



# Victoria Government Gazette

By Authority of Victorian Government Printer

**No. G 2 Thursday 13 January 2022**

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**GENERAL**

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**Advertisers Please Note**

As from 13 January 2022

The last Special Gazette was No. 13 dated 12 January 2022.

The last Periodical Gazette was No. 1 dated 9 June 2021.

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**How To Submit Copy**

- See our webpage [www.gazette.vic.gov.au](http://www.gazette.vic.gov.au)
  - or contact our office on 8523 4601  
between 8.30 am and 5.30 pm Monday to Friday
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**PUBLICATION OF THE VICTORIA GOVERNMENT GAZETTE (GENERAL)  
AUSTRALIA DAY HOLIDAY 2022**

**Please Note:**

The Victoria Government Gazette (General) for AUSTRALIA DAY HOLIDAY week (G4/22) will be published on **Thursday 27 January 2022**.

**Copy Deadlines:**

Private Advertisements **9.30 am on Friday 21 January 2022**

Government and Outer

Budget Sector Agencies Notices **9.30 am on Monday 24 January 2022**

**Office Hours:**

The Victoria Government Gazette Office is open during normal office hours over the holiday period, i.e. 8.30 am to 5.30 pm Monday to Friday, excluding public holidays.

Where urgent gazettal is required after hours, arrangements should be made with the Government Gazette Officer on 0419 327 321.

KIM BURNESSE  
Government Gazette Officer

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**PRIVATE ADVERTISEMENTS**

Re: NANCY AGNES ATKINSON, deceased, late of 5 Cushing Avenue, Creswick, Victoria, clerical assistant.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 17 June 2021, at 5 Cushing Avenue, Creswick, Victoria, are required by the trustees, Noel Raymond Atkinson and Carol Ann Pearce, to send particulars to the trustees, care of Antippa Lawyers of Room 3, Level 5, 2 Collins Street, Melbourne, Victoria, by 21 February 2022, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees then have notice.

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LEONARD JOHN BATTY, late of Swan Hill, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 June 2021, are required by Colin John Batty and Judith Anne McDowall, the executors of the Will of the deceased, to send particulars of their claims to them, care of the undermentioned solicitor, within 60 days from the date of publication of this notice, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

GARDEN & GREEN LAWYERS,  
35 Beveridge Street, Swan Hill, Victoria 3585.

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ROBERT CHARLES GORDON, late of Tyntynder, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 17 October 2020, are required by the administrator, Debra Ann Gordon, to send particulars of their claims to her, care of the undermentioned solicitor, within 60 days from the date of publication of this notice, after which date the administrator may convey or distribute the assets, having regard only to the claims of which she then has notice.

GARDEN & GREEN LAWYERS,  
35 Beveridge Street, Swan Hill, Victoria 3585.

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GLENFRED DANIEL BOOTHBY MARTIN, late of Euston, New South Wales, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 February 2021, are required by David John Martin, the executor of the Will of the deceased, to send particulars of their claims to him, care of the undermentioned solicitor, within 60 days from the date of publication of this notice, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

GARDEN & GREEN LAWYERS,  
35 Beveridge Street, Swan Hill, Victoria 3585.

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Re: PHYLLIS MARGARET TURNER, late of 54 Gateshead Drive, Wantirna South, Victoria, home duties, widowed, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 21 June 2021, are required by the executors, Peter John Ray and Jessie Hay Ray, to send particulars of their claim to them, care of the undermentioned lawyers, by 14 March 2022, after which date the said executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

KERR & THOMAS, lawyers,  
19/653 Mountain Highway, Bayswater 3153.

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Re: PAMELA EVELYN HOWELLS, late of 27 Chute Street, Mordialloc, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in the respect of the estate of PAMELA EVELYN HOWELLS, deceased, who died on 10 November 2021, are required by the trustee, Tudur Rhys Howells, to send particulars of their claim to the undermentioned firm by a date not later than two months from the date of publication hereof, after which date the trustee will convey or distribute assets, having regard only to the claims of which she then has notice.

KINGSTON LAWYERS PTY LTD,  
barristers and solicitors,  
8 Station Road, Cheltenham, Victoria 3192.

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Estate of ALISON KAY JONES, late of 46 Hamilton Drive, Ringwood North, Victoria 3134, scientist, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the above deceased, who died on 7 September 2021, are required by David Gregory Lucas, the executor of the estate of the deceased, to send particulars of any such claims to him, care of the undermentioned solicitors, by the day of 30 April 2022, after which date the executor may convey or distribute the assets of the estate, having regard only to the claims of which he has notice.

McDONALD MURHOLME,  
Level 6, 60 Collins Street, Melbourne,  
Victoria 3000.  
Ref: DGL:58626.

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Re: JANE DARBY ALTMANN, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 July 2021, are required by the trustee, James Patrick Carroll, to send particulars of such claims to him, in care of the below mentioned lawyers, by 10 March 2022, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

ROBERTS BECKWITH PARTNERS,  
16 Blamey Place, Mornington, Victoria 3931.

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Re: SHEILA MILDRED MEE, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 5 January 2021, are required by the trustee, Judith Elizabeth Baker, to send particulars of such claims to her, in care of the below mentioned lawyers, by 10 March 2022, after which date the trustee may convey or distribute the assets, having regard only to the claims of which she then has notice.

ROBERTS BECKWITH PARTNERS,  
16 Blamey Place, Mornington, Victoria 3931.

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Creditors, next-of-kin or others having claims in respect of the estate of PATRICIA OLIVE NEUBECKER, deceased, late of 141/45 Park Lane, Somerville, Victoria, who died on 28 April 2021, are to send particulars

of their claim to the executors, care of the undermentioned solicitors, by 14 March 2022, after which date the executors will distribute the assets, having regard only to the claims of which they then have notice.

TAYLOR SPLATT & PARTNERS,  
PO Box 8278, Carrum Downs, Victoria 3201.  
Phone: 03 9783 7700.  
Email: alan@taylorsplatt.com.au

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Re: MARY JANE PREBBLE, late of Mercy Place Fernhill, 18–22 Fernhill Road, Sandringham, Victoria 3191, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died 15 November 2021, are required by the executor, Deirdre Mary Simkin, to send particulars to her, care of the undermentioned solicitors, by 21 March 2022, after which date the executor may convey and distribute the assets, having regard only to the claims of which she then has notice.

TRAGEAR & HARRIS LAWYERS,  
1/23 Melrose Street, Sandringham 3191.

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**PROCLAMATIONS**

**Constitution Act 1975**

**FOSSIL EMBLEM FOR THE STATE OF VICTORIA**

Proclamation

I, Linda Dessau, Governor of Victoria, with the advice of the Premier, the Hon Daniel Andrews MP under section 87E(b) of the **Constitution Act 1975**, do by this my Proclamation declare that *Koolasuchus cleelandi* be adopted as the Fossil Emblem for the State of Victoria.

Give under my hand and the seal of the Victoria at Melbourne, this 14th day of December 2021

(L.S.)

HON LINDA DESSAU AC

Governor

By Her Excellency's Command

HON DANIEL ANDREWS MP

Premier of Victoria

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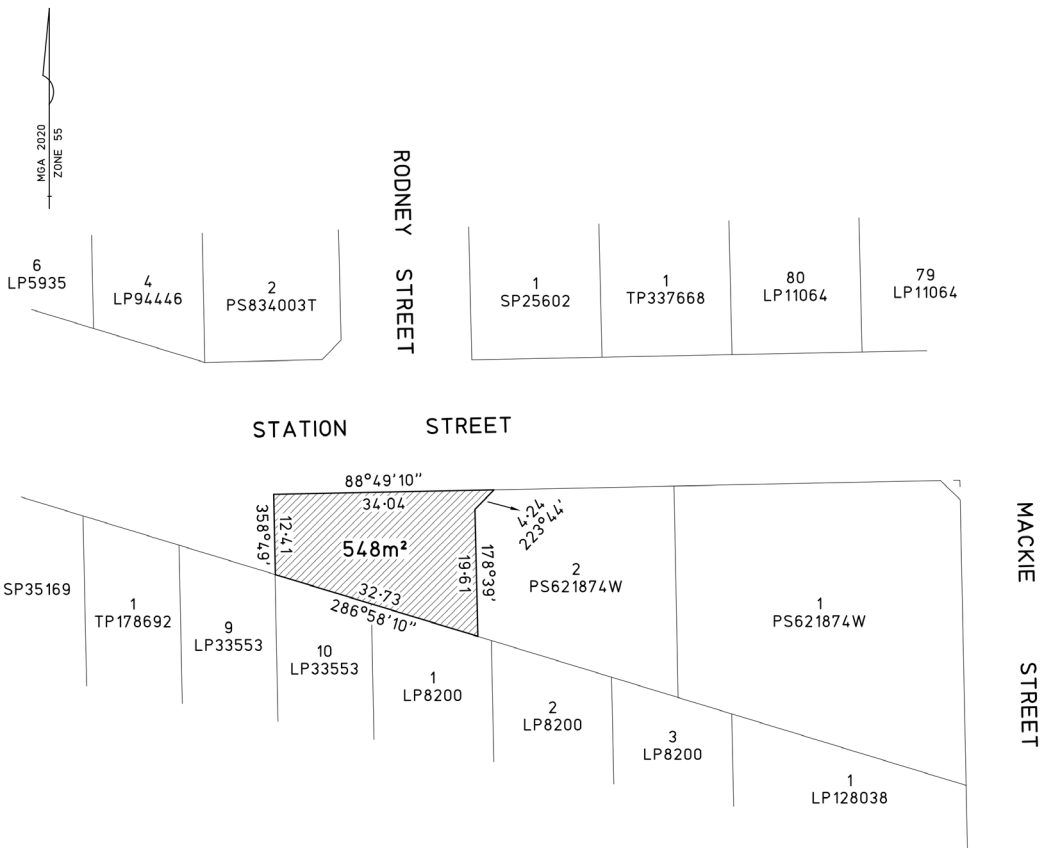
**GOVERNMENT AND OUTER BUDGET  
SECTOR AGENCIES NOTICES**



**Campaspe**  
Shire Council

Road Discontinuance

Pursuant to section 206 and Schedule 10, Clause 3 of the **Local Government Act 1989**, the Campaspe Shire Council at its ordinary meeting held on 19 May 2021 resolved to discontinue the road off Station Street, Kyabram, identified with hatching on the Plan below and to sell the land by private treaty to the adjoining landowner.



DECLAN MOORE  
Chief Executive Officer

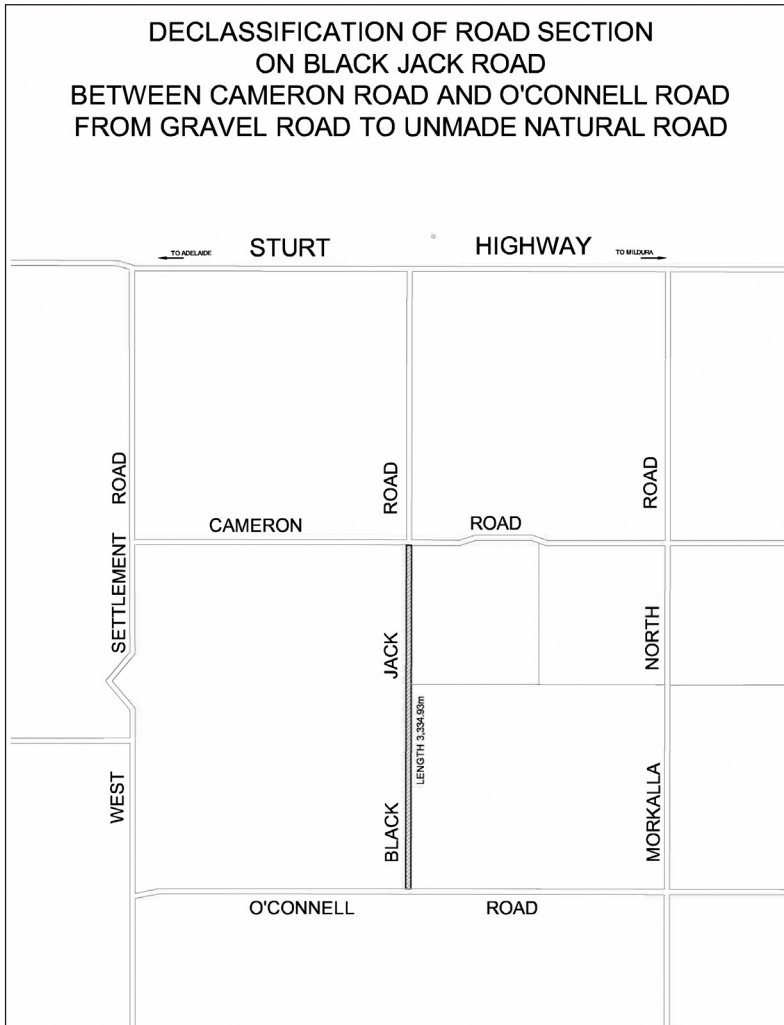


Mildura Rural City Council

NOTICE TO DECLASSIFY ROAD

Road Declassification

In accordance with the Road Management Act 2004, the Rural City of Mildura proposes to declassify (downgrade) a section of Black Jack Road (between Cameron Road and O'Connell Road). The road section shown hatched on the attached plan is considered to not be reasonably required for public access and is proposed to be downgraded from that of an unsealed local road (dryland) to an unconstructed natural surface road.



To view a copy of the proposed Amendment to the Council's Road Management Plan (Road Register), and to make a submission, visit <https://www.mildura.vic.gov.au/Contact-Us/Have-Your-Say> within 28 days of the publication of this notice.

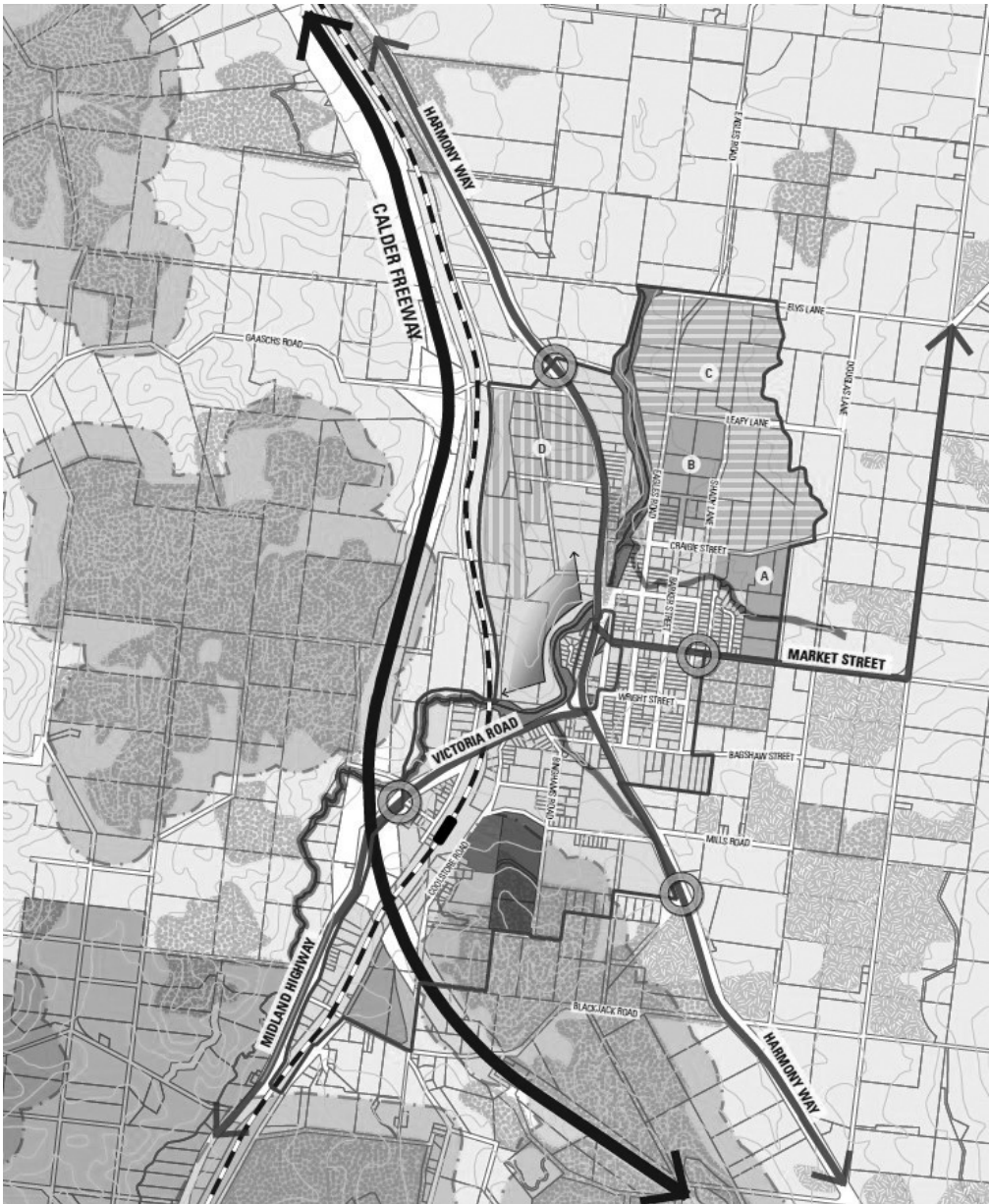
MARTIN HAWSON  
Acting Chief Executive Officer



**Planning and Environment Act 1987**  
**MOUNT ALEXANDER PLANNING SCHEME**  
Notice of the Preparation of an Amendment  
Amendment C94malx

The Mount Alexander Shire Council has prepared Amendment C94malx to the Mount Alexander Planning Scheme.

The land affected by the Amendment is all land included within the Harcourt township boundary and its immediate surrounds as identified on Figure 1 Harcourt Land Use Framework Plan below.



Source: Harcourt Land Use Framework plan (Plan Harcourt, Mount Alexander Shire Council 2020)

The Amendment proposes to implement the key land-use planning directions of *Plan Harcourt (Mount Alexander Shire Council 2020)*, adopted by Council on 21 July 2020, into the Mount Alexander Planning Scheme to guide future land use and development within Harcourt.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the Mount Alexander Shire Council's website, <https://www.mountalexander.vic.gov.au/page/HomePage.aspx>; and/or during office hours, at the office of the planning authority, Mount Alexander Shire Council, Corner Lyttleton Street and Lloyd Street, Castlemaine, Victoria 3450; at the Department of Environment, Land, Water and Planning website, [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection)

Any person who may be affected by the Amendment may make a submission to the planning authority about the Amendment. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council Meetings and any public hearing held to consider submissions. The closing date for submissions is 6 March 2022. A submission must be sent to the Mount Alexander Shire Council (attention: Strategic Planning).

The planning authority must make a copy of every submission available at its office and/or on its website for any person to inspect, free of charge, for two months after the Amendment comes into operation or lapses.

DARREN FUZZARD  
Chief Executive Officer

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 15 March 2022, after which date State Trustees

Limited may convey or distribute the assets, having regard only to the claims of which State Trustees Limited then has notice.

EMMINS, Shirley Jean, late of Opal Aged Care Hobsons Bay, 28–30 Rymill Court, Altona North, Victoria 3025, retired, deceased, who died on 28 October 2021.

HOFFMAN, Frida, also known as Frieda Hoffman, Elfrieda Hoffman and Frieda Watson, late of Abberfield Private Nursing Home, 378 Bluff Road, Sandringham, Victoria 3191, deceased, who died on 5 September 2021.

HUGHES, Fay Margaret, late of 52 James Cook Drive, Melton West, Victoria 3337, deceased, who died on 26 September 2021.

McMILLAN, Gary Duncan, late of Achmore Lodge Supported Residential Services, 2–6 Melaleuca Drive, Clarinda, Victoria 3169, deceased, who died on 31 December 2019.

NIELSEN, Peter Christopher, late of care of Linai Sastra Haryani Jl Tegal Cupek Kerobokan, Kuta, Utara, Badung Bali 80361, Indonesia, deceased, who died on 6 December 2021. Date of Grant 24 December 2021.

PENNEY, Peter Gordon, late of 2/8 Barwick Place, Moe, Victoria 3825, deceased, who died on 8 July 2021.

PRESTON, Joseph Edward, late of 442 Blackshaws Road, Altona North, Victoria 3025, deceased, who died on 27 April 2021.

SUTHERLAND, Graham John, late of Unit 2, 27 Griffiths Street, Richmond, Victoria 3121, deceased, who died on 21 June 2021.

Dated 4 January 2022

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 21 March 2022, after which date State Trustees Limited may convey or distribute the assets, having regard only to the claims of which State Trustees Limited then has notice.

BIRD, Robert James, late of Central Park Aged Care, 101 Punt Road, Windsor, Victoria 3181, deceased, who died on 30 January 2021.

DOYLE, Edward Francis, late of Unit 3, 2 Crews Street, Windsor, Victoria 3181, deceased, who died on 29 May 2021.

NYARI, William, late of Room 2, Karinya Home S.R.S, 96 Main Road, Lancefield, Victoria 3435, deceased, who died on 10 October 2021.

SOMERVILLE, Gloria Joy, late of Abberfield Aged Care Facility, 378 Bluff Road, Sandringham, Victoria 3191, deceased, who died on 6 July 2021.

THOMAS, Damien Matthew, late of 7 Bullock Street, Eaglehawk, Victoria 3556, deceased, who died on 4 July 2021.

VAN DEN BERG, Albert, late of Lakes Entrance Aged Care Facility, 23 Alexandra Avenue, Lakes Entrance, Victoria 3909, pensioner, deceased, who died on 1 August 2021.

WATT, Julie-Anne, late of 30 Elsie Jones Drive, Mooroopna, Victoria 3629, deceased, who died on 16 August 2021.

WATSON, Graham Gary, also known as Graham Watson, late of Unit 3, 17 Ann Street, Morwell, Victoria 3840, deceased, who died on 4 January 2021.

Dated 10 January 2022

## **Associations Incorporation Reform Act 2012**

### SECTION 135

On 14 December 2021 I issued a notice under section 135(2) of the **Associations Incorporation Reform Act 2012** (the Act) to the incorporated associations listed below, requesting them to show cause as to why their incorporation should not be cancelled.

I am now satisfied that the incorporation of the below listed incorporated associations should be and are hereby cancelled in accordance with section 135(3) of the Act.

Akobo Community Development Agency in Australia Inc.; Alzahra Community Association Inc.; Artists in Motion on Line Gallery Inc.; Association of Iraqi Mothers Inc.; Auslife Inc.; Aust-Asian SME Association Inc.; Australia India Business Forum Inc.; Australia Melbourne Fenerbahce S.K. Fans Club Inc.; Australian Arlaadi Youth Association Inc.; Australian Association of Mortgage Brokers Inc.; Australian Business Analysis Association Inc.; Australian Independent Muslimah (AIM)

Inc.; Australian Indian Heritage Inc.; Australian Musicals Development Inc.; Australian Prison Foundation Inc.; Australian-Albanian Community Association of Dandenong Inc.; Aweil Community Association in Victoria Inc.; Ballan and District Netball Association Inc.; Bangladesh Disaster Relief Fund Inc; Banyule Residents Association Inc.; Bealiba Tennis Club Inc.; Beaumont Waters Residents Association Inc.; Beis Yaakov Melbourne Inc.; Bendigo Aerodrome Lessees Inc.; Bendigo Speedway Club Inc.; Black Sea Folk Dance & Music Education Association Inc.; Bright Squash Club Inc.; Bush Users Group Mt Alexander Region Inc.; Care4congo International Inc.; Caroline Springs Residents Association Inc.; Carrum Playgroup Inc.; Casterton and District Netball Association Inc.; Chanh Dao Buddhist Youth Association Inc.; Charlottes Way Collective Inc.; Chilean Foundation for Our House of Culture Inc.; Clayton South Men's Club Inc.; Club 50 Inc.; Colac Junior Baseball Club Inc.; Colac Masters Football Club Inc.; Colbinabbin Tennis Club Inc.; Costas Tscaderis Foundation Inc.; Cultural League of Epirus Inc.; Dandenong Residents & Ratepayers Association Inc.; Deborah Triangle Traders Association Inc.; Diggers Rest Directions Inc.; Dragon City Ice Hockey Association Inc.; Dravida Cultural Association Australia Inc.; Embracing Elm Inc.; Epsom White Hills Tennis Club Inc.; Federation of Indian Students of Australia Inc.; Ferntree Gully & District Cricket Umpires Association Inc.; Full Metal Jacket Muscle Car Club Inc.; Gear Grinders Rod and Custom Club Inc.; Geelong Lesbian Group Inc.; Geelong West Netball Association Inc.; Gia Dinh Phat Tu - Dai Hoan Hy Inc.; Gippsland Stud Merino Breeders Association Inc.; Gurambira Primary School Foundation Inc.; Halls Gap Tennis Club Inc.; Hampton Park Networking Group Inc.; Heathmont Business Group Inc.; International Childrens Yoga Association Inc.; Invergordon Cricket Club Inc.; Iranian Association of Art and Culture in Victoria Inc.; Jack Evans Foundation Inc.; Khalsa Sports Club Melbourne Inc.; Korumburra Apex Club Inc.; Kyneton District Junior Football League Inc.; Latrobe Valley Water Polo Association Inc.; Laundrette Association of Australia Inc.; Loddon Mallee Kids Inc.; Male Assistance Network Against Violence Inc.; Mano River Community Services Incorporated; Melbourne Junior Rugby League Inc.;

Melbourne Young Taiwanese (MYT) Inc; Melbourne Zebras Soccer Club Inc.; Mercy Ministries for Divine Intervention Inc.; Mia Research Foundation Inc.; Mid Week Cricket Association Inc.; Minyip Youth Group Inc.; Mooroopna T.O.W.N. Club Inc.; Mothers Club Netball Association Inc.; Mt. Dandy Pool Club Inc.; North East Young Professional Network Inc.; North Victorian Great African Lakes' Countries Communities and Friends Association 'NOGafa' Inc.; Northern Public Tenant of Corio Norlane Together (Northern Point) Inc.; Old Meburnians Rowing Club Inc.; Ordine Sovrano Dei Cavalieri Inc.; Pearcedale Recreation Reserve Committee Inc.; Peninsula Skating Club Inc.; Pipedream Inc.; Preussenreise Inc.; R.E.A.C.H. Production Australia Inc.; Recreate Life Inc.; Red Cabbage Inc.; Reservoir Lakeside Basketball Club Inc.; Return to Anatolia Inc.; Rich Avon Services Cricket Club Inc.; Seymour Indoor Bowling Club Inc.; Shepparton Eagles Inc.; Shorter Showers Inc.; Shout - School's Out Inc.; Showgrounds Village Tenants Association Inc.; Southern Hyland Archers Inc.; Southern Productions Inc.; Southern Seahawks Inc.; Stawell & District Fly Fishers' Club Inc.; Sunshine International Women's Committee Inc.; Tennis Coaches Australia Inc.; Thai Students Association of Victoria (TSV) Inc.; The A T A A C Animal Society Inc.; The Angkorian Society of Australia Inc; The Balcombe Equestrian Club Inc.; The Brunswick Womens Theatre Inc.; The Chinese Zhejiang Uniting Association of Australia (CZUAA) Inc.; The Diplomacy Association of Australia and New Zealand Inc.; U.S.C Lion Volleyball Victoria Inc.; United Wrestling Club Inc.; Victoria Galaxy Football Club Inc.; Wallup Tennis Club Inc.; Warmambool Woodcraft Group Inc.; West Bourke Heritage Association Inc.; Whittlesea 'Drop in Centre' Inc.; Whittlesea Islamic Society Inc; World Association for Psychosocial Rehabilitation Australia and New Zealand Branch Inc.; Yambuk Angling Club Inc.; Yarra Glen Senior Citizens Centre Inc.; Yarra Riverside Residents Association Inc.

Dated 13 January 2022

DAVID JOYNER  
Deputy Registrar of Incorporated Associations  
GPO Box 4567  
Melbourne, Victoria 3001

### Bus Safety Act 2009

#### DECLARATION UNDER SECTION 7(1)(C)

I, Lisa Faldon, delegate of the Director, Transport Safety, in exercise of the powers vested in me under section 7(1)(c) of the **Bus Safety Act 2009** hereby declare the following courtesy bus services within the meaning of section 3(1) of the **Bus Safety Act 2009** to be non-commercial courtesy bus services for the purpose of section 3(1) of the **Bus Safety Act 2009**:

Bus Operator Name:	ACN/ARBN:	Registered Address:
Savage River Production	651 778 488	55-57 Stewart Street, Richmond, Victoria 3121

This declaration is made on the basis that the non-commercial courtesy bus operators specified above:

- (a) have provided evidence that they do not derive any profit from the provision of the bus service; and
- (b) only use the bus service to transport their staff/employees in connection with their trade or business.

This declaration is made following consultation with the affected operators and sectors of the industry as required under section 7(2) of the **Bus Safety Act 2009**.

Dated 6 December 2021

LISA FALDON  
Delegate of the Director, Transport Safety  
Director, Bus Safety

**Geographic Place Names Act 1998****NOTICE OF REGISTRATION OF GEOGRAPHIC NAMES**

The Registrar of Geographic Names hereby gives notice of the registration of the undermentioned place names.

Feature Naming:

<b>Change Request Number</b>	<b>Place Name</b>	<b>Authority and Location</b>
143701	Flagstaff Jetty	Department of Environment, Land, Water and Planning Feature: Pier Located at (147.973935, -37.887542)
143701	Fishers Creek	Department of Environment, Land, Water and Planning Historical Feature: Stream Located at (143.978186, -38.555315)
	Top Lake	Department of Environment, Land, Water and Planning Feature: Lake Located at (149.716528, -37.509183)
	Bottom Lake	Department of Environment, Land, Water and Planning Feature: Lake Located at (149.774648, -37.534706)
	Parsons Marina	Department of Environment, Land, Water and Planning Feature: Harbour Located at (144.902009, -37.854406)
143701	Rippleside Jetty	Department of Environment, Land, Water and Planning Feature: Pier Located at (144.357379, -38.128635)
143701	Queenscliff Pier	Department of Environment, Land, Water and Planning Feature: Pier Located at (144.667828, -38.267785)
	Sorrento Pier	Department of Environment, Land, Water and Planning Feature: Pier Located at (144.745916, -38.335678)
	Ferguson Street Pier	Department of Environment, Land, Water and Planning Feature: Pier Located at (144.904907, -37.859310)
	Gem Pier	Department of Environment, Land, Water and Planning Feature: Pier Located at (144.905809, -37.861124)

	Maribyrnong Wharf	Department of Environment, Land, Water and Planning Feature: Pier Located at (144.906450, -37.817315)
	Vereker Outlook	Department of Environment, Land, Water and Planning Feature: Hill Located at (146.335673, -38.923663)
143881	Balmoral Quay Marina	Department of Environment, Land, Water and Planning Located adjacent to the Rippleside Pier in Corio Bay For further details see map at <a href="http://www.land.vic.gov.au/place-naming">www.land.vic.gov.au/place-naming</a>
143728	Middelton Drive Kindergarten	Wyndham City Council Located at 1 Middleton Drive, Point Cook For further details see map at <a href="http://www.land.vic.gov.au/place-naming">www.land.vic.gov.au/place-naming</a>

## Road Naming:

Change Request Number	Road Name	Locality	Naming Authority and Location
–	Tunnecliffe Way	Keilor East	The Greater Metropolitan Cemeteries Trust Internal road located within the northern section of the Keilor Cemetery at 15 Cemetery Road.
–	Gallipoli Oak Lane	Keilor East	The Greater Metropolitan Cemeteries Trust Internal road located within the northern section of the Keilor Cemetery at 15 Cemetery Road.

**Health Complaints Act 2016**

## Section 90

## INTERIM PROHIBITION ORDER

This Interim Prohibition Order is made pursuant to section 90 of the **Health Complaints Act 2016**.

The Health Complaints Commissioner (Commissioner) has made this Interim Prohibition Order because the Commissioner reasonably believes that the general health service provider named below has contravened a code of conduct applying to the general health service being provided and is satisfied that it is necessary to make this order to avoid a serious risk to the health, safety or welfare of the public.

<b>Name of the general health service provider on whom the Interim Prohibition Order is imposed:</b>	Zhenya Borodinov also known as Yevgeny Zhenya Borodinov (ABN 27 919 550 125)
<b>Date this Interim Prohibition Order is made:</b>	23 December 2021
<b>Date on which this Interim Prohibition Order expires:</b>	An Interim Prohibition Order can remain in force for up to 12 weeks. This Interim Prohibition Order will remain in force until 17 March 2022 while an investigation is conducted unless it is revoked before that date.
<b>Effect of this Interim Prohibition Order:</b>	<ol style="list-style-type: none"> <li>1. The general health service provider named above must not directly or indirectly: <ol style="list-style-type: none"> <li>a) advertise or cause to be advertised, or</li> <li>b) offer or cause to be offered, or</li> <li>c) provide or cause to be provided, or</li> <li>d) establish, direct or otherwise operate any business that either advertises, offers or provides (or causes to be advertised, offered or provided) any general health service paid or otherwise, in a clinical or non-clinical capacity.</li> </ol> </li> <li>2. The general health service provider named above must display a copy of this Interim Prohibition Order prominently at their business premises and ensure that it is easily visible to the public until such time as the Interim Prohibition Order expires or is revoked.</li> <li>3. The general health service provider named above must prominently publish a copy of this Interim Prohibition Order, in a manner that is easily visible to the public, on the homepage of any website or social media platform he uses to offer or promote any general health services.</li> <li>4. The published Interim Prohibition Order must remain on websites at all times until the Interim Prohibition Order has expired or is revoked.</li> </ol>

In this Interim Prohibition Order 'general health service' and 'general health service provider' have the same meaning as in section 3 of the **Health Complaints Act 2016**.

This Interim Prohibition Order takes effect on the service of the order on the general health service provider to whom it applies.

This Order will be published in the Victoria Government Gazette and on the internet site of the Health Complaints Commissioner, [www.hcc.vic.gov.au](http://www.hcc.vic.gov.au)

ELIZABETH LANGDON  
Acting Health Complaints Commissioner

**Plant Biosecurity Act 2010****ORDER PROHIBITING OR RESTRICTING THE ENTRY OR IMPORTATION INTO VICTORIA OF MATERIALS WHICH ARE HOSTS OF EUROPEAN HOUSE BORER**

I, Stephen Dibley, as delegate of the Minister for Agriculture, being of the reasonable suspicion that the exotic pest European house borer exists within Australia but outside Victoria, make the following Order:

**1 Objective**

The objective of this Order is to prohibit, restrict or impose conditions upon the entry or importation into Victoria of materials which are hosts of European house borer.

**2 Authorising Provision**

This Order is made under section 36(1) of the **Plant Biosecurity Act 2010** (the Act).

**3 Commencement**

This Order comes into operation on the date of making.

**4 Revocation**

The Order entitled *Order prohibiting the entry of importation into Victoria of materials which are hosts of European house borer* made under section 36(1) of the **Plant Biosecurity Act 2010**, prohibiting or restricting the entry or importation of European house borer host materials into Victoria, and published in Victoria Government Gazette G3 on 21 January 2021 at pages 70–71, is **revoked**.

**5 Definitions**

In this Order –

**European house borer** means the exotic pest *Hylotrupes bajulus* (Linnaeus);

**host material** means any pinewood, including pallets, packing materials and structural pinewood, but excluding items made only from reconstituted pinewood, any pinewood product made only of heartwood, any pinewood product less than 4 millimetres thick, or pinewood household articles and furniture imported by or on behalf of a person for the personal use of the person or a member of the person's household (e.g. moving household furniture);

**pinewood** means any wood from trees of the genera *Abies* (Mill), *Picea* (Mill), *Pinus* (L.), *Araucaria* (Juss) or *Pseudotsuga* (Carriere);

**structural pinewood** means any pinewood which is part of an existing building or is to be used in the construction of a building.

**6 Prohibitions, restrictions and conditions**

The following prohibitions, restrictions and conditions are specified in relation to the entry or importation of host material.

- (a) The entry or importation into Victoria of any host material is prohibited.
- (b) Sub-clause (a) does not apply if the host material:
  - (i) originates from an area for which there is currently in force an area freedom certificate issued by an officer responsible for agriculture in the State or Territory from which the material originated, certifying that the area from which the material originated is known to be free of European house borer; or
  - (ii) is accompanied by a plant health certificate, assurance certificate or plant health declaration, certifying or declaring that the material has been treated in a manner described in the Schedule to this Order; or
  - (iii) enters Victoria under and in accordance with a permit issued by an inspector and there is compliance with any conditions or requirements set out in the permit.



**7 Verification of consignments**

Where requested by an inspector, host material imported into Victoria, which is required by clause 6(b)(ii) to be accompanied by a certificate or declaration, must be presented to an inspector for inspection.

**8 Expiry**

This Order remains in force for a period of 12 months from the date of making.

**Schedule**

Host material must –

- (1) be treated –
  - (a) with a preservative specific for European house borer, and to a hazard class of H2 or greater as provided in the AS/NZS 1604 series '*Specification for preservative treatment*'; or
  - (b) by heating so that the core temperature at the product's greatest thickness, remains at or above 56°C for not less than 30 minutes, where treatment has occurred not more than 21 days prior to the host material's arrival in Victoria; or
  - (c) in the case where the cross section measures less than 20 centimetres, with methyl bromide in accordance with the following table and where treatment has occurred within 21 days prior to the arrival in Victoria; and

Temperature	Minimum concentration dosage (g/m <sup>3</sup> ) at:				
	Start	2 hours	4 hours	12 hours	24 hours
21°C or above	48	36	31	28	24
16°C or above	56	42	36	32	28
10°C or above	64	48	42	36	32

- (2) in the case of structural pinewood, stored so as to prevent infestation:
  - (a) in a secure building, which has been inspected and approved by an authorised officer as being suitable for the purpose of excluding European house borer; or
  - (b) by fully wrapping in plastic film which is not ripped, torn or otherwise damaged; or
- (3) in the case of pallets, be sourced from a supplier approved under a scheme administered by Quarantine Western Australia.

Dated 31 December 2021

STEPHEN DIBLEY  
Acting Chief Plant Health Officer

**Public Health and Wellbeing Act 2008**

Section 165AI

GUIDANCE FOR THE

PANDEMIC (QUARANTINE, ISOLATION AND TESTING) ORDER 2021 (No. 2)

This Order requires persons to limit the spread of COVID-19 including by requiring persons who are:

- (1) diagnosed with COVID-19 to self-isolate; or
- (2) close contacts to self-quarantine and undertake testing.

There are different requirements for self-quarantine and testing depending on the level of exposure to someone diagnosed with COVID-19.

Failure to comply with this Order may result in penalties.

*This guidance does not form part of the Pandemic (Quarantine Isolation and Testing) Order 2021 (No. 2) and it is for explanatory purposes only.*

**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (QUARANTINE, ISOLATION AND TESTING) ORDER 2021 (No. 2)

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**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (QUARANTINE, ISOLATION AND TESTING) ORDER 2021 (No. 2)

I, Martin Foley, Minister for Health, make the following Order under the **Public Health and Wellbeing Act 2008** in the belief that this Order is reasonably necessary to protect public health throughout Victoria from the serious risk arising from the coronavirus (COVID-19) pandemic disease.

**PART 1 – PRELIMINARY****1. Objective**

The objective of this Order is to require persons to limit the spread of COVID-19 including by requiring persons:

- (1) diagnosed with COVID-19 to self-isolate;
- (2) who are living with a diagnosed person or who have been in close contact with a diagnosed person, to self-quarantine and undertake testing.

**2. Citation**

This Order may be referred to as the **Pandemic (Quarantine, Isolation and Testing) Order 2021 (No. 2)**.

**3. Authorising provision**

This Order is made under section 165AI of the **Public Health and Wellbeing Act 2008**.

**4. Commencement and revocation**

- (1) This Order commences at 11:59:00 pm on 30 December 2021 and ends at 11:59:00 pm on 12 January 2022.
- (2) The **Pandemic (Quarantine, Isolation and Testing) Order 2021 (No. 1)** is revoked at 11:59:00 pm on 30 December 2021.

**5. Definitions**

Terms used in this Order have the meanings set out in Schedule 1.

**6. Application of this Order**

- (1) This Order applies to the whole State of Victoria.
- (2) This Order does not apply to a person during the period in which they are detained pursuant to a direction given by an authorised officer under section 165BA of the **Public Health and Wellbeing Act 2008**.

**PART 2 – SELF-ISOLATION FOR DIAGNOSED PERSONS****7. Who is a diagnosed person?**

A person is a diagnosed person if the person:

- (1) at any time before, on or after the commencement of this Order, has been informed that they have been diagnosed with COVID-19; and
- (2) has not:
  - (a) been given, or is not taken to have been given, clearance from self-isolation; or
  - (b) completed seven days of self-isolation after the date on which the person undertook a COVID-19 PCR test, from which they were diagnosed with COVID-19,

whichever is earlier.

**8. Requirement to self-isolate**

A diagnosed person must self-isolate under this Order:

- (1) if the diagnosis is communicated to the person on or after the commencement of this Order; or
- (2) if the diagnosis was communicated to the person before the commencement of this Order.

*Note: the requirements of self-isolation are specified in clause 28. A diagnosed person can still leave the premises at which they are self-isolating to obtain medical care.*

**9. Location of self-isolation**

- (1) A diagnosed person must self-isolate:
  - (a) if clause 8(1) applies, at the premises chosen by the person under subclause (2); or
  - (b) if clause 8(2) applies, at the premises at which the person was required to reside under the **Diagnosed Persons and Close Contacts Directions (No. 35)**.
- (2) For the purposes of subclause (1)(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 28(2)(a) and 28(4).*

- (3) If a diagnosed person who has chosen a premises under subclause (2) 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.

**10. Self-isolation period**

- (1) For the purposes of clause 8, the period of self-isolation begins:
  - (a) if clause 8(1) applies, when the diagnosis is communicated to the person; or
  - (b) if clause 8(2) applies, upon the commencement of this Order.
- (2) For the purposes of clause 8, the period of self-isolation ends seven days after the date on which the person undertook a COVID-19 PCR test, from which they were diagnosed with COVID-19.

**11. Notifications by the diagnosed person**

- (1) Immediately after choosing a premises under clause 9(2), 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 COVID-19; 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.
- (2) If, during the period that a diagnosed person is self-isolating at a premises for the purposes of clause 8, 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 the name of that person.
- (3) The diagnosed person must take reasonable steps to notify the persons listed below that the diagnosed person has been diagnosed with COVID-19, and of the diagnosed person's infectious period:
  - (a) the operator of any work premises at which the diagnosed person ordinarily works, if the diagnosed person attended an indoor space at the work premises during their infectious period; and

- (b) the operator of any education facility at which they are enrolled, if the diagnosed person attended an indoor space at the education facility during their infectious period; and

*Note: the diagnosed person's parent, guardian or carer may notify the operator of the education facility on behalf of the diagnosed person for the purpose of subclause (b).*

- (c) any person who is a close contact or a social contact of the diagnosed person.

### **PART 3 – SELF-QUARANTINE FOR CLOSE CONTACTS**

#### **12. Who is a close contact?**

- (1) For the purposes of this clause, a person is a **close contact** if before, on or after the commencement of this Order:
  - (a) an officer or nominated representative of the Department makes a determination that the person is a close contact of a diagnosed person, including in the event of an outbreak, and has given that person a notice of the determination in accordance with subclause (2); or
  - (b) the person has spent more than four hours in an indoor space at a private residence, accommodation premises or care facility with a diagnosed person during their infectious period.
- (2) For the purposes of subclause 12(1)(a), 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.

#### **13. Requirement to self-quarantine**

Subject to clause 17, a close contact must self-quarantine under this Order.

*Note: the requirements of self-quarantine are specified in clause 28.*

#### **14. Location of self-quarantine**

- (1) 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 28(2)(a) and 28(4).*

- (2) If, at the time a person becomes aware or is given notice that they are a close contact, the person is not at the premises chosen by the person under subclause (1), the person must immediately and directly travel to those premises.

#### **15. Period of self-quarantine**

- (1) Subject to clause 16, if a close contact self-quarantines at the same premises where the diagnosed person is self-isolating, the close contact must self-quarantine for seven days from the date on which the diagnosed person undertook a COVID-19 PCR test, from which they were diagnosed with COVID-19.
- (2) Subject to clause 16, if a close contact self-quarantines at a different premises from where the diagnosed person is self-isolating, the close contact must self-quarantine for seven days from when the close contact most recently had contact with the diagnosed person.

**16. End of period of self-quarantine**

For the purposes of this clause, the period of self-quarantine ends:

- (a) subject to subclauses (b) and (c), at the time specified in clause 15 or as varied or revoked under clause 18; or
- (b) the notice given to the person under clause 12(1)(a) is revoked under clause 18, at the time that revocation takes effect; or
- (c) if the person becomes a diagnosed person following a COVID-19 PCR test, when the diagnosis is communicated to the person.

*Note: a close contact who becomes a diagnosed person will then be required to self-isolate under clause 8.*

**17. Exception – previous clearance**

- (1) A close contact is not required to self-quarantine under this clause if the person has been given clearance from self-quarantine by the Director or Medical Lead of a designated Local Public Health Unit in accordance with subclause (2).
- (2) For the purposes of subclause (1):
  - (a) the Director or Medical Lead of a designated Local Public Health Unit may make a determination in relation to a person if the Director or Medical Lead of a designated Local Public Health Unit is satisfied that the person is at negligible risk of infection of COVID-19, on the basis that the person has previously been a diagnosed person and has since been given clearance from self-isolation 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.

**18. Review of determination and notice**

- (1) The Chief Health Officer, a Deputy Chief Health Officer or an authorised officer who is authorised to exercise the pandemic management powers under section 165AW(2) of the **Public Health and Wellbeing Act 2008**, may review a determination made under clause 12(1)(a) and, if satisfied that it is appropriate, having regard to Departmental Requirements, may vary or revoke the notice given to the person under clause 12(1)(a) and must give the person notice of the decision.
- (2) For the purposes of subclause (1), the notice must be given in writing but is not required to be in a particular form.

**19. Notifications by the close contact**

If a close contact is required to self-quarantine under clause 13 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 the close contact must inform the other person of their self-quarantine.

**20. Testing of persons in self-quarantine**

- (1) A close contact must comply with the relevant testing requirements set out in the Testing Requirements for Contacts and Exposed Persons and, where applicable, follow the COVID-19 rapid antigen test procedure.
- (2) If a close contact is required to self-quarantine under clause 13 and, during the period of self-quarantine, the person receives a test result stating that they have been diagnosed with COVID-19, the person becomes a diagnosed person and must self-isolate under clause 8.
- (3) If a close contact is required to self-quarantine under clause 13 and, during the period of self-quarantine, the person receives a test result stating that they have not been diagnosed with COVID-19, the person must, if the period of self-quarantine has not expired, continue to self-quarantine under clause 13 for the remainder of the self-quarantine period.

**PART 4 – EXPOSED PERSONS****21. Who is an exposed person?**

For the purposes of this clause, a person is an **exposed person** if:

- (1) the person has attended a work premises or education facility; and
- (2) the person is not already determined to be a close contact; and
- (3) the person has spent at least:
  - (a) 15 minutes of face-to-face contact; or
  - (b) two hours in an indoor space,at the work premises or education facility with a diagnosed person during the diagnosed person's infectious period.

**22. Notifications by the operator**

- (1) An operator of a work premises or an education facility who has been informed under clause 11(3)(a) or 11(3)(b) that a diagnosed person attended that work premises or education facility during the diagnosed person's infectious period, must take reasonable steps to notify their employees or persons enrolled at the education facility who constitute exposed persons that those employees or persons enrolled at the education facility may have been exposed to COVID-19.
- (2) In addition to subclause (1), an operator of an education facility must take reasonable steps to notify exposed persons at the education facility that those persons must produce to the operator of the education facility acceptable evidence of a negative result from any COVID-19 test they are required to complete in accordance with the Testing Requirements for Contacts and Exposed Persons before being permitted to return to the education facility.

**23. Testing Requirements of exposed persons**

- (1) A person who has been notified under clause 22(1) that they may have been exposed to COVID-19 must comply with the relevant testing requirements set out in the Testing Requirements for Contacts and Exposed Persons and, where applicable, follow the COVID-19 rapid antigen test procedure.
- (2) In addition to subclause (1), if a person who has been notified under clause 22 is enrolled at an education facility, they must produce to the operator of the education facility acceptable evidence of a negative result from any COVID-19 test they are required to complete in accordance with the Testing Requirements for Contacts and Exposed Persons within 24 hours of receiving the negative result and before returning to the education facility.

*Note: the exposed person's parent, guardian or carer may notify the operator of the education facility on behalf of the exposed person, for the purpose of subclause (2).*

**24. Collection of information by operators**

- (1) The operator of a work premises or education facility must collect, record and store the following information:
  - (a) a list of employees or persons enrolled at the education facility who have been notified under clause 22(1) that they may have been exposed to COVID-19; and
  - (b) any results of tests for COVID-19 of those employees or persons enrolled at the education facility who may have been exposed to COVID-19, including the acceptable evidence of a negative test result for COVID-19 provided to the operator of the education facility under clause 23(2).
- (2) For the purposes of complying with this clause, an operator of a work premises or education facility is authorised to use any information that it holds under subclause (1).



**PART 5 – SOCIAL CONTACTS****25. Who is a social contact?**

For the purposes of this clause, a person is a **social contact** if:

- (1) the person has spent more than 15 minutes of face-to-face contact with a diagnosed person during the diagnosed person's infectious period; or
- (2) the person has spent more than two hours in an indoor space with a diagnosed person during the diagnosed person's infectious period; and

the person is not already determined to be:

- (3) a close contact; or
- (4) an exposed person.

**26. Testing of social contacts**

A social contact must comply with the relevant testing requirements set out in the Testing Requirements for Contacts and Exposed Persons and, where applicable, follow the COVID-19 rapid antigen test procedure.

**27. Notification of exposure by the Department**

The Service Victoria CEO:

- (1) may provide exposure notifications to persons through the Service Victoria App advising that they may have been exposed to COVID-19 in accordance with data managed by the Department of Health; and
- (2) persons who receive a notification under subclause (1) must follow any direction contained in the notification received through the Service Victoria App.

**PART 6 – GENERAL PROVISIONS****28. 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 8; or
  - (b) self-quarantine at a premises under clause 13.
- (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 transporting another person with whom they reside to or from a hospital if the person identified in subclause (1) is asymptomatic for COVID-19; or
    - (iii) for the purposes of getting tested for COVID-19; or
    - (iv) in any emergency situation; or
    - (v) if required to do so by law; or
    - (vi) for the purposes of visiting a patient in hospital if permitted to do so under the **Visitors to Hospitals and Care Facilities Order**; or
    - (vii) for the purposes of working in a care facility if permitted to do so under the **Visitors to Hospitals and Care Facilities Order**; or
    - (viii) for the purpose of sitting a Senior Secondary examination provided that the person is not a diagnosed person; or

- (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 this Order; or
  - (ii) it is necessary for the other person to enter for medical or emergency purposes; or
  - (iii) the other person is a disability worker, and it is necessary for the disability worker to enter for the purpose of providing a disability service to a person with a disability; or
  - (iv) it is necessary for the other person to enter for the purpose of providing personal care or household assistance to the person as a result of that person's age, disability or chronic health condition; or  
*Examples: personal care includes assistance with showering, toileting, eating; household assistance includes help with cooking, house cleaning, laundry and gardening.*
  - (v) the entry is otherwise required or authorised by law.
- (3) Subclause (2)(c) does not apply to a person who is a resident of a care facility.  
*Note: the Visitors to Hospitals and Care Facilities Order governs who can enter a care facility.*
- (4) Despite subclause (2)(a):
  - (a) a diagnosed person who is required to self-isolate; or
  - (b) a close contact who is required to self-quarantine,
 may apply under clause 30(2) 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.
- (5) 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 31(2) 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.

## 29. General exemption power

- (1) A person is not required to comply with a requirement of this Order 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 this Order, 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 **Public Health and Wellbeing Act 2008**, 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 a pandemic management power to give a person or a group of persons a different order or impose a different requirement on the person or group of persons.

**30. Exemption power – alternate premises for self-quarantine or self-isolation**

- (1) A person is not required to comply with the requirement to remain at the premises chosen for the purposes of clause 28(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 (2).
- (2) 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 9(1), 9(2) (location of self-isolation) or 14 (location of self-quarantine) or 28(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 **Public Health and Wellbeing Act 2008**, as appropriate.
- (3) An exemption under subclause (2) must:
  - (a) be given, in writing, to the person the subject of the exemption; and
  - (b) specify the requirement or requirements that the person need not comply with.
- (4) An exemption granted to a person under subclause (2) does not prevent an authorised officer from exercising a pandemic management power to give the person a different order or impose a different requirement on the person.

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

- (1) 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 28(2)(a) for the purpose of the healthcare worker returning to work if the person is granted an exemption from the requirement under subclause (2).
- (2) 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 14 (location of self-quarantine) or clause 28(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 **Public Health and Wellbeing Act 2008**, as appropriate.
- (3) An exemption under subclause (2) must:
  - (a) be given, in writing, to the person the subject of the exemption; and
  - (b) specify the requirement or requirements that the person need not comply with.
- (4) An exemption granted to a person under subclause (2) does not prevent an authorised officer from exercising a pandemic management power to give the person a different order or impose a different requirement on the person.

**32. Severability**

To the extent that any part of this order is held to be in excess of power or otherwise invalid it is intended that it is to be taken to be valid to the extent to which it is not in excess of that power.

**33. Transitional provisions**

- (1) A reference in any pandemic order in force (other than a revoked direction) to the **Pandemic (Quarantine, Isolation and Testing) Order 2021 (No. 1)** is taken on and after the revocation of the **Pandemic (Quarantine, Isolation and Testing) Order 2021 (No. 1)** to be a reference to this Order.

- (2) Any act matter or thing that had effect under the **Pandemic (Quarantine, Isolation and Testing) Order 2021 (No. 1)** or the **Diagnosed Persons and Close Contacts Directions (No. 35)** immediately before they were revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which the **Pandemic (Quarantine, Isolation and Testing) Order 2021 (No. 1)** or the **Diagnosed Persons and Close Contacts Directions (No. 35)** were subject immediately before they were revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.
- (5) In this clause:  
*revoked direction* means a direction that is:
  - (a) made by the Chief Health Officer or the Acting Chief Health Officer under section 200(1) of the **Public Health and Wellbeing Act 2008**; and
  - (b) continued by section 165CJ of that Act as if it were a pandemic order in the same terms made under section 165AI(1); and
  - (c) revoked by a pandemic order.

## PART 6 – PENALTIES

### 34. Penalties

Section 165BN of the **Public Health and Wellbeing Act 2008** provides:

#### **Failure to comply with pandemic order, direction or other requirement**

- (1) A person commits an offence if the person refuses or fails to comply with a pandemic order, or with a direction given to the person, or a requirement made of the person, in the exercise of a pandemic management power.  
 Penalty: In the case of a natural person, 60 penalty units;  
 Penalty: In the case of a body corporate, 300 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.

*Note: the **Public Health and Wellbeing Regulations 2019** provide for infringement notices to be served on any person who has refused or failed to comply (without a reasonable excuse) with a pandemic order, or a direction given or a requirement made in the exercise of a pandemic management power. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.*

**SCHEDULE 1 – DEFINITIONS**

For the purposes of this Order:

**acceptable evidence** means evidence of the matters described in clauses 22(2), 23(2) and 24(1)(b) that the relevant operator of the education facility determines is acceptable;

**accommodation premises** has the same meaning as in the **Open Premises Order**;

**adult education or higher education premises** means a premises that operates for the purpose of providing **higher education services**;

**authorised officer** has the same meaning as in the **Public Health and Wellbeing Act 2008**;

**care facility** has the same meaning as in the **Visitors to Hospitals and Care Facilities Order**;

**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;

**close contact** has the meaning in clause 12(1);

**COVID-19** means the contagious disease caused by severe acute respiratory syndrome coronavirus 2;

**COVID-19 Mandatory Vaccination (Specified Workers) Order** means the **Pandemic COVID-19 Mandatory Vaccination (Specified Workers) Order 2021 (No. 1)** as amended or replaced from time to time;

**COVID-19 PCR test** means a COVID-19 polymerase chain reaction test;

**COVID-19 rapid antigen test** means a COVID-19 rapid antigen test;

**COVID-19 rapid antigen test procedure** means if a person completed a COVID-19 rapid antigen test:

- (a) the person must undertake a second COVID-19 rapid antigen test as soon as possible if the person receives an invalid test result from the first COVID-19 rapid antigen test, such that it is not possible to conclude that the result is a negative test result; and
- (b) if the result of the first COVID-19 rapid antigen test is positive, or the result of the second COVID-19 rapid antigen test is invalid such that it is not possible to conclude that the result is negative, the person must complete a COVID-19 PCR test within 24 hours and remain in self-quarantine until the person receives a negative test result;

**COVID-19 symptoms** means the following symptoms that a person may experience:

- (a) fever;
- (b) chills or sweats;
- (c) cough;
- (d) sore throat;
- (e) shortness of breath;
- (f) runny nose;
- (g) loss of or change in sense of smell or taste;

**COVID-19 vaccine** means either a one dose COVID-19 vaccine or a two dose COVID-19 vaccine;

**Department** means the Victorian Department of Health;

**Departmental Requirements** means the document titled 'Case, Contact and Outbreak Management Policy', 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;

**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;

**diagnosed person** has the meaning in clause 7;

**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 **Public Health and Wellbeing Act 2008** to exercise the pandemic management powers or to exercise public health risk powers;

**disability** has the same meaning as in the **Disability Service Safeguards Act 2018**;

**disability service** has the same meaning as in the **Disability Service Safeguards Act 2018**;

**disability worker** has the same meaning as in the **Disability Service Safeguards Act 2018**;

**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;

**employee** includes a person who is self-employed;

**employer** means a person who owns, operates or controls work premises (or a work premises) and includes a person who is self-employed;

**excepted person** has the same meaning as in the **Open Premises Order**;

**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 29(2), 30(2), 31(2) of these directions;

**exposed person** has the meaning in clause 21;

**healthcare worker** means a worker of a health service managed by a designated Local Public Health Unit;

**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;

**hospital** has the same meaning as in the **Visitors to Hospitals and Care Facilities Order**;

**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;

**infectious period** means the period:

- (a) commencing:
  - (i) if the person undertook a COVID-19 PCR test (from which they were diagnosed with COVID-19) without experiencing symptoms of COVID-19, 48 hours before the person undertook the COVID-19 PCR test; or

- (ii) if the person was experiencing symptoms of COVID-19 at the time they undertook a COVID-19 PCR test (from which they were diagnosed with COVID-19), 48 hours before the person first experienced symptoms; and
- (b) concluding:
  - (i) seven days after the date on which the person undertook the COVID-19 PCR test (from which they were diagnosed with COVID-19); or
  - (ii) such other time as specified by an officer or nominated representative of the Department;

**one dose COVID-19 vaccine** means ‘COVID-19 Vaccine Janssen’ (Janssen-Cilag);

**Open Premises Directions** means the **Pandemic (Open Premises) Order 2021 (No. 1)** as amended or replaced from time to time;

**outbreak** means a declaration made by the Chief Health Officer, a Deputy Chief Health Officer, a Director or Medical Lead of a designated Local Public Health Unit in relation to a specific location at which diagnosed persons were present at a specific time, which presents a public health risk of the transmission of COVID-19;

**pandemic management powers** has the same meaning as in the **Public Health and Wellbeing Act 2008**;

**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;

**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;

**resident of a care facility** has the same meaning as in the **Visitors to Hospitals and Care Facilities Order**;

**revoked direction** has the meaning in clause 33(5);

**school** means a registered school as defined in the **Education and Training Reform Act 2006**;

**school boarding premises** means a registered school boarding premises, as defined in the **Education and Training Reform Act 2006**;

**Service Victoria** has the same meaning as in the **Service Victoria Act 2018**;

**Service Victoria App** means the digital system provided by the Service Victoria CEO and other parts of the Victorian Government;

**Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;

**Senior Secondary examination** means an examination relating to a senior secondary certificate;

**social contact** has the meaning in clause 25;

**Testing Requirements for Contacts and Exposed Persons** means the document titled ‘Testing Requirements for Contacts and Exposed Persons’ as amended or reissued from time to time by the Secretary of the Department of Health;

**two dose COVID-19 vaccine** means any of the following:

- (a) Vaxzevria (AstraZeneca);
- (b) Comirnaty (Pfizer);
- (c) Spikevax (Moderna);
- (d) Coronvac (Sinovac);

- (e) Covishield (Astrazeneca/Serum Institute of India);
- (f) Covaxin (Bharat Biotech);
- (g) BBIP-CorV (Sinopharm);

**Visitors to Hospitals and Care Facilities Order** means the **Pandemic (Visitors to Hospitals and Care Facilities) Order 2021 (No. 1)** as amended or replaced from time to time;

**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;

**worker** includes employees, subcontractors (and their employees), volunteers and any other person engaged or permitted by an employer to perform work.

Dated 30 December 2021

MARTIN FOLEY MP  
Minister for Health

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**Public Health and Wellbeing Act 2008**

## Section 165AI

## GUIDANCE FOR THE PANDEMIC (DETENTION) ORDER 2021 (No. 2)

This Order specifies circumstances and conditions in which a person is to be detained in Victoria to limit the transmission of COVID-19 and the period of, and requirements for, that detention.

To limit the risk of transmission of COVID-19, by requiring persons of risk to be detained for specified periods of time, this Order:

- (1) imposes obligations on specified classes of international arrivals; and
- (2) imposes an initial period of detention as set out in Schedule 2; and
- (3) if the detained person is awaiting the result of their latest COVID-19 test at the end of the initial period of detention, provides for an extension of the period of detention until the end of a further period of 14 days or until the date on which the result is communicated to the person, whichever is earlier.

An authorised officer is required to review a person's detention regularly under section 165BG of the **Public Health and Wellbeing Act 2008** to determine if the person's continued detention is reasonably necessary to eliminate or reduce a serious risk to public health.

A detained person must not leave the person's place of detention unless:

- (1) the person has been granted permission by an authorised officer for the purpose of obtaining medical care, or getting a COVID-19 test, or to reduce a serious risk to the person's mental health, or to visit a patient in hospital if permitted to do so, or to leave Victoria; or
- (2) there is an emergency situation; or
- (3) the person is required to by law.

A person must not enter a place of detention of another person unless that person is lawfully authorised to enter that place for a specific reason (for example, providing food or medical care) or is detained in the same place of detention for the same, or substantially the same, period of time, or ordinarily resides with the detained person at the place of detention.

The Chief Health Officer, the Deputy Chief Health officer or an authorised officer may grant an exemption to a person of risk from the requirements of this Order, if satisfied that the exemption is appropriate by having regard to the need to protect the public and the principles of the Order.

Failure to comply with this Order may result in penalties.

*This guidance does not form part of the Pandemic (Detention) Order 2021 (No. 2) and is for explanatory purposes only.*

**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (DETENTION) ORDER 2021 (No. 2)

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**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (DETENTION) ORDER 2021 (No. 2)

I, Martin Foley, Minister for Health, make the following Order under the **Public Health and Wellbeing Act 2008** in the belief that this Order is reasonably necessary to protect public health throughout Victoria from the serious risk arising from the coronavirus (COVID-19) pandemic disease and that any period of detention specified in this Order is reasonably necessary to eliminate or reduce a serious risk to public health arising from COVID-19.

**PART 1 – PRELIMINARY****1. Objective**

The objective of this Order is to limit the transmission of COVID-19 by requiring persons of risk to be detained in accordance with this Order for the periods specified in this Order.

**2. Citation**

This Order may be referred to as the **Pandemic (Detention) Order 2021 (No. 2)**.

**3. Authorising provisions**

This Order is made under section 165AI of the **Public Health and Wellbeing Act 2008**.

**4. Commencement**

- (1) This Order commences at 11:59:00 pm on 30 December 2021 and ends at 11:59:00 pm on 12 January 2022.
- (2) The **Pandemic (Detention) Order 2021 (No. 1)** is revoked at 11:59:00 pm on 30 December 2021.

**5. Definitions**

Terms used in this Order have the meanings set out in Schedule 1.

**6. Application of this Order**

This Order applies to the whole State of Victoria.

**PART 2 – REQUIREMENTS OF DETENTION****7. Requirement for detention**

- (1) A person is required to be detained in accordance with this Order if the person is:
  - (a) a person of risk; and
  - (b) in Victoria.
- (2) This Order does not apply to a person who is a diplomat or consular official.
- (3) Subclause (1) does not require the detention of a person if that person:
  - (a) has been initially detained under a requirement of this Order; and
  - (b) has been released from detention pursuant to a provision of the **Public Health and Wellbeing Act 2008**; and
  - (c) is a person of risk only because of the same circumstances for which the person was initially detained.

**8. Who is a person of risk?**

For the purposes of this Order, a person of risk is:

- (1) a person who:
  - (a) has entered Victoria; and
  - (b) has been in another country in the 14 days prior to arrival in Victoria; and
  - (c) is not an international transit passenger; and
  - (d) is not an international aircrew services worker; and
  - (e) is not eligible to enter Victoria under the Victorian Border Crossing Order; and

- (2) a person who:
  - (a) is an international aircrew services worker; and
  - (b) has entered Victoria; and
  - (c) has been in another country in the 14 days prior to arrival in Victoria; and
  - (d) is not eligible to enter Victoria under the Victorian Border Crossing Order; and
- (3) a person who:
  - (a) is an international maritime arrival; and
  - (b) has entered Victoria.

## 9. Place of detention

- (1) Subject to this Order, a person of risk is required to be detained at a place of detention specified by the authorised officer who detains the person.
- (2) Despite subclause (1), a person of risk may be transported to be detained at another place of detention specified by an authorised officer and notified to the person.

## 10. Period of detention

Subject to this Order and the **Public Health and Wellbeing Act 2008**, the detention of a person under this Order must be for the relevant period set out in Schedule 2 (the initial period of detention).

*Note 1: Section 165BD(a) and (b) of the **Public Health and Wellbeing Act 2008** provide that detention of a person commences on the first of the following to occur:*

- (a) *the time when the person is first at a place where the person is to be detained after the exercise of the pandemic management power; whether or not the person is to remain at that place throughout the period of detention, or is to be transported to another place;*
- (b) *the time when the person is first taken into the physical custody of an authorised officer in the exercise of the pandemic management power or into the physical custody of a person assisting an authorised officer.*

*Note 2: A person's period of detention will only continue for the whole of the initial period of detention, or the whole of any extension of the initial period of detention (provided for by clause 12) if an authorised officer, after conducting a review of the person's detention under section 165BG(2) of the **Public Health and Wellbeing Act 2008**, determines that the continued detention of the person is reasonably necessary to eliminate or reduce a serious risk to public health.*

## 11. Request for testing

A detained person may be requested to be tested for COVID-19 on the days specified by an authorised officer and notified to the person.

## 12. Extension of period of detention

- (1) If a detained person has been tested for COVID-19 during the initial period of detention and is awaiting the result of the latest test at the end of the initial period of detention, the person is required to continue to be detained until the end of a further period of 14 days or the date on which the result is communicated to the person, whichever is earlier.
- (2) An authorised officer must give a detained person notice in writing of their continued detention and the extended period of detention under subclause (1).

*Note 1: If a person refuses to take a test for COVID-19 during the initial period of detention when requested to do so and it is considered necessary to require a further period of detention, this will be done by the exercise of a pandemic management general power under section 165BA(1)(b) of the Act.*

*Note 2: If a detained person becomes a diagnosed person or close contact during the initial period of detention, or the extension of that period under clause 12, and it is considered necessary to require a further period of detention, this will be done by the exercise of a pandemic management general power under section 165BA(1)(b) of the Act.*

## 13. Transport to detention

- (1) If a person of risk is not at the person's specified place of detention when they are detained, or that person must be moved to another specified place of detention, the person must proceed immediately and directly to the vehicle specified by the authorised officer and travel immediately and directly to the specified place of detention.

- (2) If a person of risk is not at the person's specified place of detention when they are detained, the person must comply with this Order and any other directions or requirements given to them by the authorised officer while proceeding to the vehicle and travelling to the specified place of detention.

#### **14. Leaving detention**

- (1) A detained person must not leave the person's place of detention in any circumstances, unless:
  - (a) the person has been granted permission to do so by an authorised officer:
    - (i) for the purpose of obtaining medical care; or
    - (ii) for the purpose of getting tested for COVID-19; or
    - (iii) if it is reasonably necessary to reduce a serious risk to the person's mental health; or
    - (iv) for the purpose of visiting a patient in hospital if permitted to do so under the Visitors to Hospitals and Care Facilities Order; or
    - (v) for the purpose of leaving Victoria; or
  - (b) there is an emergency situation; or
  - (c) the person is required to do so by law.
- (2) If a detained person leaves the person's place of detention in accordance with subclause (1), the person must comply with:
  - (a) any Orders currently in force applying to the person; and
  - (b) any other instructions given to the person by an authorised officer, including instructions to:
    - (i) wear personal protective equipment; and
    - (ii) as much as possible, refrain from touching communal surfaces such as handrails, elevator buttons, door handles, furniture and fittings.

#### **15. Permitting a person to enter the specified place of detention**

- (1) A detained person must not permit any other person to enter their specified place of detention, unless:
  - (a) the other person is lawfully authorised to enter that place for a specific purpose (for example, providing food or for medical reasons); or
  - (b) the other person is detained at the same place of detention and for the same, or substantially the same, period of detention; or
  - (c) the other person ordinarily resides with the person at the place of detention.
- (2) A detained person is permitted to move around, meet or gather at their specified place of detention with any person referred to in subclause (1)(b) or (1)(c).
- (3) A detained person is not permitted to move around, meet or gather at their specified place of detention with any person other than a person referred to in subclause (2) unless:
  - (a) the detained person has been granted written permission to do so by an authorised officer:
    - (i) for the purpose of obtaining medical care; or
    - (ii) for the purpose of getting tested for COVID-19; or
    - (iii) if it is reasonably necessary to reduce a serious risk to the detained person's mental health; or
  - (b) there is an emergency situation; or
  - (c) the detained person is required to do so by law.

- (4) A detained person is permitted to communicate with people who are not staying at the specified place of detention, either by phone or other electronic means.

*Note: An authorised officer must facilitate any reasonable request for communication made by a detained person.*

- (5) A support person who agrees to submit to the same conditions of detention as a detained person may stay with a detained person who:

- (a) is under 18 years of age – if the support person is the detained person’s parent or guardian; or  
 (b) has a disability or medical condition that requires support or treatment – if the support person is the detained person’s parent, guardian or carer.

*Note: If the support person agrees to submit to the same conditions of detention as a detained person, an authorised officer may serve a separate detention notice under section 165BA(1)(b) of the Act on the other person that sets out the conditions and period of detention for that person.*

### **PART 3 – GENERAL PROVISIONS**

#### **16. Exemption from detention**

- (1) A person is not required to comply with a requirement of this Order if the person is granted an exemption from that requirement under subclause (2).
- (2) The Chief Health Officer, a Deputy Chief Health Officer or any authorised officer, may exempt a person of risk from any or all requirements in this Order, if satisfied that an exemption is appropriate, having regard to:
- (a) the need to protect public health; and  
 (b) the principles in sections 5 to 10 of the Act, as appropriate.
- (3) An exemption under subclause (2) must:
- (a) be given, in writing, to the person to whom the exemption applies; and  
 (b) specify the requirement or requirements that the person need not comply with.
- (4) An exemption granted to a person under this clause does not prevent an authorised officer from exercising a pandemic management power to give the person a different direction or impose a different requirement on the person.

#### **17. Designation of places of detention**

The Minister of Police may by notice published in the Government Gazette designate a hotel or other facility or class of facility or any part of a hotel or other facility as a place of detention for the purposes of this Order.

#### **18. Severability**

To the extent that any part of this Order is held to be in excess of power or otherwise invalid it is intended that it is to be taken to be valid to the extent to which it is not in excess of that power.

### **PART 4 – PENALTIES**

#### **19. Penalties**

Section 165BN of the **Public Health and Wellbeing Act 2008** provides:

##### **Failure to comply with pandemic order, direction or other requirement**

- (1) A person commits an offence if the person refuses or fails to comply with a pandemic order, or with a direction given to the person, or a requirement made of the person, in the exercise of a pandemic management power.

Penalty: In the case of a natural person, 60 penalty units;

Penalty: In the case of a body corporate, 300 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.

*Note: the **Public Health and Wellbeing Regulations 2019** provide for infringement notices to be served on any person who has refused or failed to comply (without a reasonable excuse) with a pandemic order, or a direction given or a requirement made in the exercise of a pandemic management power. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.*

**SCHEDULE 1 – DEFINITIONS**

For the purposes of this Order:

**authorised officer** has the same meaning as in the **Public Health and Wellbeing Act 2008**;

**close contact** has the same meaning as in the Quarantine, Isolation and Testing Order;

**COVID-19** means the contagious disease caused by severe acute respiratory syndrome coronavirus 2;

**detained person** means a person of risk detained in accordance with this Order;

**diagnosed person** has the same meaning as in the Quarantine, Isolation and Testing Order;

**diplomat or consular official** means:

(a) a person identified in Article 1 of the Vienna Convention on Diplomatic Relations, as set out in the Schedule to the **Diplomatic Privileges and Immunities Act 1967** of the Commonwealth; and

(b) a person identified in Article 1 of the Vienna Convention on Consular Relations, as set out in the Schedule to the **Consular Privileges and Immunities Act 1972** of the Commonwealth;

**disability** has the same meaning as in the **Disability Service Safeguards Act 2018**;

**hospital** has the same meaning as in the Visitors to Hospital and Care Facilities Order;

**initial period of detention** has the meaning given in clause 10;

**international aircrew services worker** has the same meaning as in the Victorian Border Crossing Order;

**international maritime arrival** has the same meaning as in the Victorian Border Crossing Order;

**international transit passenger** means a person who has entered Victoria from overseas and who is scheduled to depart Victoria on an outbound international flight (excluding any onwards domestic travel via a connecting flight) within eight hours of their time of entering Victoria, and who is required to remain at the airport for the duration of that transit period;

**Movement and Gathering Order** means the Pandemic (Movement and Gathering) Order 2021 (No. 2) as amended or replaced from time to time;

**Orders currently in force** has the same meaning as in the Movement and Gathering Order;

**person of risk** has the meaning given in clause 8;

**place of detention** means:

(a) a hotel or other facility or part of a hotel or other facility designated under clause 17; or

(b) a place determined by an authorised officer to be a place of detention, in a particular case;

**Quarantine, Isolation and Testing Order** means the Pandemic (Quarantine, Isolation and Testing) Order 2021 (No. 2) as amended or replaced from time to time;

**support** includes disability and medical support, and support for emotional and psychological wellbeing;

**support person** means a person supporting another person and includes

(a) the parent or guardian of a person under 18 years of age; and

(b) the parent, guardian or carer of a person with a disability or medical condition that requires support or medical treatment;

**this Order** means the Pandemic (Detention) Order 2021 (No. 2);

**Victorian Border Crossing Order** means the Pandemic (Victorian Border Crossing) Order 2021 (No. 2) as amended or replaced from time to time;

**Visitors to Hospitals and Care Facilities Order** means the Pandemic (Visitors to Hospitals and Care Facilities) Order 2021 (No. 2) as amended or replaced from time to time.

**SCHEDULE 2 – INITIAL PERIOD OF DETENTION**

<b>Person of risk</b>	<b>Initial period of detention</b>
Person of risk specified in clause 8(1)	14 days from the date detention commences
Person of risk specified in clause 8(2)	14 days from the date detention commences
Person of risk specified in clause 8(3)	14 days from the date detention commences

Dated 30 December 2021

MARTIN FOLEY MP  
Minister for Health



**Public Health and Wellbeing Act 2008**

## Section 165AI

## GUIDANCE FOR THE PANDEMIC (OPEN PREMISES) ORDER 2022 (No. 2)

This Order imposes obligations upon operators of certain open premises in Victoria and their patrons in relation to vaccination against COVID-19 and other requirements, in order to address the serious public health risk posed to Victoria by COVID-19.

- (1) Parts 2, 3 and 4 govern open premises, which are specified in Schedule 1;
- (2) Part 2 contains vaccination requirements;
- (3) Part 3 contains additional requirements and exceptions;
- (4) Part 4 contains further requirements and exceptions for specific open premises.

Operators of an open premises must (unless an exception applies):

- (1) maintain a system which requires all patrons above 18 years of age to show an employee acceptable evidence that the person is fully vaccinated or an excepted person on every occasion a person attends the premises. This system must include a worker placed at each accessible entrance of the premises;
- (2) take reasonable steps to exclude patrons who do not comply with the operator's system, or are not fully vaccinated or exempt;
- (3) not permit any person to work at the premises unless that person is fully vaccinated, or exempt. A partially vaccinated worker may work on the premises when no patrons are present at the time. The operator must collect, record and hold vaccination information for all workers;
- (4) not permit the number of patrons to exceed the patron limits as specified in the Order, unless an exception has been permitted under the Order.

Patrons of an open premises must comply with the operator's system.

Exceptional circumstances are listed under which an operator is not required to comply with this Order. Otherwise, failure to comply with this Order may result in penalties.

*This guidance does not form part of the Pandemic (Open Premises) Order 2022 (No. 2) and is for explanatory purposes only.*

**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (OPEN PREMISES) ORDER 2022 (No. 2)

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**Public Health and Wellbeing Act 2008**  
Section 165AI

PANDEMIC (OPEN PREMISES) ORDER 2022 (No. 2)

I, Martin Foley, Minister for Health, make the following Order under the **Public Health and Wellbeing Act 2008** in the belief that this Order is reasonably necessary to protect public health throughout Victoria from the serious risk arising from the coronavirus (COVID-19) pandemic disease.

**PART 1 – PRELIMINARY**

**1 Objective**

The objective of this Order is to impose obligations in relation to vaccination against COVID-19 and other requirements, in order to address the serious public health risk posed to Victoria by COVID-19 upon:

- (1) operators of certain open premises in the State of Victoria; and
- (2) patrons that attend those premises.

**2 Citation**

This Order may be referred to as the **Pandemic (Open Premises) Order 2022 (No. 2)**.

**3 Authorising Provision**

This Order is made under section 165AI of the **Public Health and Wellbeing Act 2008**.

**4 Commencement and revocation**

- (1) This Order commences at 11:59:00 pm on 6 January 2022 and ends at 11:59:00 pm on 12 January 2022.
- (2) The **Pandemic (Open Premises) Order 2021 (No. 1)** is revoked at 11:59:00 pm on 6 January 2022.

**5 Definitions**

Schedule 2 contains definitions:

- (1) key definitions are contained in Division 1 of Schedule 2;
- (2) premises-specific definitions are contained in Division 2 of Schedule 2;
- (3) other definitions are contained in Division 3 of Schedule 2.

**6 Application of this Order**

This Order applies to the whole State of Victoria.

**PART 2 – OPEN PREMISES – VACCINATION REQUIREMENTS**

**Division 1 – Operator requirements**

**7 Open premises**

The operator of an open premises must operate the premises in accordance with:

- (1) the obligations in this Part;
- (2) any additional obligations in Part 3; and
- (3) any premises-specific obligations in Part 4.

**8 Maintenance of system**

- (1) The operator of an open premises must maintain a system that requires a patron (except a patron under 18 years of age) that attends the premises either:
  - (a) on each occasion they attend, to show a person working at the premises acceptable evidence that they are either:
    - (i) fully vaccinated; or
    - (ii) an excepted person; or

- (b) once prior to their first attendance after 6:00:00 pm on 29 October 2021, if the patron is a pre-registration patron and they attend a pre-registration premises, to provide the operator with acceptable evidence that they are either:
  - (i) fully vaccinated; or
  - (ii) an excepted person.

*Note: an operator must require patrons to check-in to their premises under the **Workplace Order**.*

- (2) The system maintained under subclause (1) must include:
  - (a) the placement, at each entrance to the premises that is accessible by patrons, of a worker:
    - (i) who is designated as a COVID Check-in Marshal; and
    - (ii) who requests each patron attending the premises to either:
      - (A) do the things specified in subclause (1)(a); or
      - (B) confirm that the patron has completed the things specified in subclause (1)(b).
  - (3) If an operator of a pre-registration premises maintains a system under subclause (1) (b), the operator must collect, record and hold vaccination information about the pre-registration patron.

## **9 Exclusion of persons**

- (1) The operator of an open premises must take all reasonable steps to ensure that a patron does not enter, or remain on, the premises if the patron:
  - (a) is not fully vaccinated; and
  - (b) is not an excepted person; or
  - (c) does not comply with the requirements of the system maintained by the operator under clause 8(1).

*Note: this obligation does not apply in relation to patrons who are fully vaccinated or excepted persons (which includes children under 18 years of age) and have provided acceptable evidence.*

- (2) For the purposes of complying with subclause (1), the operator is authorised to use any information about a patron that it has been provided under the system maintained under clause 8(1).

## **Division 2 – Patron requirements**

### **10 Patrons must use system**

- (1) A patron (except a patron under 18 years of age) who attends an open premises must comply with the requirements of the system maintained under clause 8(1).
- (2) A patron who is a dependant of another patron is deemed to have complied with subclause (1) if the other patron, on behalf of the dependant, complies with the requirements of the system maintained under clause 8(1).

### **11 No entry unless fully vaccinated or an excepted person**

A patron must not enter, or remain on, an open premises if the patron is not:

- (1) fully vaccinated; or
- (2) an excepted person.

## **Division 3 – Worker requirements**

### **12 Workers must be fully vaccinated**

- (1) The operator of an open premises must not permit any person to work at the premises unless the person is:
  - (a) fully vaccinated and 12 years and 2 months of age or above; or
  - (b) an excepted worker.

- (2) The operator must collect, record and hold vaccination information about each fully vaccinated person and each excepted worker who works at the premises.
- (3) For the purposes of complying with subclause (1), an operator is authorised to use any information about a worker that it holds under subclause (2).

### 13 Information held under COVID-19 Mandatory Vaccination Orders

If an operator is the employer of a fully vaccinated person or an excepted worker who works at the premises:

- (1) the operator is deemed to have complied with clause 12(2) if they hold vaccination information about the person under the **COVID-19 Mandatory Vaccination (Workers) Order** or the **COVID-19 Mandatory Vaccination (Specified Facilities) Order**; and
- (2) the operator is authorised to use that information for the purposes of complying with clause 12(1).

### 14 Disclosure to employer or contractor

If the operator is obliged to comply with clause 9(1) in relation to a worker and the operator is not:

- (1) the employer of the worker; or
- (2) the person who engaged the worker to work at the premises,

the operator is authorised to disclose to the employer or person who engaged the worker that the operator is obliged to comply with clause 9(1) in relation to the worker.

### 15 Exceptional circumstances

- (1) An operator of an open premises is not required to comply with this division if one or more of the exceptional circumstances specified in subclause (2) applies.
- (2) The exceptional circumstances are:
  - (a) a worker is required to perform work or duties that is or are necessary to provide for urgent specialist clinical or medical care due to an emergency situation or a critical unforeseen circumstance; or
  - (b) a worker is required to fill a vacancy to provide urgent care, to maintain quality of care and/or to continue essential operations due to an emergency situation or a critical unforeseen circumstance; or  
*Example: a large number of workers furloughed due to exposure at a Tier 1 site.*
  - (c) a worker is required to respond to an emergency; or
  - (d) a worker is required to perform urgent and essential work to protect the health and safety of workers or members of the public, or to protect assets and infrastructure.
- (3) If a circumstance specified in subclause (2) applies, the operator must take all reasonable steps to ensure that the worker does not work outside the worker's ordinary place of residence for any longer than the period of time necessary to respond to the exceptional circumstance.

### 16 Patron limits

The operator of an open premises must not permit the number of patrons:

- (1) in all indoor spaces combined—to exceed the number specified for the premises in Column 2 in Schedule 1; and
- (2) in all outdoor spaces combined—to exceed the number specified for the premises in Column 3 in Schedule 1.

*Note: 'patron' is defined in Schedule 2, clause 1(1)(c) and does not include a person under 1 year of age.*

**PART 3 – OTHER REQUIREMENTS AND EXCEPTIONS FOR OPEN PREMISES****Division 1 – Other requirements****17 COVID Check-in Marshal for check-in**

The operator of an open premises must place a person designated as a COVID Check-in Marshal at each entrance to the premises that is accessible by patrons and who requests each patron to record their attendance at the premises in accordance with the **Workplace Order**.

**Division 2 – Exceptions****18 Access to bathrooms**

The patron limits specified in clause 16 and the requirements in Part 4 do not prevent an operator from permitting a patron to access a bathroom.

**19 Severe weather**

The patron limits specified in clause 16 and the requirements in Part 4 do not prevent an operator from permitting a patron in an outdoor space at the open premises from entering an indoor space in the event of severe weather.

**20 Education and childcare services**

The obligations in Part 2 and the patron limits in Part 4 do not apply in relation to patrons who are enrolled in an education and childcare service and attend an open premises for the purpose of an activity including an excursion organised by the operator of that education and childcare service.

*Note: the obligations in Part 2 and the 'patron' limits in Part 4 still apply to staff, parents and other persons who are not enrolled with the education and childcare service and attend the open premises for the activity.*

**21 Public Event Framework**

- (1) If an open premises is being operated only for the purpose of conducting an exempt public event, the obligations and patron limits in Part 2 and the patron limits in Part 4 do not apply.
- (2) The Chief Health Officer or Deputy Chief Health Officer may exempt one or more persons who are subject to a requirement under this Order to conduct one or more eligible public events (or class of eligible public events) from any requirement of the pandemic orders in force if satisfied that the exemption is appropriate, having regard to:
  - (a) the need to protect public health; and
  - (b) the principles in sections 5 to 10 of the **Public Health and Wellbeing Act 2008**, as appropriate.
- (3) An exemption:
  - (a) must be given in writing; and
  - (b) must specify each requirement in the pandemic orders in force to which, subject to subclause (c), an exemption is granted; and
  - (c) may impose conditions on an exemption.
- (4) An exemption does not prevent:
  - (a) the Chief Health Officer or Deputy Chief Health Officer exercising any power the Chief Health Officer or Deputy Chief Health Officer is authorised to exercise under the **Public Health and Wellbeing Act 2008**; or
  - (b) an authorised officer from exercising any power the Authorised Officer is authorised to exercise under the **Public Health and Wellbeing Act 2008**, including ensuring compliance with:
    - (i) the extent of an exemption (including any conditions on an exemption); or
    - (ii) the requirements of all other pandemic orders in force.

**22 Emergency use and operations**

Nothing in this Order is intended to prevent or otherwise affect the operation of a premises where such use or operation is for emergency refuge, shelter or relief purposes in accordance with the emergency management arrangements under the **Emergency Management Act 2013**.

**PART 4 – ADDITIONAL REQUIREMENTS AND EXCEPTIONS FOR SPECIFIC PREMISES****23 Adult education or higher education premises**

- (1) The obligations in clause 17 do not apply in relation to an adult education or higher education premises.
- (2) The obligations in Division 1 and Division 2 of Part 2 do not apply to the operator of an adult education or higher education premises in relation to patrons attending the premises for the purpose of receiving or providing higher education services, that:
  - (a) cannot be conducted remotely, including attending assessments and classes; or
  - (b) involve secondary school subjects.

**24 Community premises**

- (1) The obligations in Part 2 and clause 17 do not apply in relation to an indoor space or an outdoor space at a community premises if that indoor space or outdoor space at the premises is operated only for the purposes of contactless collection or delivery of pre-ordered goods.

*Example: a library is permitted to operate for the purpose of a 'click and collect' service to facilitate the loaning of and/or returning of books, toys and other similar goods without complying with the requirements in Part 2.*

- (2) If a community premises is being operated for the purpose of providing essential public support group services in an indoor space or an outdoor space, the obligations in Part 2 and clause 17 do not apply in relation to that indoor space or outdoor space if the operator does not permit the number of patrons in the space to exceed the lesser of:
  - (a) density quotient (4 sq metres); and
  - (b) 50.

*Example: support groups for people with alcohol or drug addictions.*

- (3) If an indoor space or an outdoor space at a community premises is being operated for the purpose of providing essential public support services or essential public health services, the obligations in Part 2 and clause 17 do not apply in relation to that indoor space or outdoor space.
- (4) If a community premises is being operated pursuant to subclause (3), the operator may only permit the minimum number of persons required to conduct and/or facilitate the essential public support service or essential public health service to access the indoor space or outdoor space.

*Examples: immunisation services (including for non-COVID-19 vaccines), maternal child health services, a food bank or a service for homeless persons (including the provision of food or drink), providing access to shelter or amenities.*

*Note: support groups do not fall within this exception and the operator must comply with applicable patron limits.*

- (5) If an indoor space or an outdoor space at a community premises is being operated only for the purpose of:
  - (a) providing access to essential local government services; or

*Examples: to pay council levy rates and charges, to register a pet, to obtain a permit or to view a planning scheme.*



- (b) conducting an essential local council meeting where attendance of patrons through remote electronic means is not reasonably practicable, the obligations in Part 2 and clause 17 do not apply in relation to that indoor space or outdoor space.
- (6) If a community premises is being operated pursuant to subclause (5), the operator may only permit the minimum number of persons required to conduct and/or facilitate the essential local government service or essential local council meeting to access the indoor space or outdoor space.
- (7) The obligations in Part 2 do not apply in relation to mandatory vaccination workers attending a community premises to perform work or participate in essential training in an indoor space or outdoor space if:
  - (a) the community premises is not the mandatory vaccination worker's usual place of work; and
  - (b) the operator only permits the minimum number of persons necessary to access the indoor space or outdoor space for that purpose.
- (8) If the community premises is a premises that has:
  - (a) a playground; or
  - (b) a skatepark in an outdoor space; or
  - (c) outdoor communal exercise equipment,the obligations in Part 2 and clause 17 do not apply to those parts of the premises.
- (9) If an indoor space or an outdoor space at a community premises is being operated for the purpose of providing early childhood education or care services, the obligations in Part 2 and clause 17 do not apply in relation to that indoor space or outdoor space.

## 25 Drive-in cinemas

- (1) The obligations in Part 2 do not apply to a drive-in cinema.
- (2) An operator of a drive-in cinema may only operate the premises if:
  - (a) the drive-in cinema is in an outdoor space accessed by vehicles; and
  - (b) the operator operates any food and drink premises within the premises in accordance with the requirements of this Order applicable to a food and drink premises.

## 26 Entertainment and function premises

The operator of an entertainment and function premises which operates primarily in outdoor spaces must publish a COVID Safe event plan where the operator intends to hold an event at the entertainment and function premises where at least 30,000 patrons will attend.

## 27 Food and drink premises

- (1) The obligations in Part 2 and clause 17 do not apply to a food and drink premises if it is part of a food court.
- (2) If a food and drink premises is being operated only for the purposes of providing take-away goods or delivery of pre-ordered goods, the obligations in Part 2 and clause 17 do not apply.
- (3) If a food and drink premises is being operated for the purposes of both:
  - (a) providing take-away goods or delivery of pre-ordered goods; and
  - (b) indoor dine-in service or outdoor dine-in service,the obligations in Part 2 do not apply in relation to a patron who attends only to collect take-away goods.

*Note: a food and drink premises can operate a take-away and a dine-in service at the same time. The obligations in Part 2 do not apply in relation to patrons that are purchasing take-away goods or delivery of pre-ordered goods but does apply in relation to patrons who attend the premises for a dine-in service and to staff at the premises.*

- (4) The obligations in clause 8(2)(a) and clause 17 do not apply in relation to a food and drink premises that has a total area of all indoor spaces and outdoor spaces accessible to patrons of less than 100 square metres if:
- (a) a person working at the premises requests that each patron (except patrons under 18 years of age) show acceptable evidence that they are either:
- (i) fully vaccinated; or
  - (ii) an excepted person,
- at an entrance to the premises or at the first point of service.

*Note: the first point of service is when a worker first interacts with a customer during their attendance at the premises, for example when greeting a customer once they have entered the premises.*

## 28 Physical recreation premises

- (1) The obligations in Part 2 do not apply in relation to any indoor space or outdoor space in a physical recreation premises if that space is being operated only for the purpose of conducting a community sport activity.
- (2) The obligations in Part 2 do not apply to an operator of a physical recreation premises if:
- (a) the physical recreation premises is used exclusively for training by professional or high-performance sports persons; and
  - (b) the operator does not permit any person to enter or remain at the premises unless the person is necessary for the conduct of the activity being undertaken by the professional or high-performance sports persons.
- (3) Clauses 8(2) and 17 do not apply to unstaffed gymnasiums or fitness centres.
- (4) The obligations in Part 2 and clause 17 do not apply to unstaffed outdoor physical recreation premises.
- (5) The obligations in clause 17 do not apply to a physical recreation premises located within an accommodation premises.
- (6) The obligations in Part 2 do not apply in relation to mandatory vaccination workers attending a physical recreation premises to perform work or participate in essential training in an indoor space or outdoor space if:
- (a) the physical recreation premises is not the mandatory vaccination worker's usual place of work; and
  - (b) the operator only permits the minimum number of persons necessary to access the indoor space or outdoor space for that purpose.
- (7) The obligations in Part 2 do not apply in relation to patrons that attend a swimming pool or a hydrotherapy pool at a physical recreation premises for the purpose of obtaining hydrotherapy services (hydrotherapy patrons) if the operator complies with the requirements in subclause (8).
- (8) The requirements are that the operator:
- (a) ensures that each hydrotherapy patron accessing hydrotherapy services is accompanied by:
    - (i) a health worker; or
    - (ii) a carer, parent or guardian (if required); and
  - (b) does not permit the hydrotherapy patrons to participate in group hydrotherapy services; and
  - (c) does not permit the number of hydrotherapy patrons at any one time to exceed 10 in any pool; and
  - (d) takes all reasonable steps to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the premises.

- (9) The obligations in Part 2 do not apply in relation to patrons who attend a physical recreation premises;
- (a) for the purpose of participating in a swimming lesson conducted by a person with a current Swimming and Water Safety Teacher Accreditation; or
  - (b) to accompany a patron referred to in subclause (a) and who is the parent, guardian or carer of that patron.

### **29 Restricted retail premises**

The obligations in clauses 8(2) and 17 do not apply in relation to a restricted retail premises if:

- (1) a person working at the premises requests that each patron (except patrons under 18 years of age) show acceptable evidence that they are either:
  - (a) fully vaccinated; or
  - (b) an excepted person, at an entrance to the premises or at the first point of service; and
- (2) the total area of all indoor spaces and outdoor spaces accessible to patrons at the premises does not exceed 100 square metres.

*Note: the first point of service is when a worker first interacts with a customer during their attendance at the premises, for example when greeting a customer once they have entered the premises.*

### **30 Tours and transport**

- (1) An operator of a premises used for tourism services must ensure any shared equipment used is cleaned between users.
- (2) Clause 16 does not apply to an operator of a premises used for tourism services if the tourism services are provided in a cruise ship, if the operator does not permit the total number of patrons on the vessel to exceed 99.

## **PART 5 – MISCELLANEOUS**

### **31 Disclosure to Authorised Officers**

- (1) An Authorised Officer may request an operator or its workers to produce to the Authorised Officer any vaccination information held by the operator in accordance with this Order.
- (2) If an Authorised Officer makes a request to a person under subclause (1), the person must comply with the request.

*Note: Authorised Officers may also be authorised to exercise the public health risk power in section 190(1)(d) of the **Public Health and Wellbeing Act 2008** to require the provision of any information needed to investigate, eliminate or reduce the risk to public health.*

### **32 Severability**

To the extent that any part of this Order is held to be in excess of power or otherwise invalid it is intended that it is to be taken to be valid to the extent to which it is not in excess of that power.

### **33 Transitional provisions**

- (1) A reference in any pandemic order in force to a Revoked Open Premises Order is taken on and after the commencement of this Order to be a reference to this Order.
- (2) Any act, matter or thing that had effect under a Revoked Open Premises Order immediately before it was revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which a Revoked Open Premises Order was subject immediately before it was revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.

**PART 6 – PENALTIES****34 Penalties**

Section 165BN of the **Public Health and Wellbeing Act 2008** provides:

**Failure to comply with pandemic order, direction or other requirement**

- (1) A person commits an offence if the person refuses or fails to comply with a pandemic order, or with a direction given to the person, or a requirement made of the person, in the exercise of a pandemic management power.

Penalty: In the case of a natural person, 60 penalty units;

Penalty: In the case of a body corporate, 300 penalty units.

- (2) A person is not guilty of an offence against section (1) if the person had a reasonable excuse for refusing or failing to comply.

*Note: the **Public Health and Wellbeing Regulations 2019** provide for infringement notices to be served on any person who has refused or failed to comply (without a reasonable excuse) with a pandemic order, or a direction given or a requirement made in the exercise of a pandemic management power. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.*

**SCHEDULE 1 – OPEN PREMISES**

<b>Row</b>	<b>Open premises (Column 1)</b>	<b>Vaccinated patron limit for all indoor spaces (Column 2)</b>	<b>Vaccinated patron limit for all outdoor spaces (Column 3)</b>	<b>Additional reqs and exceptions</b>	<b>Premises- specific definitions</b>
1.	<b>adult education or higher education premises</b>	No limits	No limits	Clause 23	Clause 8 Schedule 2
2.	<b>amusement parks</b>	No limits	No limits	Not applicable	Not applicable
3.	<b>arcades, escape rooms, bingo centres</b>	Density quotient (2 sq metres)	No limits	Not applicable	Not applicable
4.	<b>Casino</b>	Density quotient (2 sq metres)	No limits	Not applicable	Not applicable
5.	<b>community premises</b>	No limits	No limits	Clause 24	Clause 9 Schedule 2
6.	<b>creative arts premises</b>	No limits	No limits	Not applicable	Clause 10 Schedule 2
7.	<b>drive-in cinemas</b>	Not applicable	Not applicable	Clause 25	Not applicable
8.	<b>entertainment and function premises that are not specified elsewhere in this Column 1</b>	30,000	No limits	Clause 26	Clause 11 Schedule 2
9.	<b>food and drink premises</b>	Density quotient (2 sq metres)	No limits	Clause 27	Clause 12 Schedule 2
10.	<b>gaming machine premises</b>	Density quotient (2 sq metres)	No limits	Not applicable	Clause 13 Schedule 2
11.	<b>karaoke and nightclubs</b>	Density quotient (2 sq metres)	No limits	Not applicable	Clause 11 Schedule 2
12.	<b>physical recreation premises</b>	No limits	No limits	Clause 28	Clause 14 Schedule 2
13.	<b>restricted retail premises</b>	No limits	No limits	Clause 29	Clause 15 Schedule 2

Row	Open premises (Column 1)	Vaccinated patron limit for all indoor spaces (Column 2)	Vaccinated patron limit for all outdoor spaces (Column 3)	Additional reqs and exceptions	Premises- specific definitions
14.	sex on premises, brothels and sexually explicit venues	Density quotient (2 sq metres)	No limits	Not applicable	Clause 11 Schedule 2
15.	swimming pools, spas, saunas, steam rooms and springs	No limits	No limits	Not applicable	Clause 14 Schedule 2
16.	tours	No limits	No limits	Clause 30	Clause 16 Schedule 2
17.	premises used for tourism services	No limits	No limits	Clause 30	Clause 16 Schedule 2

**SCHEDULE 2 – DEFINITIONS****Division 1 – Key Definitions****1 Patrons, operators and workers**

- (1) For the purpose of this Order:
- (a) **excluded worker** means:
    - (i) a Commonwealth employee;
    - (ii) a judge or judicial registrar;
    - (iii) a person who works in connection with proceedings in a court, where that work cannot be done from the person's ordinary place of residence;
    - (iv) a person who is a member of the staff of Court Services Victoria within the meaning of the **Court Services Victoria Act 2014**;
    - (v) a person employed or engaged by the Chief Executive Officer of the Victorian Civil and Administrative Tribunal;
    - (vi) a member of State Parliament;
    - (vii) the Clerk of the Legislative Assembly;
    - (viii) the Clerk of the Legislative Council;
    - (ix) an electorate officer within the meaning of the **Parliamentary Administration Act 2004**;
    - (x) a parliamentary officer within the meaning of the **Parliamentary Administration Act 2004**;
    - (xi) a person who works at or in connection with a place of worship and:
      - (A) conducts services of public worship and acknowledgments of faith;
      - (B) performs marriages, funerals and special memorial services according to tradition and ecclesiastical and civil law;
      - (C) visits members of the community in their homes, hospitals and other institutions to provide advice and religious comfort for the purpose of end of life faith reasons;
    - (xii) a person identified in Article 1 of the Vienna Convention on Diplomatic Relations, as set out in the Schedule to the **Diplomatic Privileges and Immunities Act 1967** of the Commonwealth;
    - (xiii) a person identified in Article 1 of the Vienna Convention on Consular Relations, as set out in the Schedule to the **Consular Privileges and Immunities Act 1972** of the Commonwealth;
    - (xiv) the Governor and the Lieutenant Governor;
  - (b) **operator** means the operator of an open premises or where an indoor space or outdoor space at an open premises has been leased or hired for use for a period of time, the person to whom that space has been leased or hired for that period of time;
  - (c) **patron** means any person who attends a premises, except:
    - (i) a person under 1 year of age;
    - (ii) a worker;
    - (iii) a person who attends the premises in connection with an emergency;
  - (d) **pre-registration patron** means:
    - (i) in relation to an adult education or higher education premises, a patron that is a student undertaking studies in a regular class or lecture room at the premises;

- (ii) in relation to an unstaffed gymnasium or fitness centre, any patron;
- (iii) in relation to a physical recreation premises located within an accommodation premises, any patron;
- (e) **worker** means any person engaged or employed by the operator of an open premises to work at the open premises but does not include an excluded worker.

## 2 Types of premises

(1) For the purpose of this Order:

- (a) **open premises** means a premises specified in Column 1 of Schedule 1;
- (b) **pre-registration premises** means:
  - (i) an adult education or higher education premises;
  - (ii) an unstaffed gymnasium or fitness centre;
  - (iii) a physical recreation premises located within an accommodation premises;
- (c) **specified facility** has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Order**;
- (d) **work premises** means a **premises** on which work is undertaken, including any vehicle whilst being used for work purposes, but excludes a person's ordinary place of residence.

## 3 Indoor and outdoor spaces

(1) For the purpose of this Order:

- (a) **density quotient (2 sq metres)** in relation to an indoor space or an outdoor space that is accessible to patrons is the number calculated by dividing the total area of the space (measured in square metres) by 2, 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 19.125. The maximum number of patrons that may be present in the space at a single time is 19.*

- (b) **density quotient (4 sq metres)** in relation to an indoor space or an outdoor space that is accessible to patrons is the number calculated by dividing the total area of the space (measured in square metres) by 4, 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 maximum number of patrons that may be present in the space at a single time is 9.*

- (c) **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:
  - (i) permanent or temporary;
  - (ii) open or closed;
- (d) **outdoor space** means an area, room or premises that is not an indoor space.

## 4 Vaccination status

(1) A person's **vaccination status** is one of the following:

- (a) fully vaccinated;
- (b) partially vaccinated;
- (c) excepted person; or
- (d) excepted worker.



- (2) A person is **fully vaccinated** if the person 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.
- (3) A **person is partially** vaccinated if the person has received one dose of a two dose COVID-19 vaccine and is not an excepted person or an excepted worker.
- (4) A person is an **excepted person** if:
  - (a) the person holds acceptable certification that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia due to:
    - (i) a medical contraindication; or
    - (ii) an acute medical illness (including where the person has been diagnosed with COVID-19); or
  - (b) the person is under 18 years of age.
- (5) A person is an **excepted worker** if the person works at an open premises and:
  - (a) the person holds acceptable certification that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia due to:
    - (i) a medical contraindication; or
    - (ii) an acute medical illness (including where the person has been diagnosed with COVID-19); or
  - (b) the person is under 12 years and 2 months of age.
- (6) An **acceptable certification** is:
  - (a) a COVID-19 digital certificate issued by Services Australia and displayed through the Medicare App, Service Victoria App or equivalent smartphone wallet that states that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia; or
  - (b) a printed version of the COVID-19 digital certificate referred to in paragraph (a).

## 5 Vaccination information and acceptable evidence

- (1) For the purposes of this Order:
  - (a) **acceptable evidence** means:
    - (i) in relation to a person who is fully vaccinated and ordinarily resides in Australia:
      - (A) successful completion of a Service Victoria QR check-in that includes confirmation that the person is fully vaccinated displayed through the Service Victoria App; or
      - (B) a COVID-19 digital certificate displayed through the Medicare App, the Service Victoria App or equivalent smartphone wallet; or
      - (C) a printed version of the COVID-19 digital certificate or immunisation history statement issued by the vaccination provider, a medical practitioner or the Australian Immunisation Register; or
      - (D) in relation to an excepted person, an acceptable certification;
    - (ii) in relation to a person who is fully vaccinated and ordinarily resides outside Australia:
      - (A) a copy of the evidence that has been sighted by the Commonwealth Government as proof of vaccination for the

- purposes of entry to Australia consisting of either the Australian Traveller Declaration or the COVID-19 Vaccination and Testing Declaration for travel to Australia; and
- (B) 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:
- (1) the person's name as it appears in their passport;
  - (2) the person's date of birth or passport number;
  - (3) the vaccine brand name, and
  - (4) 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; and
- (b) **vaccination information** is information about a person's vaccination status and includes information that is derived from a record of information that was made under, or in accordance with, the **Australian Immunisation Register Act 2015** of the Commonwealth.

*Note: vaccination information may be recorded in a variety of documents, a certificate of immunisation or an immunisation history statement obtained from the Australian Immunisation Register. For overseas travellers, it may be recorded in an Australian International COVID-19 Vaccination Certificate or vaccination certificates issued by an overseas government authority, accompanied by the Australian Traveller Declaration or COVID-19 Vaccination and Testing Declaration for travel to Australia.*

## 6 Public events

- (1) For the purpose of this Order:
- (a) **eligible public event** means an organised public gathering for a common purpose on a for profit or not-for-profit basis which is:
- (i) an event (or a series of events):
    - (A) conducted on a one-off or periodic basis; and
    - (B) open to members of the public; and
    - (C) which may be subject to specific licences, approvals or permits; and

*Note: the person must continue to apply for and comply with all required licences, approvals and permits.*

    - (D) publicly announced or advertised; and
    - (E) which may be in a premises, venue, indoor space or outdoor space where such an event (or a series of events) forms part of the routine operations, use, activities or services of the premises, venue, indoor space or outdoor space; or
  - (ii) an event (or series of events) deemed by the Victorian Government to be a major event (or a series of events) or venue which wishes to hold 30,000 attendees or more,
 

*Examples: an exhibition, sport event, festival, fair, parade, performance or trade show.*

but does not mean:

    - (iii) an ad hoc public gathering in a public place; or

- (iv) an ad hoc or routine public gathering in a premises, venue, indoor space or outdoor space which forms part of the ad hoc or routine operations, use, activities or services of the premises, venue, indoor space or outdoor space; or
  - (v) a private gathering; or
  - (vi) a wedding, funeral or end of life activity; or
  - (vii) a routine religious gathering or ceremony,
- to which this Order and the **Movement and Gathering Order** otherwise continue to apply; and
- (b) **exempt public event** means an eligible public event which, subject to the process described in the Public Event Framework, the Chief Health Officer or Deputy Chief Health Officer has exempted from a requirement in a pandemic order in force in accordance with clause 21; and
  - (c) **Public Event Framework** means the Public Event Framework as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer.

## Division 2 – Premises-specific definitions

### 7 Accommodation premises

- (1) For the purposes of this Order:
  - (a) **accommodation premises** means any of the following:
    - (i) a camping ground;
    - (ii) a caravan park;
    - (iii) a hotel;
    - (iv) a hostel;
    - (v) a bed and breakfast;
    - (vi) a private holiday rental facility, including Airbnbs;
    - (vii) a motel;
    - (viii) a serviced apartment; or
    - (ix) a **licensed premises** to the extent that it is operated as a **premises** specified in paragraphs (i) to (viii).

### 8 Adult education or higher education premises

- (1) For the purposes of this Order:
  - (a) **adult education or higher education premises** means a premises that operates for the purpose of providing higher education services; and
  - (b) **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.

### 9 Community premises

- (1) For the purposes of this Order:
  - (a) **community premises** means any of the following, whether operated on a for profit or not-for-profit basis:
    - (i) a community centre or community hall;
    - (ii) a public library (including a toy library, but not the State Library);
    - (iii) a youth centre;

- (iv) a playground;
- (v) a skatepark in an outdoor space; or
- (vi) a premises that has outdoor communal exercise equipment, but does not include:
  - (vii) a creative arts premises;
  - (viii) a physical recreation premises; or
  - (ix) a premises that has a swimming pool, hydrotherapy pool, spa, sauna, steam room or spring; and
- (b) **early childhood education or care services** means onsite early childhood education and care services or children’s services provided under the:
  - (i) **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
  - (ii) **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.

## 10 Creative arts premises

- (1) For the purposes of this Order:
  - (a) **creative arts premises** means any of the following, whether operated on a for profit or not-for-profit basis:
    - (i) an art studio;
    - (ii) a ceramics studio;
    - (iii) a music room or studio;
    - (iv) a rehearsal room or studio;
    - (v) any other premises that is used for creative art, but does not include:
      - (vi) a physical recreation premises;
      - (vii) a community premises; or
      - (viii) a place of worship; and
  - (b) **place of worship** has the same meaning as in the **Heritage Act 2017**.

## 11 Entertainment and function premises

- (1) For the purposes of this Order:
  - (a) **animal premises** means any of the following:
    - (i) a zoological park;
    - (ii) a wildlife centre;
    - (iii) a petting zoo;
    - (iv) an aquarium;
    - (v) an animal farm that is not being operated for the purpose of producing food; and
  - (b) **entertainment and function premises** means any of the following, whether operated on a for profit or not-for-profit basis:
    - (i) a theatre;
    - (ii) a cinema;

- (iii) a music hall, concert hall or auditorium;
  - (iv) a gallery or a museum;
  - (v) the State Library;
  - (vi) an arena or stadium;
  - (vii) an arcade;
  - (viii) an amusement park;
  - (ix) a gaming machine premises;
  - (x) a brothel, sex on premises venue or sexually explicit entertainment venue;
  - (xi) a bingo centre;
  - (xii) a karaoke premises;
  - (xiii) a nightclub;
  - (xiv) an animal premises;
  - (xv) a function premises;
  - (xvi) a convention centre;
  - (xvii) a licensed premises to the extent that it is operated as a premises specified in subparagraphs (i) to (xvi);
  - (xviii) a premises specified in subparagraphs (i) to (xvii) that is located within an accommodation premises; and
- (c) **function premises** means a building, room or space that is used for the purpose of holding events, functions, conferences or receptions; and
- (d) **National Performing Arts Company** means an organisation funded through the National Performing Arts Partnership Framework; and
- (e) **nightclub** means a premises:
- (i) to which a late night licence applies; and
  - (ii) with a dancefloor; and
- (f) **State Library** means the State Library Victoria; and
- (g) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

## 12 Food and drink premises

- (1) For the purposes of this Order:
- (a) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
  - (b) **food court** has the same meaning as in the **Liquor Control Reform Act 1998**; and
  - (c) **food and drink premises** means:
    - (i) a cafe;
    - (ii) a restaurant;
    - (iii) a fast-food store;
    - (iv) a cafeteria;
    - (v) a canteen;
    - (vi) a winery;
    - (vii) a food court;
    - (viii) a **licensed premises** to the extent it operates as a premises specified in subparagraphs (i) to (viii);

- (ix) a premises specified in subparagraphs (i) to (viii) that is located within an accommodation premises; and
- (d) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
- (e) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
- (f) **licensed premises** means a business characterised as a pub, bar, club, nightclub or hotel that supplies alcohol under a general licence, an on-premises licence, a late night licence, a producer's licence, a club licence or a packaged liquor licence; and
- (g) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
- (h) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
- (i) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
- (j) **small food and drink premises** means a food and drink premises with a total area of all spaces accessible to members of the public of less than 100 square metres.

### 13 Gaming machine premises

- (1) For the purposes of this Order:
  - (a) **gaming machine** has the same meaning as in the **Gambling Regulation Act 2003**; and
  - (b) **gaming machine premises** has the same meaning as 'gaming machine area' in the **Gambling Regulation Act 2003**.

### 14 Physical recreation premises

- (1) For the purposes of this Order:
  - (a) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes; and
  - (b) **physical recreation premises** means any of the following, whether operated on a for profit or not-for-profit basis:
    - (i) a premises used predominantly for indoor sport or physical recreation;  
*Examples: gymnasium, health club, fitness centre, yoga studio, pilates studio, barre studio, dance studio, spin premises, indoor basketball court, indoor climbing premises, squash court, table tennis centre.*
    - (ii) a premises used predominantly for outdoor sport or physical recreation;  
*Examples: golf club, tennis club, outdoor basketball courts, go kart track, rifle range, equestrian centre, mini golf, paint ball, lawn bowling, water skiing.*
    - (iii) a cardio or strength training premises;  
*Examples: a cardio or strength premises featuring cardio equipment (such as exercise bikes, elliptical trainers, steppers and rowing machines), free weights, kettlebells and weight and/or strength training equipment and machines. A cardio or strength training premises may be a stand-alone premises or part of another premises (such as a gymnasium, health club or fitness centre).*
    - (iv) a skatepark in an indoor space;
    - (v) a trampolining centre;
    - (vi) a premises that has a swimming pool, hydrotherapy pool, spa, sauna, steam room or spring;
    - (vii) a premises specified in subparagraphs (i) to (vi) that is located within an accommodation premises,

but does not include:

- (viii) a premises that has a skatepark in an outdoor space;
- (ix) a premises that has outdoor communal exercise equipment; and
- (c) a creative arts premises; and

*Note: a skatepark in an outdoor space and outdoor communal exercise equipment are part of the definition of 'community premises'.*

- (d) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer.

## 15 Restricted retail premises

(1) For the purposes of this Order:

- (a) **beauty therapy premises** means a premises at which beauty therapy and personal care services are provided; and
- (b) **beauty therapy** has the same meaning as in the **Public Health and Wellbeing Act 2008**; and
- (c) **hairdressing premises** means a premises at which hairdressing services are provided; and
- (d) **hairdressing** has the same meaning as in the **Public Health and Wellbeing Act 2008**; and
- (e) **restricted retail premises** means:
  - (i) a beauty therapy premises; or
  - (ii) a hairdressing premises.

## 16 Tours and tourism

(1) For the purposes of this Order:

- (a) **licensed tourism operator** means a person:
  - (i) granted a tour operator licence under:
    - (A) section 21B of the Crown Land (Reserves) Act 1978; or
    - (B) section 57F of the Forests Act 1958; or
    - (C) section 140I of the Land Act 1958; or
    - (D) section 27D of the National Parks Act 1975; or
    - (E) section 21B of the Wildlife Act 1975; or
  - (ii) providing a tour of an entertainment and function premises; and
- (b) **tourism services** means an activity, guided tour or recreation programme conducted or coordinated by an employee or officer of a licensed tourism operator that is undertaken for profit for tourism purposes including, but not limited to, ballooning, a walking tour or bushwalking tour, a bicycle tour, abseiling, rock climbing, canoeing, kayaking, white water rafting, diving, snorkelling, horse trail riding, marine based tours and surfing, or a guided tour of a museum or gallery.

## Division 3 – Other definitions

### 17 Other definitions

For the purposes of this Order:

**ATAGI** means the Australian Technical Advisory Group on Immunisation;

**Authorised Officer** has the same meaning as in the **Public Health and Wellbeing Act 2008**;

**Commonwealth employee** has the same meaning as in the **Sex Discrimination Act 1984** of the Commonwealth;

**court** means:

- (1) the Supreme Court;

- (2) the County Court;
- (3) the Magistrates' Court;
- (4) the Children's Court;
- (5) any Federal Court;

**COVID-19** means the contagious disease caused by severe acute respiratory syndrome coronavirus 2;

**COVID-19 Mandatory Vaccination (Specified Facilities) Order** means the **Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order (No. 1)** as amended or replaced from time to time;

**COVID-19 Mandatory Vaccination (Specified Workers) Order** means the **Pandemic COVID-19 Mandatory Vaccination (Specified Workers) Order (No. 1)** as amended or replaced from time to time;

**COVID-19 vaccine** means either a one dose COVID-19 vaccine or a two dose COVID-19 vaccine;

**COVID Check-in Marshal** means a person designated to perform the duty specified in clause 8(2)(a)(ii) and in clause 17;

**critical unforeseen circumstance** means a circumstance that the operator could not reasonably have foreseen nor planned for which results in a critical need for staff;

**education and childcare service** means:

- (1) school education at a registered school as defined in the **Education and Training Reform Act 2006**;
- (2) early childhood education or care services;

**emergency situation** means a situation where it is reasonably apparent to an employer that medical treatment is necessary, as a matter of urgency to:

- (1) save a person's life; or
- (2) prevent serious damage to a person's health; or
- (3) prevent a person from suffering or continuing to suffer significant pain or distress;

**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);

**judge** has the same meaning as judicial officer in the **Judicial Entitlements Act 2015**, but does not include the Deputy State Coroner or a reserve coroner;

**judicial registrar** has the same meaning as judicial registrar in **Judicial Entitlements Act 2015**, but does not include a judicial registrar within the meaning of the **Coroners Act 2008**;

**mandatory vaccination worker** means:

- (1) a person who is a worker within the meaning of the COVID-19 Mandatory Vaccination (Specified Workers) Order;
- (2) a person who is a worker in relation to a specified facility within the meaning of the **COVID-19 Mandatory Vaccination (Specified Facilities) Order**; and
- (3) an excluded worker;

**medical contraindication** means one of the following contraindications to the administration of a COVID-19 vaccine:

- (1) anaphylaxis after a previous dose;
- (2) anaphylaxis to any component of the vaccine, including polysorbate or polyethylene glycol;
- (3) in relation to AstraZeneca:
  - (a) history of capillary leak syndrome; or
  - (b) thrombosis with thrombocytopenia occurring after a previous dose;



- (4) in relation to Comirnaty or Spikevax:
  - (a) myocarditis or pericarditis attributed to a previous dose of either Comirnaty or Spikevax; or
- (5) the occurrence of any other serious adverse event that has:
  - (a) been attributed to a previous dose of a COVID-19 vaccine by an experienced immunisation provider or medical specialist (and not attributed to any another identifiable cause); and
  - (b) been reported to State adverse event programs and/or the Therapeutic Goods Administration;

**medical practitioner** means:

- (1) a general practice registrar on an approved 3GA training placement; or
- (2) a public health physician; or
- (3) an infectious disease physician; or
- (4) a clinical immunologist; or
- (5) a general practitioner who is vocationally registered; or
- (6) a general practitioner who is a fellow of the Royal Australian College of General Practitioners (RACGP); or
- (7) a general practitioner who is a fellow of the Australian College of Rural and Remote Medicine (ACRRM); or
- (8) a paediatrician; or
- (9) a medical practitioner who is a fellow of the Royal Australasian College of Physicians;

**Movement and Gathering Order** means the **Pandemic (Movement and Gathering) Order 2021 (No. 1)** as amended or replaced from time to time;

**one dose COVID-19 vaccine** means ‘COVID-19 Vaccine Janssen’ (Janssen-Cilag);

**pandemic orders in force** has the same meaning as in the **Movement and Gathering Order**;

**premises** has the same meaning as in the **Public Health and Wellbeing Act 2008**;

**Revoked Open Premises Order** means the **Open Premises Directions (No. 7)** or the **Pandemic (Open Premises) Order 2021 (No. 1)**, or their predecessors;

**Swimming and Water Safety Teacher Accreditation** means an accreditation earned following the successful completion of an SISS001122 course, or accreditation earned following the completion of an equivalent course;

**two dose COVID-19 vaccine** means any of the following:

- (1) Vaxzevria (AstraZeneca);
- (2) Comirnaty (Pfizer);
- (3) Spikevax (Moderna);
- (4) Coronvac (Sinovac);
- (5) Covishield (AstraZeneca/Serum Institute of India);
- (6) Covaxin (Bharat Biotech);
- (7) BBIP-CorV (Sinopharm);

**Workplace Order** means the **Pandemic (Workplace) Order 2022 (No. 2)** as amended or replaced from time to time.

Dated 6 January 2022

MARTIN FOLEY MP  
Minister for Health

**Public Health and Wellbeing Act 2008**

Section 165AI

**GUIDANCE FOR THE PANDEMIC  
(QUARANTINE, ISOLATION AND TESTING) ORDER 2022 (No. 3)**

This Order requires persons to limit the spread of COVID-19 including by requiring persons who are:

- (1) diagnosed with COVID-19 or probable cases to self-isolate; or
- (2) close contacts to self-quarantine and undertake testing; or
- (3) exposed persons, social contacts or symptomatic persons in the community to observe relevant testing requirements issued by the Department.

There are different requirements for self-quarantine and testing depending on the level of exposure to someone diagnosed with COVID-19.

Failure to comply with this Order may result in penalties.

*This guidance does not form part of the Pandemic (Quarantine Isolation and Testing) Order 2022 (No. 3) and it is for explanatory purposes only.*

**Public Health and Wellbeing Act 2008**  
Section 165AI

PANDEMIC (QUARANTINE, ISOLATION AND TESTING) ORDER 2022 (No. 3)

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**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (QUARANTINE, ISOLATION AND TESTING) ORDER 2022 (No. 3)

I, Martin Foley, Minister for Health, make the following Order under the **Public Health and Wellbeing Act 2008** in the belief that this Order is reasonably necessary to protect public health throughout Victoria from the serious risk arising from the coronavirus (COVID-19) pandemic disease.

**PART 1 – PRELIMINARY****1. Objective**

The objective of this Order is to require persons to limit the spread of COVID-19 including by requiring persons:

- (1) diagnosed with COVID-19 or who are probable cases to self-isolate;
- (2) who are living with a diagnosed person or a probable case or who have been in close contact with a diagnosed person or a probable case, to self-quarantine and undertake testing;
- (3) who are exposed persons, social contacts or symptomatic persons in the community to observe relevant testing requirements issued by the Department.

**2. Citation**

This Order may be referred to as the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 3)**.

**3. Authorising provision**

This Order is made under section 165AI of the **Public Health and Wellbeing Act 2008**.

**4. Commencement and revocation**

- (1) This Order commences at 11:59:00 pm on 6 January 2022 and ends at 11:59:00 pm on 12 January 2022.
- (2) The **Pandemic (Quarantine, Isolation and Testing) Order 2021 (No. 2)** is revoked at 11:59:00 pm on 6 January 2022.

**5. Definitions**

Terms used in this Order have the meanings set out in Schedule 1.

**6. Application of this Order**

- (1) This Order applies to the whole State of Victoria.
- (2) This Order does not apply to a person during the period in which they are detained pursuant to a direction given by an authorised officer under section 165BA of the **Public Health and Wellbeing Act 2008**.

**PART 2 – SELF-ISOLATION FOR DIAGNOSED PERSONS****7. Who is a diagnosed person?**

- (1) A person is a diagnosed person if the person at any time before, on or after the commencement of this Order, has received a positive result from a COVID-19 PCR test.
- (2) A person ceases to be a diagnosed person when they have completed self-isolation in accordance with this Part 2 or a Revoked Quarantine, Isolation and Testing Order.

**8. Requirement to self-isolate**

A diagnosed person must self-isolate under this Order:

- (1) if the diagnosis is communicated to the person on or after the commencement of this Order; or
- (2) if the diagnosis was communicated to the person before the commencement of this Order.

*Note: the requirements of self-isolation are specified in clause 35. A diagnosed person can still leave the premises at which they are self-isolating to obtain medical care.*

**9. Location of self-isolation**

- (1) A diagnosed person must self-isolate:
  - (a) if clause 8(2) applies, at the premises chosen by the person under subclause (2); or
  - (b) if clause 8(2) applies, at the premises at which the person was required to reside under a Revoked Quarantine, Isolation and Testing Order.
- (2) For the purposes of subclause (1)(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 35(2)(a) and 35(4).*

- (3) If a diagnosed person who has chosen a premises under subclause (2) 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.

**10. Self-isolation period**

- (1) For the purposes of clause 8, the period of self-isolation begins:
  - (a) if clause 8(1) applies, when the diagnosis is communicated to the person; or
  - (b) if clause 8(2) applies, upon the commencement of this Order.
- (2) For the purposes of clause 8, the period of self-isolation ends seven days after the date on which the person undertook a COVID-19 PCR test, from which they were diagnosed with COVID-19.

**11. Notifications by the diagnosed person**

- (1) Immediately after choosing a premises under clause 9(2), 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 COVID-19; 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.
- (2) If, during the period that a diagnosed person is self-isolating at a premises for the purposes of clause 8, 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 the name of that person.
- (3) The diagnosed person must as soon as practicable notify the persons listed below that the diagnosed person has been diagnosed with COVID-19, and of the diagnosed person's infectious period:

- (a) the operator of any education facility at which they are enrolled, if the diagnosed person attended an indoor space at the education facility during their infectious period; and

*Note: the diagnosed person's parent, guardian or carer may notify the operator of the education facility on behalf of the diagnosed person for the purpose of subclause (a).*

- (b) any person who is a close contact or a social contact of the diagnosed person, to the extent the diagnosed person is able to reasonably ascertain and notify such person.

### **PART 3 – SELF-ISOLATION FOR PROBABLE CASES**

#### **12. Who is a probable case?**

- (1) A person is a **probable case** if the person at any time before, on or after the commencement of this Order, has received a positive result from a COVID-19 rapid antigen test.
- (2) A person ceases to be a probable case after the person has completed self-isolation in accordance with this Part 3.

#### **13. Requirement to self-isolate**

- (1) A probable case must self-isolate under this Order regardless of whether the Order was in effect at the time of receiving a positive result from a COVID-19 rapid antigen test.

*Note: the requirements of self-isolation are specified in clause 35. A probable case can still leave the premises at which they are self-isolating to obtain medical care.*

#### **14. Location of self-isolation**

- (1) A probable case must self-isolate at the premises chosen by the person under subclause (2).
- (2) For the purposes of subclause (1), the probable case 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 alternative premises has been given: see clauses 35(2)(a) and 35(4).*

- (3) If a probable case who has chosen a premises under subclause (2) 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.

#### **15. Self-isolation period**

- (1) For the purposes of clause 13, the period of self-isolation begins when the probable case received a positive result from a COVID-19 rapid antigen test.
- (2) For the purposes of clause 13, the period of self-isolation ends on the earlier of:
  - (a) seven days after the date on which the probable case received a positive result from a COVID-19 rapid antigen test; or
  - (b) the day on which a negative result is received by the probable case from a COVID-19 PCR test that was undertaken after the COVID-19 rapid antigen test from which the person became a probable case.

#### **16. Notification by the probable case**

- (1) Immediately after choosing a premises under clause 14(2), the probable case must:
  - (a) if any other person is residing at the premises chosen by the probable case, notify the other person that:

- (i) the probable case has received a positive result from a COVID-19 rapid antigen test; and
- (ii) the probable case has chosen to self-isolate at the premises; and
- (b) notify the Department of the positive result from a COVID-19 rapid antigen test by submitting a COVID-19 Positive Rapid Antigen Test Self-Reporting Form or by calling the Department's COVID-19 hotline:
  - (i) the positive result from the COVID-19 Rapid antigen test;
  - (ii) the address of the premises chosen by the probable case; and
  - (iii) the name of any other person who is residing at the premises chosen by the probable case.

*Note: notification to the Department is to occur by the submission of the COVID-19 Positive Rapid Antigen Test Self-Reporting Form online at [dhvicgovau.powerappsportals.com/rapid-antigen-test/](http://dhvicgovau.powerappsportals.com/rapid-antigen-test/) or by calling the Department's COVID-19 hotline on 1300 651 160.*

- (2) If, during the period that a probable case is self-isolating at a premises for the purposes of clause 13, another person informs the probable case that they intend to commence residing at the premises chosen by the probable case:
  - (a) the probable case must inform the other person of their positive result from a COVID-19 rapid antigen test; and
  - (b) if the other person commences residing at the premises, the probable case must notify the Department that a person has commenced residing with the probable case and the name of that person.
- (3) The probable case must as soon as practicable notify the persons listed below that the probable case has received a positive result from a COVID-19 rapid antigen test, and of the probable case's infectious period:
  - (a) the operator of any education facility at which they are enrolled, if the probable case attended an indoor space at the education facility during their infectious period; and
 

*Note: the probable case's parent, guardian or carer may notify the operator of the education facility on behalf of the probable case for the purpose of subclause (a).*
  - (b) any person who is a close contact or a social contact of the probable case, to the extent the diagnosed person is able to reasonably ascertain and notify such person.

#### **PART 4 – SELF-QUARANTINE FOR CLOSE CONTACTS**

##### **17. Who is a close contact?**

- (1) A person is a **close contact** if before, on or after the commencement of this Order:
  - (a) an officer or nominated representative of the Department makes a determination that the person is a close contact of a diagnosed person or a probable case, including in the event of an outbreak, and has given that person a notice of the determination in accordance with subclause (2); or
  - (b) the person has spent more than four hours in an indoor space at a private residence, accommodation premises or care facility with a diagnosed person or a probable case during their infectious period.
- (2) For the purposes of subclause (1)(a), 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.

##### **18. Requirement to self-quarantine**

Subject to clause 22, a close contact must self-quarantine under this Order.

*Note: the requirements of self-quarantine are specified in clause 35.*



**19. Location of self-quarantine**

- (1) 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 35(2)(a) and 35(4).*

- (2) If, at the time a person becomes aware or is given notice that they are a close contact, the person is not at the premises chosen by the person under subclause (1), the person must immediately and directly travel to those premises.

**20. Period of self-quarantine**

- (1) Subject to clause 21, if a close contact self-quarantines at the same premises where the diagnosed person or the probable case is self-isolating, the close contact must self-quarantine for seven days:
  - (a) from the date on which the diagnosed person undertook a COVID-19 PCR test, from which they were diagnosed with COVID-19; or
  - (b) from the date on which the probable case received a positive result from a COVID-19 rapid antigen test.
- (2) Subject to clause 21, if a close contact self-quarantines at a different premises from where the diagnosed person is self-isolating, the close contact must self-quarantine for seven days from when the close contact most recently had contact with the diagnosed person.

**21. End of period of self-quarantine**

For the purposes of this clause, the period of self-quarantine ends:

- (1) subject to subclauses (2) to (5), at the time specified in clause 20 or as varied or revoked under clause 23; or
- (2) if the notice given to the person under clause 17(1)(a) is revoked under clause 23, at the time that revocation takes effect; or
- (3) if the person becomes a diagnosed person, when the diagnosis is communicated to the person; or

*Note: a close contact who becomes a diagnosed person will then be required to self-isolate under clause 8.*

- (4) if the person becomes a probable case, the date the person receives a positive result from a COVID-19 rapid antigen test; or

*Note: a close contact who becomes a probable case will then be required to self-isolate under clause 13.*

- (5) if the person is a close contact of a probable case, the date the probable case receives a negative test result from a COVID-19 PCR test that was undertaken after the COVID-19 rapid antigen test from which the person became a probable case.

*Note: a close contact of a probable case may end self-quarantine early if the probable case receives a negative COVID-19 PCR test result before the 7 day self-isolation period.*

**22. Exception – previous clearance**

- (1) A close contact is not required to self-quarantine under this clause if the person has been given clearance from self-quarantine by the Director or Medical Lead of a designated Local Public Health Unit in accordance with subclause (2).
- (2) For the purposes of subclause (1):
  - (a) the Director or Medical Lead of a designated Local Public Health Unit may make a determination in relation to a person if the Director or Medical Lead of

a designated Local Public Health Unit is satisfied that the person is at negligible risk of infection of COVID-19, on the basis that the person has previously been a diagnosed person or probable case and has since been given clearance from self-isolation 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.

### 23. Review of determination and notice

- (1) The Chief Health Officer, a Deputy Chief Health Officer or an authorised officer who is authorised to exercise the pandemic management powers under section 165AW(2) of the **Public Health and Wellbeing Act 2008**, may review a determination made under clause 17(1)(a) and, if satisfied that it is appropriate, having regard to Departmental Requirements, may vary or revoke the notice given to the person under clause 17(1)(a) and must give the person notice of the decision.
- (2) For the purposes of subclause (1), the notice must be given in writing but is not required to be in a particular form.

### 24. Notifications by the close contact

If a close contact is required to self-quarantine under clause 18 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 the close contact must inform the other person of their self-quarantine.

### 25. Testing of persons in self-quarantine

- (1) A close contact must comply with the relevant requirements set out in the Testing Requirements for Contacts and Exposed Persons and, where applicable, follow the COVID-19 rapid antigen test procedure.
- (2) If a close contact is required to self-quarantine under clause 18 and, during the period of self-quarantine, the person receives a COVID-19 PCR test result stating that they have been diagnosed with COVID-19, the person becomes a diagnosed person and must self-isolate under clause 8.
- (3) If a close contact is required to self-quarantine under clause 18 and, during the period of self-quarantine, the person receives a positive result from a COVID-19 rapid antigen test, the person becomes a probable case and must self-isolate under clause 13.
- (4) If a close contact of a diagnosed person is required to self-quarantine under clause 18 and, during the period of self-quarantine, the person receives a COVID-19 PCR test result stating that they have not been diagnosed with COVID-19, the person must, if the period of self-quarantine has not expired, continue to self-quarantine under clause 18 for the remainder of the self-quarantine period.

## PART 5 – EXPOSED PERSONS

### 26. Who is an exposed person?

For the purposes of this clause, a person is an **exposed person** if:

- (1) the person has attended a work premises or education facility; and
- (2) the person is not already determined to be a close contact; and
- (3) the person has spent at least:
  - (a) 15 minutes of face-to-face contact; or
  - (b) two hours in an indoor space,

at the work premises or education facility with a diagnosed person or a probable case during the diagnosed person's or the probable case's infectious period.

**27. Notifications by the operator of an education facility**

- (1) An operator of an education facility who has been informed under 11(3)(a) that a diagnosed person or a probable case attended that education facility during the diagnosed person's or the probable case's infectious period, must take reasonable steps to notify persons enrolled at the education facility who constitute exposed persons that those persons enrolled at the education facility may have been exposed to COVID-19.
- (2) In addition to subclause (1), an operator of an education facility must take reasonable steps to notify exposed persons at the education facility that those persons must produce to the operator of the education facility acceptable evidence of a negative result from any COVID-19 test they are required to complete in accordance with the Testing Requirements for Contacts and Exposed Persons before being permitted to return to the education facility.

**28. Testing Requirements of exposed persons**

- (1) A person who has been notified under clause 27(1) that they may have been exposed to COVID-19 must comply with the relevant requirements set out in the Testing Requirements for Contacts and Exposed Persons and, where applicable, follow the COVID-19 rapid antigen test procedure.
- (2) In addition to subclause (1), if a person who has been notified under clause 27 is enrolled at an education facility, they must produce to the operator of the education facility acceptable evidence of a negative result from any COVID-19 test they are required to complete in accordance with the Testing Requirements for Contacts and Exposed Persons within 24 hours of receiving the negative result and before returning to the education facility.

*Note: the exposed person's parent, guardian or carer may notify the operator of the education facility on behalf of the exposed person, for the purpose of subclause (2).*

**29. Collection of information by operators of an education facility**

- (1) The operator of an education facility must collect, record and store the following information:
  - (a) a list of persons enrolled at the education facility who have been notified under clause 27(1) that they may have been exposed to COVID-19; and
  - (b) any results of tests for COVID-19 of those employees or persons enrolled at the education facility who may have been exposed to COVID-19, including the acceptable evidence of a negative test result for COVID-19 provided to the operator of the education facility under clause 28(2).
- (2) For the purposes of complying with this clause, an operator of an education facility is authorised to use any information that it holds under subclause (1).

**PART 6 – SOCIAL CONTACTS AND SYMPTOMATIC PERSONS IN THE COMMUNITY****30. Who is a social contact?**

A person is a **social contact** if:

- (1) the person has spent more than 15 minutes of face-to-face contact with a diagnosed person or a probable case during the diagnosed person's or a probable case's infectious period; or
- (2) the person has spent more than two hours in an indoor space with a diagnosed person or a probable case during the diagnosed person's or the probable case's infectious period; and

the person is not already determined to be:

- (3) a close contact; or
- (4) an exposed person.

**31. Testing of social contacts**

A social contact must comply with the relevant requirements set out in the Testing Requirements for Contacts and Exposed Persons and, where applicable, follow the COVID-19 rapid antigen test procedure.

**32. Who is a symptomatic person in the community?**

A person is a **symptomatic person in the community** if the person is experiencing one or more COVID-19 symptoms, unless those symptoms are caused by an underlying health condition or medication.

**33. Testing of symptomatic person in the community**

A symptomatic person in the community must comply with the relevant requirements set out in the Testing Requirements for Contacts and Exposed Persons and, where applicable, follow the COVID-19 rapid antigen test procedure.

**34. Notification of exposure by the Department**

The Service Victoria CEO:

- (1) may provide exposure notifications to persons through the Service Victoria App advising that they may have been exposed to COVID-19 in accordance with data managed by the Department; and
- (2) persons who receive a notification under subclause (1) must follow any direction contained in the notification received through the Service Victoria App.

**PART 7 – GENERAL PROVISIONS****35. 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 clauses 8 or 13; or
  - (b) self-quarantine at a premises under clause 18.
- (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 transporting another person with whom they reside to or from a hospital if the person identified in subclause (1) is asymptomatic for COVID-19; or
    - (iii) for the purposes of getting tested for COVID-19; or
    - (iv) in any emergency situation; or
    - (v) if required to do so by law; or
    - (vi) for the purposes of visiting a patient in hospital if permitted to do so under the **Visitors to Hospitals and Care Facilities Order**; or
    - (vii) for the purposes of working in a care facility if permitted to do so under the **Visitors to Hospitals and Care Facilities Order**; or
    - (viii) for the purpose of sitting a Senior Secondary examination provided that the person is not a diagnosed person; or
  - (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 this Order; or

- (ii) it is necessary for the other person to enter for medical or emergency purposes; or
  - (iii) the other person is a disability worker, and it is necessary for the disability worker to enter for the purpose of providing a disability service to a person with a disability; or
  - (iv) it is necessary for the other person to enter for the purpose of providing personal care or household assistance to the person as a result of that person's age, disability or chronic health condition; or  
*Examples: personal care includes assistance with showering, toileting, eating; household assistance includes help with cooking, house cleaning, laundry and gardening.*
  - (v) the entry is otherwise required or authorised by law.
- (3) Subclause (2)(c) does not apply to a person who is a resident of a care facility.  
*Note: the **Visitors to Hospitals and Care Facilities Order** governs who can enter a care facility.*
- (4) Despite subclause (2)(a):
- (a) a diagnosed person or a probable case who is required to self-isolate; or
  - (b) a close contact who is required to self-quarantine,
- may apply under clause 37(2) 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.
- (5) 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 38(2) 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.

### 36. General exemption power

- (1) A person is not required to comply with a requirement of this Order 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 this Order, 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 **Public Health and Wellbeing Act 2008**, 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 a pandemic management power to give a person or a group of persons a different order or impose a different requirement on the person or group of persons.

### 37. Exemption power – alternate premises for self-quarantine or self-isolation

- (1) A person is not required to comply with the requirement to remain at the premises chosen for the purposes of clause 35(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 (2).

- (2) 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 9(1), 9(2), 14(1), 14(2) (location of self-isolation) or 19 (location of self-quarantine) or 35(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 **Public Health and Wellbeing Act 2008**, as appropriate.
- (3) An exemption under subclause (2) must:
  - (a) be given, in writing, to the person the subject of the exemption; and
  - (b) specify the requirement or requirements that the person need not comply with.
- (4) An exemption granted to a person under subclause (2) does not prevent an authorised officer from exercising a pandemic management power to give the person a different order or impose a different requirement on the person.

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

- (1) 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 35(2)(a) for the purpose of the healthcare worker returning to work if the person is granted an exemption from the requirement under subclause (2).
- (2) 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 19 (location of self-quarantine) or clause 35(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 **Public Health and Wellbeing Act 2008**, as appropriate.
- (3) An exemption under subclause (2) must:
  - (a) be given, in writing, to the person the subject of the exemption; and
  - (b) specify the requirement or requirements that the person need not comply with.
- (4) An exemption granted to a person under subclause (2) does not prevent an authorised officer from exercising a pandemic management power to give the person a different order or impose a different requirement on the person.

### 39. Severability

To the extent that any part of this Order is held to be in excess of power or otherwise invalid it is intended that it is to be taken to be valid to the extent to which it is not in excess of that power.

### 40. Transitional provisions

- (1) A reference in any pandemic order in force to a Revoked Quarantine, Isolation and Testing Order is taken on and after the commencement of this Order to be a reference to this Order.
- (2) Any act, matter or thing that had effect under a Revoked Quarantine, Isolation and Testing Order immediately before it was revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which a Revoked Quarantine, Isolation and Testing Order was subject immediately before it was revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.

**PART 8 – PENALTIES****41. Penalties**

Section 165BN of the **Public Health and Wellbeing Act 2008** provides:

**Failure to comply with pandemic order, direction or other requirement**

- (1) A person commits an offence if the person refuses or fails to comply with a pandemic order, or with a direction given to the person, or a requirement made of the person, in the exercise of a pandemic management power.

*Penalty:* In the case of a natural person, 60 penalty units;

*Penalty:* In the case of a body corporate, 300 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.

*Note: the **Public Health and Wellbeing Regulations 2019** provide for infringement notices to be served on any person who has refused or failed to comply (without a reasonable excuse) with a pandemic order, or a direction given or a requirement made in the exercise of a pandemic management power. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.*

### SCHEDULE 1 – DEFINITIONS

For the purposes of this Order:

**acceptable evidence** means evidence of the matters described in clauses 27(2), 28(2) and 29(1)(b) that the relevant operator of the education facility determines is acceptable;

**accommodation premises** has the same meaning as in the **Open Premises Order**;

**adult education or higher education premises** means a premises that operates for the purpose of providing **higher education services**;

**authorised officer** has the same meaning as in the **Public Health and Wellbeing Act 2008**;

**care facility** has the same meaning as in the **Visitors to Hospitals and Care Facilities Order**;

**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;

**close contact** has the meaning in clause 17(1);

**COVID-19** means the contagious disease caused by severe acute respiratory syndrome coronavirus 2;

**COVID-19 Mandatory Vaccination (Specified Workers) Order** means the **Pandemic COVID-19 Mandatory Vaccination (Specified Workers) Order 2021 (No. 1)** as amended or replaced from time to time;

**COVID-19 PCR test** means a COVID-19 polymerase chain reaction test;

**COVID-19 Positive Rapid Antigen Test Self-Reporting Form** means the form titled ‘COVID-19 Positive Rapid Antigen Test Self-Reporting Form’, as amended or reissued from time to time by the Secretary of the Department and available at [dhvicgovau.powerappsportals.com/rapid-antigen-test/](http://dhvicgovau.powerappsportals.com/rapid-antigen-test/)

**COVID-19 rapid antigen test** means a COVID-19 rapid antigen test;

**COVID-19 rapid antigen test procedure** means if a person completed a COVID-19 rapid antigen test:

- (a) the person must undertake a second COVID-19 rapid antigen test as soon as possible if the person receives an invalid test result from the first COVID-19 rapid antigen test, such that it is not possible to conclude that the result is a negative test result; and
- (b) if the result of the first COVID-19 rapid antigen test is positive, or the result of the second COVID-19 rapid antigen test is invalid such that it is not possible to conclude that the result is negative, the person must complete a COVID-19 PCR test within 24 hours and remain in self-quarantine until the person receives a negative test result;

**COVID-19 symptoms** means the following symptoms that a person may experience:

- (a) fever;
- (b) chills or sweats;
- (c) cough;
- (d) sore throat;
- (e) shortness of breath;
- (f) runny nose;
- (g) loss of or change in sense of smell or taste;



**COVID-19 vaccine** means either a one dose COVID-19 vaccine or a two dose COVID-19 vaccine;

**Department** means the Victorian Department of Health;

**Departmental Requirements** means the document titled ‘Case, Contact and Outbreak Management Policy’, 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;

**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;

**diagnosed person** has the meaning in clause 7;

**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 **Public Health and Wellbeing Act 2008** to exercise the pandemic management powers or to exercise public health risk powers;

**disability** has the same meaning as in the **Disability Service Safeguards Act 2018**;

**disability service** has the same meaning as in the **Disability Service Safeguards Act 2018**;

**disability worker** has the same meaning as in the **Disability Service Safeguards Act 2018**;

**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;

**employee** includes a person who is self-employed;

**employer** means a person who owns, operates or controls work premises (or a work premises) and includes a person who is self-employed;

**excepted person** has the same meaning as in the **Open Premises Order**;

**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 36(2), 37(2), 38(2) of these directions;

**exposed person** has the meaning in clause 26;

**healthcare worker** means a worker of a health service managed by a designated Local Public Health Unit;

**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;

**hospital** has the same meaning as in the **Visitors to Hospitals and Care Facilities Order**;

**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;

**infectious period** means the period:

- (a) commencing:
  - (i) if the person undertook a COVID-19 PCR test or COVID-19 rapid antigen test (from which they were diagnosed with COVID-19) without experiencing symptoms of COVID-19, 48 hours before the person undertook the COVID-19 PCR test or COVID-19 rapid antigen test; or
  - (ii) if the person was experiencing symptoms of COVID-19 at the time they undertook a COVID-19 PCR test or COVID-19 rapid antigen test (from which they were diagnosed with COVID-19), 48 hours before the person first experienced symptoms; and
- (b) concluding:
  - (i) seven days after the date on which the person undertook the COVID-19 PCR test or COVID-19 rapid antigen test (from which they were diagnosed with COVID-19); or
  - (ii) such other time as specified by an officer or nominated representative of the Department;

**one dose COVID-19 vaccine** means ‘COVID-19 Vaccine Janssen’ (Janssen-Cilag);

**Open Premises Directions** means the **Pandemic (Open Premises) Order 2022 (No. 2)** as amended or replaced from time to time;

**outbreak** means a declaration made by the Chief Health Officer, a Deputy Chief Health Officer, a Director or Medical Lead of a designated Local Public Health Unit in relation to a specific location at which diagnosed persons were present at a specific time, which presents a public health risk of the transmission of COVID-19;

**pandemic management powers** has the same meaning as in the **Public Health and Wellbeing Act 2008**;

**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;

**probable case** has the meaning in clause 12;

**resident of a care facility** has the same meaning as in the **Visitors to Hospitals and Care Facilities Order**;

**Revoked Quarantine, Isolation and Testing Order** means the **Diagnosed Persons and Close Contacts Directions (No 35)** or the **Pandemic (Quarantine, Isolation and Testing) Order 2021 (No. 2)**, or their predecessors;

**school** means a registered school as defined in the **Education and Training Reform Act 2006**;

**school boarding premises** means a registered school boarding premises, as defined in the **Education and Training Reform Act 2006**;

**Service Victoria** has the same meaning as in the **Service Victoria Act 2018**;

**Service Victoria App** means the digital system provided by the Service Victoria CEO and other parts of the Victorian Government;

**Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;

**Senior Secondary examination** means an examination relating to a senior secondary certificate;

**social contact** has the meaning in clause 30;

**symptomatic person in the community** has the meaning in clause 32;

**Testing Requirements for Contacts and Exposed Persons** means the document titled ‘Testing Requirements for Contacts and Exposed Persons’ as amended or reissued from time to time by the Secretary of the Department of Health;

**two dose COVID-19 vaccine** means any of the following:

- (a) Vaxzevria (AstraZeneca);
- (a) Comirnaty (Pfizer);
- (b) Spikevax (Moderna);
- (c) Coronvac (Sinovac);
- (d) Covishield (Astrazeneca/Serum Institute of India);
- (e) Covaxin (Bharat Biotech);
- (f) BBIP-CorV (Sinopharm);

**Visitors to Hospitals and Care Facilities Order** means the **Pandemic (Visitors to Hospitals and Care Facilities) Order 2021 (No. 1)** as amended or replaced from time to time;

**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;

**worker** includes employees, subcontractors (and their employees), volunteers and any other person engaged or permitted by an employer to perform work.

Dated 6 January 2022

MARTIN FOLEY MP  
Minister for Health

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**Public Health and Wellbeing Act 2008**

## Section 165AI

## GUIDANCE FOR THE PANDEMIC (WORKPLACE) ORDER 2022 (No. 2)

The presence of a person with a positive or probable diagnosis for COVID-19 at a work premises is considered to pose an immediate risk of transmission to persons who attend, or may attend the work premises.

This Order restricts the number of Victorians attending work premises and imposes specific obligations on employers to assist in reducing the frequency of outbreaks of COVID-19 in Victorian workplaces.

A worker must self-isolate and not attend a work premises if they have been tested for COVID-19 and they are awaiting the result of that test.

An employer must take reasonable steps to ensure:

- (1) all workers carry and wear a face covering where appropriate; and
- (2) implement a COVIDSafe Plan which addresses health and safety issues arising from COVID-19; and
- (3) keep a record of all persons who attend the work premises, including the person's name, date and time, contact number and areas of the work premises the person attended; and
- (4) comply with the Victorian Government QR code system and display appropriate signage for the type of work premises as specified by this Order.

This Order imposes additional work premises specific obligations on employers determined by the type of Premises and specifies the appropriate response of an employer in the circumstance of an symptomatic person or confirmed case of COVID-19 in the work premises

Failure to comply with this Order may result in penalties.

*This guidance does not form part of the Pandemic (Workplace) Order 2022 (No. 2) and is for explanatory purposes only*

**Public Health and Wellbeing Act 2008**

## Section 165AI

**PANDEMIC (WORKPLACE) ORDER 2022 (No. 2)****TABLE OF PROVISIONS**

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**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (WORKPLACE) ORDER 2022 (No. 2)

I, Martin Foley, Minister for Health, make the following Order under the **Public Health and Wellbeing Act 2008** in the belief that this Order is reasonably necessary to protect public health throughout Victoria from the serious risk arising from the coronavirus (COVID-19) pandemic disease.

**PART 1 – PRELIMINARY****1. Objective**

- (1) The purpose of this Order is to limit the number of Victorians attending work premises to assist in reducing the frequency and scale of outbreaks of COVID-19 in Victorian workplaces and to establish more specific obligations on employers and workers in relation to managing the risk associated with COVID-19 transmission in the work premises.
- (2) This Order must be read together with the pandemic orders in force.
- (3) This Order is intended to supplement any obligation an employer may have under the **Occupational Health and Safety Act 2004** and are not intended to derogate from any such obligations.

**2. Citation**

This Order may be referred to as the **Pandemic (Workplace) Order 2022 (No. 2)**.

**3. Authorising Provision**

This Order is made under section 165AI of the **Public Health and Wellbeing Act 2008**.

**4. Commencement and revocation**

- (1) This Order commences at 11:59:00 pm on 6 January 2022 and ends at 11:59:00 pm on 12 January 2022.
- (2) The **Pandemic (Workplace) Order (No. 1)** is revoked at 11:59:00 pm on 6 January 2022.

**5. Definitions**

Terms used in the Order have meanings set out in Schedule 1.

**6. Application of this Order**

This Order applies to the whole State of Victoria.

**PART 2 – WORKPLACE ORDERS****Division 1 – Precautionary measures****7. 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 8 to 14.
- (2) A worker must not attend a work premises if they have undertaken a COVID-19 PCR test or a COVID-19 rapid antigen test and they are awaiting the result of that test except if more than 7 days has passed since the date of the test.

**8. 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 an exception in the **Movement and Gathering Order** applies; and
  - (b) wears a face covering where required to do so in accordance with any other pandemic orders in force, except where an exception in the **Movement and Gathering Order** 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 **Movement and Gathering Order**.

## 9. COVIDSafe Plan

- (1) Subject to subclause (3), an employer must, for each work premises:
- (a) have in place a COVIDSafe Plan, which addresses the health and safety issues arising from COVID-19, 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](http://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 10(1);
- (ii) the appropriate level of PPE to be worn at the work premises;
- (iii) actions taken by the employer to mitigate the introduction of COVID-19 at the work premises;
- Examples: temperature testing, provision and training for PPE use, 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 symptomatic person or any confirmed case of COVID-19 at the work premises, taking into account the employer's obligations under this Order;
- (v) an acknowledgement that the employer understands its responsibilities and obligations under this Order; and
- (b) document and evidence, and require its managers to document and evidence, implementation of the COVIDSafe Plan.
- (2) The employer and the employer's workers must comply with the COVIDSafe Plan.
- (3) An employer is not required to comply with subclause (1):
- (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).*

- (4) An employer must:
- (a) ensure the COVIDSafe Plan is held at the work premises at all times;
  - (b) immediately present a copy of the COVIDSafe Plan on request to an Authorised Officer;
  - (c) 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 COVID-19 at a work premises; or
    - (ii) if the Authorised Officer considers that the COVIDSafe Plan is not fit for purpose; and
  - (d) implement any modifications required in accordance with subclause (4)(c).

**10. Record-keeping obligations (records requirement)**

- (1) Subject to subclause (6), 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.*

- (2) Subject to subclauses (3) to (9), an employer must:
- (a) comply with subclause (1) 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 subparagraph (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 subparagraph (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 subparagraph (d) applies are required to comply with the signage requirements in subparagraph (d) in addition to the signage requirements in subparagraph (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 or retail shopping centres, 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 subparagraph (e) applies are required to comply with the signage requirements in subparagraph (e) in addition to the signage requirements in subparagraph (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 subparagraph (f) applies are required to comply with the signage requirements in subparagraph (f) in addition to the signage requirements in subparagraph (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 subparagraph (g) applies are required to comply with the signage requirements in subparagraph (g) in addition to the signage requirements in subparagraph (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.

(3) 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 pandemic orders 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.*

- (4) Information collected by an employer using an alternative record-keeping method under subclause (3) must be provided by the employer to Service Victoria if requested to do so by the Department or Service Victoria.
- (5) 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 (1) or (9), 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.
- (6) An employer is not required to comply with the records requirement in subclause (1):
  - (a) subject to subclause (9), 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
  - (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 (9), 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 (9), 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.
- (7) An employer is not required to comply with subclause 10(2) 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 (2).*
  - (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.*
- (8) An employer to whom the accommodation facilities requirements of the **Open Premises Order** applies is only required to comply with subclause 10(2) 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.

- (9) Despite subclause (2):
- (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.
- (10) In handling any information collected under subclause (1):
- (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 (1); or
      - (B) the information is provided by a driver or passenger using the system made available under subclause (9); 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 COVID-19 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: subparagraph (a) is intended to apply to employers who use or owners who collect information pursuant to subparagraphs (1) or (9) 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 subparagraphs (1) or (9); 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.

## 11. Additional records requirement (additional records requirement)

- (1) An employer must keep records to demonstrate compliance with this Order, including (but not limited to):
- (a) all logs created during the time this Order is in place;
  - (b) work premises rosters;

- (c) time and attendance records;
- (d) payroll data.
- (2) In collecting the information outlined in subclause (1), 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.

## 12. Signage requirements (signage requirement)

Where any other pandemic orders in force require a face covering to be worn in a work premises or part of a work premises:

- (1) an employer in relation to that work premises; or
  - (2) 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 pandemic order in force applies.

## Division 2 – Responding to a symptomatic person or a confirmed COVID-19 case

### 13. Responding to a symptomatic person in a work premises

- (1) An employer must not require a worker to perform work at a work premises if the worker is a symptomatic person.
- (2) As soon as practicable after becoming aware of a symptomatic person 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 that they are required to comply with the relevant requirements set out in the Testing Requirements for Contacts and Exposed Persons and, where applicable, follow the COVID-19 rapid antigen test procedure; and
  - (b) ensure appropriate records are maintained in accordance with clause 10(1) in order to support contact tracing if the symptomatic person becomes a confirmed case, particularly from the period commencing 48 hours prior to the onset of symptoms in the symptomatic person; 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.*

  - (c) inform all workers (including the health and safety representative) to be vigilant about the onset of COVID-19 symptoms and advise all workers to comply with the relevant requirements set out in the Testing Requirements for Contacts and Exposed Persons and, where applicable, follow the COVID-19 rapid antigen test procedure if they become symptomatic.

### 14. Responding to a confirmed case of COVID-19 in a work premises

- (1) A worker who has received a positive result from a COVID-19 PCR test or a COVID-19 rapid antigen test must, as soon as practicable, notify the operator of any work premises at which the diagnosed person or the probable case ordinarily works, if the diagnosed person or the probable case attended an indoor space at the work premises during their Infectious Period.
- (2) As soon as practicable after becoming aware of a diagnosed person or a probable case who has attended the work premises in the Infectious Period, the operator 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 person or the probable case not to attend the work premises and advise them to self-isolate immediately in accordance with the relevant requirements in the **Quarantine, Isolation and Testing Order** 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.*
- (c) take reasonable steps to notify all exposed persons at the work premises that they:
- (i) may have been exposed to COVID-19; and
  - (ii) must comply with the relevant requirements set out in the Testing Requirements for Contacts and Exposed Persons and, where applicable, follow the COVID-19 rapid antigen test procedure; and
  - (iii) must produce to the operator of the work premises acceptable evidence of a negative result from any COVID-19 test they are required to complete in accordance with the Testing Requirements for Contacts and Exposed Persons before being permitted to return to the work premises; and
- (d) inform all workers (including health and safety representatives) to be vigilant about the onset of COVID-19 symptoms and advise all workers to comply with the relevant requirements set out in the Testing Requirements for Contacts and Exposed Persons and, where applicable, follow the COVID-19 rapid antigen test procedure, if they become symptomatic; and
- (e) put in place appropriate control and/or risk management measures to reduce the risk of spreading COVID-19 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.*
- (f) 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 (a) to (e); and
  - (ii) provide it with a copy of the risk assessment conducted in accordance with subclause (e); and
  - (iii) provide the Department (or other entity nominated by the Department) with contact details of any exposed persons (whether or not workers) identified pursuant to subclause (c); 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
- (g) 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 (a) to (f); 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**.*

**15. Testing requirements for exposed persons**

A person who has been notified under clause 14(2)(c) that they are an exposed person at a work premises must:

- (1) comply with the relevant requirements set out in the Testing Requirements for Contacts and Exposed Persons and, where applicable, follow the COVID-19 rapid antigen test procedure; and
- (2) produce to the operator of the work premises acceptable evidence of a negative result from any COVID-19 test they are required to complete in accordance with the Testing Requirements for Contacts and Exposed Persons within 24 hours of receiving the negative result and before returning to the work premises.

*Note: the exposed person's parent, guardian or carer may notify the operator of the work premises on behalf of the exposed person, for the purpose of subclause (2).*

**16. Collection of information by operators of a work premises**

- (1) The operator of a work premises must collect, record and store the following information:
  - (a) a list of workers who have been notified under clause 14(2)(c) that they are exposed persons; and
  - (b) any results of tests for COVID-19 of workers who have been notified under clause 14(2)(c) that they are exposed persons, including the acceptable evidence of a negative test result for COVID-19 provided to the operator of the work premises under clause 15(2).
- (2) For the purposes of complying with this clause, an operator of a work premises is authorised to use any information that it holds under subclause (1).

**PART 3 – GENERAL PROVISIONS**

**17. Relationship with other Orders**

If there is any inconsistency between this Order and an Order or other requirement contained in a **Detention Order**, these Orders are inoperative to the extent of the inconsistency.

**18. Severability**

To the extent that any part of this Order is held to be in excess of power or otherwise invalid it is intended that it is to be taken to be valid to the extent to which it is not in excess of that power.

**19. Transitional provisions**

- (1) A reference in any pandemic order in force to a Revoked Workplace Order is taken on and after the commencement of this Order to be a reference to this Order.
- (2) Any act, matter or thing that had effect under a Revoked Workplace Order immediately before it was revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which a Revoked Workplace Order was subject immediately before it was revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.

## **PART 4 – PENALTIES**

### **20. Penalties**

Section 165BN of the **Public Health and Wellbeing Act 2008** provides:

#### **Failure to comply with pandemic order, direction or other requirement**

- (1) A person commits an offence if the person refuses or fails to comply with a pandemic order, or with a direction given to the person, or a requirement made of the person, in the exercise of a pandemic management power.  
Penalty: In the case of a natural person, 60 penalty units;  
Penalty: In the case of a body corporate, 300 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.

*Note: the Public Health and Wellbeing Regulations 2019 provide for infringement notices to be served on any person who has refused or failed to comply (without a reasonable excuse) with a pandemic order; or a direction given or a requirement made in the exercise of a pandemic management power. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.*



**SCHEDULE 1 – DEFINITIONS**

For the purposes of this Order:

**accommodation facility** has the same meaning as in the **Open Premises Order**;

**Additional Industry Obligations Order** means the **Pandemic (Additional Industry Obligations) Order 2021 (No. 2)** as amended or replaced from time to time;

**additional records requirement** has the meaning in clause 11(1) and 11(2);

**Authorised Officer** has the same meaning as in the **Public Health and Wellbeing Act 2008**;

**bus company** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;

**care facility** has the same meaning as in the **Hospitals and Care Facilities Order**;

**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;

**commercial passenger vehicle service** has the meaning given in section 4 of the **Commercial Passenger Vehicle Industry Act 2017**;

**common areas of a retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;

**confirmed case** means a diagnosis of COVID-19 in a worker at the work premises from a COVID-19 PCR test or a COVID-19 rapid antigen test and includes a worker who is a diagnosed person or a probable case;

**COVID-19** mean the contagious disease caused by severe acute respiratory syndrome coronavirus 2;

**COVID-19 Mandatory Vaccination (General Workers) Order** means the **Pandemic COVID-19 Mandatory Vaccination (General Workers) Order 2021 (No. 1)** as amended or replaced from time to time;

**COVID-19 Mandatory Vaccination (Specified Facilities) Order** means the **Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2021 (No. 1)** as amended or replaced from time to time;

**COVID-19 Mandatory Vaccination (Specified Workers) Order** means the **Pandemic COVID-19 Mandatory Vaccination (Specified Workers) Order 2021 (No. 1)** as amended or replaced from time to time;

**COVID-19 PCR test** has the same meaning as in the **Quarantine, Isolation and Testing Order**;

**COVID-19 rapid antigen test** has the same meaning as in the **Quarantine, Isolation and Testing Order**;

**COVID-19 symptoms** means symptoms consistent with COVID-19, including but not limited to the following:

- (a) a fever ( $\geq 37.5^{\circ}\text{C}$ ) or consistent fever of less than  $37.5^{\circ}\text{C}$  (such as night sweats, chills);
- (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
- (c) loss of smell;
- (d) loss of taste;

**COVIDSafe Plan** has the meaning in clause 9(1);

**Department** means the Department of Health;

**Detention Order** means a notice given to a person requiring the person to be detained for a specified period;

**diagnosed person** has the same meaning as in the **Quarantine, Isolation and Testing Order**;

**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;

**education premises** has the same meaning as in the **Movement and Gathering Order**;

**emergency** has the same meaning as in the **Emergency Management Act 2013**;

**emergency worker** has the same meaning as in the **Sentencing Act 1991**;

**employee** includes a person who is self-employed;

**employer** means a person who owns, operates or controls work premises (or a work premises) and includes a person who is self-employed;

**exposed person** has the same meaning as in the **Quarantine, Isolation and Testing Order**;

**face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection;

**food and drink facility** has the same meaning as in the **Open Premises Order**;

**general worker** has the same meaning as in the **COVID-19 Mandatory Vaccination (General Workers) Order**;

**health and safety representative** has the same meaning as in the **Occupational Health and Safety Act 2004**;

**health service entity** has the same meaning as in the **Health Services Act 1988**;

**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;

**hospital** has the same meaning as in the **Visitors to Hospitals and Care Facilities Order**;

**indoor space** has the same meaning as in the **Open Premises Orders**;

**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;

**Infectious Period** has the same meaning as in the **Quarantine, Isolation and Testing Order**;

**inspector** has the same meaning as in the **Occupational Health and Safety Act 2004**;

**market** means a public market, whether indoor or outdoor, including a food market;

**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;

**Movement and Gathering Order** means the **Pandemic (Movement and Gathering) Order 2021 (No. 2)** as amended or replaced from time to time;

**Open Premises Order** means the **Pandemic (Open Premises) Order 2022 (No. 2)** as replaced or amended from time to time;

**outbreak** means:

- (a) a single confirmed case of COVID-19 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.*

**outdoor space** has the same meaning as in the **Open Premises Order**;

**owner** has the same meaning as in the **Commercial Passenger Vehicle Industry Act 2017**;

**owners corporation** has the same meaning as in the **Owners Corporations Act 2006**;

**pandemic orders in force** has the same meaning as in the **Movement and Gathering Order** as amended or replaced from time to time;

**passenger services** has the same meaning as in the **Transport Integration Act 2010**;

**passenger transport company** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;

**place of worship** has the same meaning as in the **Heritage Act 2017**;

**PPE** means personal protective equipment;

**premises** has the same meaning as in the **Open Premises Order**;

**prison** has the same meaning as in the **Corrections Act 1986**;

**probable case** has the same meaning as in the **Quarantine, Isolation and Testing Order**;

**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;

**public transport service** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;

**Quarantine, Isolation and Testing Order** means the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 3)** as amended or replaced from time to time;

**reasonably practicable** is to have its ordinary and common sense meaning;

**records requirement** has the meaning in clause 10(1) to 10(10);

**remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;

**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;

**retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**;

**Revoked Workplace Order** means the **Workplace Directions (No. 57)** or the **Pandemic (Workplace) Order 2021 (No. 1)**, or their predecessors;

**school** means a registered school as defined in the **Education and Training Reform Act 2006**;

**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 and a bus company;

**School Bus Program** means the program of that name administered by the Department of Education and Training;

**self-isolate** has the same meaning as in the **Quarantine, Isolation and Testing Order**;

**self-quarantine** has the same meaning as in **Quarantine, Isolation and Testing Order**;

**Service Victoria** has the same meaning as in the **Service Victoria Act 2018**;

**Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;

**signage requirement** has the meaning in clause 12;

**Students with Disabilities Transport Program** means the program of that name administered by the Department of Education and Training;

**supermarket** has the same meaning as ‘supermarket business’ in the **Food Act 1984**;

**symptomatic person** means a person that is experiencing one or more COVID-19 symptoms, unless those symptoms are caused by an underlying health condition or medication;

**Testing Requirements for Contacts and Exposed Persons** means the document titled ‘Testing Requirements for Contacts and Exposed Persons’ as amended or reissued from time to time by the Secretary of the Department of Health;

**tour and charter bus service** has the same meaning as in the **Bus Safety Act 2009**;

**vehicle** has the same meaning as in the **Open Premises Order**;

**Victorian Government QR code system** means the digital system provided by the Service Victoria CEO and other parts of the Victorian Government that enables a person to record their attendance;

**Visitors to Hospitals and Care Facilities Order** means the **Pandemic (Visitors to Hospitals and Care Facilities) Order 2021 (No. 1)** as amended or replaced from time to time;

**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.*

**worker** includes employees, subcontractors (and their employees), volunteers and any other person engaged or permitted by an employer to perform work;

**WorkSafe** means WorkSafe Victoria;

**youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**;

**youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

Dated 6 January 2022

MARTIN FOLEY MP  
Minister for Health

**Public Health and Wellbeing Act 2008**

## Section 165AI

## GUIDANCE FOR THE PANDEMIC

## (ADDITIONAL INDUSTRY OBLIGATIONS) ORDER 2022 (No. 2)

The presence of a person with a positive diagnosis for COVID-19 at a work premises is considered to pose an immediate risk of transmission to persons who attend, or may attend the work premises. This Order imposes additional specific obligations on employers and workers in specific industries in relation to managing the risk associated with COVID-19.

The following industries must comply with this Order:

- (1) poultry processing facilities;
- (2) abattoirs and meat processing facilities;
- (3) seafood processing facilities;
- (4) supermarket work premises and perishable food work premises;
- (5) warehousing and distribution centres;
- (6) commercial cleaning services;
- (7) care facilities;
- (8) ports of entry servicing international arrivals;
- (9) hotel quarantine;
- (10) hospitals;
- (11) construction sites.

An authorised officer or inspector may conduct an inspection of the work premises and audit the records of the employer.

An employer must consult with health and safety representatives, together with workers who are likely to be directly affected in relation to the implementation of the Additional Industry Obligations.

Failure to comply with this Order may result in penalties.

*This explanatory guidance does not form part of the Pandemic (Additional Industry Obligations) Order 2022 (No. 2) and is for explanatory purposes only.*

**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (ADDITIONAL INDUSTRY OBLIGATIONS) ORDER 2022 (No. 2)

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**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (ADDITIONAL INDUSTRY OBLIGATIONS) ORDER 2022 (No. 2)

I, Martin Foley, Minister for Health, make the following Order under the **Public Health and Wellbeing Act 2008** in the belief that this Order is reasonably necessary to protect public health throughout Victoria from the serious risk arising from the coronavirus (COVID-19) pandemic disease.

**PART 1 – PRELIMINARY****1. Objective**

- (1) The purpose of this Order is to establish additional specific obligations on employers and workers in specific industries in relation to managing the risk associated with COVID-19 transmission in the work premises.
- (2) This Order must be read together with the pandemic orders in force.
- (3) This Order is intended to supplement any obligations an employer may have under the **Occupational Health and Safety Act 2004** and the Workplace Orders and are not intended to derogate from any such obligations.

**2. Citation**

This Order may be referred to as the **Pandemic (Additional Industry Obligations) Order 2022 (No. 2)**.

**3. Authorising provision**

This Order is made under section 165AI of the **Public Health and Wellbeing Act 2008**.

**4. Commencement and revocation**

- (1) This Order commences at 11:59:00 pm on 6 January 2022 and ends at 11:59:00 pm on 12 January 2022.
- (2) The **Pandemic (Additional Industry Obligations) Order 2021 (No. 1)** is revoked at 11:59:00 pm on 6 January 2022.

**5. Definitions**

Terms used in the Order have meanings set out in Schedule 2.

**6. Application of this Order**

This Order applies to the whole State of Victoria.

**PART 2 – ADDITIONAL INDUSTRY OBLIGATIONS****7. Application of this Order to certain employers and roles**

- (1) This Order applies 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) care facilities;
  - (h) ports of entry servicing international arrivals;
  - (i) hotel quarantine;
  - (j) hospitals;
  - (k) construction sites.

- (2) This Order applies 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 this Order indicates otherwise.

## 8. General obligations

- (1) Clauses 9 and 10 apply to high-risk hospital work premises.

*Note: the exception of care facilities and hospitals (except for high-risk hospital work premises) as being exempt from the requirements in clause 8 does not exempt care facilities from satisfying equivalent requirements imposed under other regulatory arrangements.*

## 9. Compliance

To assess an employer's compliance with this Order, an authorised officer or inspector (or their nominated representative) may conduct:

- (1) an inspection of a work premises; or
- (2) an inspection or audit of the records of an employer.

## 10. Consultation

An employer in relation to a high-risk hospital 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:

- (1) to identify or assess risks to health or safety at a workplace; and
- (2) to make decisions about the measures to be taken to control risks to health and safety; and
- (3) to determine if any risk identified under subclause (1) is either under the employer's management and control or arises from the employer's conduct; and
- (4) to make decisions about the adequacy of facilities for the welfare of workers; and
- (5) in making decisions about procedures to resolve health and safety issues, including (but not limited to):
  - (a) procedures around health and safety consultation itself;
  - (b) procedures to monitor the health of workers and the conditions of the workplace;
  - (c) procedures to provide information and training to workers; and
- (6) by a change to:
  - (a) a workplace; or
  - (b) the plant, substances, or other things used at a workplace; or
  - (c) the conduct of work performed at a workplace.

## 11. Additional Industry Obligations

- (1) An employer in relation to an Additional Obligation Industry work premises must:
  - (a) 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 COVID-19 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) for industries that require workers to undergo a COVID-19 rapid antigen test, if a worker receives an invalid test result from the COVID-19 rapid antigen test, the employer must direct the worker to undertake a second COVID-19 rapid antigen test as soon as possible; and
- (iii) for industries that require workers to undergo a COVID-19 rapid antigen test, if a worker receives:
  - (A) a positive test result from the COVID-19 rapid antigen test; or
  - (B) two successive invalid COVID-19 rapid antigen test results, the employer must direct the worker to:
    - (C) undertake a COVID-19 PCR test as soon as possible; and
    - (D) self-isolate until a negative COVID-19 PCR test result is received; and
- (iv) keep records of surveillance testing of workers for COVID-19, which demonstrate that the employer has complied with its obligations under subclause (i) in relation to the work premises; and
- (v) provide the records required to be kept by the employer under subclause (iv) 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 COVID-19 pursuant to subclause (1)(a)(i) in relation to a worker who is a confirmed case for period of 90 days commencing from the date the diagnosis of COVID-19 is confirmed through a COVID-19 PCR test.

## 12. **Abattoirs and meat processing facilities, poultry processing facilities and seafood processing facilities**

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:

- (1) to carry out the functions of the worker's role; and
- (2) to mitigate the introduction of COVID-19 at the work premises including (but not limited to) at a minimum, wearing a surgical face mask, unless it is not reasonably practicable to wear a surgical face mask in the work premises or the nature of a worker's work means that it creates a risk to their health and safety.

*Note: 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 (2) unless an exception under the **Movement and Gathering Order** applies in respect of a worker, in which case the employer is exempted from requiring that worker to wear a face covering.*

## 13. **Care facilities**

- (1) 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 if the worker is performing a resident-facing role at the care facility, unless an exception under the **Movement and Gathering Order** applies to that worker.

*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 1: the exception from the requirement to wear a face covering pursuant the **Movement and Gathering Order** does not apply to a worker at a work premises that is a care facility in Victoria.*

*Note 2: a care facility worker working in a resident-facing role at a care facility must wear a mask at all times while working in an indoor space including when they are not interacting with residents.*

- (2) 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 (a) that they are working across more than one work premises.
- (3) Despite the **Visitors to Hospitals and Care Facilities Order**, an employer in relation to a work premises that is a care facility in Victoria must not permit an employee or contractor (excluding a visiting health care professional) 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 COVID-19 PCR test 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 COVID-19 PCR test 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 COVID-19 PCR 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 (3) is that, in the event of an outbreak of COVID-19 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 COVID-19, 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.*

- (4) For the avoidance of any doubt, the obligations on an employer in subclause (3) do not apply to a visiting health care professional entering the care facility.
- (5) 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.
- (6) The Chief Health Officer may grant an exemption in writing to the requirements of subclause (3).

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

#### 14. Ports of entry

- (1) Subject to subclause (2), 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.

*Note: interacting with the 'environment' within the international port of entry refers to handling items and/or using or being in communal facilities (such as toilets, waiting areas and seating) that have been used by or are being used by international passengers and crew. It also refers to boarding or entering a vessel, ship or aircraft where international passengers and crew are or have been.*

- (2) Despite subclause (1), a port of entry worker does not include any worker who works in an international departures area of an airport.
- (3) 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) make available an adequate supply of personal protective equipment free of charge to port of entry workers; and
- (b) ensure that all port of entry workers wear appropriate personal protective equipment in accordance with the requirements of the Department; and
- (c) 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 COVID-19 rapid antigen test is administered to an international aircrew service worker; and
  - (ii) the result of each COVID-19 rapid antigen test administered to an international aircrew service worker; and
  - (iii) in the event that the result of the COVID-19 rapid antigen test is positive for an international aircrew service worker, the date, time and result of a COVID-19 PCR test undertaken on that worker.

#### 15. Hotel quarantine

- (1) In relation to a work premises that is a hotel quarantine work premises, an employer must:
  - (a) make available an adequate supply of personal protective equipment free of charge to workers; and
  - (b) ensure that all workers wear appropriate personal protective equipment in accordance with the requirements of the Department; and

- (c) 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.

## 16. Hospitals

- (1) In relation to those parts of a hospital that are a high-risk hospital work premises, an employer must 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):
  - (a) developing separate shifts in a way that minimises physical interactions between groups of high-risk hospital work premises workers attending different shifts;
  - (b) separating high-risk hospital work premises 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; and
  - (f) where high-risk hospital work premises workers are from the same household, ensuring they work in the same shift and work area.
- (2) Subject to subclause (3), 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.
- (3) Subclause (2) does not apply where it is not practicable to limit a high-risk hospital work premises worker to only one work premises.
- (4) Where subclause (3) 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.*

- (5) 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.
- (6) 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.*

- (7) In relation to 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, except in relation to:
  - (a) an in vitro fertilisation (IVF) procedure performed at a work premises that is a registered facility that is required:
    - (i) to complete a cycle of IVF treatment that a patient commenced by 6 January 2022; or
    - (ii) 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
  - (b) a procedure for the surgical termination of pregnancy.

### **PART 3 – GENERAL PROVISIONS**

#### **17. Relationship with other Orders**

- (1) If there is any inconsistency between this Order and a pandemic order in force or other requirement contained in a Detention Notice, this Order is inoperative to the extent of the inconsistency.
- (2) If there is any inconsistency between this Order and a requirement contained in the **Workplace Order**, the **Workplace Order** is inoperative to the extent of the inconsistency.

#### **18. Severability**

To the extent that any part of this Order is held to be in excess of power or otherwise invalid it is intended that it is to be taken to be valid to the extent to which it is not in excess of that power.

#### **19. Transitional provisions**

- (1) A reference in any pandemic order in force to a Revoked Additional Industry Obligations Order is taken on and after the commencement of this Order to be a reference to this Order.
- (2) Any act, matter or thing that had effect under a Revoked Additional Industry Obligations Order immediately before it was revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which a Revoked Additional Industry Obligations Order was subject immediately before it was revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.

## **PART 4 – PENALTIES**

### **20. Penalties**

Section 165BN of the **Public Health and Wellbeing Act 2008** provides:

#### **Failure to comply with pandemic order, direction or other requirement**

- (1) A person commits an offence if the person refuses or fails to comply with a pandemic order, or with a direction given to the person, or a requirement made of the person, in the exercise of a pandemic management power.

Penalty: In the case of a natural person, 60 penalty units;

In the case of a body corporate, 300 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.

*Note: the **Public Health and Wellbeing Regulations 2019** provide for infringement notices to be served on any person who has refused or failed to comply (without a reasonable excuse) with a pandemic order, or a direction given or a requirement made in the exercise of a pandemic management power. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.*

### SCHEDULE 1 – RESTRICTIONS ON ELECTIVE SURGERY

Work premises (Column 1)	Current elective surgery restrictions (Column 2)
<p><b>Private hospitals in Metropolitan Melbourne</b> and in the local government area of the City of Greater Geelong, the City of Ballarat, the City of Greater Shepparton, the City of Greater Bendigo and the City of Latrobe</p> <p><b>Day procedure centres in Metropolitan Melbourne</b></p>	<ul style="list-style-type: none"> <li>(a) An employer may only permit elective surgery procedures to be performed that is an urgent elective surgery procedure.</li> <li>(b) An employer must ensure all elective surgery procedures that are not urgent elective surgery procedures, including Category 2 elective surgery procedures, Category 3 elective surgery procedures and non-urgent non-ESIS procedures, are postponed.</li> <li>(c) The restrictions in paragraphs (a) and (b) do not apply to emergency surgery completed by private hospitals and day procedure centres.</li> <li>(d) An employer may only permit elective surgery procedures to be performed if the employer provides a report to the Department and relevant impacted public health services on a weekly basis that specifies: <ul style="list-style-type: none"> <li>(i) the volume of urgent elective surgery procedures it is performing; and</li> <li>(ii) how requests for support from public health services to assist with the COVID-19 response have been fulfilled.</li> </ul> </li> </ul>
<p>All public health services located in <b>Metropolitan Melbourne</b> that do not operate a COVID-19 streaming area</p>	<ul style="list-style-type: none"> <li>(a) An employer may only permit elective surgery procedures to be performed that is an urgent elective surgery procedure.</li> <li>(b) An employer must ensure all elective surgery procedures that are not urgent elective surgery procedures, including Category 2 elective surgery procedures, Category 3 elective surgery procedures and non-urgent non-ESIS procedures, are postponed.</li> </ul>

Work premises (Column 1)	Current elective surgery restrictions (Column 2)
<p>All public health services located in <b>Metropolitan Melbourne</b> that operate a COVID-19 streaming area</p> <p>All public health services that are:</p> <ul style="list-style-type: none"> <li>● part of Barwon Health;</li> <li>● part of the Ballarat Health Service campus of Grampians Health;</li> <li>● part of Goulburn Valley Health;</li> <li>● part of Bendigo Health; and</li> <li>● the Latrobe Regional Hospital</li> </ul>	<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 2 elective surgery procedures, Category 3 elective surgery procedures and non-urgent non-ESIS procedures, are postponed.</p> <p>(c) An employer must provide a written request to private hospitals and day procedure centres each week, outlining what support is required by the employer from private hospitals and day procedure centres to assist with the COVID-19 pandemic response.</p>
<p>All public health services and public hospitals in <b>Regional Victoria</b>, except those that are:</p> <ul style="list-style-type: none"> <li>● part of Barwon Health;</li> <li>● part of the Ballarat Health Service campus of Grampians Health;</li> <li>● part of Goulburn Valley Health;</li> <li>● part of Bendigo Health; or</li> <li>● the Latrobe Regional Hospital</li> </ul>	<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> <p>(b) If (a) applies, an employer should ensure elective surgery procedures that are not urgent elective surgery procedures, including Category 2 elective surgery procedures, Category 3 elective surgery procedures and non-urgent non-ESIS procedures, are reduced in the first instance.</p>



**SCHEDULE 2 – DEFINITIONS**

For the purposes of this Order:

**abattoir** has the meaning under the PrimeSafe licence categories ‘abattoirs (domestic)’ and ‘abattoirs (exports)’;

**Additional Obligation Industries** has the meaning in clause 7(1);

**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;

**airport** means a facility that receives scheduled international passenger air transport services and / or passenger charter air services from international markets;

**authorised officer** has the same meaning as in the **Public Health and Wellbeing Act 2008**;

**care facility** has the same meaning as in the **Visitors to Hospitals and Care Facilities Order**;

**care facility worker** has the same meaning as ‘care facility worker’ in the **Visitors to Hospitals and Care Facilities Order**;

**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;

**Category 2 elective surgery procedure** means procedure that is clinically indicated within 90 days and is unlikely to deteriorate quickly or become an emergency during that period;

**Category 3 elective surgery procedure** means a procedure that is clinically indicated within 365 days but is unlikely to deteriorate quickly;

**confirmed case** means a worker or person diagnosed with COVID-19 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 COVID-19 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).*

**construction site** means a work premises at which civil works, building or construction activities take place;

**COVID-19** means the contagious disease caused by severe acute respiratory syndrome coronavirus 2;

**COVID-19 PCR test** means a COVID-19 polymerase chain reaction test;

**COVID-19 rapid antigen test** means a COVID-19 rapid antigen test;

**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 COVID-19 patients;

**COVID-19 symptoms** has the same meaning as in the **Workplace Order**;

**day procedure centre** has the same meaning as in the **Visitors to Hospitals and Care Facilities Order**;

**density quotient** has the same meaning as in the **Workplace Order**;

**Department** means the Department of Health;

**Detention Notice** means a notice given to a person requiring the person to be detained for a specified period under the **Public Health and Wellbeing Act 2008**;

**elective surgery procedure** means an urgent elective surgery procedure, urgent non-ESIS procedures, Category 1 elective surgery procedure, Category 2 elective surgery procedure, Category 3 elective surgery procedure or non-urgent non-ESIS procedure;

**employee** includes a person who is self-employed;

**employer** means a person who owns, operates or controls a work premises and includes a person who is self-employed or a sole-trader;

**face covering** has the same meaning as in the **Workplace Order**;

**fully vaccinated** has the same meaning as in the **Open Premises Order**;

**high-risk hospital work premises** means any hospital ward treating a confirmed case or cases of COVID-19;

**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;

**hospital** has the same meaning as in the **Visitors to Hospitals and Care Facilities Order**;

**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;

**inspector** has the same meaning as in the **Occupational Health and Safety Act 2004**;

**meat processing facility** has the meaning under the PrimeSafe licence category ‘further meat processing facilities’;

**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**;

**Movement and Gathering Order** means the **Pandemic (Movement and Gathering) Order 2021 (No. 2)** as amended or replaced from time to time;

**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;

**Open Premises Order** means the **Pandemic (Open Premises) Order 2022 (No. 2)** as amended or replaced from time to time;

**outbreak** means:

- (a) a single confirmed case of COVID-19 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. 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.*

**pandemic orders in force** has the same meaning as in the **Movement and Gathering Order**;

**patient** has the same meaning as in the **Visitors to Hospitals and Care Facilities Order**;

**perishable food work premises** means a work premises that is predominantly a perishable food facility that is a chilled distribution facility;

**personal protective equipment** has the same meaning as in the **Occupational Health and Safety Regulations 2017**;

**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**;

**port of entry** means a port or airport;

**port of entry worker** has the meaning in clause 14(1);

**poultry processing facility** has the meaning under the PrimeSafe licence category ‘poultry meat processing facilities’;

**premises** has the same meaning as in the **Public Health and Wellbeing Act 2008**;

**private hospital** has the same meaning as in the **Visitors to Hospitals and Care Facilities Order**;

**public health service** has the same meaning as in the **Health Services Act 1988**;

**public hospital** has the same meaning as in the **Visitors to Hospitals and Care Facilities Order**;

**Quarantine, Isolation and Testing Order** means the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 3)** as amended or replaced from time to time;

**reasonably practicable** is to have its ordinary and common sense meaning;

**Regional Victoria** means the areas within the State of Victoria that are not part of Metropolitan Melbourne;

**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’;

**representative** in relation to the operator of a construction site means the site manager, the duty holder or a registered builder;

**Revoked Additional Industry Obligations Order** means the **Workplace (Additional Industry Obligations) Directions (No. 58)** or the **Pandemic (Additional Industry Obligations) Order 2021 (No. 1)**, or their predecessors;

**seafood processing facility** has the meaning under the PrimeSafe licence category ‘seafood processing facilities’;

**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;

**supermarket work premises** means the total of all supermarket distribution facilities;

**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.health.vic.gov.au/covid-19/surveillance-testing-industry-list-covid-19](http://www.health.vic.gov.au/covid-19/surveillance-testing-industry-list-covid-19) as amended from time to time by the Victorian Government.*

**theatre complex** means the suite of rooms at a hospital where medical procedures are performed and ancillary services are conducted;

**urgent elective surgery procedure** means:

- (a) 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;
- (b) an urgent non-ESIS procedure including a procedure undertaken for the purposes of cancer diagnosis and early or overdue cancer surveillance;

**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;

**vehicle** has the same meaning as in the **Public Health and Wellbeing Act 2008**;

*Note: under the **Public Health and Wellbeing Act 2008**, vehicle includes any means of transport, whether used on land, sea or in the air.*

**visiting health care professional** means a health care worker whose usual place of work is not the facility but who attends to provide health care services to a resident or facility;

**Visitors to Hospitals and Care Facilities Order** means the **Pandemic (Visitors to Hospitals and Care Facilities) Order 2021 (No. 1)** as amended or replaced from time to time;

**Workplace Order** means the **Pandemic (Workplace) Order 2022 (No. 2)** as amended or replaced from time to time;

**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.*

**worker** includes employees, labour hire, subcontractors (and their employees), volunteers and any other person engaged or permitted by an employer to perform work.

Dated 6 January 2022

MARTIN FOLEY MP  
Minister for Health

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East Gippsland **Water**

**Water Act 1989**

**DECLARATION OF SERVICED PROPERTIES**

In accordance with section 144 of the **Water Act 1989**, I advise that the following properties have been provided with Reticulated Services and are now liable to be rated as a serviced property for sewerage and/or water service purposes as from the following dates:

<b>Property Description</b>	<b>Property Address</b>	<b>Date</b>	<b>Service</b>
Lots 1–2 PS846508	Palmers Road, Lakes Entrance	30.11.2021	Water
PC379902	Kookaburra Avenue, Metung	01.12.2021	Water and Sewer
Lot 1–11 PS835793	Slip Road, King Street and Beechey Place, Paynesville	02.12.2021	Water and Sewer
PC381042	Thorpes Lane, Lakes Entrance	14.12.2021	Water and Sewer
Lots 1–5 PS840690	Keys Court, Wy Yung	15.12.2021	Water
Lots 1–2 PS847927	Kingscote Drive, Metung	17.12.2021	Water and Sewer
PC379727	Crisp Street, Omeo	17.12.2021	Water and Sewer
Lot 1–2 PS903389	Martins Road and McAuleys Road, Wy Yung	22.12.2021	Water
Lots 1–2 PS903415	Landsman Drive, Nicholson	22.12.2021	Water
Lot 1 PS903400	Marine Parade, Lakes Entrance	22.12.2021	Water and Sewer

A plan of the serviced properties is available for inspection, free of charge, during office hours, at the Corporation's office, 133 Macleod Street, Bairnsdale.

STEVE MCKENZIE  
Managing Director

**Water Act 1989****GREATER WESTERN WATER (PREVIOUSLY CITY WEST WATER AND WESTERN WATER) – DECLARATION OF SERVICED PROPERTIES**

Pursuant to section 144 of the **Water Act 1989**, Greater Western Water (previously City West Water and Western Water) declares the following land to be serviced property for the listed services on or from the Declaration Date/s listed below.

<b>Lot/s</b>	<b>PS Number</b>	<b>Address</b>	<b>Commence Date</b>	<b>Services</b>
1–5	PS836693C	14 McEwen Drive, Sunbury	31/05/2021	Water/Sewer
1–2	PS848795B	49 Collins Road, Melton	29/07/2021	Water/Sewer
1–8	PS841984L	64 Anderson Road, Sunbury	15/09/2021	Water/Sewer
3156–3189	PS842470P	Thornhill Park Estate Stage 30B, Thornhill Park	1/12/2021	Water/Sewer
401–433	PS838509M	Rosewood Estate Stage W4, Deanside	3/12/2021	Water/Sewer
1–21	PS835082P	160 Riddell Road, Sunbury	6/12/2021	Water/Sewer
1–2	PS826199S	69 Mahoneys Road, Riddells Creek	7/12/2021	Water/Sewer
1–7	PS844224U	Ellison Street, Woodend	8/12/2021	Water/Sewer
501–522	PS838525P	Kinsford Estate Stage 5, Deanside	9/12/2021	Water/Sewer
209–291	PS837849R	Bowery Estate Stage 2, Deanside	10/12/2021	Water/Sewer
18001–18038	PS836062Q	Mt Atkinson Estate Stage 18D, Truganina	17/12/2021	Water/Sewer
801–857	PS831720E	Grandview Estate Stage 8, Truganina	17/12/2021	Water/Sewer
3318A–3318B	PS830838K	Atherstone Palara Stage 33B, Strathulloh	6/04/2021	Water/Sewer/Recycled
3318A–3318B	PS830837M	Atherstone Palara Stage 33A, Strathulloh	6/04/2021	Water/Sewer/Recycled
8001–8082	PS543210K	Eynesbury Estate Stage 8A, Eynesbury	1/12/2021	Water/Sewer/Recycled
8083–8124	PS543210K	Eynesbury Estate Stage 8B, Eynesbury	1/12/2021	Water/Sewer/Recycled
8125–8123	PS543210K	Eynesbury Estate Stage 8C, Eynesbury	1/12/2021	Water/Sewer/Recycled
1–3	PS825445K	37 Whittakers Lane, Riddells Creek	29/03/2021	Water

**Water Act 1989**  
**WANNON WATER**  
**Multiple Services**

**Declaration of Properties Provided with Water or Sewerage Services**

Notice is hereby given pursuant to section 144 of the **Water Act 1989** that each property listed below has been declared a Serviced Property. The services available, locality and date from which the service was made available is shown under the relevant heading for the listed property.

**Water and Sewer Services**

Lots 1 and 2, PS 902646V  
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