause (2) or (4) and, if satisfied that it is appropriate, having regard to Departmental Requirements, may:

- (a) vary or revoke the notice given to the person under subclause (3); or
- (b) vary the notice given to the person under subclause (5), and must give the person notice of the decision.

- (13) For the purposes of subclause (12), the notice must be given in writing but is not required to be in a particular form.

Transitional provision – close contacts under Revoked Isolation Directions

- (14) 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 (7), 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

- (15) Immediately after choosing a premises under subclause (7), a close contact required to self-quarantine under clause 6 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.
- (16) If a close contact is required to self-quarantine under clause 6 and, during the period of self-quarantine, 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 close contact is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person:
- (a) undertakes a test for SARS-CoV-2; and
 - (b) the period of self-quarantine expires during the period in which the person is awaiting the result of that test for SARS-CoV-2,

the period of self-quarantine is extended until the person receives the result of the test for SARS-CoV-2.

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 the period of self-quarantine period under subclause (1), 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: clause 9.

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 close contact 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 close contact 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 of self-quarantine has not expired – must continue to self-quarantine under clause 6 for the remainder of the self-quarantine period; or
 - (b) if the period of self-quarantine was extended under subclause (1) – may cease self-quarantining immediately; or
 - (c) if the period of self-quarantine was extended under subclause (4) – may cease self-quarantining at the time referred to in subclause (4)(c) and, if that time has already passed, may cease self-quarantining immediately.
- (4) If a close contact is required to self-quarantine under clause 6 and:
- (a) clause 6(4)(a) applies to the person and the person refuses or otherwise fails to take a test for SARS-CoV-2 when offered on the sixth day of their period of self-quarantine; and
 - (b) clause 6(4)(b) applies to the person and 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,

then the Chief Health Officer, a Deputy Chief Health Officer or an authorised officer authorised to exercise emergency powers under section 199(2)(a) of the PHW Act, may make a determination in relation to a person that the period of self-quarantine is extended until the earlier of:

- (c) a period specified in the notice (which must not exceed 14 days); or
- (d) the person receives a test result stating that they have not been diagnosed with SARS-CoV-2,

and must give the person notice of the decision.

Note 1: close contacts of diagnosed persons will be offered a test for SARS-CoV-2 on day 6 (if the relevant period is 7 days) or day 13 (if the relevant period is 14 days), 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 for SARS-CoV-2 does not occur an authorised officer may give a further direction under section 200(1)(d) and subclause (4) to extend the period of self-quarantine for an additional period, being the period specified in the notice (which must not exceed 14 days) or the person receives a test result stating that they have not been diagnosed with SARS-CoV-2 (whichever is earlier). Such extended period of self-quarantine is required to prevent a person who develops SARS-CoV-2 towards the end of the likely 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 the period of self-quarantine period under subclause (4) 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 under subclause (4).

- (5) For the purposes of subclause (4), the notice must be given in writing but is not required to be in a particular form.

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 the 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 is not a diagnosed person; or
 - (viii) where:
 - (A) the person is a close contact but is not a household close contact; and
 - (B) the person:
 - 1. was enrolled at an **education facility** at the time they became a close contact; and
 - 2. is **unvaccinated** or an **excepted person**,
to attend that education facility for a **relevant purpose** on and from day 8 of their period of self-quarantine, only if the person or the person's parent, guardian or carer:
 - (C) obtains confirmation from the operator of the education facility that it is maintaining a system to collect, hold and record the information provided to it under subclauses (D), (E) and (F);
 - (D) provides **acceptable evidence** to the operator of the education facility prior to the person's first attendance at the education facility since becoming a close contact that the person:
 - 1. is not a household close contact; and
 - 2. has undertaken a test for SARS-CoV-2 on day 6 of their period of self-quarantine and received a test result that they have not been diagnosed with SARS-CoV-2; and
 - (E) provides acceptable evidence to the operator of the education facility prior to the person entering an **indoor space** at the education facility on each day on and from day 8 of their period of self-quarantine that the person has undertaken a **SARS-CoV-2 rapid antigen test** and received a negative test result; and
 - (F) provides acceptable evidence to the operator of the education facility that the person has undertaken a test for SARS-CoV-2 on day 13 of their period of self-quarantine and received a test result that they have not been diagnosed with SARS-CoV-2, by the next day that the education facility is operational following receipt of the test result; 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) In the event that a person receives a positive test result from either a SARS-CoV-2 rapid antigen test or a test for SARS-CoV-2 referred to in subclauses (2)(b)(viii)(b)(viii)(D), (b)(viii)(E) and (b)(viii)(F) the person or the person's parent, guardian or carer must notify the operator of the education facility of the test result by the next day that the education facility is operational following receipt of the test result.
- (4) The operator of an education facility may maintain a system to collect, hold and record the information provided to it under subclauses (2)(b)(viii)(b)(viii)(D), (b)(viii)(E) and (b)(viii)(F).
- (5) An operator of an education facility is authorised to use any information that it has been provided under the system maintained under subclause (4).
- (6) 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.
- (7) 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 the Chief Health Officer, a Deputy Chief Health Officer, a **Director or Medical Lead of a designated Local Public Health Unit** for an exemption from the requirement to remain at the premises chosen for the purposes of subclause (2)(a) for the purpose of moving to an alternate premises for the remainder of the period of self-quarantine or self-isolation.
- (8) Despite subclause (2)(a), a **healthcare worker** who is a close contact and required to self-quarantine, may apply to the Chief Health Officer, a Deputy Chief Health Officer or a Director or Medical Lead of a designated Local Public Health Unit under clause 9(10) for an exemption from the requirement to remain at the premises chosen for the purposes of subclause (2)(a) for the purpose of a healthcare worker who is a close contact returning 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 or a group of persons the subject of the exemption; and

- (b) specify the requirement or requirements that the person or a group of persons need not comply with.
- (4) An exemption granted to a person or group of persons under this clause does not prevent an authorised officer from exercising an emergency power to give a person or a group of persons a different direction or impose a different requirement on the person or group of persons.

Exemption power – alternate premises for self-quarantine or self-isolation

- (5) A person is not required to comply with the requirement to remain at the premises chosen for the purposes of clause 8(2)(a) for the purpose of moving to an alternate premises for the remainder of the period of self-isolation or self-quarantine if the person is granted an exemption from the requirement under subclause (6).
- (6) The Chief Health Officer, a Deputy Chief Health Officer or a Director or Medical Lead of a designated Local Public Health Unit may exempt a person or group of persons from any or all requirements in clauses 4(3), 4(4) (location of self-isolation) or 6(7) (location of self-quarantine) or 8(2)(a), if satisfied that an exemption from a 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 requirement or requirements that the person need not comply with.
- (8) An exemption granted to a person 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 on the person.

Exemption power – healthcare worker who is a close contact – return to work

- (9) A healthcare worker who is a close contact is not required to comply with a requirement to remain at the premises chosen for the purposes of clause 8(2)(a) for the purpose of the healthcare worker returning to work if the person is granted an exemption from the requirement under subclause (10).
- (10) The Chief Health Officer, a Deputy Chief Health Officer, a Director or Medical Lead of a designated Local Public Health Unit may exempt a person from any or all of the requirements of clause 6(7) (location of self-quarantine) or clause 8(2)(a), 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 person the subject of the exemption; and
 - (b) specify the requirement or requirements that the person need not comply with.
- (12) An exemption granted to a person under subclause (10) 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) **acceptable evidence** means evidence of the matters described in subclauses 88(2)(b)(viii)(b)(viii)(D), (b)(viii)(E) and (b)(viii)(F) that the relevant operator of the education facility determines is acceptable;
- (2) **adult education or higher education premises** means a premises that operates for the purpose of providing **higher education services**;
- (3) **authorised officer** has the same meaning as in the **PHW Act**;
- (4) **Care Facilities Directions** means the **Care Facilities Directions (No. 49)** as amended or replaced from time to time;
- (5) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (6) **childcare or early childhood service** means onsite early childhood education and care services or children's services provided under the:
 - (a) **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
 - (b) **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;
- (7) **clearance from self-isolation** has the meaning in clause 5(1);
- (8) **close contact** has the meaning in clause 6(1);
- (9) **COVID-19 Mandatory Vaccination (Workers) Directions** means the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 7)** as amended or replaced from time to time;
- (10) **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;
- (11) **Department** means the Victorian Department of Health;
- (12) **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 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;
- (13) **designated Local Public Health Unit** 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;

- (14) **diagnosed person** has the meaning in clause 4(1);
- (15) **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 under section 199(2)(a) of the **PHW Act** to exercise **emergency powers** or to exercise public health risk powers;
- (16) **education facility** means:
- (a) premises at which a **childcare or early childhood service** is provided;
 - (b) premises at which an outside school hours care service is provided;
 - (c) a **school**;
 - (d) **school boarding premises**;
 - (e) an **adult education or higher education premises**;
- (17) **emergency powers** has the same meaning as in the **PHW Act**;
- (18) **employee** includes a person who is self-employed;
- (19) **employer** means a person who owns, operates or controls **Work Premises** (or a Work Premises) and includes a person who is self-employed;
- (20) **excepted person** has the same meaning as in the **Open Premises Directions**;
- (21) **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), 9(10) of these directions or the equivalent provision in any **Revoked Isolation Direction**;
- (22) **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;
- (23) **fully vaccinated** has the same meaning as in the **Open Premises Directions**;
- (24) **healthcare worker** means a **worker** of a health service managed by a **designated Local Public Health Unit**;
- (25) **higher education services** means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, senior secondary certificates and other post-compulsory education or training.
- (26) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (27) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 39)** as amended or replaced from time to time;
- (28) **household close contact** means a person who resides with, stays with or otherwise shares accommodation with a **diagnosed person** during the diagnosed person's **infectious period**;
- (29) **indoor space** means an area, room or premises that is or are substantially enclosed by a roof and walls that are either floor to ceiling high or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are:
- (a) permanent or temporary; or
 - (b) open or closed;

- (30) **infectious period** means either:
- (a) from 48 hours before the onset of symptoms of SARS-CoV-2, until the person is given clearance from self-isolation in accordance with clause 5(1);
 - (b) if the person has not experienced symptoms of SARS-CoV-2, from 48 hours before the person first undertakes a **test for SARS-CoV-2** until the person is given clearance from self-isolation in accordance with clause 5(1); or
 - (c) a period determined by an officer or nominated representative of the Department having regard to, and in accordance with, **Departmental Requirements** and notified to the person by an officer or nominated representative of the Department;
- (31) **medical contraindication** has the same meaning as in the **Open Premises Directions**;
- (32) **medical practitioner** has the same meaning as in the **COVID-19 Mandatory Vaccination (Workers) Directions**;
- (33) **Open Premises Directions** means the **Open Premises Directions (No. 4)** as amended or replaced from time to time;
- (34) **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;
- (35) **relevant purpose** means the purpose of:
- (a) participating in any activity that is onsite at the **education facility** other than at an **adult education or higher education premises**; or
 - (b) for secondary school students, undertaking a senior secondary certificate (the Victorian Certificate of Education (VCE) or the Victorian Certificate of Applied Learning (VCAL)) or Vocational Education and Training (VET) at an **adult education or higher education premises**;
- (36) **resident** of a **care facility** has the same meaning as in the **Care Facilities Directions**;
- (37) **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;
- (ee) **Diagnosed Persons and Close Contacts Directions (No. 28)**, given on 30 September 2021;
- (ff) **Diagnosed Persons and Close Contacts Directions (No. 29)**, given on 19 October 2021;
- (gg) **Diagnosed Persons and Close Contacts Directions (No. 30)**, given on 21 October 2021;
- (hh) **Diagnosed Persons and Close Contacts Directions (No. 31)**, given on 23 October 2021;
- (ii) **Diagnosed Persons and Close Contacts Directions (No. 32)**, given on 29 October 2021.

- (38) **SARS-CoV-2 rapid antigen test** means a SARS-CoV-2 rapid antigen test;
- (39) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (40) **school boarding premises** means a registered school boarding premises, as defined in the **Education and Training Reform Act 2006**;
- (41) **Senior Secondary examination** means an examination relating to a senior secondary certificate;
- (42) **test for SARS-CoV-2** means a SARS-CoV-2 polymerase chain reaction test;
- (43) **unvaccinated** has the same meaning as in the **COVID-19 Mandatory Vaccination (Workers) Directions**;
- (44) **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;
- (45) **worker** includes **employees**, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work;
- (46) 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 11 November 2021

PROFESSOR BENJAMIN COWIE
Acting Chief Health Officer,
as authorised to exercise emergency powers
under section 199(2)(a) of the PHW Act

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Workplace (Additional Industry Obligations) Directions (No. 56)**

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

1 Preamble

- (1) The presence of a person with a positive diagnosis of Novel Coronavirus 2019 (**SARS-CoV-2**) at a **Work Premises** is considered to pose an immediate risk of transmission to persons who attend, or may attend, the Work Premises.
- (2) The purpose of these directions is to establish additional specific obligations on **employers** and **workers** in specific industries in relation to managing the risk associated with SARS-CoV-2.
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions are intended to supplement any obligations an employer may have under the **OHS Act** and the **Workplace Directions** and are not intended to derogate from any such obligations.
- (5) These directions replace the **Workplace (Additional Industry Obligations) Directions (No. 55)**.

2 Citation

These directions may be referred to as the **Workplace (Additional Industry Obligations) Directions (No. 56)**.

3 Revocation

The **Workplace (Additional Industry Obligations) Directions (No. 55)** are revoked at 6:00:00 pm on 11 November 2021.

4 Commencement

These directions commence at 6:00:00 pm on 11 November 2021 and end at 11:59:00 pm on 18 November 2021.

5 Application of directions to certain employers and roles

- (1) These directions apply to **Additional Obligation Industries**, namely:
 - (a) **poultry processing facilities;**
 - (b) **abattoirs and meat processing facilities;**
 - (c) **seafood processing facilities;**
 - (d) **supermarket Work Premises and perishable food Work Premises;**
 - (e) **warehousing and distribution centres;**
 - (f) **commercial cleaning services;**
 - (g) **commercial passenger vehicle services;**
 - (h) **horticulture operations using seasonal workers for seasonal horticultural work;**
 - (i) **care facilities;**
 - (j) **ports of entry** servicing international arrivals;
 - (k) **hotel quarantine;**
 - (l) **hospitals;**

- (m) **Australian air transport operators;**
- (n) **construction sites.**
- (2) These directions apply to Additional Obligation Industries Work Premises that are located:
 - (a) in relation to supermarket Work Premises and perishable food Work Premises, and warehousing and distribution centres, in **Metropolitan Melbourne**; and
 - (b) in relation to all other Additional Obligation Industries not referred to in subclause (a), anywhere in Victoria, unless these directions indicate otherwise.

6 General Obligations

- (1) This clause 6 does not apply to care facilities, hospitals (except for **high-risk hospital Work Premises**, to which the clause does apply) and Australian air transport operators.

Note: the exception of care facilities, hospitals (except for high-risk hospital Work Premises) and Australian air transport operators from the requirements in clause 6 does not exempt care facilities from satisfying equivalent requirements imposed under other regulatory arrangements.

Compliance

- (2) An **Authorised Officer** or **inspector** (or their nominated representative) may conduct:
 - (a) an inspection of a Work Premises; or
 - (b) an inspection or audit of the records of an employer, to assess an employer's compliance with these directions.

Consultation

- (3) An employer in relation to an Additional Obligation Industry Work Premises must, to the extent **reasonably practicable**, consult with health and safety representatives, together with workers who are, or are likely to be, directly affected:
 - (a) to identify or assess risks to health or safety at a workplace; and
 - (b) to make decisions about the measures to be taken to control risks to health and safety; and
 - (c) to determine if any risk identified under subclause (a) is either under the employer's management and control or arises from the employer's conduct; and
 - (d) to make decisions about the adequacy of facilities for the welfare of workers; and
 - (e) in making decisions about procedures to resolve health and safety issues, including (but not limited to):
 - (i) procedures around health and safety consultation itself;
 - (ii) procedures to monitor the health of workers and the conditions of the workplace;
 - (iii) procedures to provide information and training to workers; and
 - (f) by a change to:
 - (i) a workplace; or
 - (ii) the plant, substances, or other things used at a workplace; or
 - (iii) the conduct of work performed at a workplace.

7 Additional Industry Obligations

- (1) An employer in relation to an Additional Obligation Industry Work Premises must:
 - (a) increase the regularity of comprehensive cleaning by ensuring all areas where workers are working are **cleaned** at least daily (except for meat, poultry and seafood processing, seasonal horticulture, care facilities, hospitals and ports of entry); and

Note: the exception of meat, poultry and seafood processing, seasonal horticulture, care facilities, hospitals and/or ports of entry from the requirements in subclause (a) does not exempt meat, poultry and seafood processing, seasonal horticulture, care facilities, hospitals and/or ports of entry from satisfying equivalent requirements imposed under other regulatory arrangements.

- (b) where the employer's Work Premises is an industry that is listed in the **Surveillance Testing Industry List and Requirements** (as amended from time to time on the advice of the Chief Health Officer):
- (i) carry out surveillance testing for SARS-CoV-2 on its workers in relation to the Work Premises in accordance with the requirements of the Surveillance Testing Industry List and Requirements (as amended from time to time on the advice of the Chief Health Officer), including:
 - (A) those sections of its workforce required to be tested under the Surveillance Testing Industry List and Requirements;
 - (B) a weekly surveillance testing target of the percentage of workers that are to be tested; and
 - (ii) keep records of surveillance testing of workers for SARS-CoV-2, which demonstrate that the employer has complied with its obligations under subclause (i) in relation to the Work Premises; and
 - (iii) provide the records required to be kept by the employer under subclause (ii) to the **Department** upon request by the Department for those records.

Note: the industries and requirements included in the Surveillance Testing Industry List and Requirements may be amended on the advice of the Chief Health Officer.

- (2) An employer is not required to carry out surveillance testing for SARS-CoV-2 pursuant to subclause (1)(b)(i) in relation to a worker who is a **confirmed case** for period of 90 days commencing from the date the diagnosis of SARS-CoV-2 is confirmed through a polymerase chain reaction test.

Additional measures to prevent SARS-CoV-2 in abattoirs and meat processing facilities, poultry processing facilities, seafood processing facilities, warehousing and distribution centres, supermarket Work Premises, and perishable food Work Premises

- (3) In relation to a Work Premises that is an abattoir, meat processing facility, poultry processing facility or seafood processing facility, an employer must arrange operations at the Work Premises so as to have workers working consistently with the same group of other workers where reasonably practicable, including (but not limited to):
- (a) developing separate shifts in a way that minimises physical interactions between groups of workers attending different shifts;
 - (b) separating workers into work areas;
 - (c) dividing work areas up further into separate teams;
 - (d) providing separate break areas for the separate teams;
 - (e) requiring teams to use separate entrances and exits from other teams;
 - (f) where workers are from the same household, ensuring they work in the same shift and work area.
- (3A) In relation to a Work Premises that is an abattoir, meat processing facility, poultry processing facility, seafood processing facility, warehousing and distribution centre, supermarket Work Premises, or a perishable food Work Premises, an employer must:
- (a) provide regular training to workers (including, but not limited to, an induction for all workers commencing at, or returning to, the Work Premises) that covers:
 - (i) good hygiene practices; and
 - (ii) advising workers not to attend the Work Premises when unwell; and
 - (iii) where applicable, compliance with the requirements of subclause (3); and
 - (b) for a Work Premises in Metropolitan Melbourne, designate an employee or employees as a **COVID Marshal**:
 - (i) whose role is to monitor compliance with these directions, including (but not limited to) physical distancing requirements; and

- (ii) who has successfully completed training provided by the employer that is in accordance with guidance from the Department; and
- (iii) who is at the Work Premises whenever workers are on site.

Note: the requirements in subclause (3A) apply to all supermarket, perishable food, warehousing and distribution facilities in Metropolitan Melbourne, not just chilled facilities.

Additional measures to prevent COVID in abattoirs and meat processing facilities, poultry processing facilities and seafood processing facilities

- (4) In relation to a Work Premises that is an abattoir, meat processing facility, poultry processing facility or seafood processing facility, an employer must ensure that all workers at the Work Premises wear the appropriate level of **personal protective equipment**:
- (a) to carry out the functions of the worker's role; and
 - (b) to mitigate the introduction of SARS-CoV-2 at the Work Premises including (but not limited to):
 - (i) at a minimum, wearing a surgical face mask; and
 - (ii) suitable protective clothing which should be changed at the end of each shift and washed appropriately,
 unless it is not reasonably practicable to wear a surgical face mask and/or protective clothing in the Work Premises or the nature of a worker's work means that it creates a risk to their health and safety.

*Note 1: an employer at a Work Premises that is an abattoir, meat processing facility, poultry processing facility or seafood processing facility is required to comply with subclause (4)(b)(i) unless an exception under the **Stay Safe Directions (Victoria)** applies in respect of a worker, in which case the employer is exempted from requiring that worker to wear a **face covering**.*

*Note 2: the exception from the requirement to wear a face covering under the **Stay Safe Directions (Victoria)** does not apply to a worker at a Work Premises that is an abattoir, meat processing facility, poultry processing facility or seafood processing facility whilst working at the Work Premises in Victoria.*

Additional measures to prevent SARS-CoV-2 in supermarket Work Premises or perishable food Work Premises

- (5) In relation to any supermarket Work Premises or perishable food Work Premises that is a chilled distribution facility in Metropolitan Melbourne, an employer must ensure that all workers at the supermarket Work Premises or perishable food Work Premises wear a surgical face mask, unless the nature of a worker's work means that it creates a risk to their health and safety.

Note 1: surgical face masks may create a risk to health and safety in those parts of a chilled distribution facility where the temperature is below negative five degrees Celsius. If a surgical face mask cannot be worn, the employer is still required to ensure an employee uses a suitable fitted face covering, such as a cloth mask of three plies.

*Note 2: an employer at a Work Premises that is a supermarket Work Premises or perishable food Work Premises is required to comply with the requirements of subclause (5) unless an exception under the **Stay Safe Directions (Victoria)** applies in respect of a worker, in which case the employer is exempted from requiring that worker to wear a face covering.*

*Note 3: the exception from the requirement to wear a face covering under the **Stay Safe Directions (Victoria)** does not apply to a worker at a Work Premises that is a supermarket Work Premises or perishable food Work Premises whilst working at the Work Premises in Victoria.*

Additional measures to prevent SARS-CoV-2 in warehousing and distribution centres

- (6) In relation to a Work Premises that is a chilled facility in relation to warehousing and distribution centres, an employer must ensure that all workers at the Work Premises wear a surgical face mask, unless the nature of a worker's work means that it creates a risk to their health and safety.

Note 1: surgical face masks may create a risk to health and safety in those parts of a chilled distribution facility where the temperature is below negative five degrees Celsius. If a surgical face mask cannot be worn, the employer is still required to ensure an employee uses a suitable fitted face covering, such as a cloth mask of three plies.

*Note 2: an employer at a Work Premises that is a chilled distribution facility in relation to warehousing and distribution centres is required to comply with the requirements of subclause (6) unless an exception under the **Stay Safe Directions (Victoria)** applies in respect of a worker, in which case the employer is exempted from requiring that worker to wear a face covering.*

*Note 3: the exception from the requirement to wear a face covering under the **Stay Safe Directions (Victoria)** does not apply to a worker at a Work Premises that is a chilled distribution facility in relation to warehousing and distribution centres whilst working at the Work Premises in Victoria.*

Horticulture Work Premises using seasonal workers for seasonal horticultural work

- (7) An employer may only operate a **seasonal Work Premises** using seasonal workers for seasonal horticultural work if it complies with subclauses (8) to (11) (inclusive).
- (8) The employer must arrange operations at the Work Premises so as to have seasonal workers working consistently with the same group of other seasonal workers where reasonably practicable, including (but not limited to):
 - (a) developing separate shifts in a way that minimises physical interactions between groups of seasonal workers attending different shifts;
 - (b) separating seasonal workers into work areas;
 - (c) dividing work areas up further into separate teams;
 - (d) providing suitable separate break areas for the separate teams including, to the extent possible, outdoor break areas with shade;
 - (e) where seasonal workers are from the same household, ensuring they work in the same shift and work area.

Note: to the extent it is reasonably practicable, there should be no mixing of the worker 'bubbles' on site. Seasonal workers within a bubble should work and take breaks together. In addition, worker bubbles should, to the extent that is reasonably practicable, be maintained with respect to accommodation and transport.

- (9) The employer must record on a daily basis the roster of seasonal workers, including the work areas, work teams and breaks taken for each worker bubble.
- (10) The employer must provide training to seasonal workers (including, but not limited to, an induction for all workers commencing at, or returning to, the Work Premises) that covers:
 - (a) good hygiene practices; and
 - (b) advising seasonal workers not to attend the Work Premises when unwell; and
 - (c) compliance with the requirements of subclause (8).
- (11) The employer must provide:
 - (a) clean water and soap for washing hands; and
 - (b) well-maintained toilet facilities,for seasonal workers, in a location or locations that are reasonably adjacent to work areas and, as far as is practicable, separate from the employer's **premises** or farm homestead.

Care facilities

- (12) Subject to subclause (13), an employer in relation to a Work Premises that is a care facility in Victoria must not require or permit a care facility worker to perform work at more than one Work Premises of the employer.
- (13) Subclause (12) does not apply where it is not practicable to limit a care facility worker to only one Work Premises.
- (14) Where subclause (13) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of care facility workers working across multiple Work Premises.

Example: rosters.

- (15) An employer in relation to a Work Premises that is a care facility in Victoria must require care facility workers in relation to a care facility to wear a face covering while working in any indoor space at the care facility, unless an exception under the **Stay Safe Directions (Victoria)** applies in respect of a care facility worker in relation to a care facility, then the employer is exempted from requiring that care facility worker to wear a face covering.

Example: where a care facility worker is communicating with a resident who is hard of hearing or deaf and visibility of the mouth is essential for communication, that care facility worker may remove their face covering whilst communicating with the resident.

*Note: the exception from the requirement to wear a face covering pursuant to the **Stay Safe Directions (Victoria)** does not apply to care facility workers whilst working in a care facility in Victoria.*

- (16) If a care facility worker is working at more than one Work Premises for two or more different employers:
- (a) the care facility worker must provide a written declaration to each employer to advise them that the worker is working at more than one Work Premises and must provide details of the other Work Premises to each employer; and
 - (b) each employer must maintain a record of all care facility workers who have disclosed to the employer under subclause (16)(a) that they are working across more than one Work Premises.
- (17) An employer in relation to a Work Premises that is a care facility in Victoria must require care facility workers in relation to the care facility to declare in writing at the start of each shift that the worker:
- (a) is free of **SARS-CoV-2 Symptoms**; and
Note: for the purposes of these directions, SARS-CoV-2 Symptoms, including but not limited to acute respiratory infection (such as cough, shortness of breath, sore throat); loss of smell; and loss of taste do not include those symptoms where caused by an underlying health condition or medication.
 - (b) has not been in contact with a confirmed case (except in the course of their duties while wearing appropriate personal protective equipment) in the:
 - (i) preceding 7 days if the person is **fully vaccinated** and is not a **household close contact**; or
 - (ii) preceding 14 days if the person is not fully vaccinated or is a household close contact; and
 - (c) is not currently required to **self-isolate** or **self-quarantine** under the **Diagnosed Persons and Close Contacts Directions**.
- (18) Despite the **Care Facilities Directions**, an employer in relation to a Work Premises that is a care facility in Victoria must not permit an employee or contractor to enter the care facility where:
- (a) the employee or contractor has, on or after 4 October 2020, worked at another care facility; and
 - (b) at the time the employee or contractor worked at that other care facility, a confirmed case was present at that other facility,
- unless:
- (c) if the employee or contractor is fully vaccinated:
 - (i) at least 7 days have elapsed since the last time the employee or contractor worked at that other facility while a confirmed case was present; and
 - (ii) the employee or contractor:
 - (A) has undertaken a test for SARS-CoV-2 on or after 6 days from the day that the employee or contractor last worked at that other facility while a confirmed case was present; and

- (B) received confirmation that the results of the test undertaken pursuant to subclause (A) were negative; or
- (d) if the employee or contractor is not fully vaccinated:
 - (i) at least 14 days have elapsed since the last time the employee or contractor worked at that other facility while a confirmed case was present; and
 - (ii) the employee or contractor:
 - (A) has undertaken a test for SARS-CoV-2 on or after 13 days from the day that the employee or contractor last worked at that other facility while a confirmed case was present; and
 - (B) received confirmation that the results of the test undertaken pursuant to subclause (A) were negative; and
- (e) the employee or contractor has provided evidence of the negative test result pursuant to subclause (c) or (d) to the employer prior to commencing work at that care facility.

Note 1: providing the employer with hardcopy or electronic notification confirming the negative test result from a testing provider is sufficient evidence.

Note 2: the effect of subclause (18) is that, in the event of an outbreak of SARS-CoV-2 at a care facility, an employee or contractor present during the outbreak must only work at that facility, and cannot be permitted to work at other care facilities. Such employees or contractors must wait a minimum period of either 7 days if they are fully vaccinated or 14 days if they are not fully vaccinated from when they last worked a shift while a confirmed case was present at the facility and test negative for SARS-CoV-2, before moving from that care facility to commence work at another care facility. No test is required if it has been 28 days or more since the employee or contractor last worked a shift while a confirmed case was present at the facility.

- (19) An employer in relation to a Work Premises that is a care facility in Victoria must comply with personal protective equipment requirements in accordance with the requirements of the Department.
- (20) The Chief Health Officer may grant an exemption in writing to the requirements of subclause (18).

Note: an exemption may only be granted where it is necessary to ensure that residents are provided with a reasonable standard of care.

Ports of entry

- (21) Subject to subclause (22), a **port of entry worker** means:
 - (a) any **airport** or maritime **port** worker who has direct contact (including occasional contact or interactions) with international passengers or crew, at the international **port of entry**; or
 - (b) a worker or person who interacts with the environment within the international port of entry (including any worker or person who boards a vessel, ship or **aircraft**) where international passengers and crew are or have been.
- (22) Despite subclause (21), a port of entry worker does not include any worker who works in an international departures area of an airport.
- (23) In relation to a Work Premises that is a port of entry Work Premises servicing international arrivals, an employer must:

Note: a Work Premises which is a port of entry servicing international arrivals is a port or airport at which port of entry workers provide services in relation to, or encounter, passengers, crew members, shipping vessels or aircraft arriving in Victoria from outside of Australia, subject to the definition of 'port of entry workers' above.

- (a) require port of entry workers to declare in writing at the start of each shift that the port of entry worker:
 - (i) is free of SARS-CoV-2 Symptoms; and

- (ii) has not been in contact with a confirmed case (except in the course of their duties while wearing appropriate personal protective equipment, where relevant) in the:
 - (A) preceding 7 days if the person is fully vaccinated and is not a household close contact; or
 - (B) preceding 14 days if the person is not fully vaccinated or is a household close contact; and
- (iii) is not currently required to self-isolate or self-quarantine under the **Diagnosed Persons and Close Contacts Directions**; and
- (b) designate a port of entry worker(s) as a COVID Marshal:
 - (i) whose role is to monitor compliance with these directions, including (but not limited to) physical distancing requirements; and
 - (ii) who has successfully completed training provided by the employer that is in accordance with guidance from the Department; and
 - (iii) who is at the Work Premises whenever port of entry workers are on site; and
- (c) arrange operations at the Work Premises so as to have port of entry workers working consistently with the same group of other port of entry workers where reasonably practicable, including (but not limited to):
 - (i) developing separate shifts in a way that minimises physical interactions between groups of port of entry workers attending different shifts;
 - (ii) separates port of entry workers into work areas;
 - (iii) dividing work areas up further into separate teams;
 - (iv) providing separate break areas for the separate teams;
 - (v) requiring teams to use separate entrances and exits from other teams;
 - (vi) where port of entry workers are from the same household, ensuring they work in the same shift and work area; and
- (d) provide regular training to port of entry workers (including, but not limited to, an induction for all port of entry workers commencing at, or returning to, the Work Premises) that covers:
 - (i) good hygiene practices; and
 - (ii) advising port of entry workers not to attend the Work Premises when unwell; and
 - (iii) compliance with the requirements of subclause (23)(c); and
- (e) make available an adequate supply of personal protective equipment free of charge to port of entry workers; and
- (f) ensure that all port of entry workers wear appropriate personal protective equipment in accordance with the requirements of the Department; and
- (g) if they are an employer of an international aircrew service worker, keep, and provide to the Department upon request by the Department, records of:
 - (i) the date and time each SARS-CoV-2 rapid antigen test is administered to an international aircrew service worker; and
 - (ii) the result of each SARS-CoV-2 rapid antigen test administered to an international aircrew service worker; and
 - (iii) in the event that the result of the SARS-CoV-2 rapid antigen test is positive for an international aircrew service worker, the date, time and result of a polymerase chain reaction test undertaken on that worker.

- (24) Subclauses (23)(b) and (23)(c) do not apply to the following port of entry workers:
- (a) administrative support service workers;
 - (b) truck drivers;
 - (c) tugboat crew;
 - (d) stevedores;
 - (e) office workers at freight terminals;
 - (f) airport baggage handlers and airport cargo handlers;
 - (g) aircraft engineers.

Note: airport baggage handlers, airport cargo handlers and aircraft engineers should minimise interactions with other port of entry workers.

Hotel quarantine

- (25) Any worker in relation to a hotel quarantine Work Premises should provide the Department with the following details:
- (a) of the worker:
 - (i) the worker's name, contact number and address; and
 - (b) of any person with whom they ordinarily reside:
 - (i) the person's first name;
 - (ii) a contact phone number;
 - (iii) the person's workplace(s), including address;
 - (iv) if the person attends school, the name and address of the school.
- (26) In relation to a Work Premises that is a hotel quarantine Work Premises, an employer must:
- (a) require workers to declare in writing at the start of each shift that the worker:
 - (i) is free of SARS-CoV-2 Symptoms; and
 - (ii) has not been in contact with a confirmed case (except in the course of their duties while wearing appropriate personal protective equipment, where relevant) in the:
 - (A) preceding 7 days if the person is fully vaccinated and is not a household close contact; or
 - (B) preceding 14 days if the person is not fully vaccinated or is a household close contact; and
 - (iii) is not currently required to self-isolate or self-quarantine under the **Diagnosed Persons and Close Contacts Directions**; and
 - (b) designate an employee or employees as a COVID Marshal:
 - (i) whose role is to monitor compliance with these directions, including (but not limited to) physical distancing requirements; and
 - (ii) who has successfully completed training provided by the employer that is in accordance with guidance from the Department; and
 - (iii) who is at the Work Premises whenever workers are on site; and
 - (c) arrange operations at the Work Premises so as to have workers working consistently with the same group of other workers where reasonably practicable, including (but not limited to):
 - (i) developing separate shifts in a way that minimises physical interactions between groups of workers attending different shifts;
 - (ii) separating workers into work areas;

- (iii) dividing work areas up further into separate teams;
 - (iv) providing separate break areas for the separate teams;
 - (v) requiring teams to use separate entrances and exits from other teams;
 - (vi) where workers are from the same household, ensuring they work in the same shift and work area; and
- (d) make available an adequate supply of personal protective equipment free of charge to workers; and
 - (e) ensure that all workers wear appropriate personal protective equipment in accordance with the requirements of the Department; and
 - (f) test the temperature of each worker each day before they enter the Work Premises and, if the worker's temperature is 37.5°C or more, direct the worker to:
 - (i) leave the Work Premises immediately; and
 - (ii) be tested for SARS-CoV-2; and
 - (iii) self-isolate until a negative test result is received; and
 - (g) provide regular training to workers (including, but not limited to, an induction for all workers commencing at, or returning to, the Work Premises) that covers:
 - (i) good hygiene practices; and
 - (ii) advising workers not to attend the Work Premises when unwell; and
 - (iii) compliance with the requirements of subclause (26)(c).
- (27) Subject to subclause (28), an employer in relation to a hotel quarantine Work Premises must not require or permit a worker to perform work at more than one hotel quarantine Work Premises of the employer.
- (28) Subclause (27) does not apply where it is not practicable to limit a worker to only one hotel quarantine Work Premises.
- (29) Where subclause (28) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of workers working across multiple Work Premises.
- Example: rosters.*
- (30) If a worker is working at more than one Work Premises for two or more different employers:
- (a) the worker must provide a written declaration to each employer to advise them that the worker is working at more than one Work Premises and must provide details of the other Work Premises to each employer; and
 - (b) each employer must maintain a record of all workers who have disclosed to the employer under subclause (30)(a) that they are working across more than one Work Premises.

Hospitals

- (31) In relation to a Work Premises that is a hospital, an employer must require workers to declare in writing at the start of each shift that the worker:
- (a) is free of SARS-CoV-2 Symptoms; and
 - (b) has not been in contact with a confirmed case (except in the course of their duties while wearing appropriate personal protective equipment, where relevant) in the:
 - (A) preceding 7 days if the person is fully vaccinated and is not a household close contact; or
 - (B) preceding 14 days if the person is not fully vaccinated or is a household close contact; and

- (c) is not currently required to self-isolate or self-quarantine under the **Diagnosed Persons and Close Contacts Directions**.
- (32) In relation to those parts of a hospital that are a high-risk hospital Work Premises, an employer must:
- (a) designate a **high-risk hospital Work Premises worker** as a COVID Marshal:
 - (i) whose role is to monitor compliance with these directions, including (but not limited to) physical distancing requirements; and
 - (ii) who has successfully completed training provided by the employer that is in accordance with guidance from the Department; and
 - (iii) who is at the Work Premises whenever workers are on site; and
 - (b) arrange operations at the Work Premises so as to have high-risk hospital Work Premises workers working consistently with the same group of other high-risk hospital Work Premises workers where reasonably practicable, including (but not limited to):
 - (i) developing separate shifts in a way that minimises physical interactions between groups of high-risk hospital Work Premises workers attending different shifts;
 - (ii) separating high-risk hospital Work Premises workers into work areas;
 - (iii) dividing work areas up further into separate teams;
 - (iv) providing separate break areas for the separate teams;
 - (v) requiring teams to use separate entrances and exits from other teams;
 - (vi) where high-risk hospital Work Premises workers are from the same household, ensuring they work in the same shift and work area.
- (33) Subject to subclause (34), an employer in relation to a high-risk hospital Work Premises must not require or permit a high-risk hospital Work Premises worker to perform work at more than one Work Premises of the employer.
- (34) Subclause (33) does not apply where it is not practicable to limit a high-risk hospital Work Premises worker to only one Work Premises.
- (35) Where subclause (34) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of high-risk hospital Work Premises workers working across multiple Work Premises.
- Example: rosters.*
- (36) If a high-risk hospital Work Premises worker working in a high-risk hospital Work Premises is working at more than one Work Premises for two or more different employers:
- (a) the high-risk hospital Work Premises worker must provide a written declaration to each employer to advise them that the high-risk hospital Work Premises worker is working at more than one Work Premises and must provide details of the other Work Premises to each employer; and
 - (b) each employer must maintain a record of all high-risk hospital Work Premises workers who have disclosed to the employer under subclause (a) that they are working across more than one Work Premises.
- (37) In relation to a Work Premises that is a hospital, an employer must require workers to declare in writing at the start of each shift:
- (a) whether the worker has completed a shift or shifts at another hospital in a high-risk hospital Work Premises in the 14 days prior to making the declaration; and
 - (b) if the worker declares that they have completed a shift or shifts at another hospital in a high-risk hospital Work Premises in the 14 days prior to making the declaration:
 - (i) the name of the relevant hospital; and

- (ii) whether a shift, or any shifts, declared under subclause (a) were on the roster of a **COVID streaming area**.

Note: a shift on the roster of a COVID streaming area includes a shift where the worker is primarily assigned to caring for COVID positive patients in a negative pressure room (for example, a nurse allocated to care for COVID positive patients in a negative pressure room). A shift on the roster of a COVID streaming area also includes staff who were rostered on to work and worked in the COVID streaming area and staff who were not originally rostered but worked in the area to cover a gap in the roster.

(38) In relation to:

- (a) unless subclause (b) applies, a Work Premises identified in Column 1 of Schedule 1, an employer must comply with the restrictions and requirements outlined in Column 2 of Schedule 1; and
- (b) a Work Premises identified in Column 1 of Schedule 2, an employer must comply with the restrictions and requirements outlined in Column 2 of Schedule 2 from the date specified in Column 3 of Schedule 2,

except in relation to:

- (c) an in vitro fertilisation (**IVF**) procedure performed at a Work Premises that is:
 - (i) a registered facility; or
 - (ii) at a **theatre complex** within a public hospital only if:
 - (A) the employer has reduced the volume of IVF procedures performed per week by at least 50 per cent compared to the usual volume of allocated list time for IVF procedures prior to the introduction of any restrictions on IVF procedures under a revoked **Workplace (Additional Industry Obligations) Directions** or Restricted Activity Directions; or
 - (B) the IVF procedure is for the preservation of eggs for a future IVF procedure that is required due to health treatment that a patient will be receiving which will render their eggs non-viable; or
- (d) a procedure for the surgical termination of pregnancy.

Australian Air Transport Services (Passenger)

(39) In relation to a Work Premises that is an Australian air transport operator's Work Premises, an employer must:

- (a) include in its **COVIDSafe Plan** the processes it will put in place to ensure compliance with requirements to wear a face covering, where any other Directions currently in force require a face covering to be worn in its Work Premises or part of its Work Premises; and
- (b) provide appropriate facilities for the disposal of face coverings at its Work Premises covered under subclause (39)(a).

Construction sites

(40) In relation to a Work Premises that is a construction site an employer must:

- (a) comply with the requirements in the **Workplace Directions** including:
 - (i) the density quotient; and
 - (ii) the face coverings and cleaning requirements; and
- (b) designate an employee or employees as a **COVID Marshal**:
 - (i) whose role is to monitor compliance with these directions, including (but not limited to) physical distancing requirements; and
 - (ii) who has successfully completed training provided by the employer that is in accordance with guidance from the Department; and

- (iii) who is at the Work Premises whenever workers are on site, except in relation to a small-scale construction site, where an employer may designate a supervisor or site manager to perform the role of COVID Marshal for multiple sites under their management or supervision at the same time; and
- (c) arrange operations at Work Premises that are construction sites, so as to have construction workers working consistently with the same group of other construction workers where reasonably practicable, including (but not limited to):
 - (i) developing separate shifts in a way that minimises physical interactions between groups of construction workers attending different shifts;
 - (ii) separates construction workers into work areas;
 - (iii) dividing work areas up further into separate teams;
 - (iv) providing separate break areas and separate break times for the separate teams;
 - (v) requiring teams to use separate entrances and exits from other teams; and
 - (vi) where construction workers are from the same household, ensuring they work in the same shift and work area.

8 Relationship with other directions

- (1) If there is any inconsistency between these directions and a direction or other requirement contained in a **Detention Notice**, these directions are inoperative to the extent of the inconsistency.
- (2) If there is any inconsistency between these directions and a direction or other requirement contained in the **Workplace Directions**, the **Workplace Directions** are inoperative to the extent of the inconsistency.

9 Other definitions

For the purposes of these directions:

- (1) **abattoir** has the meaning under the PrimeSafe licence categories ‘abattoirs (domestic)’ and ‘abattoirs (exports)’;
- (2) **Additional Obligation Industries** has the meaning in clause 5(1);
- (3) **aircraft** means an aircraft that is mainly used for the purpose of, or is engaged, or is intended or likely to be engaged, in a flight wholly within Australia;
- (4) **airport** means a facility that receives scheduled international passenger air transport services and / or passenger charter air services from international markets;
- (5) **Australian air transport operator** has the same meaning as in the **Civil Aviation Safety Amendment (Part 119) Regulations 2018** of the Commonwealth;
- (6) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (7) **Border Directions** means the **Victorian Border Crossing Permit Directions (No. 38)** as amended or replaced from time to time;
- (8) **Care Facilities Directions** means the **Care Facilities Directions (No. 49)** as amended or replaced from time to time;
- (9) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (10) **care facility worker** has the same meaning as ‘worker’ in the **Care Facilities Directions**;
- (11) **Category 1 elective surgery procedure** means a procedure that is clinically indicated within 30 days and where the **patient’s** condition has the potential to deteriorate quickly to the point where the patient’s condition may become an emergency;

- (12) **Category 2A elective surgery procedure** means a procedure that is clinically indicated within 90 days and where the **patient's** condition may deteriorate quickly and may become an emergency if not admitted within an appropriate time;
- (13) **Category 2B elective surgery procedure** means a procedure that is clinically indicated within 90 days and where the **patient's** condition is unlikely to deteriorate quickly or become an emergency during that period;
- (14) **Category 3 elective surgery procedure** means a procedure that is clinically indicated within 365 days but is unlikely to deteriorate quickly;
- (15) **cleaned** has the same meaning as in the **Workplace Directions**;
- (16) **confirmed case** means a **worker** or person diagnosed with **SARS-CoV-2** and includes the period of time prior to the diagnosis during which the worker is considered infectious;
- Note: the period during which a person is considered infectious is generally considered to be 48 hours prior to the onset of SARS-CoV-2 Symptoms, however, alternative infectious periods may be determined at the discretion of an officer or nominated representative of the Department (for instance, in high-risk settings or if the confirmed case is asymptomatic).*
- (17) **construction site** means a Work Premises at which civil works, building or construction activities take place;
- (18) **COVID Marshal** has the meaning in clauses 7(3A)(b), 7(23)(b), 7(26)(b), 7(32)(a) and 7(40)(b) (as the case may be);
- (19) **COVID streaming area** means any patient treatment area nominated by the relevant health service as an area dedicated to treating a confirmed case or confirmed cases, including negative pressure rooms for SARS-CoV-2 patients;
- (20) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (21) **day procedure centre** has the same meaning as in the **Hospital Visitor Directions**;
- (22) **density quotient** has the same meaning as in the **Workplace Directions**;
- (23) **Department** means the Department of Health;
- (24) **Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;
- (25) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 33)** as amended or replaced from time to time;
- (26) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (27) **early stage land development sites** means all civil works undertaken on open air, large greenfield sites that are associated with and preparatory to construction of multiple individual residential dwellings or industrial or commercial development on that site (including site remediation and site preparation works, construction of utilities and construction of roads, bridges, stormwater/flood management works and trunk infrastructure);
- (28) **elective surgery procedure** means an **urgent elective surgery procedure, urgent non-ESIS procedures, Category 1 elective surgery procedure, Category 2A elective surgery procedure, Category 2B elective surgery procedure, Category 3 elective surgery procedure or non-urgent non-ESIS procedure**;
- (29) **employee** includes a person who is self-employed;
- (30) **employer** means a person who owns, operates or controls a **Work Premises** and includes a person who is self-employed or a sole-trader;
- (31) **face covering** has the same meaning as in the **Workplace Directions**;
- (32) **fully vaccinated** has the same meaning as in the **Open Premises Directions**;
- (33) **high-risk hospital Work Premises** means any **hospital** ward treating a **confirmed case** or cases of **SARS-CoV-2**;

- (34) **high-risk hospital Work Premises worker** means any **worker** involved in the direct care of patients, and those who interact with a **high-risk hospital Work Premises**;
- (35) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (36) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 39)** as amended or replaced from time to time;
- (37) **hotel quarantine** means a place (being a hotel or other facility or class of facility), designated by the Attorney-General and published in the Government Gazette, where people are detained in or directed to remain in, or are staying in, quarantine, isolation or emergency accommodation at, for the purpose of eliminating or reducing the serious risk to public health posed by the COVID-19 pandemic;
- (38) **household close contact** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (39) **inspector** has the same meaning as in the **OHS Act**;
- (40) **large-scale construction site** means, a construction site if:
- it is for construction of a building where a planning permit has been issued in relation to the site for a building that is greater than three storeys tall (excluding basement level(s)); or
 - the site size is more than 1,500 m² floor size (inclusive of all floors); or
 - it is for construction of a premises that is predominantly for office use, or that is the internal fit-out of a large-format retail **premises**; or
 - it is for construction of a premises that is predominantly for industrial or large format retail use;

Note: the project lifecycle commences from the date of on-site mobilisation and ends at handover.

- (41) **meat processing facility** has the meaning under the PrimeSafe licence category ‘further meat processing facilities’;
- (42) **Metropolitan Melbourne** means the area within the municipal districts under the local government of the municipal councils set out in Schedule 2 of the **Planning and Environment Act 1987**;
- (43) **non-urgent non-ESIS procedure** means a non-time critical procedure that is not reported via the Elective Surgery Information System where the **patient’s** condition is unlikely to deteriorate quickly;
- (44) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (45) **Open Premises Directions** means the **Open Premises Directions (No. 4)** as amended or replaced from time to time;
- (46) **operator** in relation to a construction site has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
- (47) **outbreak** means:
- a single **confirmed case** of **SARS-CoV-2** in a resident, staff member or frequent attendee of a residential aged **care facility**; or
 - two or more epidemiologically linked cases outside of a household with symptom onset within 14 days;

*Note: transmission within one household does not constitute an outbreak but will become part of an outbreak response if linked to a high priority setting. In some circumstances, the **Department** may identify other settings that are sensitive and where a single confirmed case will trigger an outbreak response. Relevant parties will be informed if this occurs. Determining whether a person is a frequent or infrequent visitor may be based on frequency of visits, time spent in the setting, and number of contacts within the setting.*

- (48) **patient** has the same meaning as in the **Hospital Visitor Directions**;

- (49) **perishable food Work Premises** means a **Work Premises** that is predominantly a perishable food facility that is a chilled distribution facility;
- (50) **personal protective equipment** has the same meaning as in the **Occupational Health and Safety Regulations 2017**;
- (51) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (52) **port** means the port of Melbourne, the port of Geelong, the port of Portland, the port of Hastings and any other port declared under section 6 of the **Port Management Act 1995** in relation to which port lands or port waters or both port lands and port waters have been declared under section 5 of the **Port Management Act 1995**;
- (53) **port of entry** means a **port** or **airport**;
- (54) **port of entry worker** has the meaning in clause 7(21);
- (55) **poultry processing facility** has the meaning under the PrimeSafe licence category ‘poultry meat processing facilities’;
- (56) **premises** has the same meaning as in the **PHW Act**;
- (57) **private hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (58) **public hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (59) **reasonably practicable** is to have its ordinary and common sense meaning;
- (60) **Regional Victoria** means the areas within the State of Victoria that are not part of Metropolitan Melbourne;
- (61) **registered facility** means a **private hospital** or a **day procedure centre** that is registered with the Department as a ‘private hospital’ or a ‘day procedure centre’;
- (62) **representative** in relation to the **operator** of a construction site means the site manager, the duty holder or a registered builder;
- (63) **revoked Workplace (Additional Industry Obligations) Direction** means any of the previous **Workplace (Additional Industry Obligations) Directions** which are no longer in force;
- (64) **SARS-CoV-2 Symptoms** has the same meaning as in the **Workplace Directions**;
- (65) **seafood processing facility** has the meaning under the PrimeSafe licence category ‘seafood processing facilities’;
- (66) **seasonal horticultural work** means work that is seasonal in nature in the horticulture (ie production of fruit and vegetables) sector of the agriculture industry, including the picking, packing and harvesting of seasonal produce, but does not include:
- (a) the production of nuts, wine grapes and olives; or
 - (b) storage and distribution activities that occur post production;
- (67) **seasonal Work Premises** means a farm or workplace where **seasonal horticultural work** is undertaken;
- (68) **seasonal worker** means a **worker** temporarily employed or engaged to perform **seasonal horticultural work** at **seasonal Work Premises**;
- (69) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (70) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (71) **small-scale construction site** means a construction site other than a large-scale construction site or an early stage land development site;
- (72) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No. 28)** as amended or replaced from time to time;

- (73) **supermarket** has the same meaning as ‘supermarket business’ in the **Food Act 1984**, and includes supermarket distribution and warehousing (including in relation to liquor products) but excludes retail facilities;
- (74) **supermarket Work Premises** means the total of all **supermarket** distribution facilities;
- (75) **Surveillance Testing Industry List and Requirements** means the **Department** document that lists the industries (as amended from time to time on the advice of the Chief Health Officer) that are required to carry out surveillance testing on their **workers**, and also sets out the surveillance testing requirements for those listed industries;
Note: the Surveillance Testing Industry List and Requirements are available at www.dhhs.vic.gov.au/surveillance-testing-industry-list-covid-19 as amended from time to time by the Victorian Government.
- (76) **theatre complex** means the suite of rooms at a hospital where medical procedures are performed and ancillary services are conducted;
- (77) **urgent elective surgery procedure** means a procedure where admission within 30 days is clinically indicated for a condition that has the potential to deteriorate quickly to the point that it might become an emergency; a procedure that is clinically indicated within 90 days and where the patient’s condition may deteriorate quickly and become an emergency if not admitted within an appropriate time; an **urgent non-ESIS procedure** including a procedure undertaken for the purposes of cancer diagnosis and early or overdue cancer surveillance and includes a **Category 1 elective surgery procedure**, a **Category 2A elective surgery procedure** and a **urgent non-ESIS procedure**;
- (78) **urgent non-ESIS procedure** means a procedure that is a time critical procedure that is not reported via the Elective Surgery Information System where the **patient’s** condition is likely to deteriorate quickly including procedures undertaken for the purposes of cancer diagnosis and early or overdue cancer surveillance;
- (79) **vehicle** has the same meaning as in the **PHW Act**;
Note: under the PHW Act, vehicle includes any means of transport, whether used on land, sea or in the air.
- (80) **Workplace Directions** means the **Workplace Directions (No. 55)** as amended or replaced from time to time;
- (81) **Work Premises** means the **premises** of an **employer** in which work is undertaken, including any **vehicle** whilst being used for work purposes, and including a **seasonal Work Premises**;
Note: a Work Premises does not include an employee’s ordinary place of residence.
- (82) **worker** includes **employees**, labour hire, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work.

10 Penalties

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

False or misleading information

- (1) A person must not –
- give information that is false or misleading in a material particular; or
 - make a statement that is false or misleading in a material particular; or
 - 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.
- 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.*
- (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 11 November 2021

PROFESSOR BENJAMIN COWIE
 Acting Chief Health Officer,
 as authorised to exercise emergency powers
 under section 199(2)(a) of the PHW Act

SCHEDULE 1 – CURRENT RESTRICTIONS ON ELECTIVE SURGERY

Work Premises (Column 1)	Current elective surgery restrictions (Column 2)
<p>Private hospitals in Metropolitan Melbourne and in the local government area of the City of Greater Geelong</p> <p>Day procedure centres in Metropolitan Melbourne</p>	<p>(a) An employer may only permit an elective surgery procedure to be performed that is an urgent elective surgery procedure.</p> <p>(b) An employer must ensure that all elective surgery procedures that are not urgent elective surgery procedures are temporarily postponed.</p> <p>(c) An employer must not permit cosmetic surgery or other procedures not addressing significant medical conditions to be performed.</p> <p>(d) The restrictions in paragraphs (a) to (b) do not apply to the following services completed by private hospitals and day procedure centres:</p> <p>(i) all activity undertaken on behalf of a public health service or public hospital; and</p> <p>(ii) emergency surgery.</p> <p>(e) An employer must not accept referrals from public health services of public patients waiting for surgery that are not urgent elective surgery procedures, including Category 2B and Category 3 elective surgery procedures.</p>
<p>Private hospitals in the local government areas of the City of Ballarat, the City of Greater Shepparton, the City of Greater Bendigo and the City of Latrobe</p>	<p>(a) An employer may only permit elective surgery procedures to be performed if the employer:</p> <p>(i) provides a report to the Department on a fortnightly basis that specifies the volume of elective surgery procedures it is performing and how requests for support from public health services to assist with the COVID-19 response have been fulfilled; and</p> <p>(ii) does not exceed the volume cap on elective surgery procedures in subclause (b).</p> <p>(b) An employer must ensure that the volume of elective surgery procedures performed per week is less than 50 per cent of the usual volume of allocated list time prior to the introduction of restrictions on elective surgery procedures under a revoked Workplace (Additional Industry Obligations) Directions or Restricted Activity Directions.</p> <p>(c) An employer must ensure patients requiring elective surgery procedures are prioritised based on clinical need. An employer must accommodate urgent elective surgery patients within the 50 per cent cap specified in paragraph (b).</p> <p>(d) An employer must not permit cosmetic surgery or other procedures not addressing significant medical conditions to be performed.</p>

	<p>(e) The following services completed by private hospitals do not count towards the 50 per cent cap in place at each registered facility in accordance with paragraph (b):</p> <ul style="list-style-type: none"> (i) all activity undertaken on behalf of public health services or public hospitals; and (ii) emergency surgery. <p>(f) An employer must not accept referrals from public health services of public patients waiting for procedures that are not urgent elective surgery procedures, including Category 2B and Category 3 elective surgery procedures if the employer is not performing non-urgent elective surgery procedures on private patients.</p>
<p>All public health services located in Metropolitan Melbourne and all public health services that are part of Barwon Health</p>	<p>(a) An employer may only permit an elective surgery procedure to be performed that is an urgent elective surgery procedure.</p> <p>(b) An employer must ensure all elective surgery procedures that are not urgent elective surgery procedures, including Category 2B elective surgery procedures and Category 3 elective surgery procedures and non-urgent non-ESIS procedures, are temporarily postponed.</p>
<p>All public health services that are part of the Ballarat Health Service campus of Grampians Health or part of Goulburn Valley Health</p>	<p>(c) An employer must not refer public patients to a private hospital who are waiting for procedures that are not urgent elective surgery procedures, including Category 2B and Category 3 elective surgery procedures unless that registered facility is performing non-urgent elective surgery procedures on private patients.</p>
<p>All public health services that are part of Bendigo Health and the Latrobe Regional Hospital</p>	
<p>All public health services and public hospitals in Regional Victoria that do not operate a COVID-19 streaming area</p>	<p>(a) If an employer intends to reduce the volume of its allocated elective surgery procedure list, the employer must notify the Department prior to postponing any elective surgery procedures.</p>

SCHEDULE 2 – FUTURE RESTRICTIONS ON ELECTIVE SURGERY

Work Premises (Column 1)	Future elective surgery restrictions (Column 2)	Commencement date (Column 3)
<p>Private hospitals in Metropolitan Melbourne and in the local government area of the City of Greater Geelong</p> <p>Day procedure centres in Metropolitan Melbourne</p>	<p>(a) An employer may only permit elective surgery procedures to be performed if the employer:</p> <ul style="list-style-type: none"> (i) provides a report to the Department on a fortnightly basis that specifies the volume of elective surgery procedures it is performing and how requests for support from public health services to assist with the COVID-19 response have been fulfilled; and (ii) does not exceed the volume cap on elective surgery procedures in subclause (b). <p>(b) An employer must ensure that the volume of elective surgery procedures performed per week is less than 50 per cent of the usual volume of allocated list time prior to the introduction of restrictions on elective surgery procedures under a revoked Workplace (Additional Industry Obligations) Directions or Restricted Activity Directions.</p> <p>(c) An employer must ensure patients requiring elective surgery procedures are prioritised based on clinical need. An employer must accommodate urgent elective surgery patients within the 50 per cent cap specified in paragraph (b).</p> <p>(d) An employer must not permit cosmetic surgery or other procedures not addressing significant medical conditions to be performed.</p> <p>(e) The following services completed by private hospitals do not count towards the 50 per cent cap in place at each registered facility in accordance with paragraph (b):</p> <ul style="list-style-type: none"> (i) all activity undertaken on behalf of public health services or public hospitals; and (ii) emergency surgery. <p>(f) An employer must not accept referrals from public health services of public patients waiting for surgery that are not urgent elective surgery procedures, including Category 2B and Category 3 elective surgery procedures if the employer is not performing non-urgent elective surgery procedures on private patients.</p>	<p>15 November 2021</p>

<p>All public health services located in Metropolitan Melbourne that do not operate a COVID-19 streaming area</p>	<p>(a) An employer must ensure that the volume of elective surgery procedures performed per week is less than 50 per cent of the usual volume of allocated list time prior to the introduction of restrictions on elective surgery procedures under a revoked Workplace (Additional Industry Obligations) Directions or Restricted Activity Directions.</p> <p>(b) An employer must ensure patients requiring elective surgery procedures are prioritised based on clinical need. An employer must accommodate urgent elective surgery patients within the 50 per cent cap specified in paragraph (a).</p>	<p>15 November 2021</p>
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Public Health and Wellbeing Act 2008

Section 200

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

Workplace Directions (No. 55)

I, Professor Benjamin Cowie, Acting 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**):

1 Preamble

- (1) The presence of a person with a positive diagnosis of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) at a **Work Premises** is considered to pose an immediate risk of transmission to persons who attend, or may attend, the Work Premises.
- (2) The purpose of these directions is to limit the number of Victorians attending Work Premises to assist in reducing the frequency and scale of **outbreaks** of SARS-CoV-2 in Victorian workplaces and to establish more specific obligations on **employers** and **workers** in relation to managing the risk associated with SARS-CoV-2.
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions are intended to supplement any obligation an employer may have under the **OHS Act** and are not intended to derogate from any such obligations.
- (5) These directions replace the **Workplace Directions (No. 54)**.

2 Citation

These directions may be referred to as the **Workplace Directions (No. 55)**.

3 Revocation

The **Workplace Directions (No. 54)** are revoked at 6:00:00 pm on 11 November 2021.

4 Commencement

These directions commence at 6:00:00 pm on 11 November 2021 and end at 11:59:00 pm on 18 November 2021.

5 Operation of a Work Premises

- (1) Where an employer permits or requires work to be performed at a Work Premises, the employer must comply with clauses 6 to 8.
- (2) A worker must not attend a Work Premises if:
 - (a) they have been tested for SARS-CoV-2 because they are symptomatic; and
 - (b) they are awaiting the result of that test.

6 Preventative measures at Work Premises to reduce the risk of SARS-CoV-2*Face coverings requirement*

- (1) An employer must take reasonable steps to ensure a worker, when working at a Work Premises:
 - (a) carries a **face covering** at all times, except where the exception in clause 5 of the **Stay Safe Directions (Victoria)** applies; and
 - (b) wears a face covering where required to do so in accordance with any other Directions currently in force, except where an exception in clause 5 of the **Stay Safe Directions (Victoria)** applies.

*Note: face shields on their own do not meet the face covering requirements. Please refer to the **Department's** guidelines for further information.*

- (1A) An employer of an **education premises** must take all reasonable steps to ensure that each student who physically attends the education premises complies with any requirement to wear a face covering that may apply to the student under the **Stay Safe Directions (Victoria)**.

COVIDSafe Plan

- (2) Subject to subclause (4), an employer must, for each Work Premises:
- (a) have in place a COVIDSafe Plan, which addresses the health and safety issues arising from SARS-CoV-2, including but not limited to:

Note: employers can use the template plan accessible from the following website for guidance: www.coronavirus.vic.gov.au/covidsafe-plan as amended or replaced from time to time by the Victorian Government.

 - (i) the employer's process for implementing the record-keeping obligation under subclause (6);
 - (ii) the appropriate level of **PPE** to be worn at the Work Premises;
 - (iii) actions taken by the employer to mitigate the introduction of SARS-CoV-2 at the Work Premises;

*Examples: temperature testing, provision and training for PPE use, regular cleaning, specific **cleaning requirements** following an outbreak, physical distancing requirements (e.g. closing or reconfiguring **common areas** such as lunchrooms to support workers remaining 1.5 metres apart at all times).*
 - (iv) the processes which the employer has put in place to respond to any **suspected case** or any **confirmed case** of SARS-CoV-2 at the Work Premises, taking into account the employer's obligations under these directions;
 - (v) an acknowledgement that the employer understands its responsibilities and obligations under these directions; and
 - (b) document and evidence, and require its managers to document and evidence, implementation of the COVIDSafe Plan.
- (3) The employer and the employer's workers must comply with the COVIDSafe Plan.
- (4) An employer is not required to comply with subclause (2):
- (a) for any Work Premises that have no workers working at that Work Premises; or
 - (b) in relation to:
 - (i) each individual **vehicle** that makes up a fleet of two or more vehicles; and

Note 1: despite subclause (i), an employer must have a COVIDSafe Plan in relation to a fleet of two or more vehicles.

Note 2: where an employer owns, operates or controls only one vehicle, then it must have a COVIDSafe Plan for that vehicle.

*Example: where an employer owns, operates or controls only one vehicle used to provide **commercial passenger vehicle services** or a vehicle used to provide **passenger services**, then it must have a COVIDSafe Plan for that vehicle.*
 - (ii) vehicles used predominantly by a worker to travel between the Work Premises and the worker's ordinary place of residence; or

Note: each vehicle used predominantly as a Work Premises (e.g. food trucks, dental vans) requires a COVIDSafe Plan.
 - (c) in relation to a premises governed by an **owners corporation** where that premises has:
 - (i) no shared spaces; or
 - (ii) only shared **outdoor spaces** (such as shared driveways, lawns or gardens).

*Note: an owners corporation is required to have a COVIDSafe Plan for all premises where there are shared **indoor spaces** (for example: hallways, underground carparking facilities, or gyms).*
- (5) An employer must:
- (a) comply with any direction given by an **Authorised Officer** or **WorkSafe inspector** to modify a COVIDSafe Plan, including:
 - (i) following an outbreak of confirmed cases of SARS-CoV-2 at a Work Premises; or

- (ii) if the Authorised Officer considers that the COVIDSafe Plan is not fit for purpose; and
- (b) implement any modifications required in accordance with subclause (5)(a).

Record-keeping obligations (records requirement)

- (6) Subject to subclause (10), an employer must keep a record of all persons who attend the Work Premises, which includes:
 - (a) the person's first name; and
 - (b) the person's surname; and
 - (c) a contact phone number; and
 - (d) the date and time at which the person attended the Work Premises; and
 - (e) the areas of the Work Premises which the person attended.

Note 1: where a venue is not staffed, an employer will have complied with the records requirement if they display instructions in a prominent location that clearly explain how patrons and other visitors to the venue should record their details.

Note 2: where a person does not have a phone number, an employer may comply with the record-keeping requirement by registering that person's contact details using a phone number for the contact most likely to be able to locate the person, such as a known relative, carer, or the phone number of the employer itself.

- (7) Subject to subclauses (8) – (13), an employer must:
 - (a) comply with subclause (6) using the **Victorian Government QR code system**; and
 - (b) make reasonable efforts to ensure that a person required to record an attendance at the Work Premises in accordance with subclause (a) can do so using the Victorian Government QR code system for that purpose even where they do not have access to a personal mobile phone or other device that enables them to do so; and

Note: compliance with subclause (b) could include making a terminal (e.g. a tablet or other device) available for persons to register their contact details via the Victorian Government QR code system and staff available to provide assistance to persons to do so.

- (c) prominently display signage at each entrance to the Work Premises so that **members of the public** can record their attendance using the Victorian Government QR code system; and

Note: signage may also be displayed nearby to an entrance as well as at the entrance (for example, inside the Work Premises, in a hallway or waiting room near the entrance) if required to prevent people lining up outside or congregating at the entrance.

- (d) where a Work Premises is:
 - (i) a **retail facility** other than a **supermarket**, where the total of all indoor spaces accessible to members of the public is 2,000 square metres or more; or
 - (ii) a **market**,then:
 - (iii) the Work Premises must prominently display signage at all points of sale at the Work Premises so that members of the public can record their attendance using the Victorian Government QR code system; and

Note 1: Work Premises to which subclause (d) applies are required to comply with the signage requirements in subclause (d) in addition to the signage requirements in subclause (c).

Note 2: a point of sale includes where a customer pays for goods or services.

- (iv) other than for Work Premises that are markets, a staff member must request all members of the public who attend the Work Premises to record their attendance at an entrance to the Work Premises; and

- (e) where a Work Premises is:
- (i) a retail facility other than a supermarket, where the total of all indoor spaces accessible to members of the public is less than 2,000 square metres; or
 - (ii) a market stall,
- then:
- (iii) the Work Premises must prominently display signage at all points of sale at the Work Premises so that members of the public can record their attendance using the Victorian Government QR code system; and

Note 1: Work Premises to which subclause (e) applies are required to comply with the signage requirements in subclause (e) in addition to the signage requirements in subclause (c).

Note 2: a point of sale includes where a customer pays for goods or services.

- (iv) staff members who interact with a member of the public at a point of service must request that the member of the public record their attendance at the Work Premises; and

Note: a point of service includes where a worker interacts with a customer other than at a point of sale during their attendance, for example, a waiter attending a table to take an order, or when greeting a customer once they have entered the Work Premises.

- (f) where a Work Premises is a **food and drink facility**, then:
- (i) the Work Premises must prominently display signage at all points of sale and at all points of service, so that members of the public can record their attendance using the Victorian Government QR code system; and

Note: Work Premises to which subclause (f) applies are required to comply with the signage requirements in subclause (f) in addition to the signage requirements in subclause (c).

- (ii) a staff member must request all members of the public attending the Work Premises to record their attendance at:

- (A) an entrance to the Work Premises; or
- (B) a point of sale; or
- (C) a point of service; and

Note: a point of sale includes where a customer pays for goods or services. A point of service includes where a worker interacts with a customer other than at a point of sale during their attendance, for example, a waiter attending a table to take an order, or when greeting a customer once they have entered the Work Premises. Where a food and drink facility is a food court, a point of service includes the tables provided within the food court.

- (g) where a Work Premises is a supermarket, then:
- (i) the Work Premises must prominently display signage at all points of sale at the Work Premises so that members of the public can record their attendance using the Victorian Government QR code system; and

Note 1: Work Premises to which subclause (g) apply are required to comply with the signage requirements in subclause (g) in addition to the signage requirements in subclause (c).

Note 2: a point of sale includes where a customer pays for goods or services.

- (ii) staff members who interact with a member of the public at a point of sale must request that the member of the public record their attendance at the Work Premises.

- (8) Where:
- (a) it is not reasonably practicable for a person to record an attendance at a Work Premises using the Victorian Government QR code system; or
 - (b) there is an access issue that prevents the Victorian Government QR code system from operating,

then the employer must use an alternative record-keeping method to comply with the records requirement.

Example 1: worshippers wishing to attend a synagogue on the Sabbath (if permitted by the Directions currently in force) who are prohibited from using the Victorian Government QR code system during the Sabbath could pre-register details with the synagogue, with the details recorded and stored by the synagogue electronically.

Example 2: where a venue has no internet coverage, such as in a remote location, manual records could be kept and stored electronically by the venue.

- (8A) Information collected by an employer using an alternative record-keeping method under subclause (8) must be provided by the employer to **Service Victoria** if requested to do so by the Department or Service Victoria.
- (9) Where a person who attends a Work Premises is unable to check in using the Victorian Government QR code system for the purpose of subclauses (6) or (13), that information may be collected by an employer or an **owner** of a vehicle used as a commercial passenger vehicle service from another person on behalf of the first person using the Victorian Government QR code system for that purpose.
- (10) An employer is not required to comply with the records requirement in subclause (6):
- (a) subject to subclause (13), in relation to members of the public using a commercial passenger vehicle service; or
 - (b) in relation to essential support groups and health services if confidentiality is typically required; or
Example: support groups for alcohol and drugs or family violence typically require confidentiality.
 - (c) in relation to common property areas governed by an owners corporation; or
*Note: where a common property area is a facility such as a gym, pool, or cinema subject to the **Open Premises Directions**, that facility is required to comply with the record-keeping requirements and any other relevant requirements in the **Open Premises Directions**.*
 - (d) in relation to persons receiving contactless ‘click and collect’ services where the transaction does not involve entering any indoor space at a Work Premises; or
Example: attending a retail facility where a worker drops the goods into the boot of a customer’s car whilst the customer remains in the car.
 - (e) in relation to takeaway food providers in respect of customers attending the premises for the sole purpose of collecting food at a drive-through window; or
 - (f) in relation to service stations in respect of members of the public who do not enter a building and pay using contactless payment methods at the petrol bowser; or
 - (g) in relation to **emergency workers** attending a Work Premises for the purposes of responding to an **emergency** where complying with the records requirement is not practicable in the circumstances; or
 - (h) in relation to attendances at a Work Premises for the purposes of police matters (including investigations), and the administration of justice where the person who is the subject of the record requests that their attendance is kept confidential; or
 - (i) subject to subclause (13), in relation to members of the public using public transport or at a stop or station for passenger services of a public transport service; or
 - (j) subject to subclause (13), in relation to a **tour and charter bus service**, except in relation to workers operating or delivering the tour and charter bus service; or
 - (k) in relation to workers of, or visitors to premises owned or operated by, intelligence agencies who attend that premises for reasons of national security; or
 - (l) in relation to parents, guardians and carers attending a **school, childcare or early childhood service** or outside school hours care service for the purposes of picking up or dropping off children or students, provided the parent, guardian or carer does not enter an indoor space at the school, childcare or early childhood service or outside school hours care service.

- (11) An employer is not required to comply with subclause (7) in relation to Work Premises that are:
- (a) schools, childcare or early childhood services and outside school hours care services in respect of all students, teachers and other school staff (but not visitors, contractors or other workers); or
Note: educational facilities (other than schools and childcare or early childhood services and outside school hours care services) are required to comply with subclause (7).
 - (b) **care facilities** in respect of residents; or
 - (c) a **health service entity**; or
 - (d) farms in respect of workers and other persons attending for work-related purposes; or
 - (e) premises where pre-ordered goods are being delivered via contactless delivery; or
Example: a meal delivery service driver attending a premises to drop a meal ordered via an app at the door is not required to check-in at that premises.
 - (f) a private residence attended by workers for the purposes of undertaking work; or
Note: this excludes common property areas governed by an owners corporation.
 - (g) a **prison, remand centre, youth residential centre, or youth justice centre**; or
 - (h) a site operated by COVID-19 Quarantine Victoria; or
 - (i) a site where the use of electronic devices is prohibited due to safety concerns; or
Example: petrochemical bulk storage and transport, and other flammable liquids sites.
 - (j) a **school bus**; or
 - (k) an **early stage land development site**, excluding any site office at that site.
Example: workers conducting scoping work on empty land prior to the commencement of construction will not be required to check-in using the Victorian Government QR code system. However, a worker entering a site office on otherwise empty land will need to check-in to that office using the Victorian Government QR code system.
- (12) An employer to whom clause 7 (*accommodation facilities*) of the **Open Premises Directions** as applicable, applies is only required to comply with subclause (7) in respect of a person who:
- (a) is not registered to stay overnight at the **accommodation facility**; and
 - (b) attends a communal or shared accommodation space.
- (13) Despite subclause (7):
- (a) an owner of a vehicle used as a commercial passenger vehicle service; or
 - (b) an employer in respect of:
 - (i) public transport; or
 - (ii) a stop or station for passenger services of a public transport service, other than stops or stations that are not regularly staffed; or
 - (iii) a tour and charter bus service,
 must make available and clearly visible and accessible in the vehicle, stop or station at all times, a sign that allows members of the public in the vehicle or at the stop or station to use the Victorian Government QR code system.
- (14) In handling any information collected under subclause (6):
- (a) an employer who uses or an owner who makes available a system other than the Victorian Government QR code system, must:
 - (i) not collect personal information unless:
 - (A) the information is necessary to meet the requirements outlined in subclause (6); or

- (B) the information is provided by a driver or passenger using the system made available under subclause (13); and
- (ii) use reasonable endeavours to protect the personal information from use or disclosure, other than in accordance with a request made by an Authorised Officer (or a person assisting an Authorised Officer); and
- Note: information should be collected in a way that protects it from being disclosed to other patrons.*
- Example: where using a paper-based method, a sheet of paper could be placed over previous visitor details on a sheet that records the names.*
- (iii) use reasonable endeavours to notify the person from whom the personal information is being collected that the primary purpose of collection is for SARS-CoV-2 contact tracing, and that their personal information may be collected and stored by the Victorian Government for this purpose; and
- (iv) destroy the information as soon as reasonably practicable following 28 days after the attendance at the Work Premises, unless a statutory requirement permits or requires the personal information to be retained; and
- Note: subclause (a) is intended to apply to employers who use or owners who collect information pursuant to subclauses (6) or (13) using a method other than the Victorian Government QR code system, whether or not:*
- (a) *the employer also uses or the owner also uses the Victorian Government QR code system to comply with subclauses (6) or (13); or*
- (b) *the system used by the employer or made available by the owner links to the Victorian Government QR code system.*
- (b) Service Victoria and/or another operator of the Victorian Government QR code system must destroy the information as soon as reasonably practicable following 28 days after the attendance at the Work Premises unless a statutory requirement permits or requires the personal information to be retained.

Additional records requirement (additional records requirement)

- (15) An employer must keep records to demonstrate compliance with these directions, including (but not limited to):
- (a) all logs created during the time these directions are in place;
- (b) Work Premises rosters;
- (c) time and attendance records;
- (d) payroll data.
- (16) In collecting the information outlined in subclause (15), an employer must:
- (a) use reasonable endeavours to protect the personal information from use or disclosure, other than in accordance with a request made by an Authorised Officer; and
- (b) destroy the information as soon as reasonably practicable, unless another statutory requirement permits or requires the personal information to be retained.

Density quotient (density quotient)

- (17) In any shared spaces, non-publicly accessible areas and publicly accessible areas at the Work Premises, an employer must comply with the density quotient for each shared space, non-publicly accessible space and each publicly accessible space.

Note: in relation to a care facility, shared spaces and publicly accessible spaces include entrance areas, waiting rooms and communal areas where visitors may enter but do not include patient or resident rooms or resident lounges not accessible by visitors.

- (17A) The requirement in subclause (17) does not apply in respect of a public transport service, stops or stations for passenger services of a public transport service or tour and charter bus service.

*Note: despite subclause (17A), tour and charter bus services operated by licensed tourism operators remain subject to the **Open Premises Directions** as applicable.*

- (18) The density quotient in relation to Work Premises for the purposes of subclause (17) limits:
- (a) in relation to a shared space, the number of persons who are permitted in a shared space; or
 - (b) in relation to a space which is not accessible to the public:
 - (i) where that non-publicly accessible space is occupied by workers on an ad hoc basis, the number of workers present at any one time; or
 - (ii) where that non-publicly accessible space is occupied by workers on an ongoing basis, the number of persons; or
 - (c) in relation to a publicly accessible space:
 - (i) where that publicly accessible space is occupied by workers on an ad hoc basis, the number of members of the public; or
 - (ii) where that publicly accessible space is occupied by workers on an ongoing basis, the number of persons,

*Note: the **Open Premises Directions** specify which facilities should calculate the density quotient by reference to the number of persons in the accessible area or alternatively the number of members of the public in the accessible area.*

at any one time to:

- (d) the number calculated by dividing the total accessible space (measured in square metres) by 4 in relation to any shared space or publicly accessible space; or
 - (e) the number calculated by dividing the total accessible space (measured in square metres) by 2 in relation to any non-publicly accessible space.
- (18A) For the purposes of subclause (17) and (18), the density quotient:
- (a) for an indoor space, applies to each single undivided space permitted to operate under these directions; and
 - (b) for an **indoor zone**, applies to each indoor zone within an indoor space permitted to operate under these directions; and
 - (c) for an outdoor space, market or **retail shopping centre**, applies to the total space permitted to operate under these directions; and
 - (d) for a hospital, to non-clinical areas of the **hospital** where practicable; and
 - (e) for a Work Premises that is the employer's ordinary place of residence, to each space of the residence accessible to persons for the purposes of receiving goods or services from the employer or a worker.

Example: if an outdoor space is 8.5 metres long and 4.5 metres wide, its total area is 38.25 square metres. Its density quotient is 9.56, so no more than 9 members of the public would be permitted to be in the outdoor space at the same time.

- (19) The number of people allowed in a shared space, non-publicly accessible area or publicly accessible area may be subject to a separate specified density measure or cap under the **Open Premises Directions** and, in those circumstances, the specified density measure or cap overrides the density quotient.
- (20) Despite subclauses (17) to (19), an employer is not required to comply with the density quotient in respect of:
- (a) any shared spaces in schools, non-school senior secondary providers, childcare or early childhood services, or **higher education services** used by students or children, including classrooms; and

- (b) clinical areas of a hospital; and
- (c) any Work Premises, or part thereof, that has been granted an exemption to the density quotient by the Chief Health Officer in writing, including on specified conditions, on the basis that:
 - (i) the work is urgently required to be undertaken at that Work Premises, or part thereof, for the purpose of sustaining human health, safety and wellbeing; and
 - (ii) the work cannot be carried out, or cannot safely be carried out, while complying with the density quotient; and
- (d) areas of a building that are being used for the purpose of a jury trial, except the employer must ensure the total number of persons present in the areas that are being used for the purpose of a jury trial at any one time does not exceed the number calculated by dividing the total accessible space (measured in square metres) by 2; and
- (e) any vehicle.

*Note 1: in relation to a school, non-school senior secondary provider, education and care service, childcare or early childhood service, or higher education service, spaces for the purpose of student and children use (such as classrooms, hallways and gymnasiums) are not subject to the density quotient. The density quotient does, however, still apply to office areas including shared spaces that form part of an office area, spaces such as lunchrooms, photocopier room, principal's office, back of reception and resource rooms. The density quotient also applies to any publicly accessible areas (including in relation to a school, non-school senior secondary providers, or childcare or early childhood service, or higher education service), and any such publicly accessible areas that are subject to the **signage requirement** under subclause (21).*

Note 2: in relation to a school, non-school senior secondary provider, childcare or early childhood service, or higher education service using facilities other than the school, childcare or higher education service premises, the density quotient of the relevant facility and the relevant requirements of the facility's COVIDSafe Plan will apply to the school, non-school senior secondary provider, childcare or early childhood service, or higher education service when using that facility. As an alternative to using the facility's COVIDSafe Plan, the school, non-school senior secondary provider, childcare or early childhood service, or higher education service may apply their own COVIDSafe Plan to the use of the facility, so long as it has been adjusted so that it is fit for purpose taking into account the unique features of the relevant facility.

Note 3: in relation to a hospital, clinical areas including emergency department waiting rooms and hospital wards are areas of a hospital that the density quotient does not apply to, however, other non-clinical areas of the hospital are subject to the density quotient where practicable.

Signage requirements (signage requirement)

- (21) Where a Work Premises has a publicly accessible space to which the density quotient applies, an employer must display a sign at each public entry to each such space that includes a statement specifying the maximum number of members of the public that may be present in the space at a single time, being the number permitted by the density quotient, rounded down to the nearest whole number.

Example: if an area is 8.5 metres long and 4.5 metres wide, its total space is 38.25 square metres. Its density quotient is 9.56. The sign should state that the maximum number of members of the public that may be present in the space at a single time is 9.
- (22) A person who owns, operates or controls a market stall, market or retail shopping centre must:
 - (a) limit the number of members of the public permitted by the density quotient as it applies respectively to the market stall, market or the retail shopping centre; and
 - (b) use reasonable endeavours to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the facility.
- (23) Where any other Directions currently in force require a face covering to be worn in a Work Premises or part of a Work Premises:
 - (a) an employer in relation to that Work Premises; or

- (b) a person who owns, operates or controls that Work Premises, must display a sign at each public entry advising that each person entering the Work Premises must wear a face covering, unless an exception under a Direction currently in force applies.

Cleaning requirements (cleaning requirement)

- (24) An employer must take all reasonable steps to ensure that shared spaces at which work is performed and areas accessible to members of the public at any Work Premises are **cleaned** on a regular basis, including:
- (a) frequently touched surfaces, including toilets and handrails, are cleaned at least twice on any given day; and
 - (b) surfaces are cleaned when visibly soiled; and
 - (c) if a function is to occur, a reasonable period of time has elapsed since the conclusion of any earlier function to allow for cleaning in between the functions; and
 - (d) surfaces accessible to a particular group are cleaned between groups; and
Example: cleaning surfaces between shifts of workers.
 - (e) surfaces are cleaned immediately after a spill on the surface.
- (25) To ensure a surface is cleaned for the purposes of these directions, a person must wipe the surface with a detergent before applying a disinfectant:
- (a) the label of which states a claim by the manufacturer that the disinfectant has anti-viral properties; or
 - (b) made by a person according to instructions issued by the Department.
- (26) A person who owns, operates or controls a market stall, market or retail shopping centre must comply with the cleaning requirement respectively for the market stall, market or the common areas of the retail shopping centre.

Work Premises at private residences

- (27) An employer in respect of a Work Premises that is also a private residence may only operate that Work Premises if members of the public can access the Work Premises by a separate entrance to that used by the persons who reside at that residence and their visitors.

*Note: this subclause applies insofar as Work Premises are permitted to operate under the **Open Premises Directions**.*

7 Responding to a suspected case of SARS-CoV-2 in a Work Premises

- (1) An employer must not require a worker to perform work at a Work Premises if the worker is displaying one or more **SARS-CoV-2 Symptoms**.
- (2) As soon as practicable after becoming aware of a suspected case in a worker who has attended a Work Premises in the period commencing 48 hours prior to the onset of symptoms, an employer must:
- (a) advise the worker to **self-isolate** immediately and support the worker in doing so, by either:
 - (i) directing the worker to travel home immediately (and providing support to the worker to do so); or
 - (ii) where the worker is unable to travel home immediately, directing the worker to isolate themselves at the Work Premises and, whilst doing so, to wear a face covering and remain at least 1.5 metres from any other person at the Work Premises, until the worker can return home later that day to self-isolate; and

Note: the worker should isolate in a separate room from other persons, where possible.

- (b) advise the worker to be tested for SARS-CoV-2 as soon as practicable, and to self-isolate whilst awaiting the result of that test; and
 - (c) take all reasonably practicable steps to manage the risk posed by the suspected case, including but not limited to:
 - (i) cleaning areas of the Work Premises used by the suspected case (including their personal workspace and any areas in the Work Premises frequently used by the suspected case);
 - (ii) cleaning high-touch surfaces at the Work Premises likely to have been frequented by the suspected case; and

Examples: lift buttons, door handles, washroom facilities, kitchen facilities, water coolers. For further information, see the guidance www.dhhs.vic.gov.au/coronavirus-cleaning-guidelines-for-workplaces-doc as amended or replaced from time to time by the Victorian Government.
 - (d) ensure appropriate records are maintained in accordance with clause 6(6) in order to support contact tracing if the suspected case becomes a confirmed case, particularly from the period commencing 48 hours prior to the onset of symptoms in the suspected case; and
- Note: this will include, for example, rosters and worker details, and details of all visitors to the Work Premises, to ascertain which persons were present at the Work Premises and who they may have come into contact with.*
- (e) inform all workers (including the **health and safety representative**) to be vigilant about the onset of symptoms of SARS-CoV-2 and advise all workers to be tested for SARS-CoV-2 and self-isolate if they become symptomatic.

8 Responding to a confirmed case of SARS-CoV-2 in a Work Premises

- (1) In these directions, in respect of a worker who has tested positive to SARS-CoV-2, **Relevant Period** means the period commencing 48 hours prior to:
 - (a) the onset of symptoms of SARS-CoV-2 in the worker, if symptomatic; or
 - (b) the worker having been tested for SARS-CoV-2, if asymptomatic,
 and up to the **diagnosed person** receiving clearance from the Department.
- (2) A worker who has received a positive test result for SARS-CoV-2 must, as soon as practicable, notify the employer of any Work Premises which the worker has attended in the Relevant Period.
- (3) As soon as practicable after becoming aware of a confirmed case who has attended the Work Premises in the Relevant Period, the employer must:
 - (a) notify the Department and WorkSafe in accordance with the **Occupational Health and Safety (COVID-19 Incident Notification) Regulations 2021** and the health and safety representative at the Work Premises; and
 - (b) to the extent not already completed, direct the **diagnosed worker** not to attend the Work Premises and advise them to self-isolate in accordance with clause 7(2)(a); and
 - (c) undertake a risk assessment to determine whether the Work Premises (or the relevant part of the Work Premises in which the diagnosed worker worked in the Relevant Period) must be closed to allow cleaning and contact tracing to occur or whether the risk can be managed whilst the Work Premises (or part of it) continues to operate; and
 - (d) undertake a comprehensive clean of the Work Premises (or the relevant part of the Work Premises in which the diagnosed worker worked in the Relevant Period, and any high touch areas likely to have been touched by the diagnosed worker) in accordance with guidelines published by the Department; and

Note: online guidance from the Department can be obtained from the following link: www.dhhs.vic.gov.au/coronavirus-cleaning-guidelines-for-workplaces-doc as amended or replaced from time to time by the Victorian Government.

- (e) consult with the diagnosed worker and examine the employer's own records to determine any **close contacts** of the diagnosed worker at the Work Premises within the Relevant Period and, where any close contacts are identified and the employer has the relevant contact details of the close contact:

Note: for record-keeping obligations to assist with identification of close contacts and contact tracing, see clause 6(6).

- (i) if the close contact is a worker, direct them to leave the Work Premises and advise them to **self-quarantine**; and
 - (ii) if the close contact is not a worker, issue them a written communication to recommend that they self-quarantine in accordance with guidance from the Department; and
- (f) notify all workers when a worker has tested positive to SARS-CoV-2; and
- (g) inform all workers (including health and safety representatives) to be vigilant about the onset of SARS-CoV-2 Symptoms and advise all workers to be tested for SARS-CoV-2 and self-quarantine if they become symptomatic; and
- (h) put in place appropriate control and/or risk management measures to reduce the risk of spreading SARS-CoV-2 at the Work Premises; and

Note: employers are encouraged to ensure that any risks identified from the confirmed case are addressed in these control measures.

Examples: increasing the implementation and enforcement of control measures with respect to PPE (such as face coverings) and physical distancing.

- (i) contact the Department (or other entity nominated by the Department on its website) and:
 - (i) notify it of the actions taken in accordance with subclauses (3)(a) to (h); and
 - (ii) provide it with a copy of the risk assessment conducted in accordance with subclause (3)(c); and
 - (iii) provide the Department (or other entity nominated by the Department) with contact details of any close contacts (whether or not workers) identified pursuant to subclause (3)(e); and
 - (iv) comply with any further directions given by the Department or WorkSafe in relation to closure of the Work Premises (or part of the Work Premises) and/or cleaning; and
- (j) where the Work Premises (or part of the Work Premises) is closed, not re-open that Work Premises (or that part of the Work Premises which was closed) until all of the following have occurred:
 - (i) the employer has complied with all of its obligations under subclauses (3)(a) to (i); and
 - (ii) the Department has completed all relevant contact tracing.

*Note: employers must comply with their obligations under occupational health and safety laws, including notifying WorkSafe in accordance with the **Occupational Health and Safety (COVID-19 Incident Notification) Regulations 2021**.*

9 Relationship with other directions

If there is any inconsistency between these directions and a direction or other requirement contained in a **Direction and Detention Notice**, these directions are inoperative to the extent of the inconsistency.

10 Definitions

For the purposes of these directions:

- (1) **accommodation facility** has the same meaning as in the **Open Premises Directions**;

- (2) **additional records requirement** has the meaning in clause 6(15) and 6(16) (both inclusive);
- (3) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (4) **bus company** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;
- (5) **Care Facilities Directions** means the **Care Facilities Directions (No. 49)** as amended or replaced from time to time;
- (6) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (7) **childcare or early childhood service** means onsite early childhood education and care services or children's services provided under the:
 - (a) **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
 - (b) **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;
- (8) **cleaned** has the meaning in clause 6(25);
- (9) **cleaning requirement** has the meaning in clause 6(24) to (26) (both inclusive);
- (10) **close contact** means any person who has had face-to-face contact of any duration, or who has shared a closed space, with a **confirmed case** during the **Relevant Period**;
- (11) **commercial passenger vehicle service** has the meaning given in section 4 of the **Commercial Passenger Vehicle Industry Act 2017**;
- (12) **common areas** of a **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (13) **confirmed case** means a diagnosis of **SARS-CoV-2** in a **worker** at the **Work Premises**;
- (14) **COVID-19 Mandatory Vaccination (General Workers) Directions** means the **COVID-19 Mandatory Vaccination (General Workers) Directions (No. 2)** as amended or replaced from time to time;
- (15) **COVID-19 Mandatory Vaccination (Specified Facilities) Directions** means the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 12)** as amended or replaced from time to time;
- (16) **COVID-19 Mandatory Vaccination (Workers) Directions** means the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 7)** as amended or replaced from time to time;
- (17) **COVIDSafe Plan** has the meaning in clause 6(2);
- (18) **density quotient** has the meaning in clause 6(17);
- (19) **Department** means the Department of Health;
- (20) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (21) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 33)** as amended or replaced from time to time;
- (22) **diagnosed worker** means a **worker** who is a **diagnosed person**;
- (23) **Direction and Detention Notice** means a notice given to a person requiring the person to be detained for a specified period;

- (24) **Directions currently in force** means the **Stay Safe Directions (Victoria)**, the **Workplace Directions**, the **Workplace (Additional Industry Obligations) Directions**, the **Victorian Border Crossing Permit Directions**, the **COVID-19 Mandatory Vaccination (General Workers) Directions**, the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**, the **COVID-19 Mandatory Vaccination (Workers) Directions**, the **Hospital Visitors Directions**, the **Care Facilities Directions**, the **Open Premises Directions**, and the **Diagnosed Persons and Close Contacts Directions** each as amended or replaced from time to time;
- (25) **early stage land development site** means an open air, greenfields site where civil works are being undertaken that are associated with, and preparatory to, the construction of multiple individual residential dwellings or an industrial or commercial development on that site, including but not limited to:
- (a) site remediation works;
 - (b) site preparation works;
 - (c) construction of utilities, roads, bridges and trunk infrastructure;
 - (d) stormwater or flood management works;
- but such a site ceases to be an early stage land development site:
- (e) for a residential development where the development is, or will be, subdivided to facilitate the construction of individuals dwellings, on the day that the construction of a dwelling on that part of the subdivision (or planned subdivision) of the early stage land development site commences; and
 - (f) for a residential development where the development has not been subdivided and it is not intended that the development will be subdivided in the future, on the day that construction commences; and
- Examples: this type of residential development includes a high-rise apartment complex or a retirement village.*
- (g) for an industrial or commercial development, on the day that construction of a building, warehouse or other physical structure commences;
- (26) **education premises** has the same meaning as in the **Stay Safe Directions (Victoria)**;
- (27) **emergency** has the same meaning as in the **Emergency Management Act 2013**;
- (28) **emergency worker** has the same meaning as in the **Sentencing Act 1991**;
- (29) **employee** includes a person who is self-employed;
- (30) **employer** means a person who owns, operates or controls **Work Premises** (or a Work Premises) and includes a person who is self-employed;
- (31) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection;
- (32) **food and drink facility** has the same meaning as in the **Open Premises Directions**;
- (33) **general worker** has the same meaning as in the **COVID-19 Mandatory Vaccination (General Workers) Directions**;
- (34) **health and safety representative** has the same meaning as in the **OHS Act**;
- (35) **health service entity** has the same meaning as in the **Health Services Act 1988**;
- (36) **higher education services** means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, and other post-compulsory education or training;
- (37) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (38) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 39)** as replaced or amended from time to time;

- (39) **indoor space** has the same meaning as in the **Open Premises Directions**;
- (40) **indoor zone** means a section of an **indoor space** that:
- (a) is designated by the person who owns, controls or operates the indoor space as being for the exclusive use of specified **members of the public**; and
 - (b) is delineated by temporary barriers, tape or other clearly visible markings or means;
- (41) **inspector** has the same meaning as in the **OHS Act**;
- (42) **market** means a public market, whether indoor or outdoor, including a food market;
- (43) **member of the public** is a person but does not include:
- (a) a person who is an **employee** of an operator of the facility or venue; or
 - (b) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;
- (44) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (45) **Open Premises Directions** means the **Open Premises Directions (No. 4)** as replaced or amended from time to time;
- (46) **outbreak** means:
- (a) a single **confirmed case** of **SARS-CoV-2** in a resident, staff member or frequent attendee of a residential aged **care facility**; or
 - (b) two or more epidemiologically linked cases outside of a household with symptom onset within 14 days;
- Note: transmission within one household does not constitute an outbreak but will become part of an outbreak response if linked to a high priority setting. Also, in some circumstances, the Department may identify other settings that are sensitive and where a single confirmed case will trigger an outbreak response. Relevant parties will be informed if this occurs. Determining whether a person is a frequent or infrequent visitor may be based on frequency of visits, time spent in the setting, and number of contacts within the setting.*
- (47) **outdoor space** has the same meaning as in the **Open Premises Directions**;
- (48) **owner** has the same meaning as in the **Commercial Passenger Vehicle Industry Act 2017**;
- (49) **owners corporation** has the same meaning as in the **Owners Corporations Act 2006**;
- (50) **passenger services** has the same meaning as in the **Transport Integration Act 2010**;
- (51) **passenger transport company** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;
- (52) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (53) **place of worship** has the same meaning as in the **Heritage Act 2017**;
- (54) **PPE** means personal protective equipment;
- (55) **premises** has the same meaning as in the **PHW Act**;
- (56) **prison** has the same meaning as in the **Corrections Act 1986**;
- (57) **public transport** means a vehicle operated by a **passenger transport company** or by a **bus company** in the provision of **public transport service** but does not include a **school bus**;
- (58) **public transport service** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;
- (59) **reasonably practicable** is to have its ordinary and common sense meaning;
- (60) **records requirement** has the meaning in clause 6(6) to (14) (both inclusive);
- (61) **Relevant Period** has the meaning given in clause 8(1);
- (62) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;

- (63) **retail facility** means a **premises**, or part of a **premises**, that are used wholly or predominantly for the sale or hire of goods by retail, the retail provision of services and includes a **market, retail shopping centre** and **supermarkets**;
- (64) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;
- (65) **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°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;
- (66) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (67) **school bus** means any bus while being used as part of:
- (a) the **School Bus Program**; or
 - (b) the **Students with Disabilities Transport Program**; or
 - (c) a private arrangement between a **school** at a **bus company**;
- (68) **School Bus Program** means the program of that name administered by the Department of Education and Training;
- (69) **self-isolate** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (70) **self-quarantine** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (71) **Service Victoria** has the same meaning as in the **Service Victoria Act 2018**;
- (72) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (73) **signage requirement** has the meaning in clauses 6(21), (22) and (23);
- (74) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No. 28)** as amended or replaced from time to time;
- (75) **Students with Disabilities Transport Program** means the program of that name administered by the Department of Education and Training;
- (76) **supermarket** has the same meaning as supermarket business in the **Food Act 1984**;
- (77) **suspected case** means a person who is displaying one or more **SARS-CoV-2 Symptoms**;
- (78) **tour and charter bus service** has the same meaning as in the **Bus Safety Act 2009**;
- (79) **vehicle** has the same meaning as in the **PHW Act**;
- (80) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 38)** as amended or replaced from time to time;
- (81) **Victorian Government QR code system** means the digital system provided by the **Service Victoria CEO** and other parts of the Victorian Government that is known as the ‘Service Victoria app’ or the ‘Victorian Government QR Code Service’;
- (82) **Work Premises** means a **premises** in which work is undertaken, including any **vehicle** whilst being used for work purposes, but excluding a person’s ordinary place of residence.

*Note: this includes a community facility such as a community centre or community hall, or a public library, or a **place of worship**, or a home or residential property when a business is operated from that home or residential property.*

- (83) **worker** includes **employees**, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work;
- (84) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 56)** as amended or replaced from time to time;
- (85) **WorkSafe** means WorkSafe Victoria;
- (86) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (87) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

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 without reasonable excuse 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 who refuses or fails to comply.

Dated 11 November 2021

PROFESSOR BENJAMIN COWIE
Acting Chief Health Officer,
as authorised to exercise emergency powers
under section 199(2)(a) of the PHW Act

Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM ACTING CHIEF HEALTH OFFICER IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY**Victorian Border Crossing Permit Directions (No. 38)**

I, Professor Benjamin Cowie, Acting 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. 37)** and continue to provide a ‘traffic light’ border crossing scheme for persons seeking to enter Victoria from any other **State** or **Territory** in Australia and also provides a scheme for persons entering Australia as an **international passenger arrival** or **international aircrew service worker**, 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. 38)**.

3 Commencement and revocation

- (1) The **Victorian Border Crossing Permit Directions (No. 37)** are revoked at 6:00:00 pm on 11 November 2021.
- (2) These directions commence at 6:00:00 pm on 11 November 2021 and end at 11:59:00 pm on 18 November 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 from any other State or Territory in Australia, 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 14; or
 - (i) has a valid **exemption** under clause 15.
- (2) A person may enter Victoria under these directions from another Country, if the person:
 - (a) is an international passenger arrival under clause 12; or
 - (b) is an **international aircrew services worker** under subclauses 9(5) and 9(7).

- (3) These directions do not apply to a person who enters Victoria from another Country who is not an international passenger arrival under clause 12 or an international aircrew services worker under subclauses 9(5) and 9(7).

Note: a person who is not covered as an international passenger arrival under clause 12 or an international aircrew services worker under clause 9 is not excluded from entering Victoria but is not governed by these directions.

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

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

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) is either:
- (i) 12 years of age or above; or
 - (ii) younger than 12 years of age and is travelling unaccompanied, they must obtain a valid **green zone permit** which includes:
 - (iii) the person's **personal details**; and
 - (iv) 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
 - (v) 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) 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 clause 6(5)(b) applies, a valid **orange zone permit** or if clause 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) is either:
 - (i) 12 years of age or above; or
 - (ii) younger than 12 years of age and is travelling unaccompanied, they must obtain a valid **orange zone permit** which includes:
 - (iii) the person's personal details; and
 - (iv) 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, 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
 - (v) 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 travelled with.

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 orange zone permit (or, if clause 5(5)(b) applies, a valid green zone permit or if clause 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 information** 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) whilst in direct transit to their place of self-quarantine in Victoria, they may only leave their vehicle for the purposes of:
 - (A) obtaining medical care or medical supplies; or
 - (B) accessing toilet and bathroom facilities; or
 - (C) paying for fuel; or
 - (D) purchasing essential items; or
 - (E) purchasing takeaway food or drink; and
 - (iii) if leaving their vehicle for a permitted reason in subclause (ii), they must:
 - (A) wear a **face covering** at all times unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person; and
 - (B) practise **physical distancing**; and
 - (C) keep detailed records of each place they stop; and
 - (iv) 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 clause 7(3)(d)(iv) since entering Victoria, the time the person enter 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 to show that they have obtained a SARS-CoV-2 test in accordance with subclause (iv); and

Note: if a person has been tested in accordance with clause 7(3)(d)(iv) 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.

- (vi) 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 (iv), and
- (vii) 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,
 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) is either:
- (i) 12 years of age or above; or
- (ii) younger than 12 years of age and is travelling unaccompanied,
 they must obtain a valid **red zone permit** which includes:
- (iii) the person's personal details; and
- (iv) 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) if applicable, wear a face covering at all times during any 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) 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
- (d) 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 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) whilst in direct transit to their place of self-quarantine in Victoria, they may leave their vehicle for the purposes of:
 - (A) obtaining medical care or medical supplies; or
 - (B) accessing toilet and bathroom facilities; or
 - (C) paying for fuel; or
 - (D) purchasing essential items; or
 - (E) purchasing takeaway food or drink; and
 - (v) if leaving their vehicle for a permitted reason in subclause (iv), they must:
 - (A) wear a face covering at all times unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person; and
 - (B) practise physical distancing; and
 - (C) keep detailed records of each place they stop; and
 - (vi) get tested for SARS-CoV-2 within 72 hours of entering Victoria; and
 - (vii) 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 (vi); and
 - (B) vaccination information to show that they are fully vaccinated or, if younger than 12 years of age, their parents or guardians are fully vaccinated; and
 - (viii) 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) whilst in direct transit to their place of self-quarantine in Victoria, they may leave their vehicle for the purposes of:
 - (A) obtaining medical care or medical supplies; or
 - (B) accessing toilet and bathroom facilities; or
 - (C) paying for fuel; or
 - (D) purchasing essential items; or
 - (E) purchasing takeaway food or drink; and
 - (v) if leaving their vehicle for a permitted reason in subclause (iv), they must:
 - (A) wear a face covering at all times unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person; and
 - (B) practise physical distancing; and
 - (C) keep detailed records of each place they stop; and

- (vi) 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)(v) since entry to Victoria, the time the person enters Victoria; and
- (vii) 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 subclause (viii); and
- (viii) 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 (iii) ends; and
- (ix) 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 (viii); and
- (x) 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 (viii), 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 (vi) will not satisfy the requirement in subclause (viii). 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.

- (xi) 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 (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 (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 (iii) (as extended under either or both of subclauses (ix) or (x)) 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:
 - (a) meets the general eligibility requirements; and
 - (b) 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
 - (c) 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:
 - (a) comply with the general post-entry conditions; and
 - (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) proof that the person is a cross border community member (unless the person is under the age of 18); and
 - (ii) 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

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.

 - (iii) 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: 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

Domestic 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 not a Victorian resident and 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.

Domestic aircrew – Obligations after entry

- (2) A person who enters Victoria as an aircrew services worker under subclause (1)(b):
- (a) must comply with the general post-entry conditions; and
 - (b) if entering Victoria to provide aircrew services and within the 14 days prior to entry to Victoria the person has been:
 - (i) in an orange zone and the aircrew services worker is not fully vaccinated; or
 - (ii) in a red zone irrespective of whether the aircrew services worker is fully vaccinated or not fully vaccinated, must:
 - (iii) travel directly by private transport between the designated crew hotel and any airport of arrival or departure; and
 - (iv) 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) must 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) must otherwise comply with relevant airline requirements and **COVIDSafe Plan** whilst in Victoria and in any other State or Territory in Australia.

(3) A person who enters Victoria as an aircrew services worker under subclause (1)(c) must:

 - (a) comply with the general post-entry conditions; and
 - (b) when in an orange zone and the aircrew services worker is not fully vaccinated or in a red zone irrespective of whether the aircrew services worker is fully vaccinated or not fully vaccinated:
 - (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) otherwise comply with relevant airline requirements and **COVIDSafe Plan** whilst in Victoria and in any other State or Territory in Australia.

(4) 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.

International aircrew

- (5) Despite clauses 5, 6 and 7 but subject to subclause (6), a person who is an international aircrew services worker may enter Victoria from another Country if the person:
- (a) is fully vaccinated; or
 - (b) is a **medically exempt person**.

- (6) A person who enters Victoria as an international aircrew services worker under subclause (5) and is completing a layover of 48 hours or longer in Victoria must have completed a pre-departure **SARS-CoV-2 rapid antigen test** within 24 hours of scheduled departure for Victoria and if the person received:
- (a) a negative test result from the SARS-CoV-2 rapid antigen test, the person is not required to undertake further testing; or
 - (b) a positive test result from the SARS-CoV-2 rapid antigen test, the person must complete a **SARS-CoV-2 PCR test** and isolate until receiving a negative test result.

International aircrew – Obligations after entry

- (7) A person who enters Victoria as an international aircrew services worker under subclause (5):
- (a) must comply with the general post-entry conditions; and
 - (b) if completing a layover of 48 hours or longer in Victoria:
 - (i) complete a SARS-CoV-2 rapid antigen test within 24 hours of arrival in Victoria; and
 - (ii) if the SARS-CoV-2 rapid antigen test is positive, complete a SARS-CoV-2 PCR test and isolate until the person receives a negative test result; and
 - (c) 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) an acceptable form of identification; and
 - (ii) **international acceptable evidence** to show that they are fully vaccinated or **international acceptable certification** to show they are a medically exempt person.

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 (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 information 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 (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; or
 - (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 (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 (i)(A) do not satisfy the requirement in subclause (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)(ii) 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 (iii) 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 they 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) undertaking essential activities;
 - (E) purchasing takeaway food or drink;
 - (F) entering and residing in accommodation;
 - (G) travelling from Victoria on an aircraft, train, sea vessel, bus or other transport vehicle; or
 - (H) obtaining medical care or medical supplies.
- (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

- (10) A specified worker (multiple entry) who is fully vaccinated must, in addition to the conditions specified in subclause (9):
 - (a) if the person has been in a red zone at any time during the 14 days prior to entering Victoria, get tested for SARS-CoV-2:
 - (i) within 72 hours after the person enters Victoria; and
 - (ii) 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 information 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 accommodation and not in any other vehicle or indoor space while in transit through Victoria.

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).

(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 hold **acceptable certification** that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine due to:
 - (i) a **medical contraindication**; or
 - (ii) an acute medical illness (including where the person has been diagnosed with SARS-CoV-2).

12 International passenger arrivals

Eligibility

- (1) Subject to the requirements in subclause 5(2), a person may enter Victoria from another Country as an **international passenger arrival** if the person, at the time they enter Victoria, is:
- (a) 12 years of age or above and is fully vaccinated or a medically exempt person; or
 - (b) younger than 12 years of age and is either:
 - (i) travelling with at least one parent or guardian who is fully vaccinated or is a medically exempt person; or
 - (ii) travelling unaccompanied; or
 - (c) at least 12 years of age and less than 18 years of age and is not fully vaccinated or a medically exempt person and is either:
 - (i) travelling with at least one parent or guardian who is fully vaccinated or is a medically exempt person; or
 - (ii) travelling unaccompanied.

Requirements for entry

- (2) An international passenger arrival may enter Victoria if the person:
- (a) is either:
 - (i) 12 years of age or above; or
 - (ii) younger than 12 years of age and travelling unaccompanied; and
 - (b) obtains a valid **international passenger arrival 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 that person:
 - (A) meets all the eligibility requirements in subclause 5(1); and
 - (B) has provided information in the permit that is true and correct; and
 - (C) will comply with the **international passenger arrival 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).

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.

International passenger arrival conditions after entry

- (3) An international passenger arrival who enters Victoria under subclause (1) must, for 14 days after entering Victoria:
- (a) comply with all **general post-entry conditions**; and
 - (b) complete a SARS-CoV-2 PCR test within 24 hours of arrival in Victoria and again between the fifth and seventh day of arrival in Victoria; and
 - (c) 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 vaccinated international passenger arrival permit (unless they are a child under 12 years of age and travelling with a person who holds a valid permit); and

- (ii) an acceptable form of identification; and
 - (iii) evidence of their SARS-CoV-2 PCR test results that were carried out less than 24 hours and between the fifth and seventh day after arriving in Victoria in accordance with subclause (b); and
 - (iv) **international acceptable evidence** or **international acceptable certification** to show that:
 - (A) they are fully vaccinated or a medically exempt person; or
 - (B) if younger than 12 years of age, at least one of their parents or guardians is fully vaccinated or is a medically exempt person; or
 - (C) if at least 12 years of age and less than 18 years of age and not:
 - 1. fully vaccinated or a medically exempt person; or
 - 2. travelling unaccompanied,
 at least one of their parents or guardians is fully vaccinated or is a medically exempt person.
- (4) If a fully vaccinated person aged 12 years or above enters Victoria under subclause (1)(a), that person must, in addition to complying with the obligations specified in subclause (3) not attend an **educational facility, childcare or early childhood services, a residential aged care facility, a disability residential service or a hospital** (unless the person is obtaining urgent medical care):
- (a) for 7 days after entering Victoria; and
 - (b) until they have received a negative result from their SARS-CoV-2 PCR test carried out between the fifth and seventh day after arrival, in accordance with subclause (3)(b).
- (5) If a person who is neither fully vaccinated nor a medically exempt person enters Victoria under subclause (1)(c), that person must, in addition to the obligations specified in subclause (3):
- (a) 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 7 days; and
 - (b) remain in self-quarantine unless undertaking essential activities for the period specified in subclause (a); and
 - (c) wear a face covering whenever leaving the premises for the purposes permitted in subclause (b) (unless, in accordance with the Directions currently in force, an exception applies); and
 - (d) not attend an educational facility:
 - (i) for 7 days after entering Victoria; and
 - (ii) until they have received a negative result from their SARS-CoV-2 PCR test carried out between the fifth and seventh day after arrival, in accordance with subclause (3)(b); and
 - (e) not attend childcare or early childhood services, a residential aged care facility, a disability residential service or a hospital, unless obtaining urgent medical care, for 14 days after entering Victoria.
- Note: the period specified in (e) is an additional 7 days from the end of the self-quarantine period specified in (a).*
- (6) If a medically exempt person aged 18 years or older enters Victoria under subclause (1)(a), that person must, in addition to the obligations specified in subclause (3), not attend an educational facility, childcare or early childhood services, a residential aged care facility, a disability residential service or a hospital (unless obtaining urgent medical care) for 14 days after entering Victoria.

- (7) If a medically exempt person aged at least 12 years and less than 18 years enters Victoria under subclause (1)(a), that person must, in addition to the obligations specified in subclause (3):
- (a) not attend an educational facility:
 - (i) for 7 days after entering Victoria; and
 - (ii) until they have received a negative result from their SARS-CoV-2 PCR test carried out between the fifth and seventh day after arrival in accordance with subclause (3)(b); and
 - (b) not attend a childcare or early childhood services, a residential aged care facility, a disability residential service or a hospital (unless obtaining urgent medical care) for 14 days after entering Victoria.
- (8) A person younger than 12 years of age who enters Victoria under subclause (1)(b) must, in addition to the obligations specified in subclause (3):
- (a) not attend an educational facility:
 - (i) for 7 days after entering Victoria; and
 - (ii) until they have received a negative result from their SARS-CoV-2 PCR test carried out between the fifth and seventh day after arrival, in accordance with subclause (3)(b); and
 - (b) not attend childcare or early childhood services, a residential aged care facility, a disability residential service or a hospital, unless obtaining urgent medical care, for 14 days after entering Victoria.

Permit validity and revocation

- (9) An international passenger arrival 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 during the validity period in subclause (a).

13 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)*); or
 - (vi) 12 (*international passenger arrival permit*);applies, 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.

14 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 (1)(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, except for subclause 6(3)(c) (the requirement to carry vaccination information); 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 in clause 7(3)(a)(ii)(A) from (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, except for subclause 7(3)(c)(vii)(B) (the requirement to carry vaccination information); 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.

15 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 their 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
 - (e) comply with any conditions imposed on the exemption.

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 until the person has received a negative SARS-CoV-2 test result from the COVID-19 test they received within 72 hours of entering Victoria (subject to subclause (f)), 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 information 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 for 14 days, 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 (d) 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 (d) has not expired, the person must continue to self-quarantine under subclause (d) for the remainder of that period; or
 - (B) the period for which the person is required to self-quarantine under subclause (d) (as extended under subclause (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.

16 Definitions

In these directions:

- (1) **acceptable certification** has the same meaning as in the **Open Premises Directions**;
- (2) **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.

- (3) **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;
- (4) **authorised officer** has the same meaning as in the **PHW Act**;
- (5) **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;
- (6) **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;
- (7) **COVID-19 Mandatory Vaccination (Specified Facilities) Directions** means the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 12)** as amended or replaced from time to time;
- (8) **COVID-19 Mandatory Vaccination (Workers) Directions** means the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 7)** as amended or replaced from time to time;
- (9) **COVID-19 vaccine** means a vaccine to protect a person against SARS-CoV-2 that:
- (a) has been registered, provisionally registered or recognised 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;
- (10) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;
- (11) **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 as amended from time to time by the Victorian Government with the approval of the Chief Health Officer;
- (12) **cross border community member** means a person whose ordinary place of residence is in the **cross border community area**;
- (13) **Department** means the Victorian Department of Health;
- (14) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;

- (15) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 33)** as amended or replaced from time to time;
- (16) **disability residential service** means a residential service within the meaning of the **Disability Act 2006** and to avoid doubt, includes the facility called the Intensive Residential Treatment Program of the Statewide Forensic Service;
- Note: the Intensive Residential Treatment Program of the Statewide Forensic Service is often referred to as 'DFATS'.*
- (17) **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**;
- (18) **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;
- (19) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (20) **educational facility** has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
- (21) **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;

- (22) **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;
- (23) **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;
- (24) **excepted person** has the meaning in clause 14(1);
- (25) **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);
- (26) **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**, including a dose of two different types of a **two dose COVID-19 vaccine**;
- (27) **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**; and
 - (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;
- (28) **general post-entry conditions** means that a person must:
- (a) comply with all of the **Directions currently in force**; and
 - (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**;
- (29) **green zone** has the meaning in clause 4A(1)(a);
- (30) **green zone general conditions** means all of the conditions set out in clause 5(2);
- (31) **green zone permit** is a permit held by a **green zone person** that meets all of the requirements specified in clause 5(2)(a)
- (32) **green zone person** means a person who meets all of the requirements specified in clause 5(1);
- (33) **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 service 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;
- (34) **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**;
- (35) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (36) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 39)** as amended from time to time;
- (37) **international acceptable certification** means the person has a certificate issued by an overseas government authority or an accredited vaccination provider (a vaccination provider that is accredited in or by the overseas government authority in the country which the person received the vaccination), that is written in English or accompanied by a certified translation and contains:
 - (i) the person's name as it appears on their passport; and
 - (ii) the person's date of birth or passport number; and
 - (iii) a 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) a **medical contraindication**; or
 - (B) an acute medical illness (including where the person has been diagnosed with SARS-CoV-2).
- (38) **international acceptable evidence** means information about a person's vaccination status:
 - (a) 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; or

- (b) in relation to a person who is **fully vaccinated** and ordinarily resides outside Australia, is a copy of a paper or digital certificate issued by an overseas government authority or an accredited overseas government vaccination provider that shows the person is fully vaccinated with a vaccine approved or recognised by the Therapeutic Goods Administration, is written in English or accompanied by a certified translation, and contains:
 - (i) the person's name as it appears in their passport;
 - (ii) the person's date of birth or passport number;
 - (iii) the vaccine brand name, and
 - (iv) the date of each dose or the date on which a full course of immunisation was completed; or
 - (c) an Australian International COVID-19 Vaccination Certificate.
- (39) **international aircrew services worker** means an **aircrew services worker** who is arriving or departing Victoria on a flight to or from an international port;
 - (40) **international passenger arrival** means a person who meets all of the requirements specified in clause 12(1);
 - (41) **international passenger arrival conditions** means all of the conditions set out in clause 12(3);
 - (42) **international passenger arrival permit** has the meaning in clause 12;
 - (43) **medically exempt person** means a person who holds **international acceptable 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) a **medical contraindication**; or
 - (b) an acute medical illness (including where the person has been diagnosed with SARS-CoV-2).
 - (44) **medical practitioner** has the meaning in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
 - (45) **medical contraindication** has the meaning in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
 - (46) **municipal district** has the same meaning as in the **Local Government Act 1989**;
 - (47) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
 - (48) **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**;
 - (49) **one dose COVID-19 vaccine** means the **COVID-19 vaccine** called 'COVID-19 Vaccine Janssen' (Jansen-Cilag);
 - (50) **Open Premises Directions** means the **Open Premises Directions (No. 4)** as amended from time to time;
 - (51) **orange zone** has the meaning in clause 4A(1)(b);
 - (52) **orange zone (fully vaccinated) conditions** means the conditions set out in clause 0;
 - (53) **orange zone (not fully vaccinated) conditions** means the conditions set out in clause 6(3)(d);
 - (54) **orange zone general conditions** means the conditions set out in clauses 6(3)(a) and 6(3)(b);
 - (55) **orange zone permit** has the meaning in clause 6;
 - (56) **orange zone person** means a person who meets all of the requirements specified in clause 6(1);

- (57) **permit** means the written notice (digital or otherwise) provided under clause 13 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
 - (f) **international passenger arrival permit**;
- (58) personal details means:
- (a) the person's full name; and
 - (b) the person's contact phone number; and
 - (c) the full names of any dependants under the age of 12 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**;
- (59) **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;
- (60) **Public Event Framework** means the Public Event Framework available at 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;
- (61) **public transport** means a **vehicle** operated by a **passenger transport company** or by a **bus company** in the provision of a **public transport service**;
- (62) **red zone** has the meaning in clause 4A(1)(c);
- (63) **red zone (fully vaccinated) conditions** means the conditions set out in clause 7(3)(c);
- (64) **red zone general conditions** means the conditions specified in clauses 7(3)(a) and 7(3)(b)(i);
- (65) **red zone (not fully vaccinated) conditions** means the conditions set out in clause 7(3)(d);
- (66) **red zone permit** has the meaning in clause 7;
- (67) **red zone person** means a person who meets all of the requirements specified in clause 7(1);
- (68) **red zone requirements for entry** means the requirements specified in clause 7(2);
- (69) **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;
- (70) **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;

- (71) **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;
- (72) **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**;
- (73) **residential aged care facility** means 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;
- (74) **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;
- (75) **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**;
- (76) **SARS-CoV-2 PCR test** means a SARS-CoV-2 polymerase chain reaction test;
- (77) **SARS-CoV-2 rapid antigen test** means a SARS-CoV-2 rapid antigen test;
- (78) **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°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;
- (79) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (80) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (81) **short term transit** means a transit period of less than 24 hours, except in an emergency;
- (82) **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), as amended from time to time by the Victorian Government with the approval of the Chief Health Officer;
- (83) **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 as amended from time to time by the Victorian Government with the approval of the Chief Health Officer;
- (84) **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 as amended from time to time by the Victorian Government with the approval of the Chief Health Officer;
- (85) **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);

- (86) **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);
- (87) **specified worker (multiple entry) permit** means a permit that may be granted to a person who is a **specified worker (multiple entry)**;
- (88) **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);
- (89) **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);
- (90) **specified worker (single entry) permit** means a permit that may be granted to a person who is a **specified worker (single entry)**;
- (91) **State** means a State in Australia (and otherwise has the meaning in the Australian Constitution);
- (92) **Territory** means a territory in Australia (and otherwise has the meaning in the Australian Constitution);
- (93) **two dose COVID-19 vaccine** means any of the following **COVID-19 vaccines** called:
- (a) Vaxzevria (AstraZeneca);
 - (b) Comirnaty (Pfizer);
 - (c) Spikevax (Moderna);
 - (d) Coronovac (Sinovac);
 - (e) Covishield (Astrazeneca/Serum Institute of India);
 - (f) Covaxin (Bharat Biotech); or
 - (g) BBIP-CorV (Sinopharm);
- (94) **vaccination information** has the same meaning as in the **COVID-19 Mandatory Vaccination (Workers) Directions**;
- (95) **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**;
- (96) **vehicle** has the same meaning as in the **PHW Act**;
- (97) **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 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;

- (98) **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 as amended from time to time with the approval of the Chief Health Officer;
- (99) **Victorian resident** means a person who ordinarily resides in Victoria;
- (100) **worker** has the meaning in the **Workplace Directions**;
- (101) **Workplace Directions** means the **Workplace Directions (No. 55)** as amended from time to time;
- (102) 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**;
- (103) **zone commencement time** has the meaning in clause 4A(2).

17 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, and any Country outside of Australia 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 11 November 2021

PROFESSOR BENJAMIN COWIE
Acting Chief Health Officer,
as authorised to exercise emergency powers
under section 199(2)(a) of the PHW Act

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