



# Victoria Government Gazette

By Authority of Victorian Government Printer

**No. G 3 Thursday 20 January 2022**

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**GENERAL**

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**Advertisers Please Note**

As from 20 January 2022

The last Special Gazette was No. 24 dated 19 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

### Associations Incorporation Reform Act 2012

#### NOTICE OF APPOINTMENT

Australian Fire Safety Practitioners'  
Accreditation Board, Inc. (In Liquidation)

Registration A0029389E

Pursuant to section 491(2)(b) of the **Corporations Act 2001** take notice that at a general meeting of the members of the Association held on 13 January 2022, it was resolved that the Association be wound up voluntarily and that Shane Leslie Deane and Nicholas Giasoumi be appointed joint and several liquidators.

Dated 13 January 2022

NICHOLAS GIASOUMI  
Joint and Several Liquidator  
Dye & Co. Pty Ltd  
165 Camberwell Road  
Hawthorn East 3123

### Associations Incorporation Reform Act 2012

#### NOTICE OF INTENTION TO DECLARE DIVIDEND

Australian Fire Safety Practitioners'  
Accreditation Board, Inc. (In Liquidation)

Registration A0029389E

I will declare a first and final dividend on 7 March 2022 for the Association.

Creditors whose debts or claims have not already been admitted are required on or before 18 February 2022 formally to prove their debts or claims. If they do not, they will be excluded from the benefit of the dividend.

Dated 20 January 2022

NICHOLAS GIASOUMI  
Joint and Several Liquidator  
Dye & Co. Pty Ltd  
165 Camberwell Road  
Hawthorn East 3123

Re: MARIA MAVROUDIS, late of 8 Rogers Street, Dandenong, Victoria, gentlelady, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 October 2021, are required by the trustee, Niki Amato, to send particulars to the

trustee, care of the undermentioned solicitors, by a date not later than two months from the date of publication hereof, after which date the trustee may convey or distribute the assets, having regard only to the claims of which she has notice.

A. B. NATOLI PTY, solicitors,  
24 Cotham Road, Kew 3101.

Re: LUCIANO VALMORBIDA, late of 9 Viewhill Road, Balwyn North, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 4 July 2021, are required by the trustee, Marina Valmorbida, to send particulars to the trustee, care of the undermentioned solicitors, by a date not later than two months from the date of publication hereof, after which date the trustee may convey or distribute the assets, having regard only to the claims of which she has notice.

A. B. NATOLI PTY, solicitors,  
24 Cotham Road, Kew 3101.

Creditors, next-of-kin and others having claims in respect of the estate of MISAYO YAMAMOTO, deceased, late of 29 Hooker Road, Werribee, Victoria, business owner, who died on 26 June 2021, are requested to send particulars of their claims to the executor, Equity Trustees Wealth Services Limited, ACN 006 132 332, care of the undersigned solicitors, by 24 March 2022, after which date they will convey or distribute the assets, having regard only to the claims of which they then have notice.

AITKEN PARTNERS, solicitors,  
Level 28, 140 William Street, Melbourne 3000.

WILLEM JOANNES JOZEF  
LANSDAAL, also known as Willem Johannes Josef Lansdaal, late of 10 Parrs Road, Croydon, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 22 August 2021, are

required by the trustees, Paul John Lansdaal and Thomas Johannes Lansdaal, to send particulars of their claims to the undermentioned firm by 24 March 2022, after which date the said trustees may convey or distribute the estate, having regard only to the claims of which they then have notice. Probate was granted in Victoria on 30 December 2021.

ARGENT LAW,  
2 Stawell Street, Richmond, Victoria 3121.  
Ph: 03 9571 7444.  
Contact: Helen Adoranti.

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WALBURGA QUITTENTON, late of 2A Chestnut Road, Doveton, Victoria, business administration manager, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 26 July 2021, are required by the trustee, Graeme Ernest Moffitt, to send particulars of their claims to the undermentioned firm by 24 March 2022, after which date the said trustee may convey or distribute the estate, having regard only to the claims of which he then has notice. Probate was granted in Victoria on 29 December 2021.

ARGENT LAW,  
2 Stawell Street, Richmond, Victoria 3121.  
Ph: 03 9571 7444.  
Contact: Helen Adoranti.

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Re: Estate of DAVID ROBERT DONALD POULTON, late of Unit 7, 7 Crosbie Road, Murrumbeena, Victoria, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of the deceased, who died on 3 November 2021, are required by the trustee, Scott Robert Bugbird, to send particulars of their claims to the trustee, care of the undermentioned legal practitioners, by a date not later than two months from the date of publication of this advertisement, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

BRENDAN HOLLAND & MICHAEL CAHIR,  
legal practitioners,  
130 Balcombe Road, Mentone 3194.

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### Trustee Act 1958

#### SECTION 33 NOTICE

##### Notice to Claimants

NICHOLAS JAMES BURNHAM, late of 6 Wylie Road, Silvan, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 October 2020, are required by Phillip Thompson Burnham, care of 1/48 Aitchison Avenue, Ashburton, Victoria, the executor of the Will of the deceased, to send particulars of their claims to him, care of the undermentioned solicitor, by 25 March 2022, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

BRETT MORRIS, solicitor,  
1/48 Aitchison Avenue,  
Ashburton, Victoria 3147.

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Re: GWYNNETH IVY MARION PEARSON, late of Benetas Broughton Hall Aged Care, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 22 November 2020, are required by the executor, Equity Trustees Wealth Services Limited, of Level 1, 575 Bourke Street, Melbourne, Victoria, to send particulars to them by 17 March 2022, after which date the executor may convey or distribute the assets, having regard only to the claims of which the executor then has notice.

ESTATE PLANNING EQUATION –  
PREVENTATIVE LAW PTY LTD,  
Level 13, 200 Queen Street,  
Melbourne, Victoria 3000.

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Re: SHANE RICHARD GORDON, deceased.

Creditors, next-of-kin and all others having claims in respect of the estate of the deceased, who died on 11 December 2021, are required by the trustee, Scott Ian Gordon, care of Featherbys Lawyers of 14 Ninth Avenue, Rosebud, Victoria, to send particulars to the trustee by 21 March 2022,

after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

FEATHERBYS LAWYERS, solicitors,  
14 Ninth Avenue, Rosebud 3939.

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Re: WARREN HEMSLEY EGGLESHAW, late of 11 Sebastopol Street, East St Kilda, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 28 August 2021, are required by the trustee, Elizabeth Margaret McCrae, to send particulars to her, care of the undermentioned solicitors, by a date not later than two months from the date of publication hereof, after which date the trustee may convey or distribute the assets, having regard only to the claims of which she has notice.

FISCHER McCRAE LAWYERS,  
Level 3, 389 Lonsdale Street,  
Melbourne, Victoria 3000.

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JOHN STANLEY MARTYN, late of 25 Stirling Road, Croydon, Victoria 3136, primary school teacher, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 4 April 2021, are required by the personal representatives, Clive Arthur Mattingley and Gary Raymond Wallace, to send particulars of such claim to them, care of the undersigned, by 21 March 2022, after which date the personal representatives may convey or distribute the assets, having regard only to the claims of which they then have notice.

HUTCHINSON LEGAL,  
38 New Street, Ringwood, Victoria 3134.

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PAUL ROBERT SPROULE, late of 25 Culwell Avenue, Mitcham, Victoria 3132, small business owner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 28 August 2021, are required by the personal representative, Marjorie Ann Savage, to send particulars of such claim to her, care of the undersigned, by 21 March 2022, after which date the personal representative may convey or

distribute the assets, having regard only to the claims of which she then has notice.

HUTCHINSON LEGAL,  
38 New Street, Ringwood, Victoria 3134.

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PATRICIA MARY McCONNACHIE, late of Unit 5/77 Somerville Street, Flora Hill, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 2 September 2021, are required by Paul Allan McConnachie and Colin Joseph Cuskelly, the executors of the Will of the deceased, to send particulars of their claims to them, care of the undermentioned address, by 17 March 2022, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

J. A. MIDDLEMIS, barrister and solicitor,  
30 Myers Street, Bendigo, Victoria 3550.

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Re: Estate of ANNE THERESE CHRISTIE, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of ANNE THERESE CHRISTIE, late of 22 Sanderling Street, Werribee, in the State of Victoria, school teacher, deceased, who died on 1 November 2021, are to send particulars of their claim to the executors, care of the undermentioned legal practitioners, by 15 March 2022, after which the executors will distribute the assets, having regard only to the claims of which they then have notice.

JOLIMAN LAWYERS,  
42 McCallum Street, Swan Hill, Victoria 3585.

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TERESA AGNES MESSENGER, late of 37 Ruth Road, Mornington, Victoria 3931, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 June 2021, are required to send particulars of their claim to the legal personal representative, Justine Jones, 2/35 Beauford Street, Huntingdale 3166, within 60 days from the publication hereof, after which date the legal personal representative will distribute the assets of the estate, having regard only to the claims of which she has notice.

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HENRY GURFINKIEL, late of 18 Pearson Grove, Caulfield North, Victoria, company director, deceased.

Creditors, next-of-kin and all others having claims in respect of the estate of the deceased, who died on 18 September 2021, are required by the executor, Emil Gurfinkiel, to send particulars of such claims to the executor, care of the undermentioned solicitors, within 60 days from the publication hereof, after which date the executor will distribute the assets, having regard only to the claims of which the executor has notice.

KCL LAW,  
Level 4, 555 Lonsdale Street, Melbourne 3000.

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Re: OLGA HORVAT, late of 8 Lendor Court, Cheltenham, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in the respect of the estate of the deceased, who died on 29 September 2021, are required by the trustees, Maria Sullivan and Angela Cannington, 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 trustees will convey or distribute assets, having regard only to the claims of which they then have notice.

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

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GLADYS ELMA BIRTHISEL, late of Japara Lakes Entrance Aged Care, 23 Alexandra Avenue, Lakes Entrance, Victoria 3909, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the Will of the abovenamed deceased, who died on 28 May 2021, are required by the executor, Peter Mervyn Birthisel, care of the undermentioned solicitor, to send particulars of their claims to him by 21 March 2022, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

MCL LEGAL,  
78 Napier Street, St Arnaud, Victoria 3478.

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EARDLEY ST ANTHONY DE MOTTE, late of 70 Nyah Street, Keilor East, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died at Footscray, Victoria on 22 April 2020, are required by Christina Diane Crossley Ratcliffe and Mark Albert Maier, the executors and trustees of the estate of the said named deceased, to send particulars of their claims to them, care of McNab McNab & Starke, Level 10, 552 Lonsdale Street, Melbourne, Victoria 3000, by 20 April 2022, after which date they may convey or distribute the assets of the estate, having regard only to the claims of which they then have notice.

McNAB McNAB & STARKE,  
Level 10, 552 Lonsdale Street,  
Melbourne, Victoria 3000.  
Ph: (03) 9670 9691.  
Ref: DD:200371.

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SHIRLEY MARGARET BROWN, late of 695 Mt Baw Baw Tourist Road, Noojee, Victoria, director, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 11 June 2021, are required by the trustees, Graeme William Brown of 645 Sheffield Road, Neerim South, Victoria, director and Julie-Anne Margaret Brown of 695 Mt Baw Baw Tourist Road, Noojee, Victoria, director, to send particulars of their claims to them, care of the undersigned, by 20 March 2022, after which date they may convey or distribute the assets, having regard only to the claims of which they then have notice.

MACPHERSON KELLEY PTY LTD,  
Level 7, 600 Bourke Street,  
Melbourne, Victoria 3000.

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JILL ELIZABETH DAVIES, also known as Jill Elizabeth Whitton, late of 150 Tooronga Road, Glen Iris, Victoria, psychologist, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 17 June 2021, are required by the trustee, Elizabeth Jane Whitton, of 969 Lake Road, Bungendore, New South Wales, commonwealth employee, to send particulars to her, care of the undersigned, by 20 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.

MACPHERSON KELLEY PTY LTD,  
Level 7, 600 Bourke Street,  
Melbourne, Victoria 3000.

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Re: IRENE SDRAULIG, late of Arcare Malvern East, 1997 Malvern Road, Malvern East, Victoria, small business owner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 September 2021, are required by the trustees, George Sdraulig and Sandra Sdraulig, care of 40–42 Scott Street, Dandenong, Victoria 3175, to send particulars to the trustees, care of the undersigned, by 20 March 2022, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

MACPHERSON KELLEY PTY LTD,  
40–42 Scott Street, Dandenong 3175.

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KEITH FREDERICK WATKINS, deceased, late of 52 Ashby Street, Trafalgar, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 28 May 2021, are required to send written particulars of their claim to the executors, care of PO Box 104, Moe, Victoria 3825, 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 may then have notice of.

O'HALLORAN DAVIS, solicitors,  
12–14 Kirk Street, Moe 3825.

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WILLIAM ARTHUR DAVIS, late of 5 Hogan Grove, Werribee, in the State of Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 31 October 2021, are required by the executor, Phillip Davis, to send particulars to him, by email at the email address below, by 20 April 2022, after which date the executor may convey or distribute the assets, having regards only to claims to which he has notice.

PHILLIP DAVIS,  
philgodees101@gmail.com

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Re: JOHN ROBERT FORSYTH, late of St Jude's Aged Care Facility, Narre Warren North, Victoria 3804, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died 28 September 2021, are required by the executors, Anna Maria Dickson, Craig Embling Forsyth, Michelle Jane Raymond and Paul Robert Forsyth, to send particulars to them, care of the undermentioned solicitors, by 28 March 2022, after which date the executors may convey and distribute the assets, having regard only to the claims of which they then have notice.

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

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Notice to Creditors under  
**Trustee Act 1958**  
(SECTION 33 NOTICE)

Notice to Claimants

ROBERT GEORGE BACON, late of Millhaven Lodge, 54–64 Princes Highway, Pakenham, Victoria 3810, retired, deceased.

Creditors, next-of-kin and all others having claims in respect of the abovenamed deceased, who died on 21 August 2021, are required by the trustee, Cameron John Bacon, care of Wakefield Vogrig & Boote Lawyers, 5 Bank Place, Drouin, Victoria, to send particulars of such claims to the trustee, care of the undermentioned, within 60 days from the publication hereof, after which date the trustee may convey or distribute the estate, having regard only to the claims of which the trustee then has notice. Probate was granted in Victoria on 22 December 2021.

WAKEFIELD VOGRIG & BOOTE  
LAWYERS,  
5 Bank Place, Drouin, Victoria 3818.  
Ph: (03) 5625 2544.

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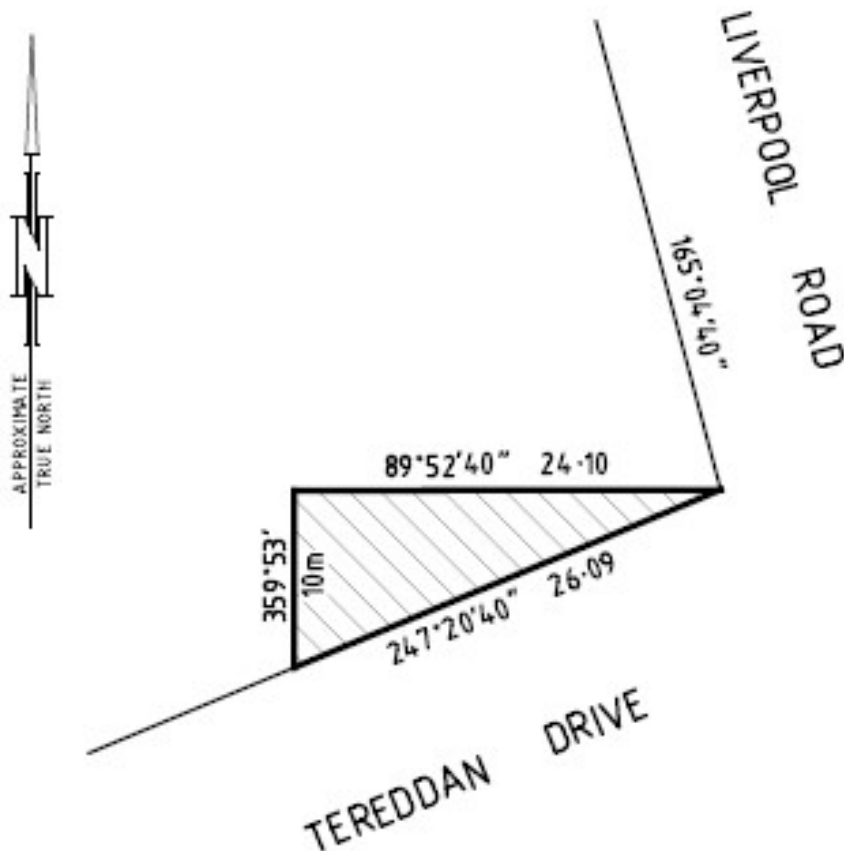


**GOVERNMENT AND OUTER BUDGET  
SECTOR AGENCIES NOTICES**



**ROAD DISCONTINUANCE**

At its meeting on 13 December 2021 and acting under Clause 3 of Schedule 10 to the **Local Government Act 1989**, Maroondah City Council resolved to discontinue and sell the road abutting 274–280 Liverpool Road, Kilsyth South, being that part of the land contained in Certificate of Title Volume 9804 Folio 865, shown hatched on the plan below.



STEVE KOZLOWSKI  
Chief Executive Officer  
Maroondah City Council

## HEPBURN SHIRE COUNCIL

## Force Majeure Declaration

Notice is hereby given pursuant to section 83 of the **Wrongs Act 1958** and according to section 8 of Council's Road Management Plan (Force Majeure), Council is suspending its commitments to provide the service levels of the Road Management Plan due to the flood event experienced predominately throughout the west of the municipality on Wednesday 5 January 2022.

Based on internal advice, the suspension will be in place until Friday 4 March 2022. The situation will be monitored regularly throughout the period to determine if the period can be reduced or may possibly need extension.

Dated 17 January 2022

CHIEF EXECUTIVE OFFICER  
Hepburn Shire Council  
PO Box 21, Daylesford, Victoria 3460  
shire@hepburn.vic.gov.au

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 24 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.

ATKINS, Louise Margaret, also known as Louise Atkins, late of Royal Freemasons, 28 Surkitt Boulevard, Sale, Victoria 3850, deceased, who died on 28 August 2020.

CROSS, Carolyn June, late of Room 19, Glen Eira Unit, 260 Kooyong Road, Caulfield, Victoria 3162, pensioner, deceased, who died on 4 June 2021.

FARRUGIA, Orlandus Ignatius Carmulus, also known as Orlandus Farrugia and Orland Farrugia, late of 55 Newton Drive, Stratford, Victoria 3862, deceased, who died on 12 August 2021.

FLYNN, Giovannina Michelina, also known as Giovannina Flynn, late of 27 Dean Street, Preston, Victoria 3072, retired, deceased, who died on 3 January 2021.

KITSON, Lorace Olive, late of Villa 66, 35 Coleman Parade, Evanston Park, South Australia 5116, retired, deceased, who died on 25 August 2021.

KOERPNER, Edith, late of Abberfield Aged Care, 378 Bluff Road, Sandringham, Victoria 3191, pensioner, deceased, who died on 6 October 2021. Date of Grant 12 January 2022.

PRETTY, Joan Lorraine, late of 2A Nicholson Court, Clayton, Victoria 3168, retired, deceased, who died on 29 September 2021. Date of Grant 10 January 2022.

TAYLOR, John James, late of 225 Clarendon Street, Thornbury, Victoria 3071, deceased, who died on 5 July 2021.

TURRELL, Shirley June, also known as Shirley Turrell, late of 1 Sunset Avenue, Beaumaris, Victoria 3193, deceased, who died on 30 August 2021.

WALKER, Neta Maree, late of 80 Chaffey Avenue, Mildura, Victoria 3500, deceased, who died on 3 July 2021.

WESCOMBE, Ivan Ray, late of 116 Elder Street, Greensborough, Victoria 3088, retired, deceased, who died on 2 August 2021.

Dated 13 January 2022

**Associations Incorporation Reform Act 2012**

## SECTION 138

I, David Joyner, Deputy Registrar of Incorporated Associations, under delegation provided by the Registrar; hereby give notice that an application for the voluntary cancellation of incorporation, pursuant to section 136 of the Act, has been received by the Registrar from each of the associations mentioned below:

Ace – Act, Change, Educate Incorporated; Altin Kizlar Incorporated; Arnold's Classic Inc.; As Australian Life Underwriting and Claims Association (ALUCA) Incorporated; Association My Grace Inc.; Association of Australian Students from Afghanistan Inc.; Australian Hot Rod Alliance Inc.; Australian Ophthalmic Nurses Association Victoria Inc.; Awe Women in Arts and Entertainment Incorporated; Beacon Media Assist Inc.; Bellarine Aged Care Association Incorporated; Bellarine Peninsula Seniors Activity Hub Development Committee Inc.; Boiaki Estia of Melbourne Incorporated; Boronia Bellbird Senior Citizens Inc.; Briagolong Senior Citizens Club Inc.; Campbell Bar Social Club Inc.; Carbon 12 Synthetic Biology Inc.; Casey All Abilities Foundation Incorporated; Chaos & Friends Inc.; Chelsea Kindergarten Association Inc.; Coldstream Christian Fellowship Inc.; Community Basketball Group Incorporated; Daylesford Macedon Ranges Open Studios Inc.; Dimboola Kindergarten Inc.; Dimboola Playgroup Inc.; Doreen Mernda Men's Shed Incorporated; End-Day's Faith and Grace (EFG) Fellowship Incorporated; Equity Centre Inc.; Family Law Legal Service Incorporated; Futsal Geelong Inc.; Goulburn Options Services Incorporated; Greater Valley Pure Jersey Breeders Club Inc.; Green Park Kindergarten Incorporated; Halls Gap & Grampians Historical Society Inc.; Hamilton Kennel Club Inc.; Highlands Arts Experience Inc.; Hilltop International Education Incorporated; Hobsons Bay Refugee Network Inc.; Home Fire Sprinkler Coalition Inc.; Kaleidoscope Community Church Inc.; Kalparrin Early Childhood Intervention Program Incorporated; Kendara Calisthenics College Inc.; Kerang Senior Citizen's Centre Inc.; Koales De Melbourne Inc.; Kooweerup Tennis Club Inc.; Korowa Parents Association Inc.; Lecai Elite Group Incorporated;

Lismore & Derrinallum Community Association Incorporated; Living Waters Community Care Centre Inc.; Mahaba Filla Incorporated; Medfamily Association Incorporated; Melbourne Port Welfare Association Inc.; Mesopotamia Group Inc.; Monash Adult Riding Club Inc.; Natimuk Pre-School Centre Inc.; Neerim South Public Hall Reserve Committee of Management Inc.; North Neighbourhood Activity Group NNAGS Inc.; Northern Aphasia Group Incorporated; Northern District Bowls Division Inc.; Nyingmapa Tenglong (Australia) Buddhist Dzogchen Education & Research Centre Inc.; Opera Down Under Inc.; Park Ridge Playgroup Inc.; Parkside Pre-School Centre Inc.; Piavella Dam Fill Scheme Inc.; Plastic Free Phillip Island & San Remo Inc.; Purple Diamond Women of Diversity Association of Victoria Inc.; Renewable Energy Benalla Incorporated; Save Bringa Neighbourhood Inc.; Spanish Speaking Senior Citizens Club of Broadmeadows and Districts Inc.; St. Martins Community Development Inc.; Sunraysia Postnatal Depression Support Network Inc.; Taylors Lane Playgroup Association Inc.; Ten Willing Workers Association Inc.; The Ballan & District Pre-School Centre Inc.; The Legacy Club of Melbourne Inc.; The Rice Meal Inc.; The Warragul Hub Inc.; Toastmasters International, District 73 Inc.; Torquay Montessori Parents Association Incorporated; United Group Tarneit Incorporated; Victorian Gujarati Brahmin Samaj Incorporated; Vietnamese Alumni and Students in Victoria Inc.; Vietnamese Overseas Initiative for Conscience Empowerment (Voice) Australia Inc.; Wayburne Pre-School Association Inc.; Western Radio Broadcasters Inc.; Wimmera Netball Association Inc.; Wyndham City Sharks Incorporated; Zundk Incorporated.

I further advise that unless a person makes a written objection to cancellation to the Registrar within 28 days of the date of this notice, I intend to cancel the incorporation of the incorporated associations mentioned above.

Dated 20 January 2022

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

**Cemeteries and Crematoria Act 2003**

SECTION 41(1)

Notice of Approval of Cemetery Trust Fees and Charges

I, Jodie Elcock as Delegate of the Secretary to the Department of Health for the purposes of section 40(2) of the **Cemeteries and Crematoria Act 2003**, give notice that I have approved the scale of fees and charges fixed by the following cemetery trust.

The approved scale of fees and charges will take effect from the date of publication of this notice in the Victoria Government Gazette.

The fees will be published on the internet at <http://www.health.vic.gov.au/cemeteries> and will also be published on the cemetery trust website at <https://www.gmct.com.au>

The Greater Metropolitan Cemeteries Trust

Dated 13 January 2022

JODIE ELCOCK  
Acting Manager  
Cemetery Sector Governance Support

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**Cemeteries and Crematoria Act 2003**

SECTION 41(1)

Notice of Approval of Cemetery Trust Fees and Charges

I, Jodie Elcock as Delegate of the Secretary to the Department of Health for the purposes of section 40(2) of the **Cemeteries and Crematoria Act 2003**, give notice that I have approved the scales of fees and charges fixed by the following cemetery trust.

The approved scales of fees and charges will take effect from the date of publication of this notice in the Victoria Government Gazette and will be published on the internet.

The fees will be published on the internet at <http://www.health.vic.gov.au/cemeteries>

The Strathbogie Cemetery Trust

Dated 13 January 2022

JODIE ELCOCK  
Acting Manager  
Cemetery Sector Governance Support

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**Federation University Australia Act 2010**

FEDERATION UNIVERSITY AUSTRALIA

Notice of Making of Regulations

The Vice-Chancellor of Federation University Australia has made the Federation University Australia (Interim) Regulations 2021 ('the Regulations') in accordance with sections 53(2) and 54(1)(b) of the Federation University Australia Statute 2021 ('the Statute'). The Regulations came into effect on 1 January 2022.

The Regulations provide for the governance of the University following commencement of the Statute for an interim period, specifically until such time as the Regulations are revoked.

The Regulations are available on the University's website.

PROFESSOR STEPHANIE FRYER-SMITH  
Secretary to Council  
Federation University Australia

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**Crown Land (Reserves) Act 1978****ORDER GIVING APPROVAL TO GRANT A LEASE AND LICENCE  
UNDER SECTIONS 17D, 17B AND 17DA**

Under sections 17D, 17B and 17DA of the **Crown Land (Reserves) Act 1978**, I, the Hon Lily D'Ambrosio MP, Minister for Energy, Environment and Climate Change, being satisfied that there are special reasons which make the granting of a lease and licence reasonable and appropriate in the particular circumstances and to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under the **Crown Land (Reserves) Act 1978**, approve the granting of a lease and licence by Casey City Council for the purpose of the operation of a café and food and beverage storage for the café tenant respectively over part of the Old Springfield Cheese Factory as described in the Schedule below and, in accordance with section 17D(3)(a) of the **Crown Land (Reserves) Act 1978**, state that –

- (a) there are special reasons which make granting a lease and licence reasonable and appropriate in the particular circumstances; and
- (b) to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under the **Crown Land (Reserves) Act 1978**.

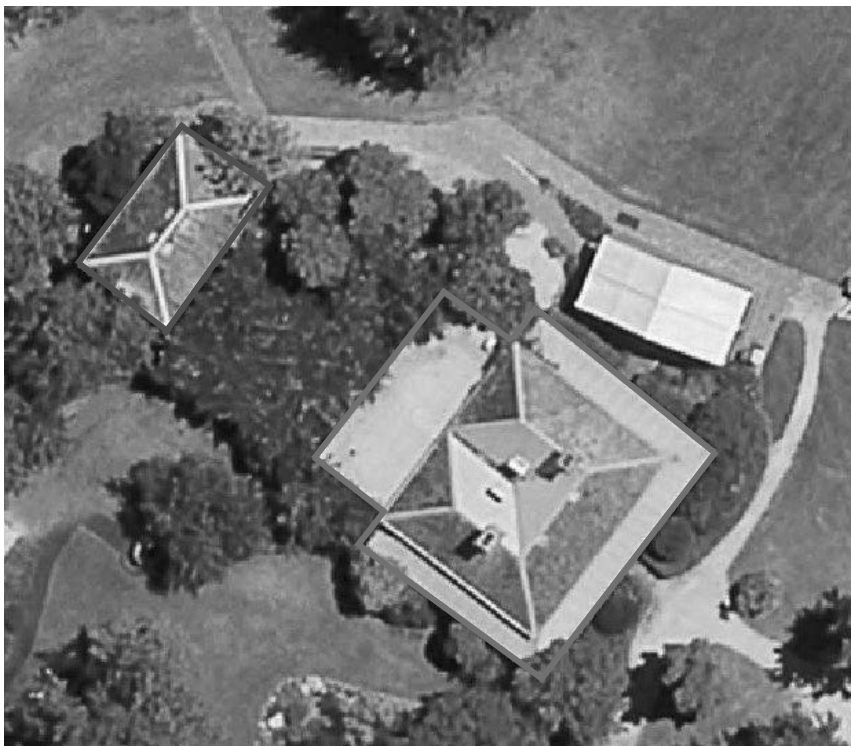
**SCHEDULE**

The area of land shown outlined on the following plans, being part of the land temporarily reserved for Conservation of an Area of Historic Interest by Order in Council of 9 August 1983 (vide Government Gazette 17 August 1983, page 2582).

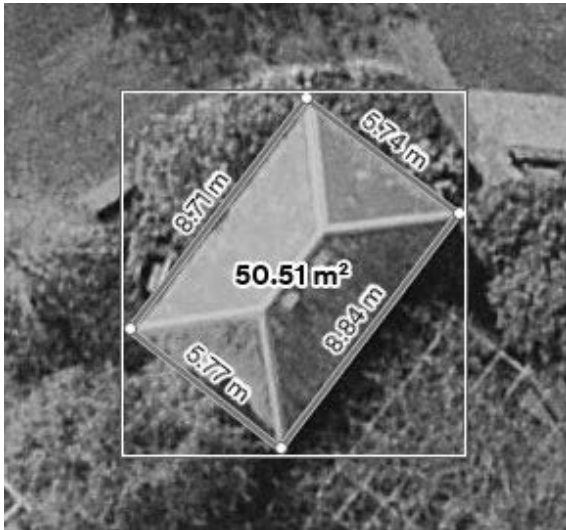
**Lease Plan**

Plan of Lease Premises: Café marked in blue, (227.69 m2)

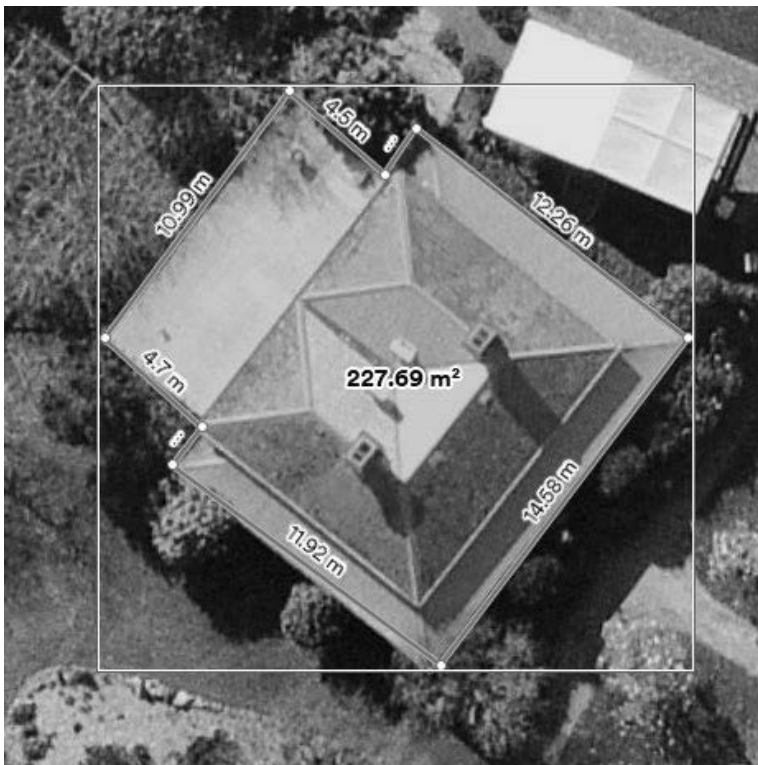
Plan of Licence Area: Amenities marked in purple. (50.51 m2)



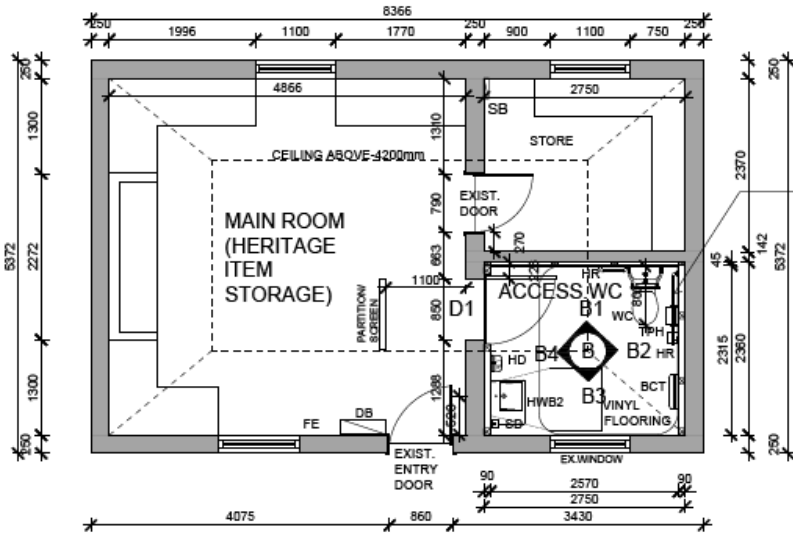
Licensed Area (50.51 m<sup>2</sup>)



Lease Premises (227.69 m<sup>2</sup>)



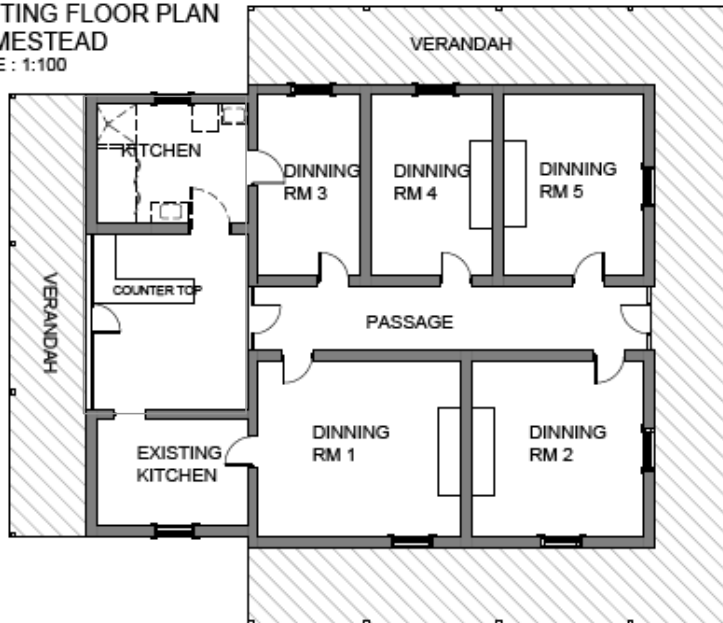
Licensed Area (50.51 m2)



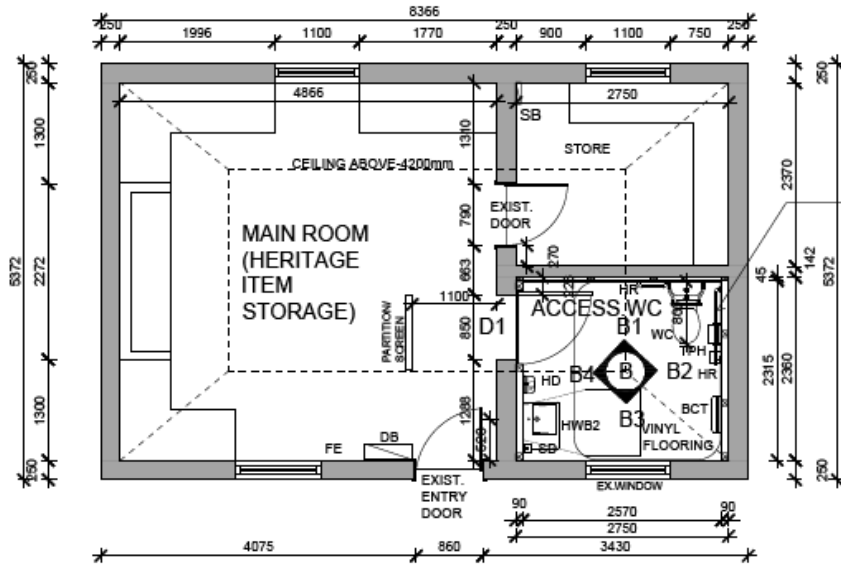
WASH HOUSE PLAN  
SCALE 1:50

Lease Premises (227.69 m2)

EXISTING FLOOR PLAN  
-HOMESTEAD  
SCALE : 1:100



Attachment 3 Licence area MBR045895

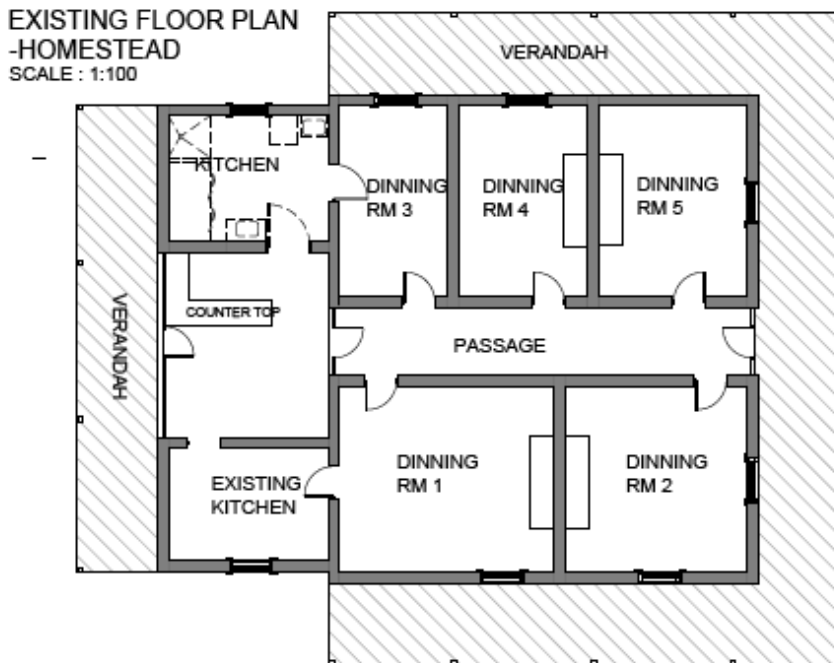


WASH HOUSE PLAN

SCALE 1:50



Attachment 4 Lease area MBR045895



File Reference: 1201918  
Dated 12 December 2021

LILY D'AMBROSIO MP  
Minister for Energy, Environment and Climate Change

**Crown Land (Reserves) Act 1978**

**ORDER GIVING APPROVAL TO GRANT A LICENCE UNDER SECTION 17B**

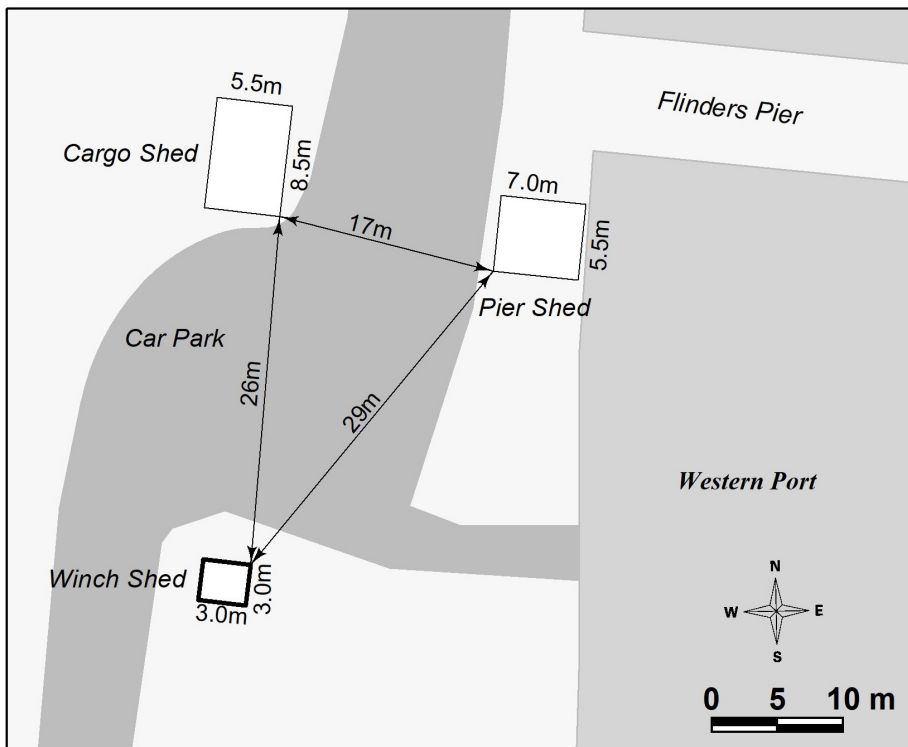
Under section 17B of the **Crown Land (Reserves) Act 1978**, I, the Hon Lily D’Ambrosio MP, Minister for Energy, Environment and Climate Change, being satisfied that there are special reasons which make the granting of a licence reasonable and appropriate in the particular circumstances and to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under the **Crown Land (Reserves) Act 1978**, approve the granting of a licence by Mornington Peninsula Shire Council for the purpose of change rooms, over part of Flinders Foreshore Reserve as described in the Schedule below and, in accordance with section 17D(3)(a) of the **Crown Land (Reserves) Act 1978**, state that –

- (a) there are special reasons which make granting a licence reasonable and appropriate in the particular circumstances; and
- (b) to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under the **Crown Land (Reserves) Act 1978**.

**SCHEDULE**

The area of land shown outlined in bold black line and labelled ‘Winch Shed’ on the following plan, being part of the land permanently reserved for the protection of the coastline by Order in Council of 11 March 1981 (vide Government Gazette 18 March 1981, page 895).

Plan of area Flinders Foreshore Reserve – Outlined in bold black and labelled ‘Winch Shed’



File Reference: 1202503  
 Dated 22 December 2021

LILY D’AMBROSIO MP  
 Minister for Energy, Environment and Climate Change

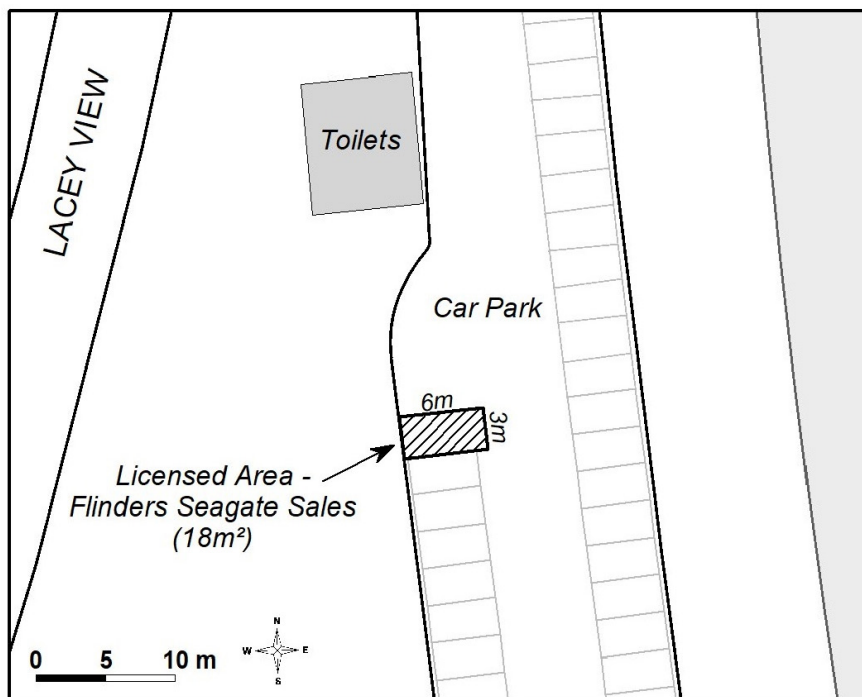
**Crown Land (Reserves) Act 1978****ORDER GIVING APPROVAL TO GRANT A LICENCE UNDER SECTION 17B**

Under section 17B of the **Crown Land (Reserves) Act 1978**, I, the Hon Lily D'Ambrosio MP, Minister for Energy, Environment and Climate Change, being satisfied that there are special reasons which make the granting of a licence reasonable and appropriate in the particular circumstances and to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under the **Crown Land (Reserves) Act 1978**, approve the granting of a licence by Mornington Peninsula Shire Council for the purpose of supply and sale of locally sourced seafood, over part of Flinders Foreshore Reserve as described in the Schedule below and, in accordance with section 17D(3)(a) of the **Crown Land (Reserves) Act 1978**, state that –

- (a) there are special reasons which make granting a licence reasonable and appropriate in the particular circumstances; and
- (b) to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under the **Crown Land (Reserves) Act 1978**.

**SCHEDULE**

The area of land shown outlined in bold black line and diagonally hatched on the following plan, being part of the land permanently reserved for the protection of the coastline by Order in Council of 11 March 1981 (vide Government Gazette 18 March 1981, page 895).



File Reference: 1202503

Dated 22 December 2021

LILY D'AMBROSIO MP  
Minister for Energy, Environment and Climate Change

**Evidence (Miscellaneous Provisions) Act 1958****REVOCATION OF DECLARATION OF MEDIATORS**

I, Rebecca Falkingham, Secretary to the Department of Justice and Community Safety, under the power found in section 21K of the **Evidence (Miscellaneous Provisions) Act 1958** and section 41A of the **Interpretation of Legislation Act 1984**, revoke the declarations published in the Government Gazette described in Column A in relation to the persons described in Column B which declared those persons to be mediators with the Dispute Settlement Centre of Victoria.

<b>COLUMN A</b> <b>Date of Government Gazette</b>	<b>COLUMN B</b> <b>Name of Mediator as declared in Government Gazette</b>
21/01/2014	Adam Dinelli
20/08/2009	Anita Saleeba
9/08/2017	Baydon Widdicombe
1/06/2007	Bernadette Coghlan
02/03/2017	Bernadette O'Shannessy
28/07/2011	Catherine Davies
17/07/2014	Charlotte French
2/07/2013	Christine McCarthy
Unknown	Elizabeth Harding
11/11/2014	Jacquelyn Turfrey
9/08/2017	Jann Thredgold
24/8/2017	Kirsty Savage
14/05/2009	Lin Chandler
1/01/1996	Marilyn Kerry Willis
20/11/2012	Michelle McLeod
02/03/2017	Nicole Davidson
22/03/2007	Olufunmilola Akin Ojelabi
4/02/2016	Peter Gibbons
Unknown	Tasmyn Flemming
17/07/2004	Timothy Webb
24/08/2009	Wanda Hill

Dated 13 January 2022

REBECCA FALKINGHAM  
Secretary

**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>
	Nelson Pier West	Department of Environment, Land, Water and Planning Feature: Pier Located at (144.912131, -37.861398)
143920	South Wharf	Department of Environment, Land, Water and Planning Feature: Pier Located at (144.926806, -37.820276)
	Patterson Lakes Marina	Department of Environment, Land, Water and Planning Feature: Anchorage Located at (145.139597, -38.068641)
	Dockyard Wharf	Department of Environment, Land, Water and Planning Feature: Pier Located at (144.913322, -37.862368)
	Booth Wharf	Department of Environment, Land, Water and Planning Feature: Pier Located at (144.910429, -37.861588)
	Boyd Wharf	Department of Environment, Land, Water and Planning Feature: Pier Located at (144.908436, -37.861833)
143920	Ann Street Pier	Department of Environment, Land, Water and Planning Feature: Pier Located at (144.909692, -37.860488)
	Beacon Rock	Department of Environment, Land, Water and Planning Feature: Rock Located at (144.648554, -38.301359)
	Holden Wharf	Department of Environment, Land, Water and Planning Feature: Pier Located at (144.901332, -37.824035)
	Long Swamp	Department of Environment, Land, Water and Planning Feature: Swamp Located at (141.076500, -38.085580)
	Rye Wharf	Department of Environment, Land, Water and Planning Feature: Pier Located at (144.822738, -38.367209)
	Rosebud Pier	Department of Environment, Land, Water and Planning Feature: Pier Located at (144.907827, -38.351508)
	Reid Street Wharf	Department of Environment, Land, Water and Planning Feature: Pier Located at (144.911303, -37.860981)

143920	Warmies Boat Ramp	Department of Environment, Land, Water and Planning Feature: Pier Located at (144.898505, -37.846791)
	Workshops Wharf	Department of Environment, Land, Water and Planning Feature: Pier Located at (144.908211, -37.861036)
	Yarraville Wharf	Department of Environment, Land, Water and Planning Feature: Pier Located at (144.905364, -37.820642)
142844	Swashway Jetty	Department of Environment, Land, Water and Planning Located within the Nooramunga Marine and Coastal Park on Snake Island For further details see map at <a href="http://www.land.vic.gov.au/place-naming">www.land.vic.gov.au/place-naming</a>
	Swashway Jetty Camping Area	Department of Environment, Land, Water and Planning Located within the Nooramunga Marine and Coastal Park on Snake Island For further details see map at <a href="http://www.land.vic.gov.au/place-naming">www.land.vic.gov.au/place-naming</a>
144008	Haunted Hills Bike Park	Latrobe City Council Located at 354 Haunted Hills Road, Hernes Oak For further details see map at <a href="http://www.land.vic.gov.au/place-naming">www.land.vic.gov.au/place-naming</a>
143807	Leo Avenue Park	Wyndham City Council Located at 1 Leo Avenue, Tarneit For further details see map at <a href="http://www.land.vic.gov.au/place-naming">www.land.vic.gov.au/place-naming</a>
143807	Passion Crescent Park	Wyndham City Council Located at 1 Passion Crescent, Tarneit 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
143511	Parker Drive	Seymour	Mitchell Shire Council Previously Parker Court, the road runs north east off Ridd Drive
143618	Zebina Lane	St Arnaud	Northern Grampians Shire Council Section of road located between Dunstan Street and Trafalgar Street
144008	Redrum	Hernes Oak	Latrobe City Council Trail situated within the Haunted Hills Bike Park, located at 354 Haunted Hills Road
144008	Hey Zeus	Hernes Oak	Latrobe City Council Trail situated within the Haunted Hills Bike Park, located at 354 Haunted Hills Road

144008	Vertebrae	Hernes Oak	Latrobe City Council Trail situated within the Haunted Hills Bike Park, located at 354 Haunted Hills Road
144008	Vice Grip	Hernes Oak	Latrobe City Council Trail situated within the Haunted Hills Bike Park, located at 354 Haunted Hills Road
144008	Last Rights	Hernes Oak	Latrobe City Council Trail situated within the Haunted Hills Bike Park, located at 354 Haunted Hills Road
144008	Dantes Descent	Hernes Oak	Latrobe City Council Trail situated within the Haunted Hills Bike Park, located at 354 Haunted Hills Road
144008	Conveyor	Hernes Oak	Latrobe City Council Trail situated within the Haunted Hills Bike Park, located at 354 Haunted Hills Road
144008	Mad Cows	Hernes Oak	Latrobe City Council Trail situated within the Haunted Hills Bike Park, located at 354 Haunted Hills Road
144008	Trick or Treat	Hernes Oak	Latrobe City Council Trail situated within the Haunted Hills Bike Park, located at 354 Haunted Hills Road
144008	Dammit	Hernes Oak	Latrobe City Council Trail situated within the Haunted Hills Bike Park, located at 354 Haunted Hills Road
144008	Turbine	Hernes Oak	Latrobe City Council Trail situated within the Haunted Hills Bike Park, located at 354 Haunted Hills Road
144008	Undertaker	Hernes Oak	Latrobe City Council Trail situated within the Haunted Hills Bike Park, located at 354 Haunted Hills Road
144008	Electric Nightmare	Hernes Oak	Latrobe City Council Trail situated within the Haunted Hills Bike Park, located at 354 Haunted Hills Road
144008	Voo Doo	Hernes Oak	Latrobe City Council Trail situated within the Haunted Hills Bike Park, located at 354 Haunted Hills Road
144008	Dead End	Hernes Oak	Latrobe City Council Trail situated within the Haunted Hills Bike Park, located at 354 Haunted Hills Road
144008	Swayze	Hernes Oak	Latrobe City Council Trail situated within the Haunted Hills Bike Park, located at 354 Haunted Hills Road
144008	Bogeyman	Hernes Oak	Latrobe City Council Trail situated within the Haunted Hills Bike Park, located at 354 Haunted Hills Road

144008	Casper	Hernes Oak	Latrobe City Council Trail situated within the Haunted Hills Bike Park, located at 354 Haunted Hills Road
144008	Ghosty	Hernes Oak	Latrobe City Council Trail situated within the Haunted Hills Bike Park, located at 354 Haunted Hills Road
144008	Inferno	Hernes Oak	Latrobe City Council Trail situated within the Haunted Hills Bike Park, located at 354 Haunted Hills Road
144008	Slayer	Hernes Oak	Latrobe City Council Trail situated within the Haunted Hills Bike Park, located at 354 Haunted Hills Road
144008	Dredger	Hernes Oak	Latrobe City Council Trail situated within the Haunted Hills Bike Park, located at 354 Haunted Hills 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 Acting 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>	Keti (Kate) Cvetkov (ABN: 20 846 135 252) operating in the State of Victoria.
<b>Date this Interim Prohibition Order takes effect:</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.



<p><b>Effect of this Interim Prohibition Order:</b></p>	<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,</li> <li>b. offer or cause to be offered,</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.</li> <li>3. The general health service provider named above must publish a copy of this Interim Prohibition Order on any website or social media platform used to promote themselves or the supply of any goods or services.</li> <li>4. The published interim prohibition order must remain on any website or social media platform used to promote themselves or the supply of any goods or services until the interim prohibition order has expired or is revoked.</li> </ol>
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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



### **Marine Safety Act 2010**

#### **DECLARATION OF BOATING ACTIVITY EXEMPTION**

Horsham Rural City Council as the declared waterway manager for waters of the Wimmera River (within the boundaries of Horsham Rural City), makes the following declaration under section 203(3) of the **Marine Safety Act 2010**.

For the purposes of boating activity conducted by Dimboola Boat and Water Ski Club Inc, persons and vessels involved in the MIXX FM Australia Day Wimmera River Fun Day on 26 January 2022 are exempt from the following requirements between on the Wimmera River between the rowing club and the Western Highway bridge:

#### **State Rules made under the Marine Act 1988**

1. Clause 2(a) – must not exceed 5 knots within 50 metres of a person in the water
2. Clause 2(c) – must not exceed 5 knots within 50 metres of another vessel

3. Clause 3(a) – must not exceed 5 knots within 50 metres of the water’s edge
4. Clause 3(b) – must not exceed 5 knots within 50 metres of a fixed or floating structure
5. Clause 19(b) – master of a vessel must not tow more than three persons

**Waterway Rules made under the Marine Safety Act 2010/Marine Act 1988**

6. Clause 69.1 of Schedule 68 – 5 knot speed restriction on the Wimmera River at Horsham
7. Clause 69.3 of Schedule 69 – no wash zone on the Wimmera River at Horsham

**Marine Safety Regulations 2012**

8. Regulation 96(6) – master must ensure their vessel is equipped with appropriate safety equipment (carry PFD for each person on board or being towed)
9. Regulation 100(3) – person must wear a PFD of type specified at all times when underway on inland waters
10. Regulation 103 – a person being towed must wear PFD
11. Regulation 104(1) – master must ensure all occupants of the vessel are wearing a PFD
12. Regulation 104(2) – master of a vessel must not tow a person unless the person is wearing a PFD

**Subject to the conditions detailed below:**

- Masters of rescue vessels are only exempt from items 1–4, 6 and 7 when undertaking a rescue operation to retrieve persons in distress, provide for the initial medical or other needs and deliver them to a place of safety on shore, provided they operate at a speed not exceeding 5 knots within 10 metres of the water’s edge
- Masters of participating vessels are only exempt from items 3–4 and 6–7 for the duration of the event, and item 3 provided they operate at a speed not exceeding 5 knots within 10 metres of the water’s edge
- Masters of participating vessels are only exempt from items 5, 8, 11 and 12 when towing water skiers who are participating in trick events and when retrieving water skiers who are participating in trick events and exempt from wearing a personal flotation device
- Persons being towed are only exempt from items 9 and 10 when participating in the following trick skiing activities:
  - A 3-person high pyramid on the second or third tier
  - The rope held by the toe manoeuvres
  - Swivel acts
  - Double couple acts
- Barefoot skiers (limited to accredited barefoot water skiers who are highly skilled and competent in this activity) are only exempt from item 10 provided they wear a purpose designed wetsuit with impact protection and built-in buoyancy to float the wearer as per International Waterski and Wakeboard Federation rules.
- All persons on vessels and skiers associated with the event must wear a PFD (unless exempt from item 10 in accordance with these conditions), and vessels must have all prescribed safety equipment, including rescue vessels.
- The exemptions apply from 3.00 pm to 8.30 pm on 26 January 2022, to the persons and vessels listed within the event application who are participating in the MIXX FM Australia Day Fun Day event on the waters of the Wimmera River – Horsham.
- The exemptions apply provided the stated safety controls and undertakings detailed in the application form and associated documentation are adhered to.

BY ORDER OF HORSHAM RURAL CITY COUNCIL

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**Marine Safety Act 2010**

## NOTICE OF BOATING ACTIVITY EXCLUSION ZONE

Loddon Shire Council as the declared waterway manager for the Loddon River at Bridgewater between Flour Mill Weir and Sweeneys Lane, hereby gives notice under section 208(2) of the **Marine Safety Act 2010** that the waters of the Loddon River between the Calder Highway bridge and the boat ramp at Sweeneys Lane are prohibited to all persons and vessels not registered to take part in the 2022 Australian Masters Water Ski Championships. The exclusion zone takes effect between 7.00 am and 7.00 pm from 21 to 23 January 2022.

Dated 10 January 2022

BY ORDER OF LODDON SHIRE COUNCIL

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**Marine Safety Act 2010**

## Section 208(2)

## NOTICE OF BOATING ACTIVITY EXCLUSION ZONE

Parks Victoria as the declared waterway manager for Local Port of Port Phillip hereby gives notice under section 208(2) of the **Marine Safety Act 2010** that all persons and vessels not registered to take part in the LSV Lifesaving Carnival Mordialloc are prohibited from entering and remaining in the following waters.

Waters adjacent to Mordialloc Life Saving Club clearly marked by flags on shore approximately 400 metres apart, and in the water by buoys extending up to 350 metres from shore.

The exclusion zone will be in effect from 6.00 am to 5.00 pm on Saturday 22 January 2022.

Dated 17 January 2022

BY ORDER OF PARKS VICTORIA

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**Plant Biosecurity Act 2010**

## ORDER PROHIBITING OR RESTRICTING THE ENTRY OR IMPORTATION INTO VICTORIA OF MATERIALS WHICH ARE HOSTS OF TOMATO POTATO PSYLLID

I, Rosa Crnov, as delegate of the Minister for Agriculture, being of the reasonable suspicion that the exotic pest tomato potato psyllid 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 tomato potato psyllid.

**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 force on the day of making.

**4. Revocation**

The Order entitled Order prohibiting or restricting the entry or importation into Victoria of materials which are hosts of tomato potato psyllid made under section 36(1) of the **Plant Biosecurity Act 2010**, and published in Victoria Government Gazette G40 on 7 October 2021 at pages 2113–2117 is revoked.

## 5. Definitions

In this Order –

**APVMA** means the Australian Pesticides and Veterinary Medicines Authority.

**host material** means

- (a) any host plant, or plant product of such plants belonging to the plant families *Convolvulaceae* or *Solanaceae*, including fruit and vegetables for consumption and cut flowers, but excluding:
  - (i) dried or processed plant products (such as chaff, dried herbs, grain, hay, mulch, seed or timber); or
  - (ii) tubers (including dormant seed, ware and processing potatoes), bulbs, corms and rhizomes without attached green material (e.g. leaves, stem, etc.); or
  - (iii) fresh fruit/vegetables without leaves, calyx or other attached green material; and
- (b) any agricultural equipment or package used in the cultivation, processing, packaging or transport of any host plant.

**tomato potato psyllid** means the pest *Bactericera cockerelli* (Sulc).

**unit** means each individual item, such as in the case of fruit, an individual piece of fruit and in the case of plants, an individual plant.

## 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, being a certificate issued by an officer responsible for agriculture in the State or Territory from which the host material originated, certifying that the area from which the host material originated is known to be free of tomato potato psyllid; 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:

- (a) presented to an inspector for inspection; or
- (b) verified by a person accredited to do so by the Department of Jobs, Precincts and Regions.

## 8. Expiry

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

**SCHEDULE**

Host material must –

- (1) in the case of plants and planting material, be –
  - (a) grown on a Pest Free Production Site as approved by the Department of Jobs, Precincts and Regions; and
  - (b) packed in a manner that prevents infestation by tomato potato psyllid; or
  - (c) treated with an insecticide effective against all life stages of tomato potato psyllid and registered for the control of tomato potato psyllid at rates specified on the label, or in accordance with an APVMA permit; and
    - (i) packed in a manner that prevents infestation by tomato potato psyllid; and
    - (ii) undergo a 2% or 600 unit inspection and be found free of tomato potato psyllid; or
- (2) in the case of fruit and vegetables for consumption with leaves, calyx or other attached green material, be –
  - (a) treated prior to harvest with an insecticide effective against all life stages of tomato potato psyllid and registered for the control of tomato potato psyllid at rates specified on the label, or in accordance with an APVMA permit; and
    - (i) packed in a manner that prevents infestation by tomato potato psyllid; and
    - (ii) undergo a 600 unit inspection and be found free of tomato potato psyllid; or
  - (b) fumigated with 1000g/kg active constituent methyl bromide at:
    - (i) 10° C – 10.9° C @ 56g/m<sup>3</sup> for 2 hours; or
    - (ii) 11° C – 15.9° C @ 48g/m<sup>3</sup> for 2 hours; or
    - (iii) 16° C – 20.9° C @ 40g/m<sup>3</sup> for 2 hours; or
    - (iv) 21° C – 31.9° C @ 32g/m<sup>3</sup> for 2 hours; and
    - (v) immediately after treatment, the fruit is placed in secure conditions that prevent infestation by tomato potato psyllid; or
- (3) in the case of flowers and ornamental foliage (excluding ornamental fruits), be –
  - (a) fumigated with 1000g/kg active constituent methyl bromide at:
    - (i) 10° C – 10.9° C @ 56g/m<sup>3</sup> for 2 hours; or
    - (ii) 11° C – 15.9° C @ 48g/m<sup>3</sup> for 2 hours; or
    - (iii) 16° C – 20.9° C @ 40g/m<sup>3</sup> for 2 hours; or
    - (iv) 21° C – 31.9° C @ 32g/m<sup>3</sup> for 2 hours; and
  - (b) immediately after treatment, the flowers and ornamental foliage are placed in secure conditions that prevent infestation of tomato potato psyllid; or
- (4) in the case of used agricultural equipment and used packages be –
  - (a) cleaned free of soil and organic matter by –
    - (i) brushing; or
    - (ii) high pressure hot water heated to a temperature of at least 70°C; or
    - (iii) steam.

Dated 12 January 2022

ROSA CRNOV  
Chief Plant Health Officer

**Public Health and Wellbeing Act 2008**

## Section 165AI

**GUIDANCE FOR THE PANDEMIC COVID-19 MANDATORY VACCINATION  
(GENERAL WORKERS) ORDER 2022 (No. 2)**

The objective of this Order is to require employers to not permit general workers to work outside their homes if they are not fully vaccinated or exempt.

General workers refer to a broad category of workers, with exceptions such as Commonwealth employees, members of State Parliament and religious workers who are not covered by this Order.

This Order requires:

- (1) an employer to not permit a general worker to work outside of the general worker's ordinary place of residence unless they are fully vaccinated or exempt; and
- (2) an employer of a general worker to collect the general worker's vaccination status when they work outside their ordinary place of residence; and
- (3) an employer to disclose a general worker's vaccination information to an authorised officer upon request.

These obligations aim to reduce the risk of transmission of COVID-19 in the workplace and keep workers and the broader community safe. Failure to comply with this Order may result in penalties.

*This guidance does not form part of the Pandemic COVID-19 Mandatory Vaccination (General Workers) Order 2022 (No. 2) and is for explanatory purposes only.*

**Public Health and Wellbeing Act 2008**

## Section 165AI

**PANDEMIC COVID-19 MANDATORY VACCINATION (GENERAL WORKERS)  
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**Public Health and Wellbeing Act 2008**

## Section 165AI

**COVID-19 MANDATORY VACCINATION (GENERAL WORKERS) 2022 ORDER (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 objective of this Order is to impose obligations upon employers in relation to the vaccination of general workers, in order to limit the spread of COVID-19 within the population of those workers.
- (2) This Order must be read together with the pandemic orders in force.

**2. Citation**

This Order may be referred to as the **Pandemic COVID-19 Mandatory Vaccination (General Workers) 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 12 January 2022 and ends at 11:59:00 pm on 12 April 2022.
- (2) The **Pandemic COVID-19 Mandatory Vaccination (General Workers) Order 2021 (No. 1)** is revoked at 11:59:00 pm on 12 January 2022.

**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 – VACCINATION REQUIREMENTS FOR GENERAL WORKERS****7. Limits on work outside ordinary place of residence**

- (1) If:
  - (a) a person is a general worker; and
  - (b) it is reasonably practicable for the person to work at the person's ordinary place of residence,
 an employer of the person must not permit the person to work for that employer outside the person's ordinary place of residence, unless:
  - (c) the employer collects, records and holds vaccination information about the person; and
  - (d) the person is:
    - (i) fully vaccinated; or
    - (ii) an excepted person.

*Note: this obligation does not apply in relation to a person who is a general worker, if it is not reasonably practicable for the person to work at the person's ordinary place of residence.*

- (2) For the purposes of complying with this clause, an employer is authorised to use any information about a worker that it holds under subclause (1)(c), except a worker's Individual Healthcare Identifier.

*Note: a COVID-19 digital certificate issued by Services Australia may include a person's Individual Healthcare Identifier. Individual Healthcare Identifiers are regulated by the **Healthcare Identifiers Act 2010** of the Commonwealth.*



**8. Disclosure to authorised officers**

- (1) An authorised officer may request an employer to produce to the authorised officer any vaccination information held by the employer under clause 7(1), except any Individual Healthcare Identifiers that the employer might hold.
- (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.*

**PART 3 – GENERAL PROVISIONS****9. 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.

**10. Transitional provisions**

- (1) A reference in any pandemic order in force to a Revoked COVID-19 Mandatory Vaccination (General Workers) 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 COVID-19 Mandatory Vaccination (General Workers) 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 COVID-19 Mandatory Vaccination (General Workers) 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****11. 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 – DEFINITIONS****Division 1 – Key definitions****1. Vaccination status**

- (1) A person's **vaccination status** is one of the following:
  - (a) fully vaccinated; or
  - (b) excepted person.
- (2) A person is **fully vaccinated** if the person has received:
  - (a) one dose of a one dose COVID-19 vaccine; or
  - (b) two doses of a two dose COVID-19 vaccine including two different types of two dose COVID-19 vaccines.
- (3) A person is an **excepted person** if 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:
  - (a) a medical contraindication; or
  - (b) an acute medical illness (including where the person has been diagnosed with COVID-19).
- (4) An **acceptable certification** for the purpose of subclause (3) is:
  - (a) a current 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 subparagraph (a).

**2. Vaccination information**

For the purposes of this Order, vaccination information is information relating to a person's vaccination status and includes:

- (1) any 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; and
- (2) the name or type of any dose of COVID-19 vaccine received by the person; and
- (3) the date on which the person received any dose of a COVID-19 vaccine.

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

**3. Employers and workers**

For the purpose of this Order:

**employer** in relation to a general worker means:

- (1) the person who employs or engages the worker; or
- (2) if the worker is self-employed – the worker;

**general worker** means a person who does work, but does not include:

- (1) a person under 12 years and two months of age;
- (2) a person who is a worker within the meaning of the **COVID-19 Mandatory Vaccination (Specified Workers) Order**;
- (3) a person who is a worker in relation to a specified facility within the meaning of the **COVID-19 Mandatory Vaccination (Specified Facilities) Order**;

- (4) a person who is a worker within the meaning of the **Open Premises Order**;
- (5) a Commonwealth employee;
- (6) a judge or judicial registrar;
- (7) 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;
- (8) a person who is a member of the staff of Court Services Victoria within the meaning of the **Court Services Victoria Act 2014**;
- (9) a person employed or engaged by the Chief Executive Officer of the Victorian Civil and Administrative Tribunal;
- (10) a member of State Parliament;
- (11) the Clerk of the Legislative Assembly;
- (12) the Clerk of the Legislative Council;
- (13) an electorate officer within the meaning of the **Parliamentary Administration Act 2004**;
- (14) a parliamentary officer within the meaning of the **Parliamentary Administration Act 2004**;
- (15) 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;
- (16) 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;
- (17) 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;
- (18) the Governor and the Lieutenant Governor.

## Division 2 – Other definitions

For the purposes of this Order:

**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 2022 (No. 2)** 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 2022 (No. 2)** 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;

**Individual Healthcare Identifier** has the same meaning as the healthcare identifier of a healthcare recipient in section 9 of the **Healthcare Identifiers Act 2010** of the Commonwealth;

**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;

**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, myocarditis or pericarditis attributed to a previous dose of either Comirnaty or Spikevax;
- (5) where a person is in the process of completing a Federal Department of Health approved COVID-19 vaccine clinical trial;
- (6) 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;

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

**Open Premises Order** means the **Pandemic (Open Premises) Order 2022 (No. 3)** as amended or replaced from time to time;

**pandemic orders in force** has the same meaning as in the **Pandemic (Movement and Gathering) Order 2022 (No. 3)** as amended or replaced from time to time;

**Revoked COVID-19 Mandatory Vaccination (General Workers) Order** means the **COVID-19 Mandatory Vaccination (General Workers) Directions (No 3)** or the

**Pandemic COVID-19 Mandatory Vaccination (General Workers) Order 2021 (No. 1),**  
or their predecessors;

**specified facility** has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Order**;

**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).

Dated 10 January 2022

MARTIN FOLEY MP  
Minister for Health

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**Public Health and Wellbeing Act 2008**

## Section 165AI

**GUIDANCE FOR THE PANDEMIC COVID-19 MANDATORY VACCINATION  
(SPECIFIED FACILITIES) ORDER 2022 (No. 2)**

This Order requires operators of specified facilities to manage the vaccination status of workers, in order to limit the spread of COVID-19 within the population in the following settings:

- (1) residential aged care facilities;
- (2) construction sites;
- (3) healthcare facilities; and
- (4) education facilities.

Amongst other things, this Order requires operators of specified facilities to:

- (1) collect, record and hold certain vaccination information of workers;
- (2) take reasonable steps to prevent entry of unvaccinated or partially vaccinated workers to the specified facility for the purposes of working;
- (3) if a booster deadline is specified in relation to a worker, take reasonable steps to prevent entry of workers, unless the worker is fully vaccinated (boosted) or an excepted person; and
- (4) notify current and new workers that the operator is obliged to collect, record and hold certain vaccination information about the worker and to take reasonable steps to prevent a worker who is unvaccinated or partially vaccinated or not fully vaccinated (boosted) from entering or remaining on the premises of a specified facility for the purposes of work, as applicable.

Exceptional circumstances are set out in this Order where 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 COVID-19 Mandatory Vaccination (Specified Facilities) Order 2022 (No. 2) and is for explanatory purposes only.*

**Public Health and Wellbeing Act 2008**

## Section 165AI

**PANDEMIC COVID-19 MANDATORY VACCINATION (SPECIFIED FACILITIES)****ORDER 2022 (No. 2)****TABLE OF PROVISIONS**

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**Public Health and Wellbeing Act 2008**

## Section 165AI

**PANDEMIC COVID-19 MANDATORY VACCINATION (SPECIFIED FACILITIES)  
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 objective of this Order is to impose obligations upon operators of specified facilities in relation to the vaccination of workers, in order to limit the spread of COVID-19 within the population in these settings.
- (2) This Order imposes obligations on operators of:
  - (a) residential aged care facilities;
  - (b) construction sites;
  - (c) healthcare facilities; and
  - (d) education facilities.
- (3) This Order must be read together with the pandemic orders in force.

**2. Citation**

This Order may be referred to as the **Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) 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 12 January 2022 and ends at 11:59:00 pm on 12 April 2022.
- (2) The **Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2021 (No. 1)** is revoked at 11:59:00 pm on 12 January 2022.

**5. Definitions**

In this Order:

- (1) key definitions are contained in Division 1 of Schedule 2;
- (2) facility-specific definitions are contained in Division 2 of Schedule 2; and
- (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 – OPERATOR OBLIGATIONS****Division 1 – Operator must collect, record and hold vaccination information****7. Vaccination information**

- (1) If a worker is, or may be, scheduled to work at a specified facility after the commencement of this Order, the operator must collect, record and hold the following vaccination information about the worker:
  - (a) the worker's vaccination status; and
  - (b) if the worker is fully vaccinated – the date on which the person became fully vaccinated.

- (2) If:
- (a) a worker has a booster deadline; and
  - (b) the worker is, or may be, scheduled to work outside the worker's ordinary place of residence after that date,
- the operator must collect, record and hold the following vaccination information about the worker:
- (c) whether the worker is fully vaccinated (booster); and
  - (d) if the worker is fully vaccinated (boosted) – the date on which the person became fully vaccinated (boosted).

## 8. Timing

- (1) An operator must comply with the obligations in clause 7(1) as soon as reasonably practicable after the commencement of this Order.
- (2) An operator must comply with the obligations in clause 7(2) before the booster deadline.

## 9. Exception – fully vaccinated and excepted persons

- (1) Clause 7(1)(a) does not apply in relation to a worker if the operator already holds information that the worker:
  - (a) is fully vaccinated; or
  - (b) will be an excepted person for the period beginning when this Order commences and ending when this Order ends.
- (2) Clause 7(1)(b) and 7(2) do not apply in relation to a worker if the operator already holds the information specified in those subclauses.

## Division 2 – Operator must take reasonable steps to prevent entry of unvaccinated workers

### 10. Prevention of entry to premises

#### *Unvaccinated and partially vaccinated workers*

- (1) An operator of a specified facility must take all reasonable steps to ensure that a worker does not enter, or remain on, the premises of the specified facility for the purposes of working at the specified facility unless the worker is fully vaccinated or an excepted person.

#### *Booster deadlines*

- (2) If a booster deadline is specified in relation to a worker, an operator of a specified facility must take all reasonable steps to ensure that the worker must not, after that date, enter, or remain on, the premises of the specified facility for the purposes of working at the specified facility unless the worker is fully vaccinated (boosted) or an excepted person.

#### *Where operator does not hold information about vaccination status*

- (3) For the purposes of clause this clause, if an operator does not hold information about the vaccination status of a worker, the operator must treat the worker as if the worker is unvaccinated.

### 11. Exception – self-quarantine or self-isolation

Despite clause 10, an operator of a specified facility may permit a worker who is not fully vaccinated (boosted) or an excepted person to enter, or remain on, the premises of the specified facility if the worker:

- (1) was unable to become fully vaccinated (boosted) before the relevant booster deadline because they were in self-quarantine or self-isolation under the Quarantine, Isolation and Testing Order; and

- (2) has a booking to receive, within 1 week of the end of the period of self-quarantine or self-isolation as determined under the Quarantine, Isolation and Testing Order, a dose of a COVID-19 vaccine that will cause the worker to become fully vaccinated (boosted).

### **Division 3 – Operator to notify workers**

#### **12. Authorisation to use vaccination information**

For the purposes of complying with Division 2 of Part 2, an operator is authorised to use any information about a worker that it holds under clause 7, except a worker's Individual Healthcare Identifier.

*Note: a COVID-19 digital certificate issued by Services Australia may include a person's Individual Healthcare Identifier. Individual Healthcare Identifiers are regulated by the **Healthcare Identifiers Act 2010** of the Commonwealth.*

#### **13. Disclosure to employer or contractor**

If the operator is obliged to comply with Division 2 of Part 2 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 facility,

the operator is authorised to disclose to the employer or person who engaged the worker that the operator is obliged to comply with Division 2 of Part 2 in relation to the worker.

#### **14. Notification to current workers**

- (1) Unless an exception applies under this Order, subject to subclause (2), an operator of a specified facility must, as soon as reasonably practicable after the commencement of this Order, inform each worker who is, or may be, scheduled to work at the facility that:
  - (a) clause 7 obliges the operator to collect, record and hold the information specified in that clause in relation to the worker; and
  - (b) clause 10(1) obliges the operator to take all reasonable steps to ensure that a worker does not enter, or remain on, the premises of a specified facility for the purposes of working at the facility unless the worker is fully vaccinated or an excepted person; and
  - (c) if a booster deadline is specified in relation to a worker, clause 10(2) obliges the operator to take all reasonable steps to ensure that a worker does not enter, or remain on, the premises of the specified facility for the purposes of working at the specified facility unless the worker is fully vaccinated (boosted) or an excepted person.
- (2) Subclause (1) does not apply to an operator in respect of a worker to the extent that the operator informed the worker of the matters specified in that subclause under a Revoked COVID-19 Mandatory Vaccination (Specified Facilities) Order or its predecessors.

#### **15. Notification to new workers**

Unless an exception applies under this Order, if an operator of a specified facility engages a worker who is, or may be, scheduled to work at the facility, the operator must inform the worker, as soon as reasonably practicable after engaging the worker, that:

- (1) clause 7 obliges the operator to collect, record and hold the information specified in that clause in relation to the worker; and
- (2) clause 10(1) obliges the operator to take all reasonable steps to ensure that a worker does not enter, or remain on, the premises of a specified facility for the purposes of working at the facility unless the worker is fully vaccinated or an excepted person; and

- (3) if a booster deadline is specified in relation to a worker, clause 10(2) obliges the operator to take all reasonable steps to ensure that a worker does not enter, or remain on, the premises of the specified facility for the purposes of working at the specified facility unless the worker is fully vaccinated (boosted) or an excepted person.

#### **Division 4 – Exceptions and other operator obligations**

##### **16. Exception – exceptional circumstances**

- (1) An operator of a specified facility is not required to comply with clause 10(1) if one or more of the exceptional circumstances specified in subclause (2) applies.

- (2) The exceptional circumstances are:

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

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

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

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

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

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

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

##### **17. Additional obligation**

If the circumstances specified in clause 16(2) apply in relation to a residential aged care facility or a healthcare facility, the relevant operator must take all reasonable steps to ensure that the worker wears, at all times while on the premises of the facility, PPE that includes, at a minimum, a surgical mask and face shield.

##### **18. Disclosure to authorised officers**

- (1) An authorised officer may request an operator to produce to the authorised officer any vaccination information held by the operator under clause 7, except any Individual Healthcare Identifiers that the operator might hold.
- (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.*

**PART 3 – GENERAL PROVISIONS****19. 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.

**20. Transitional provisions**

- (1) A reference in any pandemic order in force to a Revoked COVID-19 Mandatory Vaccination (Specified Facilities) 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 COVID-19 Mandatory Vaccination (Specified Facilities) 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 COVID-19 Mandatory Vaccination (Specified Facilities) 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****21. 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 – SPECIFIED FACILITIES

<b>Specified facility (Column 1)</b>	<b>Operator (Column 2)</b>	<b>Worker (Column 3)</b>	<b>Booster deadline (Column 4)</b>	<b>Facility-specific definitions</b>
<b>residential aged care facility</b>	<b>approved provider</b> with responsibility for that residential aged care facility	<b>residential aged care facility worker</b>	For workers that became fully vaccinated on or before 12 September 2021, the deadline is 12 February 2022. For workers that became fully vaccinated after 12 September 2021, the deadline is 1 March 2022.	Clause 4 of Schedule 2
<b>construction site</b>	<b>principal contractor</b> for that construction site	any person (paid or unpaid) performing work at a construction site, including: (a) an employee of the operator; and (b) any contractor engaged by the operator or by a third party.	Not applicable	Clause 5 of Schedule 2
<b>healthcare facility</b>	<b>healthcare operator</b>	<b>healthcare worker</b>	For workers that became fully vaccinated on or before 12 September 2021, the deadline is 12 February 2022. For workers that became fully vaccinated after 12 September 2021, the deadline is 29 March 2022.	Clause 6 of Schedule 2
<b>education facility</b>	<b>education operator</b>	<b>education worker</b>	Not applicable	Clause 7 of Schedule 2

**SCHEDULE 2 – DEFINITIONS****Division 1 – Key definitions****1. Vaccination status**

- (1) A person's **vaccination status** is one of the following:
  - (a) fully vaccinated (boosted); or
  - (b) fully vaccinated; or
  - (c) partially vaccinated; or
  - (d) unvaccinated; or
  - (e) excepted person.
- (2) A person is **fully vaccinated** if the person has received:
  - (a) one dose of a one dose COVID-19 vaccine; or
  - (b) two doses of a two dose COVID-19 vaccine including two different types of two dose COVID-19 vaccines.
- (3) A person is **fully vaccinated (boosted)** if the person has received a booster dose.
- (4) 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.
- (5) A person is **unvaccinated** if the person has not received a dose of a COVID-19 vaccine and is not an excepted person.
- (6) A person is an **excepted person** if 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:
  - (a) a medical contraindication; or
  - (b) an acute medical illness (including where the person has been diagnosed with COVID-19).
- (7) An **acceptable certification** for the purpose of subclause (6) is:
  - (a) a current 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 subparagraph (a).
- (8) A **booster deadline** in relation to a worker is the date specified in Column 4 of Schedule 1 for that worker.
- (9) A person has received a **booster dose** if they have received:
  - (a) a second dose of a COVID-19 vaccine after receiving one dose of a one dose COVID-19 vaccine; or
  - (b) a third dose of a COVID-19 vaccine after receiving two doses of a two dose COVID-19 vaccine including different types of two dose COVID-19 vaccines.

**2. Vaccination information**

For the purposes of this Order, vaccination information is information relating to a person's vaccination status and includes:

- (1) any 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; and
- (2) the name or type of any dose of COVID-19 vaccine received by the person; and

- (3) the date on which the person received any dose of a COVID-19 vaccine.

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

### 3. Schedule 1 definitions

For the purposes of this Order:

- (1) **operator** in relation to a specified facility means a person identified in Column 2 of Schedule 1 for that facility;
- (2) **specified facility** means a facility identified in Column 1 of Schedule 1;
- (3) **worker** in relation to a specified facility means a person identified in Column 3 of Schedule 1 for that facility except for a person under 12 years and two months of age.

### Division 2 – Facility-specific definitions

#### 4. Residential aged care facilities

For the purposes of this Order:

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



## 5. Construction sites

For the purposes of this Order:

- (1) **construction site** means a premises at which civil works, building or construction activities are taking place (the primary premises) and includes:
  - (a) premises that are nearby to the primary premises at which work relating to the operation of the primary premises is undertaken (secondary premises);
  - (b) any vehicle used to carry out work at the primary premises or secondary premises;  
*Example: a site office for a construction site that is located in an office building close to the construction site.*
- (2) **principal contractor** means the owner of a construction site unless the owner:
  - (a) appoints a principal contractor for the construction work performed for or on behalf of the owner; and
  - (b) authorises the principal contractor to manage or control the construction site to the extent necessary to discharge the duties imposed on a principal contractor under the **Occupational Health and Safety Regulations 2017**;
- (3) **vehicle** has the same meaning as in the **Public Health and Wellbeing Act 2008**.

## 6. Healthcare facilities

For the purposes of this Order:

- (1) **healthcare facility** means each of the following premises:
  - (a) hospitals, including outpatient settings and in reach services;
  - (b) ambulance and patient transport services vehicles;
  - (c) community health centres including mental health, child and maternity, and drug and alcohol counselling services centres;
  - (d) general practices;
  - (e) COVID-19 related healthcare sites, including testing sites, vaccination centres and hotel quarantine premises;
  - (f) dental surgeries and practices;
  - (g) day procedure centres;
  - (h) health clinics, including medical specialist and allied health professional operated clinics;
  - (i) pharmacies;
  - (j) diagnostic and medical imaging centres;
  - (k) premises at which mobile health services are provided;
  - (l) premises at which blood donation services are provided;
  - (m) premises at which healthcare students undertake placement, registration or internships;
  - (n) premises at which health services within government agencies are provided, including the Victorian Department of Justice and Community Services – Victorian Institute of Forensic Medicine;
  - (o) Coroner’s Court;
  - (p) any retail or other premises operating within a healthcare facility, including cafes, newsagents and florists;
- (2) **healthcare operator** means a person who operates a healthcare facility whether public, private or denominational;

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

## 7. Education facilities

For the purposes of this Order:

- (1) **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;
- (2) **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;
- (3) **education operator** means a person who operates an education facility, whether public, private or denominational;

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

### Division 3 – Other definitions

#### 8. Other definitions

For the purposes of this Order:

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

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

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

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

**emergency situation** means a situation where it is reasonably apparent to the operator of a specified facility that medical treatment is necessary, as a matter of urgency to:

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

**Individual Healthcare Identifier** has the same meaning as the healthcare identifier of a healthcare recipient in section 9 of the **Healthcare Identifiers Act 2010** of the Commonwealth;

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

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

- (d) in relation to Comirnaty or Spikevax:
  - (i) myocarditis or pericarditis attributed to a previous dose of either Comirnaty or Spikevax;
- (e) where a person is in the process of completing a Federal Department of Health approved COVID-19 vaccine clinical trial;
- (f) the occurrence of any other serious adverse event that has:
  - (i) been attributed to a previous dose of a COVID-19 vaccine by an experienced immunisation provider or medical specialist (and not attributed to any another identifiable cause); and
  - (ii) been reported to State adverse event programs and/or the Therapeutic Goods Administration;

**medical practitioner** means:

- (a) a general practice registrar on an approved 3GA training placement; or
- (b) a public health physician; or
- (c) an infectious disease physician; or
- (d) a clinical immunologist; or
- (e) a general practitioner who is vocationally registered; or
- (f) a general practitioner who is a fellow of the Royal Australian College of General Practitioners (RACGP); or
- (g) a general practitioner who is a fellow of the Australian College of Rural and Remote Medicine (ACRRM); or
- (h) a paediatrician; or
- (i) a medical practitioner who is a fellow of the Royal Australasian College of Physicians;

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

**pandemic orders in force** has the same meaning as in the **Pandemic (Movement and Gathering) Order 2022 (No. 3)** as amended or replaced from time to time;

**PPE** means personal protective equipment;

**premises** has the same meaning as in the **Public Health and Wellbeing Act 2008** but does not include a worker’s ordinary place of residence;

**Quarantine, Isolation and Testing Order** means the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 4)** as amended or replaced from time to time;

**Revoked COVID-19 Mandatory Vaccination (Specified Facilities) Order** means the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No 13)** or the **Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2021 (No. 1)**, and their predecessors;

**two dose COVID-19 vaccine** means:

- (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).

Dated 10 January 2022

MARTIN FOLEY MP  
Minister for Health

**Public Health and Wellbeing Act 2008**

## Section 165AI

**GUIDANCE FOR THE PANDEMIC COVID-19 MANDATORY VACCINATION  
(SPECIFIED WORKERS) ORDER 2022 (No. 2)**

This order requires employers to not permit a worker to work outside their ordinary place of residence if they are unvaccinated or partially vaccinated or not fully vaccinated (boosted) (as applicable) in order to limit the spread of COVID-19 within the population of those workers.

Specified workers are listed in Schedule 1.

Amongst other things, this Order requires employers of specified workers to:

- (1) collect, record and hold certain vaccination information of workers;
- (2) not permit specific unvaccinated or partially vaccinated workers from working outside the worker's ordinary place of residence;
- (3) if a booster deadline is specified in relation to a worker, the employer must not, after that date, permit the worker to work outside their ordinary place of residence unless the worker is fully vaccinated (boosted) or an excepted person; and
- (4) notify current and new workers that the employer is obliged to collect, record and hold vaccination information about the worker and to not permit the worker who is unvaccinated or partially vaccinated or not fully vaccinated (boosted) from working outside the worker's ordinary place of residence, as applicable.

Exceptional circumstances are set out in this Order where 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 COVID-19 Mandatory Vaccination (Specified Workers) Order 2022 (No. 2) and is for explanatory purposes only.*

**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC COVID-19 MANDATORY VACCINATION (SPECIFIED WORKERS)

## ORDER 2022 (No. 2)

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**Public Health and Wellbeing Act 2008**

## Section 165AI

**PANDEMIC COVID-19 MANDATORY VACCINATION (SPECIFIED WORKERS)****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 objective of this Order is to impose obligations upon employers in relation to the vaccination of workers, in order to limit the spread of COVID-19 within the population of those workers.
- (2) This Order must be read together with the pandemic orders in force.

**2. Citation**

This Order may be referred to as the **Pandemic COVID-19 Mandatory Vaccination (Specified Workers) 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 12 January 2022 and ends at 11:59:00 pm on 12 April 2022.
- (2) The **Pandemic COVID-19 Mandatory Vaccination (Specified Workers) Order 2021 (No. 1)** is revoked at 11:59:00 pm on 12 January 2022.

**5. Definitions**

In this Order:

- (a) key definitions are contained in Division 1 of Schedule 2;
- (b) worker specific definitions are contained in Division 2 of Schedule 2; and
- (c) 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 – EMPLOYER OBLIGATIONS****Division 1 – Employer must collect, record and hold vaccination information****7. Vaccination information**

- (1) If a worker is, or may be, scheduled to work outside the worker's ordinary place of residence after the commencement of this Order, the employer of the worker must collect, record and hold the following vaccination information about the worker:
  - (a) the worker's vaccination status; and
  - (b) if the worker is fully vaccinated – the date on which the person became fully vaccinated.
- (2) If:
  - (a) a worker has a booster deadline; and
  - (b) the worker is, or may be, scheduled to work outside the worker's ordinary place of residence after that date,
 the employer must collect, record and hold the following vaccination information about the worker:



- (c) whether the worker is fully vaccinated (booster); and
- (d) if the worker is fully vaccinated (boosted) – the date on which the person became fully vaccinated (boosted).

## 8. Timing

- (1) An employer must comply with the obligations in clause 7(1) as soon as reasonably practicable after the commencement of this Order.
- (2) An employer must comply with the obligations in clause 7(2) before the booster deadline.

## 9. Exception – fully vaccinated and excepted persons

- (1) Clause 7(1)(a) does not apply in relation to a worker if the employer already holds information that the worker:
  - (a) is fully vaccinated; or
  - (b) will be an excepted person for the period beginning when this Order commences and ending when this Order ends.
- (2) Clause 7(1)(b) and 7(2) do not apply in relation to a worker if the employer already holds the information specified in those subclauses.

## Division 2 – Employer must ensure unvaccinated workers do not work outside ordinary place of residence

### 10. No work outside ordinary place of residence

#### *Unvaccinated and partially vaccinated workers*

- (1) An employer of a worker must not permit a worker to work for that employer outside the worker's ordinary place of residence unless the worker is fully vaccinated or an excepted person.

#### *Booster deadlines*

- (2) If a booster deadline is specified in relation to a worker, an employer of the worker must not, after that date, permit the worker to work for that employer outside the worker's ordinary place of residence unless the worker is fully vaccinated (boosted) or an excepted person.

#### *Where employer does not hold information about vaccination status*

- (3) For the purposes of this clause, if an employer does not hold information about the vaccination status of a worker, the employer must treat the worker as if the worker is unvaccinated.

### 11. Exception – agricultural and forestry workers

Despite clause 10(1), an employer of an agricultural and forestry worker may permit an agricultural and forestry worker to work for that employer outside the worker's ordinary place of residence if the worker:

- (1) is unvaccinated or partially vaccinated; and
- (2) is employed or engaged by the employer through the Pacific Australia Labour Mobility scheme; and
- (3) has a booking to receive a dose of a COVID-19 vaccine that will cause the worker to become partially vaccinated or fully vaccinated within 4 weeks of arriving in Australia.

### 12. Exception – self-quarantine or self-isolation

Despite clause 10(2), an employer may permit a worker who is not fully vaccinated (boosted) or an excepted person to work for that employer outside of the worker's ordinary place of residence if the worker:

- (1) was unable to become fully vaccinated (boosted) before the relevant booster deadline because they were in self-quarantine or self-isolation under the Quarantine, Isolation and Testing Order; and

- (2) has a booking to receive, within 1 week of the end of the period of self-quarantine or self-isolation as determined under the Quarantine, Isolation and Testing Order, a dose of a COVID-19 vaccine that will cause the worker to become fully vaccinated (boosted).

### **Division 3 – Employer to notify workers**

#### **13. Authorisation to use vaccination information**

For the purposes of complying with Division 2 of Part 2, an employer is authorised to use any information about a worker that it holds under clause 7, except a worker's Individual Healthcare Identifier.

*Note: a COVID-19 digital certificate issued by Services Australia may include a person's Individual Healthcare Identifier. Individual Healthcare Identifiers are regulated by the Healthcare Identifiers Act 2010 of the Commonwealth.*

#### **14. Notification to current workers**

- (1) Unless an exception applies under this Order, an employer of a worker must, as soon as reasonably practicable after the commencement of this Order, inform each worker who is, or may be, scheduled to work outside the worker's ordinary place of residence that:
- (a) clause 7 obliges the employer to collect, record and hold the information specified in that clause in relation to the worker; and
  - (b) clause 10(1) obliges the employer not to permit a worker to work for that employer outside the worker's ordinary place of residence unless the worker is fully vaccinated or an excepted person; and
  - (c) if a booster deadline is specified in relation to a worker, clause 10(2) obliges the employer to not permit the worker to work for that employer outside the worker's ordinary place of residence unless the worker is fully vaccinated (boosted) or an excepted person.
- (2) Subclause (1) does not apply to the extent that the employer has previously notified the worker of the matters specified in that subclause under a Revoked COVID-19 Mandatory Vaccination (Specified Workers) Order or its predecessors.

#### **15. Notification to new workers**

Unless an exception applies under this Order, if an employer engages a worker who is, or may be, scheduled to work outside the worker's ordinary place of residence, the employer must inform the worker, as soon as reasonably practicable after engaging the worker, that:

- (a) clause 7 obliges the employer to collect, record and hold the information specified in that clause in relation to the worker; and
- (b) clause 10(1) obliges the employer not to permit a worker to work for that employer outside the worker's ordinary place of residence, unless the worker is fully vaccinated or an excepted person; and
- (c) if a booster deadline is specified in relation to a worker; clause 10(2) obliges the employer to not permit the worker to work for that employer outside the worker's ordinary place of residence unless the worker is fully vaccinated (boosted) or an excepted person.

### **Division 4 – Exceptions and other employer obligations**

#### **16. Exception – exceptional circumstances**

- (1) An employer of a worker is not required to comply with clause 10 if one or more of the exceptional circumstances specified in subclause (2) applies.
- (2) The exceptional circumstances are:
  - (a) a worker is required to perform work or duties that is or are necessary to provide for urgent specialist clinical or medical care due to an emergency situation or a critical unforeseen circumstance; or

- (b) a worker is required to fill a vacancy to provide urgent care, to maintain quality of care and/or to continue essential operations due to an emergency situation or a critical unforeseen circumstance; or  
*Example 1: a large number of workers furloughed due to exposure at a Tier 1 site.*  
*Example 2: a medical practitioner is required to work outside their ordinary place of residence on short notice due to an emergency situation.*
  - (c) a worker is required to respond to an emergency; or
  - (d) a worker is required to perform urgent and essential work to protect the health and safety of workers or members of the public, or to protect assets and infrastructure.
- (3) If a circumstance specified in subclause (2) applies, the employer must take all reasonable steps to ensure that the worker does not work outside the worker's ordinary place of residence for any longer than the period of time necessary to respond to the exceptional circumstance.

#### **17. Disclosure to authorised officers**

- (1) An authorised officer may request an employer to produce to the authorised officer any vaccination information held by the employer under clause 7, except any Individual Healthcare Identifiers that the employer might hold.
- (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.*

### **PART 3 – GENERAL PROVISIONS**

#### **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 COVID-19 Mandatory Vaccination (Specified Workers) 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 COVID-19 Mandatory Vaccination (Specified Workers) 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 COVID-19 Mandatory Vaccination (Specified Workers) 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 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 – WORKERS**

<b>Row</b>	<b>Worker (Column 1)</b>	<b>Booster deadline (Column 2)</b>	<b>Worker-specific definitions</b>
1.	accommodation worker	Not applicable	Schedule 2, Division 2, Clause 4
2.	agricultural and forestry worker	Not applicable	Schedule 2, Division 2, Clause 5
3.	airport worker	Not applicable	Schedule 2, Division 2, Clause 6
4.	ancillary, support and welfare worker	Not applicable	Schedule 2, Division 2, Clause 7
5.	authorised officer	Not applicable	Schedule 2, Division 2, Clause 8
6.	care worker	Not applicable	Schedule 2, Division 2, Clause 9
7.	community worker	Not applicable	Schedule 2, Division 2, Clause 10
8.	creative arts worker	Not applicable	Schedule 2, Division 2, Clause 11
9.	custodial worker	For workers that became fully vaccinated on or before 12 September 2021, the deadline is 12 February 2022. For workers that became fully vaccinated after 12 September 2021, the deadline is 12 March 2022.	Schedule 2, Division 2, Clause 12
10.	disability worker	For workers that became fully vaccinated on or before 12 September 2021, the deadline is 12 February 2022. For workers that became fully vaccinated after 12 September 2021, the deadline is 12 March 2022.	Schedule 2, Division 2, Clause 13
11.	emergency service worker	For workers that became fully vaccinated on or before 12 September 2021, the deadline is 12 February 2022. For workers that became fully vaccinated after 12 September 2021, the deadline is 12 March 2022.	Schedule 2, Division 2, Clause 14
12.	entertainment and function worker	Not applicable	Schedule 2, Division 2, Clause 15

Row	Worker (Column 1)	Booster deadline (Column 2)	Worker-specific definitions
13.	food distribution worker	For workers that became fully vaccinated on or before 12 September 2021, the deadline is 12 February 2022. For workers that became fully vaccinated after 12 September 2021, the deadline is 12 March 2022.	Schedule 2, Division 2, Clause 16
14.	funeral worker	Not applicable	Schedule 2, Division 2, Clause 17
15.	higher education worker	Not applicable	Schedule 2, Division 2, Clause 18
16.	justice worker	Not applicable	Schedule 2, Division 2, Clause 19
17.	manufacturing worker	Not applicable	Schedule 2, Division 2, Clause 20
18.	marriage celebrant	Not applicable	Schedule 2, Division 2, Clause 21
19.	meat and seafood processing worker	For workers that became fully vaccinated on or before 12 September 2021, the deadline is 12 February 2022. For workers that became fully vaccinated after 12 September 2021, the deadline is 12 March 2022.	Schedule 2, Division 2, Clause 22
20.	media and film production worker	Not applicable	Schedule 2, Division 2, Clause 23
21.	mining worker	Not applicable	Schedule 2, Division 2, Clause 24
22.	physical recreation worker	Not applicable	Schedule 2, Division 2, Clause 25
23.	port or freight worker	Not applicable	Schedule 2, Division 2, Clause 26
24.	professional sports, high-performance sports or racing person	Not applicable	Schedule 2, Division 2, Clause 27
25.	professional services worker	Not applicable	Schedule 2, Division 2, Clause 28
26.	public sector worker	Not applicable	Schedule 2, Division 2, Clause 29

Row	Worker (Column 1)	Booster deadline (Column 2)	Worker-specific definitions
27.	quarantine accommodation worker	For workers that became fully vaccinated on or before 12 September 2021, the deadline is 12 February 2022. For workers that became fully vaccinated after 12 September 2021, the deadline is 12 March 2022.	Schedule 2, Division 2, Clause 30
28.	real estate worker	Not applicable	Schedule 2, Division 2, Clause 31
29.	religious worker	Not applicable	Schedule 2, Division 2, Clause 32
30.	repair and maintenance worker	Not applicable	Schedule 2, Division 2, Clause 33
31.	retail worker	Not applicable	Schedule 2, Division 2, Clause 34
32.	science and technology worker	Not applicable	Schedule 2, Division 2, Clause 35
33.	social and community service worker	Not applicable	Schedule 2, Division 2, Clause 36
34.	transport worker	Not applicable	Schedule 2, Division 2, Clause 37
35.	utility and urban worker	Not applicable	Schedule 2, Division 2, Clause 38
36.	veterinary and pet/animal care worker	Not applicable	Schedule 2, Division 2, Clause 39

## SCHEDULE 2 – DEFINITIONS

### Division 1 – Key definitions

#### 1. Vaccination status

- (1) A person's **vaccination status** is one of the following:
  - (a) fully vaccinated (boosted); or
  - (b) fully vaccinated; or
  - (c) partially vaccinated; or
  - (d) unvaccinated; or
  - (e) excepted person.
- (2) A person is **fully vaccinated** if the person has received:
  - (a) one dose of a one dose COVID-19 vaccine; or
  - (b) two doses of a two dose COVID-19 vaccine including two different types of two dose COVID-19 vaccines.
- (3) A person is **fully vaccinated (boosted)** if the person has received a booster dose.
- (4) 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.
- (5) A person is **unvaccinated** if the person has not received a dose of a COVID-19 vaccine and is not an excepted person.
- (6) A person is an **excepted person** if 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:
  - (a) a medical contraindication; or
  - (b) an acute medical illness (including where the person has been diagnosed with COVID-19).
- (7) An **acceptable certification** for the purpose of subclause (6) is:
  - (a) a current 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 subparagraph (a).
- (8) A **booster deadline** in relation to a worker is the date specified in Column 2 of Schedule 1 for that worker.
- (9) A person has received a **booster dose** if they have received:
  - (a) a second dose of a COVID-19 vaccine after receiving one dose of a one dose COVID-19 vaccine; or
  - (b) a third dose of a COVID-19 vaccine after receiving two doses of a two dose COVID-19 vaccine including different types of two dose COVID-19 vaccines.

#### 2. Vaccination information

For the purposes of this Order, vaccination information is information relating to a person's vaccination status and includes:

- (1) any 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; and
- (2) the name or type of any dose of COVID-19 vaccine received by the person; and



- (3) the date on which the person received any dose of a COVID-19 vaccine.

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

### 3. Employers and workers

For the purpose of this Order:

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

### Division 2 – Worker-specific definitions

#### 4. Accommodation worker

For the purposes of this Order, **accommodation worker** means a person who works at or in connection with one of the following accommodation facilities, whether operated on a for-profit or not-for-profit basis:

- (1) camping ground;
- (2) caravan park;
- (3) hotel;
- (4) hostel;
- (5) bed and breakfast;
- (6) private holiday rental facility, including Airbnbs;
- (7) motel;
- (8) serviced apartment.

#### 5. Agricultural and forestry worker

For the purposes of this Order, **agricultural and forestry worker** means a person who works in connection with:

- (1) food safety and verification, inspection or associated laboratory services and biosecurity functions;
- (2) animal saleyards, knackereries and animal transportation services (including livestock and pets);
- (3) services connected with animal health, husbandry or welfare;
- (4) farm, animal and bloodstock leasing activities, including but not limited to:
  - (a) farming activities and other operations relating to agriculture, horticulture, viticulture, irrigation, permaculture, apiculture, grains, fibre production, dairy, flower industry, commercial fishing, aquaculture and livestock;
  - (b) intensive agricultural production including greenhouses and animal production;
  - (c) agricultural, veterinary chemicals and vaccine production, transportation and distribution (including the Pig Services Centre);

- (d) laboratory and diagnostic services;
- (e) animal feed production, transportation, packaging, sale, and feeding (including livestock and pets);
- (f) animal pounds and shelters activities;
- (5) forestry activities for the purposes of or relating to:
  - (a) production of firewood for heating of premises;
  - (b) production of pallets;
  - (c) production of building supplies for construction;
  - (d) production of other goods (e.g. paper, packaging, caskets and coffins).

#### 6. **Airport worker**

For the purposes of this Order:

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

#### 7. **Ancillary, support and welfare worker**

For the purposes of this Order, **ancillary, support and welfare worker** means:

- (1) a person who works in connection with:
  - (a) services that are critical to, and relate to, the Victorian Government's COVID-19 response (including hotel quarantine);
  - (b) a public event where that event has received an exemption allowing it to proceed, including any workers and public broadcast personnel that support the safe running of the public event;
  - (c) employment services;
  - (d) union/peak body/employer organisation officials attending a worksite as permitted by law or for Occupational Health and Safety (OHS) advice;
- (2) fly in fly out workers or drive in drive out workers who are required for continuity of an industry or business and maintenance of a competitive operation and where the service is time-critical, or for the critical maintenance or repair of infrastructure critical to a region of, or to, Victoria;
- (3) maritime crew.

#### 8. **Authorised officer**

For the purposes of this Order, **authorised officer** has the same meaning as in the **Public Health and Wellbeing Act 2008**.

#### 9. **Care worker**

For the purposes of this Order:

- (1) **alcohol and drug residential service** means:
  - (a) a treatment centre within the meaning of the **Severe Substance Dependence Treatment Act 2010**;
  - (b) a residential treatment service (however described) that provides drug or alcohol withdrawal or rehabilitation services in a residential setting to people dependent on alcohol or other drugs;
  - (c) a service that provides supported accommodation to a person after the person has received residential treatment services of the kind referred to in subclause (b);
- (2) **care worker** means a person who works in connection with:
  - (a) an alcohol and drug residential service;
  - (b) a disability residential service;

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

#### 10. Community worker

For the purposes of this Order, **community worker** means a person who works at or in connection with a community facility or an organisation providing community services, whether operated on a for profit or not-for-profit basis, including but not limited to:

- (1) a facility at which services are provided by an Aboriginal Community Controlled Organisation;
- (2) a community centre or community hall;
- (3) a public library;
- (4) a youth centre;
- (5) a skatepark in an outdoor space.

#### 11. Creative arts worker

For the purposes of this Order, **creative arts worker** means a person who works at or in connection with:

- (1) an art studio;
- (2) a ceramics studio;
- (3) a music room or studio;

- (4) a rehearsal room or studio;
- (5) any other facility that is used for creative art.

## 12. Custodial worker

For the purposes of this Order:

- (1) **custodial worker** means a person who works at or in connection with a:
  - (a) custodial facility that is a facility used for the detention of persons, including but not limited to:
    - (i) a prison;
    - (ii) a remand centre;
    - (iii) a youth residential centre;
    - (iv) a youth justice centre;
    - (v) residential facilities;
    - (vi) residential treatment facilities;
- (2) **prison** has the same meaning as in the **Corrections Act 1986**;
- (3) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (4) **residential facility** has the same meaning as in the **Serious Offenders Act 2018**, and includes the Maribyrnong Community Residential Facility;
- (5) **residential treatment facility** has the same meaning as in the **Serious Offenders Act 2018**;
- (6) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (7) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

## 13. Disability worker

For the purposes of this Order, **disability worker** means a person identified in rows 1 to 36 of Column 1 of Schedule 1, except row 10, who:

- (1) directly provides a **disability service** to a person with a **disability**; or
- (2) supervises or manages another person who directly provides a **disability service** to a person with a disability,

but does not include a person who:

- (3) is a family member of a person with a disability, and provides **disability services** to the person with a disability and does not receive a fee or reward for providing those **disability services**; or
- (4) voluntarily provides **disability services**, unless the person provides the **disability services** on behalf of an organisation or agency.

## 14. Emergency service worker

For the purposes of this Order, **emergency service worker** means a person who works in connection with emergency services including but not limited to:

- (1) the Victoria State Emergency Services;
- (2) Fire Rescue Victoria, the Country Fire Authority or any other firefighting services;
- (3) the Emergency Services Telecommunications Authority;
- (4) aquatic safety services, including life saving services and marine search and rescue services;
- (5) paramedical services;

- (6) ambulance and paramedics services;
- (7) air ambulance and medical retrieval services (including Royal Flying Doctor Service);
- (8) Victoria Police, protective services and police custody services;
- (9) essential infrastructure and essential services that are required to maintain or protect human health, safety and wellbeing (whether provided by a public or private undertaking), and including maintenance and repair of such infrastructure.

**15. Entertainment and function worker**

For the purposes of this Order, **entertainment and function worker** means a worker who works at an amusement park for the purpose of providing statutorily required training for staff prior to reopening.

**16. Food distribution worker**

For the purposes of this Order, **food distribution worker** means a person who works at or in connection with a premises used for the distribution of food and is a:

- (1) manufacturing worker; or
- (2) port or freight worker; or
- (3) meat and seafood processing worker.

**17. Funeral worker**

For the purposes of this Order, **funeral worker** means a person who works in connection with funerary or mortuary services.

**18. Higher education worker**

For the purposes of this Order, **higher education worker** means a person who works at or in connection with:

- (1) a university;
- (2) a vocational education and training institute;
- (3) a technical and further education institute;
- (4) an adult community and further education institute;
- (5) a registered training organisation;
- (6) any other facility undertaking post-compulsory education or training.

**19. Justice worker**

For the purposes of this Order:

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

**20. Manufacturing worker**

For the purposes of this Order, **manufacturing worker** means a person who works at or in connection with a premises used for the distribution, production or processing of goods, including but not limited to production or processing of:

- (1) food (excluding meat, seafood or poultry);

- (2) beverages including brewed and bottled drinks;
- (3) textiles, leather, clothing, footwear and accessories;
- (4) wood products;
- (5) pulp and paper products;
- (6) printing including small and large production runs;
- (7) chemicals, including fertilisers, pesticides, pharmaceutical, medicinal, cleaning products, toiletries, cosmetics, photographic and explosives;
- (8) metal and plastics;
- (9) machinery and equipment manufacturing including parts;
- (10) furniture;
- (11) household goods;
- (12) whole or partial products;
- (13) software, essential marketing or product installation.

**21. Marriage celebrant**

For the purposes of this Order, **marriage celebrant** has the same meaning as authorised celebrant in the **Marriage Act 1961** of the Commonwealth.

**22. Meat and seafood processing worker**

For the purposes of this Order, **meat and seafood processing worker** means a person who works at or in connection with an abattoir or a meat, seafood or poultry processing plant.

**23. Media and film production worker**

For the purposes of this Order, **media and film production worker** means a person who works in connection with:

- (1) journalism;
- (2) media services;
- (3) the production of feature films, theatre, television shows and documentaries (excluding television commercials, student and corporate productions);
- (4) broadcasting performances from an entertainment facility;
- (5) a rehearsal conducted in a theatre that has a seated capacity of more than 1000 people and ordinarily conducts performances on a commercial basis;
- (6) a rehearsal conducted by a National Performing Arts Partnership Company.

**24. Mining worker**

For the purposes of this Order, **mining worker** means a person who works at a premises at which mining activities take place, including coal mining, oil and gas extraction, metal ore mining, non-metallic mineral mining and quarrying petroleum production.

**25. Physical recreation worker**

For the purposes of this Order:

- (1) **physical recreation worker** means a person:
  - (a) who works at or in connection with:
    - (i) a facility used or partly used for sport, sport racing or physical recreation;
    - (ii) a play centre;
    - (iii) a trampolining centre;
    - (iv) a swimming pool, hydrotherapy pool, spa, sauna, steam room or spring facility; or
  - (b) who provides personal training services;

- (2) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (3) **play centre** means a premises, whether indoor or outdoor, that has play equipment to be used or partly used by children under the age of 12 years but does not mean a playground;
- (4) **spring facility** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer.

**26. Port or freight worker**

For the purposes of this Order, **port or freight worker** means a person works in connection with:

- (1) air transport services;
- (2) port operations;
- (3) freight services (including postal and courier services);
- (4) services provided by a transport, freight or logistics driver;
- (5) monitoring compliance with the **Heavy Vehicle National Law**.

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

For the purposes of this Order, **professional sports, high-performance sports, or racing person** means a person who:

- (1) performs a sporting activity in an open-aged national or international competition (at the highest level as identified by the recognised national body);
- (2) is employed to perform a sporting activity as their primary source of income (for example, employed by a professional club or recognised national body);
- (3) is a National Institute Network Scholarship holder or equivalent level national categorised athlete;
- (4) supports the safe conduct of another person's professional sport;
- (5) publicly broadcasts professional sport;
- (6) participates in thoroughbred, harness and greyhound racing.

**28. Professional services worker**

For the purposes of this Order:

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

**29. Public sector worker**

For the purposes of this Order:

- (1) **local government worker** means:
  - (a) a Chief Executive Officer within the meaning of the **Local Government Act 2020**;

(b) a member of Council staff appointed under section 48 of the **Local Government Act 2020**;

(2) **public sector worker** means:

(a) a Ministerial officer employed under section 98 of the **Public Administration Act 2004**;

(b) a local government worker;

(c) a person who is a public sector employee within the meaning of the **Public Administration Act 2004**, except:

(i) a person who is a member of the staff of Court Services Victoria within the meaning of the **Court Services Victoria Act 2014**;

(ii) a parliamentary officer within the meaning of the **Parliamentary Administration Act 2005**;

(iii) a person employed or engaged by the Chief Executive Officer of the Victorian Civil and Administrative Tribunal.

### 30. **Quarantine accommodation worker**

For the purposes of this Order, **quarantine accommodation worker** means a person who works in connection with quarantine accommodation services that are critical to, and relate to, the Victorian Government's COVID-19 response.

### 31. **Real estate worker**

For the purposes of this Order:

(1) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;

(2) **real estate worker** means an estate agent or any person who works in connection with the provision of services by an estate agent.

### 32. **Religious worker**

For the purposes of this Order:

(1) **religious worker** means a person who works at or in connection with a place of worship, but does not include a person who:

(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;

(2) **place of worship** has the same meaning as in the **Heritage Act 2017**.

### 33. **Repair and maintenance worker**

For the purposes of this Order, **repair and maintenance worker** means a person who works in connection with:

(1) laundry services;

(2) dry cleaning services;

(3) car washing services;

(4) commercial cleaning service;

(5) locksmith services;

(6) roadside assistance services;

(7) pool and spa maintenance services for commercial pools and spas;

(8) vehicle and mechanical repair services;



- (9) outdoor maintenance, repairs, and cleaning, including at occupied premises;
- (10) outdoor home installations;
- (11) home solar panel installations that involve outdoor work or in roof cavities with external access;
- (12) critical repairs to any premises where required for emergency or safety.

### 34. Retail worker

For the purposes of this Order:

- (1) **bottle shop** means an area that is physically attached to a licensed premises where packaged alcohol is sold to be consumed off the premises;
- (2) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (3) **food and drink facility** means a café, restaurant, licensed premises, fast-food store, cafeteria, canteen, winery, food truck or food court;  
*Note: a food and drink facility includes a food and drink facility at a stadium or arena.*
- (4) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (5) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (6) **licensed premises** means a business characterised as a pub, bar, club, nightclub or hotel that supplies alcohol under a general licence, an on-premises licence, a late night licence, a producer's licence, a club licence, a packaged liquor licence, or a restaurant and café licence;
- (7) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;
- (8) **nightclub** means a facility:
  - (a) to which a late night licence applies; and
  - (b) with a dancefloor; and
  - (c) which does not serve food prepared at the facility for consumption on the premises;
- (9) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (10) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (11) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (12) **restaurant and café licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (13) **retail facility** means a premises, or part of a premises, at which a business operates to provide for the sale or hire of goods by retail, or the provision of services by retail, including but not limited to a:
  - (a) market, but only to obtain groceries or fresh food;
  - (b) retail shopping centre;
  - (c) supermarket, grocery store, bakery, butcher, fruit and vegetable store or fishmonger;
  - (d) food and drink facility;
  - (e) post office;
  - (f) news agent;
  - (g) petrol station (including a petrol station that sells groceries);
  - (h) bottle shop;

- (i) pet store;
- (j) facility that provides ‘click and collect’ services;
- (14) **retail worker** means a person who works at or in connection with a retail facility or a wholesale or distribution facility;
- (15) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**.

**35. Science and technology worker**

For the purposes of this Order, **science and technology worker** means a person who works in connection with scientific and technical research or activities, but only in relation to:

- (1) COVID-19 (e.g. MedTech research regarding vaccines);
- (2) hazard monitoring and resilience;
- (3) biosecurity and public health;
- (4) medical or other research, which is ongoing and requires on site attendance;
- (5) critical scientific experiments, labs and collections.

**36. Social and community service worker**

For the purposes of this Order, **social and community service worker** means a person who works in connection with:

- (1) **disability services**;
- (2) services provided to an NDIS participant in any setting;
- (3) child protection services;
- (4) family violence and sexual assault support services;
- (5) homelessness support services;
- (6) public housing support services;
- (7) mental health services;
- (8) aged care services;
- (9) any social services provided or contracted by the government to support members of the community who have a particular need because of family violence, homelessness, illness or a chronic health condition, infirmity, disability, contact with the justice system or other essential support service;
- (10) interpreter, cultural or support services.

**37. Transport worker**

For the purposes of this Order:

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

**38. Utility and urban worker**

For the purposes of this Order, **utility and urban worker** means a person who works in connection with:

- (1) specialist services at telecommunications stores to support telecommunications as a critical service during the COVID-19 pandemic;
- (2) services to support the ongoing provision and regulation of electricity, gas, water, sewage and waste and recycling services and their maintenance;
- (3) domestic and commercial waste and resource recovery services (including collection, treatment and disposal services and transfer stations), including:
  - (a) electricity services;
  - (b) operation of energy systems;
  - (c) gas services;
  - (d) water supply, sewerage and drainage services;
  - (e) liquid fuels and refinery services;
- (4) the operation of primary clinical waste incinerators by specialised clinical waste workers;
- (5) the operation of carpark for the purposes of supporting workers.

**39. Veterinary and pet/animal care worker**

For the purposes of this Order, **veterinary and pet/animal care worker** means a person who works:

- (1) in connection with:
  - (a) pet grooming services;
  - (b) veterinary services;
  - (c) animal rescue services;
  - (d) animal health, husbandry or welfare services; or
- (2) at the premises of or in connection with:
  - (a) a nature reserve at which animals are treated and cared for;
  - (b) a zoo.

**Division 3 – Other definitions**

For the purposes of this Order:

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

**court** means:

- (a) the Supreme Court;
- (b) the County Court;
- (c) the Magistrates' Court;
- (d) the Children's Court;
- (e) any Federal Court;

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

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

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

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

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

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

- (a) save a person's life; or

- (b) prevent serious damage to a person's health; or
- (c) prevent a person from suffering or continuing to suffer significant pain or distress;

**Individual Healthcare Identifier** has the same meaning as the healthcare identifier of a healthcare recipient in section 9 of the **Healthcare Identifiers Act 2010** of the Commonwealth;

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

- (a) anaphylaxis after a previous dose;
- (b) anaphylaxis to any component of the vaccine, including polysorbate or polyethylene glycol;
- (c) in relation to AstraZeneca:
  - (i) history of capillary leak syndrome; or
  - (ii) thrombosis with thrombocytopenia occurring after a previous dose;
- (d) in relation to Comirnaty or Spikevax, myocarditis or pericarditis attributed to a previous dose of either Comirnaty or Spikevax;
- (e) where a person is in the process of completing a Federal Department of Health approved COVID-19 vaccine clinical trial;
- (f) the occurrence of any other serious adverse event that has:
  - (i) been attributed to a previous dose of a COVID-19 vaccine by an experienced immunisation provider or medical specialist (and not attributed to any another identifiable cause); and
  - (ii) been reported to State adverse event programs and/or the Therapeutic Goods Administration;

**medical practitioner** means:

- (a) a general practice registrar on an approved 3GA training placement; or
- (b) a public health physician; or
- (c) an infectious disease physician; or
- (d) a clinical immunologist; or
- (e) a general practitioner who is vocationally registered; or
- (f) a general practitioner who is a fellow of the Royal Australian College of General Practitioners (RACGP); or
- (g) a general practitioner who is a fellow of the Australian College of Rural and Remote Medicine (ACRRM); or
- (h) a paediatrician; or
- (i) a medical practitioner who is a fellow of the Royal Australasian College of Physicians;

**NDIS participant** has the same meaning as 'participant' under the **National Disability Insurance Scheme Act 2013** of the Commonwealth;

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

**pandemic orders in force** has the same meaning as in the **Pandemic (Movement and Gathering) Order 2022 (No. 3)** as amended or replaced from time to time;

**premises** has the same meaning as in the **Public Health and Wellbeing Act 2008** but does not include a worker's ordinary place of residence;

**Revoked COVID-19 Mandatory Vaccination (Specified Workers) Order** means the **COVID-19 Mandatory Vaccination (Workers) Directions (No 8)** or the **Pandemic COVID-19 Mandatory Vaccination (Specified Workers) Order 2021 (No. 1)**, and their predecessors;

**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).

Dated 10 January 2022

MARTIN FOLEY MP  
Minister for Health

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**Public Health and Wellbeing Act 2008**

Section 165AI

GUIDANCE FOR THE PANDEMIC (MOVEMENT AND GATHERING)

ORDER 2022 (No. 3)

This Order requires individuals to take certain actions to reduce the risk of harm caused by COVID-19 by:

- (1) carrying and wearing face coverings in certain settings; and
- (2) limiting interactions with others by restricting gatherings at certain types of events.

Unless an exception applies, a person will be required to wear a face covering:

- (1) in indoor spaces; and
- (2) in airports or on an aircraft.

Failure to comply with this Order may result in penalties.

*This guidance does not form part of the Pandemic (Movement and Gathering) Order 2022 (No. 3) and is for explanatory purposes only.*

**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (MOVEMENT AND GATHERING) ORDER 2022 (No. 3)

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**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (MOVEMENT AND GATHERING) 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**

- (1) The objective of this Order is to address the serious public health risk posed to the State of Victoria by the spread of COVID-19 by requiring everyone in the State of Victoria to carry and wear face coverings in certain settings.
- (2) This Order must be read together with the pandemic orders in force.

**2 Citation**

This Order may be referred to as the **Pandemic (Movement and Gathering) Order 2022 (No. 3)**.

**3 Authorising provisions**

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 12 January 2022 and ends at 11:59:00 pm on 12 April 2022.
- (2) The **Pandemic (Movement and Gathering) Order 2021 (No. 2)** is revoked at 11:59:00 pm on 12 January 2022.

**5 Definitions**

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

**6 Application of Order**

This Order applies to everyone present in the whole State of Victoria.

**PART 2 – WORK AND FACE COVERING REQUIREMENTS FOR INDIVIDUALS****7 Work**

A person must not perform work outside of the person's ordinary place of residence or enter, or remain on, a work premises to perform work, if the employer of the person or the operator of their work premises, is not permitted to allow the person to do so under:

- (1) the **Open Premises Order**; or
- (2) the **COVID-19 Mandatory Vaccination (Specified Workers) Order**; or
- (3) the **COVID-19 Mandatory Vaccination (Specified Facilities) Order**; or
- (4) the **COVID-19 Mandatory Vaccination (General Workers) Order**.

**8 Face covering requirements**

- (1) A person must:
  - (a) carry a face covering at all times, except where subclause (2)(a), (2)(b), (2)(c), (2)(d) or (2)(e) applies; and
  - (b) wear a face covering:
    - (i) while in an indoor space; and
    - (ii) while visiting a hospital; and
    - (iii) while visiting a care facility; and
    - (iv) while on public transport or in a commercial passenger vehicle or in a vehicle being operated by a licensed tourism operator; and



- (v) while attending an event with 30,000 or more patrons in attendance, unless the person is seated outdoors at the event; and
- (vi) if the person is a diagnosed person or close contact and is leaving the premises in accordance with the **Quarantine, Isolation and Testing Order**; and
- (vii) if the person has been tested for COVID-19 and is awaiting the results of that test, except where that test was taken as part of a surveillance or other asymptomatic testing program; and

*Note: the **Additional Industry Obligations Order** sets out the surveillance testing requirements for relevant industries and workers.*

- (c) wear a face covering where required to do so in accordance with any other pandemic orders in force.

*Note 1: face shields on their own do not meet the face covering requirements. For further information, please refer to the Department of Health's guidelines as amended or replaced from time to time by the Victorian Government, available at: [www.coronavirus.vic.gov.au/face-masks](http://www.coronavirus.vic.gov.au/face-masks).*

*Note 2: it is strongly recommended that face coverings be worn in other situations when physical distancing is not possible.*

- (2) Subclauses (1)(b) and (1)(c) do not apply if a person complies with any other requirements under any other pandemic orders in force and:
  - (a) the person is an infant or a child under the age of 8 years except if the person is a student in Year 3 or above, up to and including Year 6, and they are in an indoor space at an education premises that is a primary school; or
  - (b) the person is a prisoner in a prison (either in their cell or common areas), subject to any policies of that prison; or
  - (c) the person is detained in a remand centre, youth residential centre or youth justice centre (either in their room or common areas), subject to any policies of that centre; or
  - (d) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or
    - Examples: persons who have obstructed breathing, a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.*
  - (e) it is not practicable for the person to comply with subclauses (1)(b) or (1)(c) because the person is escaping harm or the risk of harm, including harm relating to family violence or violence of another person; or
  - (f) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
  - (g) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
  - (h) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or
    - Examples: teaching, lecturing, broadcasting.*
  - (i) the person is attending a private residence, unless that person is attending an inspection of real estate for the purposes of a prospective sale or rental of the property or attending an auction; or
  - (j) the person is working by themselves in an enclosed indoor space (unless and until another person enters that indoor space); or
    - Example: a person working by themselves in a classroom at an education premises after hours.*
  - (k) the person is one of two persons being married, during their wedding ceremony, or while being photographed at the wedding; or
  - (l) the person is a professional sports person when training or competing; or

- (m) the person is engaged in any strenuous physical exercise; or  
*Examples: jogging, running, swimming, cycling.*
- (n) the person is riding a bicycle or motorcycle; or
- (o) the person is consuming:
  - (i) medicine; or
  - (ii) food or drink; or
- (p) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (q) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (r) the person is receiving a service and it is not reasonably practicable to receive that service wearing a face covering; or
- (s) the person is providing a service and it is not reasonably practicable to provide that service wearing a face covering; or
- (t) the person is an accused person in a criminal case in any court located in the State of Victoria and the person is in the dock either alone or with a co-accused, provided that any co-accused also present in the dock is at least 1.5 metres away from the person; or
- (u) the person is asked to remove the face covering to ascertain identity; or  
*Example: a person may be asked by police, security, bank or post office staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.*
- (v) for emergency purposes; or
- (w) when required or authorised by law; or
- (x) when doing so is not safe in all the circumstances.

## 9 Face covering requirements in airports and on aircraft

- (1) Without limiting clause 8(1)(b), a person in the State of Victoria at an airport or travelling in an aircraft must:
  - (a) carry a face covering at all times, except where subclause (2)(a) or (2)(b) applies; and
  - (b) wear a face covering while in an indoor space at an airport (and at all times while inside an aircraft); and
  - (c) wear a face covering where required to do so in accordance with any other pandemic orders in force.

*Note: face shields on their own do not meet the face covering requirements. For further information, please refer to the Department of Health's guidelines as amended or replaced from time to time by the Victorian Government, available at: [www.coronavirus.vic.gov.au/face-masks](http://www.coronavirus.vic.gov.au/face-masks).*

- (2) Subclauses (1)(b) and (1)(c) do not apply if a person complies with any other requirements under any other pandemic orders in force and:
  - (a) the person is an infant or a child under the age of 12 years; or
  - (b) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or  
*Examples: persons who have obstructed breathing, a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.*
  - (c) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
  - (d) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
  - (e) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or  
*Examples: teaching, lecturing, broadcasting.*

- (f) the person is consuming food, drink or medicine; or
  - (g) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
  - (h) the person is receiving a service and it is not reasonably practicable to receive that service wearing a face covering; or
  - (i) the person is providing a service and it is not reasonably practicable to provide that service wearing a face covering; or
  - (j) the person is asked to remove the face covering to ascertain identity; or  
*Examples: a person may be asked by police, security, or airport staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.*
  - (k) for emergency purposes; or
  - (l) when required or authorised by law; or
  - (m) when doing so is not safe in all the circumstances.
- (3) An authorised officer may require a person to attest in writing that they have complied with the requirements of subclause (1) to wear a face covering on an aircraft (subject to subclause (2)).

### PART 3 – CEREMONIES

#### 10 Worker requirements

- (1) The organiser of a ceremony must not permit any person to work at the ceremonial space unless the person is:
- (a) fully vaccinated; or
  - (b) an excepted person; or
  - (c) a person who:
    - (i) conducts services of public worship and acknowledgments of faith; or
    - (ii) performs marriages, funerals and special memorial services according to tradition and ecclesiastical and civil law; or
    - (iii) visits members of the community in their homes, hospitals and other institutions to provide advice and religious comfort for the purpose of end of life faith reasons.
- (2) The organiser must collect, record and hold vaccination information about each fully vaccinated person and each excepted person who works at the ceremonial space.
- (3) For the purposes of complying with subclause (1), an organiser is authorised to use any information about a worker that it holds under subclause (2).
- (4) If an organiser is the employer of a fully vaccinated person or an excepted person who works at the premises:
- (a) the organiser is deemed to have complied with subclause (2) if they hold vaccination information about the person under:
    - (i) the **COVID-19 Mandatory Vaccination (Specified Workers) Order**; or
    - (ii) the **COVID-19 Mandatory Vaccination (Specified Facilities) Order**; or
    - (iii) the **COVID-19 Mandatory Vaccination (General Workers) Order**; or
    - (iv) the **Open Premises Order**; and
  - (b) the organiser is authorised to use that information for the purposes of complying with subclause (1).

**PART 3 – OTHER PROVISIONS****11 Relationship with other Orders**

- (1) If there is any inconsistency between Parts 2 and 3 of this Order and the **Quarantine, Isolation and Testing Order**, Parts 2 and 3 of this Order are inoperative to the extent of any inconsistency.
- (2) If there is any inconsistency between this Order and any other pandemic order in force or other requirement contained in a **Detention Notice**, this Order is inoperative to the extent of the inconsistency.
- (3) If there is any inconsistency between this Order and a requirement contained in the **Visitors to Hospitals and Care Facilities Order**, this Order is inoperative to the extent of the inconsistency.
- (4) Unless the context otherwise requires, a reference in any pandemic order in force, in any **Detention Notice**, or in any approved form under a pandemic order in force or a **Detention Notice** to:
  - (a) a pandemic order in force or this Order, or a defined term in a pandemic order in force or this Order, will be taken to mean that Order (and hence that defined term) as amended or replaced from time to time; or
  - (b) an earlier version of a particular pandemic order in force or this Order will be taken to be a reference to the current version of that particular pandemic order.

**12 Severability**

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

**13 Transitional provisions**

- (1) A reference in any pandemic order in force to a Revoked Movement and Gathering 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 Movement and Gathering 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 Movement and Gathering 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****14 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:

**Additional Industry Obligations Order** means the **Pandemic (Additional Industry Obligations) Order 2022 (No. 3)** as amended or replaced from time to time;

**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 an aerodrome at which facilities are available for the arrival or departure of aircraft into or from the State of Victoria;

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

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

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

**ceremonial space** means the premises or land on which a ceremony is held;

**ceremony** means a religious gathering, a wedding or a funeral that is held at any premises or land that is not a private residence or an ‘open premises’ within the meaning of the **Open Premises Order**;

**commercial passenger vehicle** has the same meaning as in the **Workplace Order**;

**court** means any premises in the State of Victoria that is:

- (a) the Supreme Court; or
- (b) the County Court; or
- (c) the Magistrates’ Court; or
- (d) the Children’s Court; or
- (e) any Federal Court; or
- (f) the Coroner’s Court; or
- (g) the Victorian Civil and Administrative Tribunal; or
- (h) any other court or tribunal of Victoria conducting in-person hearings;

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

**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**;

**education premises** means:

- (a) a school; or
- (b) a school boarding premises; or
- (c) a premises that provides outside school hours care services;

**employer** has the same meaning as in the **Workplace Order**;

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

**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);

**fully vaccinated** has the same meaning as in the **Open Premises Order**;

**healthcare premises** means:

- (a) a community health centre, including mental health, child and maternity, and drug and alcohol counselling services centres; or
- (b) a general practice; or
- (c) a COVID-19 related healthcare site, including testing sites, vaccination centres and hotel quarantine premises; or

- (d) a dental surgery and dental practice; or
- (e) a health clinic, including medical specialist and/or allied health professional operated clinics; or
- (f) a diagnostic and medical imaging centre; or
- (g) a premises at which mobile health services are provided; or
- (h) a premises at which blood donation services are provided;

**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 permanent structures rising either from floor to ceiling or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are open or closed;

**licensed tourism operator** has the same meaning as in the **Open Premises Order**;

**Movement and Gathering Order** means the **Pandemic (Movement and Gathering) Order 2022 (No. 3)** as amended or replaced from time to time;

**Open Premises Order** means the **Pandemic (Open Premises) Order 2022 (No. 3)** as amended or replaced from time to time;

**organiser** means a person who is primarily responsible for organising a ceremony;

**pandemic orders in force** means any of the following as amended or replaced from time to time:

- (a) the **Workplace Order**;
- (b) the **Additional Industry Obligations Order**;
- (c) the **Open Premises Order**;
- (d) the **Movement and Gathering Order**;
- (e) the **Victorian Border Crossing Order**;
- (f) the **Visitors to Hospitals and Care Facilities Order**;
- (g) the **Quarantine, Isolation and Testing Order**;
- (h) the **COVID-19 Mandatory Vaccination (General Workers) Order**;
- (i) the **COVID-19 Mandatory Vaccination (Specified Facilities) Order**;
- (j) the **COVID-19 Mandatory Vaccination (Workers) Order**;
- (k) the **Detention Order**;

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

**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;

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

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

**public transport** means a vehicle operated by a passenger transport company or by a bus company in the provision of public transport service;

**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. 4)** as amended or replaced from time to time;

**real estate** has the same meaning as in the **Estate Agents Act 1980**;

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

**retail premises** means a premises that is used wholly or predominantly for the sale or hire of goods by retail, or the retail provision of services;

**Revoked Movement and Gathering Order** means the **Stay Safe Directions (Victoria) (No. 30)** or the **Pandemic (Movement and Gathering) Order 2021 (No. 2)**, or their predecessors;

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

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

**Victorian Border Crossing Order** means the **Pandemic (Victorian Border Crossing) Order 2022 (No. 3)** 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 2022 (No. 2)** as amended or replaced from time to time;

**work premises** has the same meaning as in the **Workplace Order**;

**worker** means any person engaged or employed by either:

- (a) an operator of a premises to work at the premises; or
- (b) an organiser to work at the ceremonial space;

**Workplace Order** means the **Pandemic (Workplace) Order 2022 (No. 3)** as amended or replaced from time to time;

**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 10 January 2022

MARTIN FOLEY MP  
Minister for Health

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**Public Health and Wellbeing Act 2008**

## Section 165AI

## GUIDANCE FOR THE PANDEMIC (OPEN PREMISES) ORDER 2022 (No. 3)

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. 3) and is for explanatory purposes only.*



**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (OPEN PREMISES) ORDER 2022 (No. 3)

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**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (OPEN PREMISES) 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 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. 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 12 January 2022 and ends at 11:59:00 pm on 12 April 2022.
- (2) The **Pandemic (Open Premises) Order 2021 (No. 2)** is revoked at 11:59:00 pm on 12 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**.

**18 Dancefloors**

The operator of an open premises which is:

- (1) an entertainment and function premises; or
- (2) a food and drink premises,

must ensure that no patrons or workers at that premises use any indoor space at that premises as a dancefloor, except where a wedding is being held at the entertainment and function premises or food and drink premises.

**Division 2 – Exceptions****19 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.

**20 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.

**21 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.*

**22 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.

### 23 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

### 24 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.

### 25 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.

## 26 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.

## 27 Entertainment and function premises

- (1) 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.
- (2) Where an operator of an entertainment and function premises operates a space within an entertainment and function premises as a food and drink premises, the obligations in clause 28 apply.



**28 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.*

**29 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 for the purpose of conducting a community sport activity and/or a swimming lesson conducted by a person with a current Swimming and Water Safety Teacher Accreditation.
- (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, fitness centres or physical recreation premises within a residential complex.
- (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.

### 30 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.*

### 31 Tours and transport

- (1) 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

### 32 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.*

**33 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.

**34 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****35 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 24	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 25	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 26	Not applicable
8.	<b>entertainment and function premises that are not specified elsewhere in this Column 1</b>	30,000	No limits	Clause 27	Clause 11 Schedule 2
9.	<b>food and drink premises</b>	Density quotient (2 sq metres)	No limits	Clause 28	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 29	Clause 14 Schedule 2
13.	<b>restricted retail premises</b>	No limits	No limits	Clause 30	Clause 15 Schedule 2
14.	<b>sex on premises, brothels and sexually explicit venues</b>	Density quotient (2 sq metres)	No limits	Not applicable	Clause 11 Schedule 2

<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>
<b>15.</b>	<b>swimming pools, spas, saunas, steam rooms and springs</b>	No limits	No limits	Not applicable	Clause 14 Schedule 2
<b>16.</b>	<b>tours</b>	No limits	No limits	Clause 31	Clause 16 Schedule 2
<b>17.</b>	<b>premises used for tourism services</b>	No limits	No limits	Clause 31	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
    - (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,

*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

*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 22; 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 (vii);
- (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
- (x) 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'.*

- (c) **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. 2)** 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. 2)** 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;
- (5) where a person is in the process of completing a Federal Department of Health approved COVID-19 vaccine clinical trial;
- (6) 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. 3)** 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. 2)**, 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. 3)** as amended or replaced from time to time.

Dated 10 January 2022

MARTIN FOLEY MP  
Minister for Health

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

GUIDANCE FOR THE PANDEMIC (DETENTION) ORDER 2022 (No. 3)

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 2022 (No. 3) and is for explanatory purposes only.*

**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (DETENTION) ORDER 2022 (No. 3)

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**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (DETENTION) 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 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 2022 (No. 3)**.

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

**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; or

- (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; or
- (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** provides 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 **Public Health and Wellbeing Act 2008**.*

*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 **Public Health and Wellbeing Act 2008**.*

#### 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 or

that person is 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 **Public Health and Wellbeing Act 2008** 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 **Public Health and Wellbeing Act 2008**, 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 2022 (No. 3)** 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 2022 (No. 4)** 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 2022 (No. 3)**;

**Victorian Border Crossing Order** means the **Pandemic (Victorian Border Crossing) Order 2022 (No. 3)** 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 2022 (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 10 January 2022

MARTIN FOLEY MP  
Minister for Health

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**Public Health and Wellbeing Act 2008**

## Section 165AI

**GUIDANCE FOR THE PANDEMIC (VISITORS TO HOSPITALS AND CARE FACILITIES) ORDER 2022 (No. 2)**

This Order prohibits certain visitors and workers attending hospitals and care facilities to protect vulnerable persons from harm caused by the transmission of COVID-19. A care facility includes residential services, assistance dwellings, residential aged care facilities and the Thomas Embling Hospital.

An operator of a hospital or care facility must not permit an excluded person to visit the premises except in limited circumstances.

An operator of a hospital or care facility must not permit certain visitors to enter the premises unless they are either fully vaccinated, provide evidence of a negative result from a COVID-19 rapid antigen test or fall under a relevant exception.

The operator of a hospital or care facility is required to:

- (a) restrict the number of visitors per patient or resident per day; and
- (b) restrict the number of visitors with prospective residents.

A child or dependant accompanying a parent, carer or guardian may not be counted in the restrictions on the number of visitors per day, in certain circumstances.

An operator of a hospital or care facility is also required to take all reasonable steps to:

- (a) facilitate telephone, video or other electronic communication with patients and family and support persons to ensure the physical, emotional and social wellbeing of patients and residents;
- (b) ensure that an excluded person does not enter the premises; and
- (c) keep records all visitor details and times of entry and exit for at least 28 days from the day of entry.

Failure to comply with this Order may result in penalties.

*This guidance does not form part of the Pandemic (Visitors to Hospitals and Care Facilities) Order 2022 (No. 2) and is for explanatory purposes only.*

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

PANDEMIC (VISITORS TO HOSPITALS AND CARE FACILITIES) ORDER 2022 (No. 2)

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**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (VISITORS TO HOSPITALS AND CARE FACILITIES) 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 restrict access to hospitals and care facilities in order to limit the spread of COVID-19 within a particularly vulnerable population, balancing the need to limit the spread of COVID-19 against the broader responsibilities of operators to the physical, emotional and psychological wellbeing of their clients.

**2. Citation**

This Order may be referred to as the **Pandemic (Visitors to Hospitals and Care Facilities) 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) The **Pandemic (Visitors to Hospitals and Care Facilities) Order 2022 (No. 2)** commences at 11:59:00 pm on 12 January 2022 and ends at 11:59:00 pm on 12 April 2022.
- (2) The **Pandemic (Visitors to Hospitals and Care Facilities) Order 2021 (No. 1)** is revoked at 11:59:00 pm on 12 January 2022.

**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 – ENTRY REQUIREMENTS FOR HOSPITALS****7. Prohibition on entry**

A person must not enter, or remain at, a hospital unless:

- (1) the person is a patient of the hospital; or
- (2) the person is a hospital worker, as defined in Schedule 1, and the entry is not otherwise prohibited under this Order; or
- (3) the person is a visitor of a patient of the hospital and the visit is not otherwise prohibited under this Order; or
- (4) the person is present in an area of the hospital in respect of which an exemption under clause 17 is in force.

*Note: hospitals also set visiting rules separate to this Order that may include additional requirements, conditions or restrictions that apply to visitors.*

**8. Entry Requirements**

An operator of a hospital must not permit a visitor of a patient to enter, or remain at, the hospital for the purpose of having in-person contact with any patient except if:

- (1) for visitors who are aged 18 years or over:
  - (a) they are fully vaccinated; or
  - (b) they are not fully vaccinated and:

- (i) present acceptable evidence of a negative result from a COVID-19 rapid antigen test undertaken on the same day that the visitor attends the hospital; and
- (ii) wear an N95 face covering for the duration of their visit; or

*Note: for visitors under subclause (a), face covering requirements contained within the **Movement and Gathering order** continue to apply.*

- (2) for visitors who are aged under 18 years:
  - (a) they are fully vaccinated; or
  - (b) they are not fully vaccinated and present evidence of a negative result from a COVID-19 rapid antigen test undertaken on the same day that the visitor attends the hospital.

*Note: for all visitors aged under 18 years, face covering requirements contained within the **Movement and Gathering Order** continue to apply.*

## 9. Exceptions to Entry Requirements

- (1) The obligations in clause 8 do not apply to an operator of a hospital in relation to the following persons:
  - (a) a person who is visiting for the purpose of providing end-of-life support to a patient of the hospital; or
  - (b) a person who is an essential carer of a patient, where undertaking a COVID-19 rapid antigen test prior to entry is not practicable; or
  - (c) a person who has undertaken a COVID-19 PCR test within 24 hours prior to visiting the hospital and provided acceptable evidence of a negative result from that test to the operator of the hospital; or
  - (d) a person providing professional patient care, including but not limited to:
    - (i) emergency workers in the event of an emergency; and
    - (ii) ambulance workers; and
    - (iii) visiting healthcare professionals; or
  - (e) a person who has a physical or mental health illness or condition, or disability, which makes both vaccination and COVID-19 rapid antigen testing unsuitable; or
  - (f) a person for whom both vaccination and COVID-19 rapid antigen testing are not safe in all the circumstances.
- (2) The obligation in clause 8(1)(b)(ii) does not apply to an operator of a hospital in relation to a person who is not required to wear a face covering under the **Movement and Gathering Order**.

## 10. Hospital excluded persons

Despite clauses 7, 8 and 9, a hospital worker or a visitor to a patient, or a person referred to in clause 7(4), as applicable, must not enter or remain at a hospital if the person is an excluded person.

## 11. Hospital may permit certain hospital excluded persons to visit

- (1) Despite clause 10, a person referred to in paragraphs (1) and (6) of the definition of hospital excluded person may enter or remain at a hospital if:
  - (a) the person is:
    - (i) the parent, carer or guardian of the patient, or has temporary care of the patient, and the purpose of the visit is to breastfeed the patient; or
    - (ii) a person whose presence at the hospital is for the purposes of end of life support for a patient of the hospital; or

- (iii) an immediate family member of a patient whose medical condition is life threatening; and
    - (b) the person is authorised to enter or remain at the hospital by:
      - (i) an officer of the hospital with the position of Executive Director of Nursing or equivalent; and
      - (ii) the Chief Health Officer or Deputy Chief Health Officer.
- Note: a person who has been diagnosed with COVID-19 and has not yet been given, or taken to have been given, clearance from self-isolation under the **Quarantine, Isolation and Testing Order** may be authorised to visit the hospital under this subclause. Such authorisation has to be given by the hospital and the Chief Health Officer or the Deputy Chief Health Officer, and can be subject to conditions: see subclause (2).*
- (2) A person permitted to enter or remain at a hospital under subclause (1) must comply with any directions or conditions imposed in relation to their visit by either or both of:
    - (a) the officer of the hospital who authorised their visit under subclause (1)(b)(i); and
    - (b) the Chief Health Officer or the Deputy Chief Health Officer.
  - (3) Despite clause 10, a person referred to in paragraphs (2), (4) or (5) of the definition of hospital excluded person may enter or remain at a hospital if:
    - (a) the person is:
      - (i) the parent, carer or guardian of the patient, or has temporary care of the patient; or
      - (ii) the partner or support person of a pregnant patient of the hospital, and the purpose of the visit is to attend the birth of the patient's child; or
      - (iii) a person whose presence at the hospital is for the purposes of end of life support for a patient of the hospital; or
      - (iv) an immediate family member of a patient whose medical condition is life threatening; and
    - (b) the person is authorised to enter or remain at the hospital by an officer of the hospital with the position of Executive Director of Nursing and Midwifery or equivalent.
- Note: a hospital may determine whether it will allow a person who has been in close contact with a person who has been diagnosed with COVID-19, who has recently arrived from overseas or who has been tested for COVID-19 and has not yet received the results of their test to visit the hospital in certain specified circumstances, and what conditions it will impose on such visits.*
- (4) A person permitted to enter or remain at a hospital under subclause (3) must comply with any directions or conditions imposed in relation to their visit by the officer of the hospital who authorised their visit under subclause (3)(b).
  - (5) An officer of the hospital referred to in subclause (1)(b)(i) or subclause (3)(b), as the case may be, must keep, in relation to each person to whom they give authorisation under that subclause, a record of:
    - (a) the contact details of the person; and
    - (b) the date and time at which that person entered and left the hospital.
  - (6) A record under subclause (5) must be kept for at least 28 days from the day the authorisation is given.

## 12. Restrictions on visitors of patients (end of life)

Where a visitor is visiting for the purposes of providing end of life support to a patient, the operator of a hospital must not permit more than two visitors of a patient to enter or remain on the premises at any one time in relation to that patient.

**13. Restrictions on visitors of patients (other)**

- (1) A person may visit a patient in a hospital if:
  - (a) the person's presence at the hospital is for the purposes of providing essential care and support necessary for the patient's immediate emotional or physical wellbeing (including mental health support and support for people living with dementia); or
  - (b) in the case of a patient of the hospital aged under 18 years – the person is the parent, carer or guardian of the patient or has temporary care of the patient; or
  - (c) in the case of a patient of the hospital who has a mental illness or is living with dementia – the person is the patient's nominated person and the person's presence at the hospital is for the purposes of matters relating to their role as nominated person; or
  - (d) the person's presence at the hospital is for the purposes of providing interpreter or informal language support to enable the delivery of care by hospital workers; or
  - (e) the person's presence at the hospital is for the purposes of the person learning to support the patient's care upon the patient's discharge; or
  - (f) in the case of a pregnant patient of the hospital whose status as a patient relates to the pregnancy – the person is the patient's partner or support person; or
  - (g) in the case of a patient of the hospital who is in a maternity ward whose status as a patient relates to pregnancy or childbirth – the person is the patient's partner or support person; or
  - (h) in the case of a patient of the hospital attending at the hospital's emergency department – the person is accompanying the patient; or
  - (i) in the case of a patient of the hospital attending an outpatient appointment – the person is accompanying the patient.
- (2) Where a visitor is visiting for a purpose specified in subclause (1), the operator of a hospital must not permit:
  - (a) more than two visitors of a patient to enter or remain on the premises at any one time in relation to that patient; and
  - (b) more than two visitors of a patient to enter or remain on the premises per day in relation to that patient.

**14. Child or dependent visitors**

- (1) If a person is visiting a hospital for the purposes of providing end of life support to a patient or for a purpose specified in clause 13(1) and they are a parent, carer or guardian of a child or dependant, the child or dependant may accompany that person when attending the hospital and they are not counted in a visitor limit under clause 12 or clause 13 if the visitor cannot be present at the hospital without the child or dependant because the visitor cannot –
  - (a) access alternative care arrangements for the child or dependant (whether on a paid or voluntary basis); or
  - (b) leave the child or dependant unattended.
- (2) If a child or dependant is visiting a hospital and the patient they are visiting is their carer, parent or guardian, the child or dependant may be present at the hospital and they are not counted in a visitor limit under clause 12 or 13 if the patient cannot:
  - (a) access alternative care arrangements for the child or dependant (whether on a paid or voluntary basis); or
  - (b) leave the child or dependant unattended.



**15. Operator of hospital to facilitate communication**

The operator of a hospital must take all reasonable steps to facilitate telephone, video or other means of electronic communication with the parents, guardians, partners, carers, support persons and family members of patients to support the physical, emotional and social wellbeing (including mental health) of patients.

**16. Operator to take all reasonable steps**

- (1) The operator of a hospital must take all reasonable steps to ensure that:
  - (a) a person does not enter or remain on the premises of the hospital if the person is prohibited from doing so by this Order; and
  - (b) a record is kept, in relation to each person who enters or remains at the hospital as a visitor under this Order of:
    - (i) the contact details of the person; and
    - (ii) the date and time at which that person entered and left the hospital.
- (2) A record under subclause (1)(b) must be kept for at least 28 days from the day of the entry.

**17. Exemption power**

The Chief Health Officer or the Deputy Chief Health Officer may, in writing, grant an exemption from this Order in respect of a specified area of a hospital if the Chief Health Officer or the Deputy Chief Health Officer, as the case requires, is satisfied, having regard to the need to limit the spread of COVID-19, that an exemption is appropriate due to:

- (1) the nature of the area; or
- (2) the existing limits on the number of people that may be present in the area (whether because of the operation of an Order under the **Public Health and Wellbeing Act 2008**, or otherwise).

**PART 3 – ENTRY REQUIREMENTS FOR CARE FACILITIES****18. Prohibition on entry**

A person must not enter, or remain on, the premises of a care facility unless:

- (1) the person is a resident of the facility; or
- (2) the person is a care facility worker in relation to the facility, as defined in clause 2 of Schedule 1, and the entry is not otherwise prohibited under this Order; or
- (3) the person is a visitor of a resident of the facility and the visit is not otherwise prohibited under this Order; or
- (4) the person is visiting as a prospective resident of the facility, or a visitor that is a support person to a prospective resident of the facility, and the visit is not otherwise prohibited under this Order.

**19. Entry Requirement**

- (1) An operator of a care facility must not permit:
  - (a) a visitor of a resident of the care facility; or
  - (b) a visitor who is visiting as a prospective resident of the care facility; or
  - (c) a visitor that is a support person to a prospective resident of the care facility, to enter, or remain at, the care facility except if they present acceptable evidence of a negative result from a COVID-19 rapid antigen test undertaken at the care facility on the same day the visitor attends the care facility.

*Note: for all visitors, face covering requirements contained within the **Movement and Gathering Order** continue to apply.*

- (2) If a visitor listed in subclause (1) cannot, after making reasonable attempts, obtain a COVID-19 rapid antigen test and there are no rapid antigen tests available at the care facility, then the obligation in subclause (1) does not apply to the operator in relation to that visitor only if:
- (a) in the case of a visitor of a resident of the care facility:
    - (i) the resident who is being visited has had one or no visitors on that day; and
    - (ii) if no other visitors have visited the relevant resident that day, the operator only permits one other visitor to enter, or remain on, the premises to visit the relevant resident on that day; and
  - (b) in the case of a visitor who is visiting as a prospective resident of the care facility, or a visitor that is a support person to a prospective resident of the care facility:
    - (i) the operator only permits one other person accompanying the prospective resident to enter or remain on the premises.

## 20. Exceptions to Entry Requirements

- (1) The obligations in clause 19 do not apply to an operator of a care facility in relation to the following persons:
- (a) a person who is visiting the purpose of providing end-of-life support to a resident of the care facility; or
  - (b) a person who is an essential carer of a resident, where undertaking a COVID-19 rapid antigen test prior to entry is not practicable; or
  - (c) a person who has been nominated by an officer of the care facility with the position of Director of the facility or equivalent, where it is not practicable for the person to undertake a COVID-19 rapid antigen test prior to entering the care facility for the purpose of having in-person contact with a resident; or  
*For example: a person providing urgent assistance to settle a resident experiencing severe symptoms related to dementia.*
  - (d) a person who has undertaken a COVID-19 PCR test within 24 hours prior to visiting the care facility and provided acceptable evidence of a negative result from that test to the operator of the care facility; or
  - (e) a person providing professional patient care, including but not limited to:
    - (i) emergency workers in the event of an emergency; and
    - (ii) ambulance workers; and
    - (iii) visiting healthcare professionals.

## 21. Care facility excluded persons

Despite clause 18, a person who is a care facility worker or a visitor of a resident of the care facility, or a prospective resident of the care facility, or a visitor that is a support person to a prospective resident of the facility, must not enter, or remain on, the premises of the facility if the person is a care facility excluded person.

## 22. Certain care facility excluded persons may be permitted to visit a care facility

- (1) Despite clause 21, a person referred to in paragraph (3) of the definition of care facility excluded person may enter, or remain on, the premises of the care facility if:
- (a) the person's presence at the facility is for the purposes of providing end of life support to a resident of the care facility; and
  - (b) the person is authorised to enter or remain at the care facility by:
    - (i) an officer of the care facility with the position of Director of the facility or equivalent; and

- (ii) the Chief Health Officer, or a person authorised by the Chief Health Officer to exercise this power of authorisation.
- (2) A person authorised to enter or remain at the care facility under subclause (1) must comply with any directions or conditions to which that authorisation is subject.
- (3) An officer of a care facility referred to in subclause (1)(b)(i) must keep, in relation to each person to whom they give authorisation under that subclause, a record of:
  - (a) the contact details of the person; and
  - (b) the date and time at which that person entered and left the care facility,
- (4) A record under subclause (3) must be kept for at least 28 days from the day the authorisation is given.

### 23. Restrictions on visitors of residents (end of life)

Where a visitor of a resident of the care facility is visiting for the purposes of providing end of life support to a resident, the operator of a care facility in Victoria must not permit more than five visitors of a resident to enter or remain on the premises at any one time in relation to that resident.

*Note: the definition of end of life support includes where a patient is at risk of dying from a sudden acute event (life-threatening condition).*

### 24. Restrictions on visitors of residents (other)

- (1) Subject to clause 19(2), where a visitor of a resident of the care facility is visiting, the operator of the care facility must not permit:
  - (a) more than five visitors of a resident to enter or remain on the premises at any one time in relation to a resident; and
  - (b) more than five visitors of a resident to enter or remain on the premises per day in relation to a resident.

### 25. Restrictions on visitors as prospective residents

- (1) Subject to clause 19(2), if a prospective resident of a care facility visits the care facility, the operator of the care facility must not permit:
  - (a) more than four other persons accompanying the prospective resident to enter or remain on the premises; and
  - (b) more than one visit at the facility for this purpose at any one time.

*Note: the care facility may allow multiple visits from prospective residents of the facility over the course of a day, however only one prospective resident and a maximum of four persons accompanying the prospective resident may occur at any one time.*

### 26. Operator to take all reasonable steps

The operator of a care facility must take all reasonable steps to ensure that:

- (1) a person does not enter or remain on the premises of the care facility if the person is prohibited from doing so by clause 18; and
- (2) the care facility facilitates telephone, video or other means of electronic communication with the parents, guardians, partners, carers, support persons and family members of residents to support the physical, emotional and social wellbeing (including mental health) of residents.

### 27. Visitor declarations

- (1) The operator of a care facility must require visitors in relation to the care facility to declare in writing at the start of each visit, but before entering any area of the care facility that is freely accessible to residents, whether the visitor:
  - (a) is free of COVID-19 symptoms other than symptoms caused by an underlying health condition or medication; and

- (b) either:
  - (i) has received a negative result from a COVID-19 rapid antigen test on the same day that they attend the care facility; or
  - (ii) after making reasonable attempts, has not been able to obtain a COVID-19 rapid antigen test; and
- (c) has been in contact with a confirmed case (except in the course of their employment while wearing the appropriate level of personal protective equipment in the circumstances) in the:
  - (i) preceding 7 days if the person is fully vaccinated and is not a close contact; or
  - (ii) preceding 14 days if the person is not fully vaccinated or is a close contact; and
- (d) is currently required to self-isolate or self-quarantine in accordance with the **Quarantine, Isolation and Testing Order**.

*Note: operators of care facilities are subject to additional obligations under the **Additional Industry Obligations Order**.*

- (2) Where a visitor of a resident of a care facility is aged under 18 years, a parent, carer or guardian of the visitor may make the declaration required of the visitor by the operator of a care facility under subclause (1) on the visitor's behalf.

#### **PART 4 – GENERAL PROVISIONS**

##### **28. Relationship with other Orders**

- (1) Where the premises of a care facility are located within the premises of a hospital, the care facilities requirements in this Order apply, in relation to the premises of the care facility and to matters that relate to the care facility.
- (2) This Order operates alongside, and is not intended to derogate from, obligations imposed on operators of care facilities under the **Workplace Order** and **Additional Industry Obligations Order**.

##### **29. Transitional provisions**

- (1) A reference in any pandemic order in force to a Revoked Visitors to Hospitals and Care Facilities 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 Visitors to Hospitals and Care Facilities 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 Visitors to Hospitals and Care Facilities Order was subject immediately before it was revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.

##### **30. 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 5 – PENALTIES****31. 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****1. Definition of care facility**

A **care facility** is a facility in Victoria that is:

- (1) an alcohol and drug residential service;
- (2) a homelessness residential service;
- (3) a residential aged care facility;
- (4) a disability residential service;
- (5) an eligible SDA enrolled dwelling;
- (6) a secure welfare service;
- (7) a short-term accommodation and assistance dwelling;
- (8) a supported residential service;
- (9) the Thomas Embling Hospital.

**2. Definition of care facility worker**

A person is a **care facility worker** in relation to a care facility if:

- (1) the person is the operator of a care facility or an employee or contractor in relation to the care facility; or
- (2) the person is a student under the supervision of an employee or contractor in relation to the care facility; or
- (3) the person's presence at the premises of the care facility is for the purposes of providing goods or services that are necessary for the effective operation of the care facility, whether the goods or services are provided for consideration or on a voluntary basis; or
- (4) the person's presence at the premises of the care facility is for the purposes of providing any of the following goods or services to a resident of the care facility, whether the goods or services are provided for consideration or on a voluntary basis:
  - (a) health, medical, or pharmaceutical goods or services; or
  - (b) behavioural support services; or
  - (c) functional and well-being support services; or
  - (d) other support services; or
- (5) in the case of a disability residential service or an eligible SDA enrolled dwelling – the person's presence at the premises of the facility is for the purposes of providing treatment under a treatment plan to a resident of the facility, whether the treatment is provided for consideration or on a voluntary basis; or
- (6) in the case of a secure welfare service – the person's presence at the premises of the facility is for the purposes of providing educational services to a resident of the facility, whether the goods or services are provided for consideration or on a voluntary basis; or
- (7) the person's presence at the premises of the care facility is authorised or required for the purposes of emergency management, law enforcement, or the performance of a duty, function or power under a law.

*Note: this includes advocates with a legislated role such as the National Aged Care Advocacy Program and the Community Visitors Scheme.*

**3. Definition of hospital worker**

A person is a **hospital worker** in relation to a hospital if:

- (1) the person is an employee or contractor of the hospital or a student under the supervision of an employee or contractor of the hospital; or

- (2) the person's presence at the hospital:
  - (a) is for the purposes of providing health, medical or pharmaceutical goods or services to a patient of the hospital, whether the goods or services are provided for consideration or on a voluntary basis; and
  - (b) has been arranged by appointment in advance; and
  - (c) is approved by an officer of the hospital with the position of Chief Medical Officer, Chief Operating Officer, or equivalent; or
- (3) the person is a disability worker and the person's presence at the hospital is for the purposes of providing a disability service to a patient with a disability; or
- (4) the person's presence at the hospital is for the purposes of providing goods or services that are necessary for the effective operation of the hospital, whether the goods or services are provided for consideration or on a voluntary basis; or  
*Note: union and employer representatives are covered by this subclause (4).*
- (5) the person's presence at the hospital is authorised or required for the purposes of emergency management, law enforcement, or the performance of a duty, function or power under a law.

#### 4. Other definitions

For the purposes of this Order:

**Additional Industry Obligations Order** means the **Pandemic (Additional Industry Obligations) Order 2022 (No. 3)** as amended or replaced from time to time;

**alcohol and drug residential service** means any of the following:

- (1) a treatment centre within the meaning of the **Severe Substance Dependence Treatment Act 2010**;
- (2) a residential treatment service (however described) that provides drug or alcohol withdrawal or rehabilitation services in a residential setting to people dependent on alcohol or other drugs;
- (3) a service that provides supported accommodation to a person after the person has received residential treatment services of the kind referred to in subclause (2);

**care facility** has the meaning in clause 1 of this Schedule;

**care facility excluded person** means a person who:

- (1) is required to self-isolate under the **Quarantine, Isolation and Testing Order**; or
- (2) is required to self-quarantine under the **Quarantine, Isolation and Testing Order**; or
- (3) had known contact with a confirmed case (except in the course of their employment while wearing the appropriate level of personal protective equipment in the circumstances) in the:
  - (a) 7 days immediately preceding entry if the person is fully vaccinated and is not a close contact and has not returned a negative COVID-19 PCR test; or
  - (b) 14 days immediately preceding entry if the person is not fully vaccinated or is a close contact and has not returned a negative COVID-19 PCR test; or

*Note: a person who has had known contact with a person who has been diagnosed with COVID-19 may also be required to self-quarantine under the **Quarantine, Isolation and Testing Order**.*

- (4) has COVID-19 symptoms unless those symptoms are caused by an underlying health condition or medication; or

*Note: for the purposes of this Order, COVID-19 symptoms, including but not limited to acute respiratory infection (such as cough, shortness of breath, sore throat), loss of smell, and loss of taste do not include those symptoms where caused by an underlying health condition or medication.*

- (5) in the case of a visitor – has been tested for COVID-19, and has not yet received the results of that test.

*Note: subclause (5) does not include a person who is required to be tested for COVID-19 in accordance with the requirements of the Surveillance Testing Industry List and Requirements.*

**care facility worker** has the meaning in clause 2 of this Schedule;

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

**confirmed case** means a person who has been diagnosed with COVID-19 and includes the period of time prior to the diagnosis during which the confirmed case 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).*

**contractor** in relation to a hospital means a person engaged as a contractor by the operator of the hospital in relation to the provision of health, medical or pharmaceutical services by the hospital;

*Examples: visiting medical officers, locum doctors.*

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

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

**day procedure centre** has the same meaning as in the **Health Services Act 1988**;

**denominational hospital** has the same meaning as in the **Health Services Act 1988**;

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

**disability residential service** means a residential service within the meaning of the **Disability Act 2006** and to avoid doubt, includes the facility called the Intensive Residential Treatment Program of the Statewide Forensic Service;

*Note: the Intensive Residential Treatment Program of the Statewide Forensic Service is often referred to as 'DFATS'.*

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

**disability service provider** has the same meaning as in the **Disability Act 2006**;

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

**eligible SDA enrolled dwelling** means a Specialist Disability Accommodation (SDA) enrolled dwelling that is provided under an SDA residency agreement within the meaning of section 498B of the **Residential Tenancies Act 1997**;

**employee or contractor** in relation to a care facility, means a person employed or engaged as a contractor by the operator of a care facility, and includes a person who provides labour hire services to the operator of a care facility;

**end of life** in relation to a patient or a resident:

- (1) means a situation where the person's death is expected within days (including periods of 28 days or less), or where the person, with or without existing conditions, is at risk of dying from a sudden acute event;



- (2) does not mean a situation where a person has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the person is expected to die within 12 months (except where the situation also falls within subclause (1));

**excepted person** means a person who 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:

- (1) a medical contraindication; or  
(2) an acute medical illness (including where the person has been diagnosed with COVID-19).

**flexible care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;

**fully vaccinated** has the same meaning as in the **Open Premises Order**;

**homelessness residential service** means a service that is funded by government to provide a staffed residential service to people who are homeless or at risk of being homeless;

**hospital** means:

- (1) a public hospital;  
(2) a denominational hospital;  
(3) a multi-purpose service;  
(4) a private hospital;  
(5) a day procedure centre;

**hospital excluded person** means a person who:

- (1) has been diagnosed with COVID-19, and has not yet been given, or been taken to have been given, clearance from self-isolation under **Quarantine, Isolation and Testing Order**; or  
(2) during the 14 days immediately preceding the entry, arrived in Australia from a place outside Australia unless the person has a valid international passenger arrival permit issued under the **Victorian Border Crossing Order** and they are not prohibited from attending a hospital under the **Victorian Border Crossing Order**; or  
(3) is an **international aircrew services worker** and during the 14 days immediately preceding the entry, the person arrived in Australia from a place outside Australia, unless that person is permitted to attend a hospital under the **Victorian Border Crossing Order**; or  
(4) had known contact with a person who has been diagnosed with COVID-19 in the:  
(a) 7 days immediately preceding entry if the person is fully vaccinated and is not a close contact and has not returned a negative COVID-19 PCR test; or  
(b) 14 days immediately preceding entry if the person is not fully vaccinated or is a close contact and has not returned a negative COVID-19 PCR test; or

*Note: a person who has had known contact with a person who has been diagnosed with COVID-19 may also be required to self-quarantine under the **Quarantine, Isolation and Testing Order**.*

- (5) the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection unless the temperature or symptoms are caused by an underlying health condition or medication; or

*Note: for the purposes of this Order, the symptoms described within subclause (5), including but not limited to acute respiratory infection (such as cough, shortness of breath, sore throat) and a temperature higher than 37.5 degrees do not include those symptoms where caused by an underlying health condition or medication.*

- (6) the person is aged under 16 years, other than in circumstances where:
- (a) either:
    - (i) the person's presence at the hospital is for the purposes of end of life support for a patient; or
    - (ii) the person is visiting a patient who has a life-threatening medical condition; and
  - (b) either:
    - (i) the person aged under 16 years is a child, grandchild or sibling of the patient, or has a kinship relation to the patient; or
    - (ii) clause 14 applies.
- (7) in the case of a visitor – the person has been tested for COVID-19 and has not yet received the results of that test.

*Note: subclause (7) does not include a person who is required to be tested for COVID-19 in accordance with the requirements of the Surveillance Testing Industry List and Requirements.*

**hospital worker** has the meaning in clause 3 of this Schedule;

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

**Movement and Gathering Order** means the **Pandemic (Movement and Gathering Order) 2022 (No. 3)** as amended or replaced from time to time;

**multi-purpose service** has the same meaning as in the **Health Services Act 1988**;

**nominated person** in relation to a patient has the same meaning as in the **Mental Health Act 2014**;

**Open Premises Order** means the **Pandemic (Open Premises) Order 2022 (No. 3)** as amended or replaced from time to time;

**operator of a care facility** means:

- (1) for an alcohol and drug treatment facility – the operator of the facility;
- (2) for a homelessness residential service – the entity that receives government funding to provide the service;
- (3) for a residential aged care facility – the operator of the facility;
- (4) for a disability residential service – the disability service provider that operates the service;
- (5) for an eligible SDA enrolled dwelling – the disability service provider or the registered NDIS provider that operates the service;
- (6) for a short-term accommodation and assistance dwelling – the registered NDIS provider or the disability service provider that operates the service;
- (7) for a secure welfare service – the Secretary to the Department of Families, Fairness and Housing;
- (8) for a supported residential service – the proprietor of the supported residential service;
- (9) for the Thomas Embling Hospital – the Victorian Institute of Forensic Mental Health;

**operator of a hospital** means a person who owns, controls or operates the hospital;

**parent, carer or guardian** in relation to a patient aged under 18 means an adult in a significant primary caring role, including biological, adoptive, or foster parents, kinship carers, step-parents and legal guardians;

**patient** of a hospital means a person who requests or is being provided with health, medical or pharmaceutical services by the hospital;

**private hospital** has the same meaning as in the **Health Services Act 1988**;

**proprietor of a supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;

**provides labour hire services** has the same meaning as in the **Labour Hire Licensing Act 2018**;

**public hospital** has the same meaning given in the **Health Services Act 1988**;

**Quarantine, Isolation and Testing Order** means the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 4)** as amended or replaced from time to time;

**registered NDIS provider** has the same meaning as in the **National Disability Insurance Scheme Act 2013** of the Commonwealth;

**resident** of a care facility includes a patient of the care facility;

**residential aged care facility** means premises at which accommodation and personal care or nursing care or both are provided to a person in respect of whom a residential care subsidy or a flexible care subsidy is payable under the **Aged Care Act 1997** of the Commonwealth;

**residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;

**Revoked Visitors to Hospitals and Care Facilities Order** means the **Care Facilities Directions (No 50)**, the **Hospital Visitor Directions (No 40)** or the **Pandemic (Visitors to Hospitals and Care Facilities) Order 2021 (No. 1)**, or their predecessors;

**SDA enrolled dwelling** has the same meaning as in the **Disability Act 2006**;

**SDA provider** has the same meaning as in the **Disability Act 2006**;

**secure welfare service** has the same meaning as in the **Children, Youth and Families Act 2005**;

**short-term accommodation and assistance dwelling** has the same meaning as in the **Disability Act 2006**;

**supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;

**Surveillance Testing Industry List and Requirements** has the same meaning as in the **Additional Industry Obligations Order**;

**Thomas Embling Hospital** means the hospital of that name operated by the Victorian Institute of Forensic Mental Health;

**treatment plan** has the same meaning as in the **Disability Act 2006**;

**Victorian Border Crossing Order** means the **Pandemic (Victorian Border Crossing) Order 2022 (No. 3)** as amended or replaced from time to time;

**Workplace Order** means the **Pandemic (Workplace) Order 2022 (No. 3)** as amended or replaced from time to time.

Dated 10 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. 4)

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. 4) and it is for explanatory purposes only.*

**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (QUARANTINE, ISOLATION AND TESTING) ORDER 2022 (No. 4)

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

PANDEMIC (QUARANTINE, ISOLATION AND TESTING) ORDER 2022 (No. 4)

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. 4)**.

**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 12 January 2022 and ends at 11:59:00 pm on 12 April 2022.
- (2) The **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 3)** is revoked at 11:59:00 pm on 12 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**

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/) as amended or reissued from time to time by the Secretary of the Department 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 or the probable case 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 or the probable case.

#### **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
- (4) if the person becomes a probable case, the date the person receives a positive result from a COVID-19 rapid antigen test; or
- (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 clause 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 2022 (No. 2)** 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) where a person is a probable case, on the date which the probable case undertook the COVID-19 PCR test from which a negative result was received; or
- (iii) 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. 3)** 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 2022 (No. 3)**, 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);
- (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 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, 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 10 January 2022

MARTIN FOLEY MP  
Minister for Health

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**Public Health and Wellbeing Act 2008**

## Section 165AI

## GUIDANCE FOR THE PANDEMIC (VICTORIAN BORDER CROSSING)

## ORDER 2022 (No. 3)

This Order provides for persons entering Australia as an international passenger arrival or as international aircrew services workers to limit the spread of COVID-19.

International arrivals:

- (1) must comply with the general post-entry conditions;
- (2) are restricted from entering specific facilities for a period of time after entering Victoria; and
- (3) must carry and present specific documents on the request of an authorised officer.

International passenger arrivals must, amongst other things:

- (1) obtain a valid international passenger arrival permit; and
- (2) complete prescribed COVID-19 PCR tests.

International passenger arrivals who are adolescents and are not fully vaccinated and not a medically exempt person must travel immediately to the residence in Victoria where they will remain in self-quarantine for a prescribed period of time, unless undertaking essential activities.

International aircrew arrivals must complete prescribed COVID-19 PCR tests or COVID-19 rapid antigen tests.

International aircrew arrivals who are not fully vaccinated and not a medically exempt person must self-quarantine for a prescribed period of time, unless undertaking essential activities.

This Order also sets out the process for permit applications and the conditions under which a person may be granted an exemption from this Order.

Failure to comply with this Order may result in penalties.

*This guidance does not form part of the Pandemic (Victorian Border Crossing) Order 2022 (No. 3) and is for explanatory purposes only.*

**Public Health and Wellbeing Act 2008**

## Section 165AI

**PANDEMIC (VICTORIAN BORDER CROSSING) ORDER 2022 (No. 3)****TABLE OF PROVISIONS**

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

PANDEMIC (VICTORIAN BORDER CROSSING) 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 provide a scheme for persons arriving in Australia as an international passenger arrival or international aircrew services worker, to limit the spread of COVID-19.

**2. Citation**

This Order may be referred to as the **Pandemic (Victorian Border Crossing) 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 12 January 2022 and ends at 11:59:00 pm on 12 April 2022.
- (2) The Pandemic (Victorian Border Crossing) Order 2021 (No. 2) is revoked at 11:59:00 pm on 12 January 2022.

**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 FOR INTERNATIONAL TRAVELLERS**

**Division 1 – Restrictions on entry**

**7. Restrictions on persons entering Victoria**

- (1) A person who has been in another country in the 14 days prior to arrival in Victoria, may only enter Victoria under this Order if the person is an:
  - (a) international aircrew services worker and meets all of the requirements in clause 8; or
  - (b) international passenger arrival and meets all of the requirements in clause 10.
- (2) This Order does not apply to a person who enters Victoria from another country who is not a person specified in subclause (1)(a) or (b).

*Note: a person who is not covered as an international passenger arrival under clause 10 or an international aircrew services worker under clause 8 is not excluded from entering Victoria but is not governed by this Order and may instead be governed by the **Pandemic (Detention) Order**.*

**Division 2 – International aircrew services worker**

**8. Eligibility**

- (1) Subject to subclause (2), a person who is an international aircrew services worker may enter Victoria if the person:
  - (a) is fully vaccinated; or
  - (b) is a medically exempt person; or
  - (c) is not fully vaccinated or a medically exempt person but is an Australian based international aircrew services worker.



- (2) A person who enters Victoria as an international aircrew services worker under subclause (1) and remains for a period of 48 hours or longer in Victoria must have completed either:
  - (a) a pre-departure COVID-19 rapid antigen test within 24 hours of their scheduled departure for Victoria and comply with the COVID-19 rapid antigen test procedure; or
  - (b) a pre-departure COVID-19 PCR test within 3 days of their scheduled departure for Victoria.
- (3) A person who enters Victoria as an Australian based international aircrew services worker who is fully vaccinated under subclause (1)(a) is exempt from the requirements in subclause (2), provided that:
  - (a) the person is operating turnaround flights to a country outside of Australia (including passenger flights, freight and maintenance); and
  - (b) all aircrew services workers from that flight remain airside while in a country outside of Australia; and
  - (c) all aircrew services workers from that flight adhere to post-arrival COVID-19 PCR testing or COVID-19 rapid antigen testing requirements in clause 9; and
  - (d) the person must otherwise comply with relevant airline requirements and COVID Safe Plan whilst in Victoria and in any other State or Territory in Australia.

**9. International aircrew services worker – Obligations after entry**

- (1) A person who enters Victoria as an international aircrew services worker under clause 8(1):
  - (a) must comply with the general post-entry conditions; and
  - (b) travel immediately and directly to the residence in Victoria where they will self-quarantine; and
  - (c) while in direct transit to their place of self-quarantine in Victoria, leave their vehicle only for the purposes of:
    - (i) obtaining medical care or medical supplies; or
    - (ii) accessing toilet and bathroom facilities; or
    - (iii) paying for fuel; or
    - (iv) purchasing essential items; or
    - (v) purchasing takeaway food or drink; and
  - (d) if leaving their vehicle for a permitted reason in paragraph (c):
    - (i) wear a face covering at all times unless, in accordance with the pandemic orders in force, an exception from the requirement to wear a face covering applies to the person; and
    - (ii) practise physical distancing; and
    - (iii) keep detailed records of each place they stop; and
  - (e) if they are fully vaccinated or medically exempt, must:
    - (i) remain in self-quarantine, unless undertaking essential activities, until they receive a negative result from their COVID-19 test if they are required to complete one within 24 hours of arrival in Victoria in accordance with subparagraph (iii) or until their next scheduled international flight (whichever is sooner); and
    - (ii) if leaving self-quarantine to undertake essential activities as permitted under subparagraph (i):

- (A) wear a face covering at all times unless, in accordance with the pandemic orders in force, an exception from the requirement to wear a face covering applies to the person; and
  - (B) practise physical distancing; and
  - (iii) if remaining for a period of 48 hours or longer in Victoria, complete either:
    - (A) a COVID-19 PCR test within 24 hours of arrival in Victoria; or
    - (B) a COVID-19 rapid antigen test within 24 hours of arrival in Victoria and comply with the COVID-19 rapid antigen test procedure; and
  - (f) if they are not fully vaccinated and are not medically exempt, must:
    - (i) remain in self-quarantine, unless undertaking essential activities, for a period 14 days after arrival in Victoria or until their next scheduled international flight (whichever is sooner); and
    - (ii) if leaving self-quarantine to undertake essential activities as permitted under subparagraph (i):
      - (A) wear a face covering at all times unless, in accordance with the pandemic orders in force, an exception from the requirement to wear a face covering applies to the person; and
      - (B) practise physical distancing; and
    - (iii) complete:
      - (A) a COVID-19 PCR test within 24 hours of arrival in Victoria and remain in self-quarantine as required under subparagraph (i); or
      - (B) a COVID-19 rapid antigen test within 24 hours of arrival in Victoria, and comply with the COVID-19 rapid antigen test procedure and remain in self-quarantine as required under subparagraph (i); and
  - (g) must carry and present on request to an authorised officer, Victoria Police Officer or a Protective Services officer (or other person under such person's direction):
    - (i) an acceptable form of identification; and
    - (ii) international acceptable evidence to show that they are fully vaccinated or international acceptable certification to show they are a medically exempt person.
- (2) If an international aircrew services worker who is a medically exempt person enters Victoria under clause 8(1)(b), that person must, in addition to complying with the obligations specified in subclause (1), not attend an educational facility, childcare or early childhood services, residential aged care facility, disability residential service or hospital (unless the person is obtaining urgent medical care) for 14 days after arriving in Victoria.

### **Division 3 – International passenger arrival**

#### **10. Eligibility**

- (1) A person may enter Victoria as an international passenger arrival if the person, at the time they enter in Victoria, is:
  - (a) 12 years and 2 months of age or above and is fully vaccinated or a medically exempt person; or

- (b) younger than 12 years and 2 months of age and is either:
  - (i) travelling with at least one parent or guardian who is fully vaccinated or is a medically exempt person; or
  - (ii) travelling unaccompanied; or
- (c) at least 12 years and 2 months of age and less than 18 years of age and is not fully vaccinated or a medically exempt person and is either:
  - (i) travelling with at least one parent or guardian who is fully vaccinated or is a medically exempt person; or
  - (ii) travelling unaccompanied.

#### 11. Requirements for entry

- (1) An international passenger arrival may enter Victoria if the person is either:
  - (a) 12 years and 2 months of age or above; or
  - (b) younger than 12 years and 2 months of age and travelling unaccompanied, and they obtain a valid international passenger arrival permit which includes:
    - (c) the person's personal details; and
    - (d) an attestation by the person stating that (as at the date of attestation) the person and each dependant under 12 years and 2 months of age entering Victoria with that person:
      - (i) meets the requirements in clause 10(1); and
      - (ii) has provided information in the permit that is true and correct; and
      - (iii) will comply with the international passenger arrival conditions; and
  - (e) a QR code capable of being scanned by an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction).

*Note 1: dependants under the age of 12 years and 2 months do not need to obtain their own permit but must instead be listed on the permit obtained by their parent or guardian that they are travelling with.*

*Note 2: if a person is using a digital permit with a QR code capable of being scanned by an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction), the information specified in subclause (1) is considered to be included on the permit if it is accessible by scanning the QR code.*

#### 12. Conditions after arrival – all international passenger arrivals

- (1) An international passenger arrival who enters Victoria under clause 10(1) must, for the period between when they arrive in Victoria and until the day that is 14 days after the person arrived in Australia:
  - (a) comply with all general post-entry conditions; and
  - (b) carry and present on request to an authorised officer, Victoria Police Officer or a Protective Services officer (or other person under such person's direction):
    - (i) their valid international passenger arrival permit (unless they are a child under 12 years and 2 months of age and travelling with a person who holds a valid permit); and
    - (ii) an acceptable form of identification; and
    - (iii) if applicable, evidence of their COVID-19 PCR test results in accordance with clause 13(1); and
    - (iv) international acceptable evidence or international acceptable certification to show that:
      - (A) they are fully vaccinated or a medically exempt person; or

- (B) if younger than 12 years and 2 months of age, at least one of their parents or guardians is fully vaccinated or is a medically exempt person; or
- (C) if at least 12 years and 2 months of age and less than 18 years of age and not:
  1. fully vaccinated or a medically exempt person; or
  2. travelling unaccompanied,
 at least one of their parents or guardians is fully vaccinated or is a medically exempt person.

**13. Additional conditions after arrival – all international passenger arrivals except adolescents who are not fully vaccinated and are not a medically exempt person**

- (1) An international passenger arrival who enters Victoria under clause 10(1) (other than under clause 10(1)(c)) must:
- (a) if they are required to self-quarantine under paragraph (e), travel immediately and directly to the premises in Victoria where they will self-quarantine; and
  - (b) if they are required to self-quarantine under paragraph (e), whilst in direct transit to their place of self-quarantine in Victoria, only leave their vehicle for the purposes of:
    - (i) obtaining medical care or medical supplies; or
    - (ii) accessing toilet and bathroom facilities; or
    - (iii) paying for fuel; or
    - (iv) purchasing essential items; or
    - (v) purchasing takeaway food or drink; and
  - (c) if leaving their vehicle for a permitted reason in paragraph (b):
    - (i) wear a face covering at all times unless, in accordance with the pandemic orders in force, an exception from the requirement to wear a face covering applies to the person; and
    - (ii) practise physical distancing; and
    - (iii) keep detailed records of each place they stop; and
  - (d) complete:
    - (i) a COVID-19 PCR test; or
    - (ii) if specified in the International Arrivals and Aircrew Testing Requirements, a COVID-19 rapid antigen test and comply with the COVID-19 rapid antigen test procedure, within 24 hours of arrival in Victoria if the person is in Victoria at any time within 24 hours of arrival in Australia and has not already taken either a COVID-19 PCR test or if applicable, a COVID-19 rapid antigen test and complied with the COVID-19 rapid antigen test procedure, within 24 hours of arrival in Australia; and
  - (e) remain in self-quarantine, unless undertaking essential activities, until they receive a negative result from their COVID-19 test carried out within 24 hours of arrival in Victoria in accordance with paragraph (d) or until their next scheduled international flight (whichever is sooner); and
  - (f) if leaving self-quarantine to undertake essential activities as permitted under paragraph (e):

- (i) wear a face covering at all times unless, in accordance with the pandemic orders in force, an exception from the requirement to wear a face covering applies to the person; and
- (ii) practise physical distancing; and
- (g) if they are required to self-quarantine under paragraph (e), not share spaces or facilities at the premises at which they are self-quarantining, including a bedroom, bathroom or kitchen, with any other person who is not self-quarantining.

**14. Additional conditions after arrival – fully vaccinated adolescents and adults**

- (1) If a fully vaccinated person aged 12 years and 2 months of age or above enters Victoria under clause 10(1)(a), that person must, in addition to complying with the obligations specified in clauses 12(1) and 13(1), not attend an educational facility or childcare or early childhood services in Victoria for 7 days after arriving in Australia, unless:
  - (a) the person has completed a COVID-19 PCR test and returned a negative result within 24 hours prior to visiting the educational facility or childcare or early childhood services; or
  - (b) the person has completed a COVID-19 rapid antigen test and returned a negative test result on the day they are visiting the educational facility or childcare or early childhood services.

**15. Additional conditions after arrival – adolescents who are not fully vaccinated and are not a medically exempt person**

- (1) If a person enters Victoria under clause 10(1)(c), that person must, in addition to the obligations specified in clause 12(1):
  - (a) travel immediately and directly to, and self-quarantine at, the premises at which the person will reside for the purposes of self-quarantine for the period when they arrive in Victoria until the day that is 8 days after the person arrived in Australia. If the person arrived in Victoria after the end of the self-quarantine period, the person is not required to self-quarantine; and
  - (b) whilst in direct transit to their place of self-quarantine in Victoria, only leave their vehicle for the purposes of:
    - (i) obtaining medical care or medical supplies; or
    - (ii) accessing toilet and bathroom facilities; or
    - (iii) paying for fuel; or
    - (iv) purchasing essential items; or
    - (v) purchasing takeaway food or drink; and
  - (c) if leaving their vehicle for a permitted reason in paragraph (b):
    - (i) wear a face covering at all times unless, in accordance with the pandemic orders in force, an exception from the requirement to wear a face covering applies to the person; and
    - (ii) practise physical distancing; and
    - (iii) keep detailed records of each place they stop; and
  - (d) complete:
    - (i) a COVID-19 PCR test; or
    - (ii) if specified in the International Arrivals and Aircrew Testing Requirements, a COVID-19 rapid antigen test and comply with the COVID-19 rapid antigen test procedure,

within 24 hours of arrival in Victoria if the person is in Victoria at any time within 24 hours of arrival in Australia and has not already taken either a COVID-19 PCR test or if applicable, a COVID-19 rapid antigen test and complied with the COVID-19 rapid antigen test procedure, within 24 hours of arrival in Australia; and

- (e) remain in self-quarantine unless undertaking essential activities for the period specified in paragraph (a); and
- (f) if leaving self-quarantine to undertake essential activities under paragraph (e):
  - (i) wear a face covering at all times unless, in accordance with the pandemic orders in force, an exception from the requirement to wear a face covering applies to the person; and
  - (ii) practise physical distancing; and
- (g) not share spaces or facilities at the premises at which they are self-quarantining, including a bedroom, bathroom or kitchen, with any other person who is not self-quarantining; and
- (h) not attend an educational facility in Victoria until the day that is 8 days after the person arrived in Australia; and
- (i) not attend childcare or early childhood services, residential aged care facility, disability residential service or hospital in Victoria (unless obtaining urgent medical care), the day that is 15 days after the person arrived in Australia.

*Note: the period specified in paragraph (i) is an additional 7 days from the end of the self-quarantine period specified in paragraph (a).*

**16. Additional conditions after arrival – medically exempt persons and children who are not fully vaccinated**

- (1) If a medically exempt person aged 18 years or older enters Victoria under clause 10(1)(a), that person must, in addition to the obligations specified in clauses 12(1) and 13(1), not attend an educational facility, childcare or early childhood services, residential aged care facility, disability residential service or hospital (unless obtaining urgent medical care) in Victoria until the day which is 15 days after the person arrived in Australia.
- (2) If a medically exempt person aged at least 12 years and 2 months and less than 18 years enters Victoria under clause 10(1)(a), that person must, in addition to the obligations specified in clauses 12(1) and 13(1):
  - (a) not attend an educational facility in Victoria until the day which is 8 days after the person arrived in Australia; and
  - (b) not attend a childcare or early childhood services, residential aged care facility, disability residential service or hospital (unless obtaining urgent medical care) in Victoria until the day that it is 15 days after the person arrived in Australia.
- (3) A person younger than 12 years and 2 months of age who enters Victoria under clause 10(1)(b) must, in addition to the obligations specified in clauses 12(1) and 13(1):
  - (a) not attend an educational facility in Victoria until the day which is 8 days after the person arrived in Australia; and
  - (b) not attend childcare or early childhood services, residential aged care facility, disability residential service or hospital (unless obtaining urgent medical care) in Victoria until the day that is 15 days after the person arrived in Australia.

**PART 3 – PERMIT REQUIREMENTS****17. Permit validity and revocation**

An international passenger arrival permit:

- (1) is valid from the day of entry into Victoria until the day that is 15 days after the person arrived in Australia (unless revoked earlier); and
- (2) may be used on multiple occasions by a person to enter Victoria during the validity period in subclause (1); and
- (3) is immediately revoked if the person departs Australia within the validity period in subclause (1).

**18. Applications for a permit**

- (1) A person may apply for a permit using the Service Victoria Platform.
- (2) An application for a permit must contain all information reasonably required by the Department from time to time, for the purpose of protecting public health.
- (3) The Service Victoria CEO:
  - (a) may deliver a permit to a person if clause 10 and 11 (international passenger arrivals) applies, the person makes an application under subclause (1) and the application complies with the requirements under subclause (2); and
  - (b) may provide a copy of the permit to the Department; and
  - (c) will provide any information contained in an application to the Department on behalf of the person; and
  - (d) may use an authority app to provide data to the Department that is collected from the scanning of permits, including the validation of a person's permit when entering Victoria.
- (4) A person must not give information, or make a statement, in an application for a permit that is false or misleading in a material particular.

**19. Request for exemption**

- (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 clause 20(2).
- (2) A person may request an exemption by:
  - (a) using the Service Victoria Platform; or
  - (b) contacting the Department by phone (or other method determined by the Department from time to time).
- (3) A request for exemption must contain all information reasonably required by the Department from time to time, for the purpose of protecting public health.
- (4) The Service Victoria CEO will provide any information contained in a request for exemption under subclause (2)(a) to the Department.

**20. Power to grant exemptions**

- (1) A person may request an exemption from any or all requirements contained in this Order.
- (2) The Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) may exempt a person or group of persons from any or all requirements contained in these directions, if satisfied that an exemption is appropriate, having regard to the:
  - (a) need to protect public health; and
  - (b) principles in sections 5 to 10 of the **Public Health and Wellbeing Act 2008**, as appropriate.

- (3) Before granting any exemption under subclause (2), the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) must consider:
  - (a) the circumstances set out in any request; and
  - (b) any documentary evidence provided by the person, including test results or other medical information in relation to the person; and
  - (c) any further documentary evidence requested by the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) and provided by the person.
- (4) An exemption under subclause (2):
  - (a) must:
    - (i) be given by the Department, in writing, to the person who is the subject of the exemption; or
    - (ii) be published by the Department, in writing, for the purpose of any group of persons who are the subject of the exemption; and
    - (iii) specify the requirement or requirements that the person or group of persons need not comply with; and
  - (b) may be subject to additional or different conditions approved by the Chief Health Officer or Deputy Chief Health Officer.
- (5) An exemption granted under subclause (2) does not prevent an authorised officer from exercising an emergency power or a pandemic management power to give the person or group of persons a different direction or impose a different requirement on the person or group of persons.

## 21. Conditions of exemption

- (1) A person who receives an exemption under clause 20(2) must:
  - (a) enter Victoria within 72 hours of the time set out in the exemption, if applicable; and
 

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

*Note 2: an exemption may be subject to a condition to enter a particular point of entry into Victoria under clause 20(4)(b).*
  - (b) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under their direction):
    - (i) the exemption; and
    - (ii) documentary evidence supporting the grounds for the exemption, if applicable; and
    - (iii) an acceptable form of identification; and
  - (c) comply with any conditions imposed on the exemption.
- (2) Nothing in clauses 19(1) to 21(1) prevents an authorised officer from exercising an emergency power or a pandemic management power to give a person a different direction or impose a different requirement or condition of exemption on the person.

## PART 4 – GENERAL PROVISIONS

### 22. 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.



**23. Transitional provisions**

- (1) A reference in any pandemic order in force to a Revoked Victorian Border Crossing Order is taken on and after the commencement of this Order to be a reference to this Order.
- (2) Any act, matter or thing, including a permit, that had effect under a Revoked Victorian Border Crossing 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 Victorian Border Crossing Order was subject immediately before it was revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.

**PART 5 – PENALTIES****24. 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 – DEFINITIONS

**acceptable certification** has the same meaning as in the **Open Premises Order**;

**acceptable form of identification** means:

- (1) subject to subclauses (2) and (3), photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and

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

- (2) if the person is unable to provide photographic personal identification in accordance with subclause (1), two forms of documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) to prove the person's identity (unless the person is under the age of 18); and

*Example: documentary evidence includes Medicare card, Australian, State or Territory government correspondence, credit card or utility bill.*

- (3) if the person is unable to provide evidence of the current address where the person ordinarily resides in accordance with subclause (1), other documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer (or other person under such person's direction) of the person's address (unless the person is under the age of 18);

*Example: a letter from an Indigenous community leader or community services provider confirming the person's identity and confirming the person's address or other place of residence arrangements.*

**aircrew services worker** means a pilot or a member of cabin crew who:

- (1) is undertaking operational flying duties or proficiency training on an aircraft that is not an aircraft of any part of the Australian Defence Force (including any aircraft that is commanded by a member of that Force in the course of duties as such a member); or
- (2) is required by their employer to attend facilities in Victoria for the purpose of undertaking simulator training or emergency procedures training;

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

**childcare or early childhood services** means onsite early childhood education and care services or children's services provided under the:

- (1) **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
- (2) **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;

**COVID-19** means 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 2022 (No. 2)** 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 2022 (No. 2)** 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 2022 (No. 2)** 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:

- (1) 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
- (2) 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 symptoms consistent with COVID-19, including but not limited to the following:

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

**COVID-19 vaccine** means a vaccine to protect a person against COVID-19 that:

- (1) has been registered, provisionally registered or recognised by the Therapeutic Goods Administration; or
- (2) has been approved by a comparable overseas regulator, as determined by the Therapeutic Goods Administration, under regulation 16DA(3) of the **Therapeutic Goods Regulation 1990** of the Commonwealth;

**COVIDSafe Plan** has the same meaning as in the Workplace Order;

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

**disability residential service** means a residential service within the meaning of the **Disability Act 2006** and to avoid doubt, includes the facility called the Intensive Residential Treatment Program of the Statewide Forensic Service;

*Note: the Intensive Residential Treatment Program of the Statewide Forensic Service is often referred to as 'DFATS'.*

**educational facility** has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Order**;

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

**essential activities** means;

- (1) obtaining medical care or medical supplies; or
- (2) obtaining a COVID-19 PCR test or COVID-19 rapid antigen test; or
- (3) responding to an emergency situation; or
- (4) activities required to comply with any law; or
- (5) departing the State of Victoria;

**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);

**fully vaccinated** means a person who has received either one dose of a one dose COVID-19 vaccine or two doses of a two dose COVID-19 vaccine, including a dose of two different types of a two dose COVID-19 vaccine;

**general post-entry conditions** means that a person must:

- (1) comply with all of the pandemic orders in force; and
- (2) monitor for COVID-19 symptoms; and
- (3) obtain a test for COVID-19 as soon as possible after experiencing any COVID-19 symptoms;

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

**international acceptable certification** means the person has a certificate issued by a medical practitioner who is authorised by an overseas government authority or an accredited vaccination provider (a vaccination provider that is accredited in or by the overseas government authority in the country which the person received the vaccination), that is written in English or accompanied by a certified translation and contains:

- (1) the person's name as it appears on their passport; and
  - (2) the person's date of birth or passport number; and
- either
- (3) a certification from the medical practitioner that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine due to:
    - (a) a medical contraindication; or
    - (b) an acute medical illness (including where the person has been diagnosed with COVID-19); or
  - (4) a documented diagnosed COVID-19 infection confirmed by a COVID-19 PCR test within the previous 6 months.

*Note: a person who enters Victoria on an international passenger arrival permit has a temporary medical exemption pursuant to subclause (4) and will not meet the definition for a medical exemption in other relevant pandemic orders in force, including the **COVID-19 Mandatory Vaccination (Specified Facilities) Order**, **COVID-19 Mandatory Vaccination (General Workers) Order**, **COVID-19 Mandatory Vaccination (Specified Workers) Order** and the **Open Premises Order**, unless they also meet the criteria at subclause (3)(a) or (3)(b).*

**international acceptable evidence** means information about a person's vaccination status:

- (1) information that is derived from a record of information that was made under, or in accordance with, the **Australian Immunisation Register Act 2015** of the Commonwealth; or
- (2) in relation to a person who is fully vaccinated and ordinarily resides outside Australia, is a copy of a paper or digital certificate issued by an overseas government authority or an accredited overseas government vaccination provider that shows the person is fully vaccinated, is written in English or accompanied by a certified translation, and contains:
  - (a) the person's name as it appears in their passport;
  - (b) the person's date of birth or passport number;
  - (c) the vaccine brand name; and
  - (d) the date of each dose or the date on which a full course of immunisation was completed;
 or
- (3) an Australian International COVID-19 Vaccination Certificate.

**international aircrew services worker** means:

- (1) an aircrew services worker who is entering or departing Victoria on a flight to or from an international port; or
- (2) an aircrew services worker who is entering Victoria from another State or Territory of Australia for the purpose of undertaking operational flying duties on a flight from Victoria to an international port; or
- (3) an aircrew services worker who is entering Victoria on a flight from another State or Territory of Australia on which they are undertaking operational flying duties and has been in another country in the 14 days prior to entering Victoria;

**International Arrivals and Aircrew Testing Requirements** means the document titled 'International Arrivals and Aircrew Testing Requirements' 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;

**international maritime arrival** means a person who is arriving from another country and disembarking a maritime vessel at a Victorian maritime port;

**international passenger arrival** means a person who is entering Victoria, has been in another country in the 14 days prior to entering, and is not an international aircrew services worker or an international maritime arrival;

**international passenger arrival conditions** means all of the conditions set out in clause 12(1);

**international passenger arrival permit** has the meaning in clause 11(1);

**medical contraindication** has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Order**;

**medical practitioner** has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Order**;

**medically exempt person** means a person who holds an international acceptable certification that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine due to:

- (1) a medical contraindication; or
- (2) an acute medical illness (including where the person has been diagnosed with COVID-19);

**Movement and Gathering Order** means the **Pandemic (Movement and Gathering) Order (No. 3)** as amended or replaced from time to time;

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

**Open Premises Order** means the **Pandemic (Open Premises) Order 2022 (No. 3)** as amended or replaced from time to time;

**Pandemic (Detention) Order** means the **Pandemic (Detention) Order 2022 (No. 3)** as amended or replaced from time to time;

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

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

**permit** means the written notice (digital or otherwise) provided under clause 18 and includes international passenger arrival permit;

**personal details** means:

- (1) the person’s full name; and
- (2) the person’s contact phone number; and
- (3) the full names of any dependants under the age of 12 years and 2 months for whom the person is a parent, guardian or carer, arriving in Victoria with the person; and
- (4) the address from which the person is departing when entering Victoria; and
- (5) where applicable, the current address where the person ordinarily resides; and
- (6) the address where the person will reside after entering Victoria; and

*Note: if the person is in Victoria temporarily, they can provide details of the accommodation at which they are staying.*

- (7) the date of entry to Victoria; and
- (8) if applicable, any planned date of departure from Victoria;
- (9) the person’s vaccination status;

**residential aged care facility** means premises at which accommodation and personal care or nursing care or both are provided to a person in respect of whom a residential care subsidy or a flexible care subsidy is payable under the **Aged Care Act 1997** of the Commonwealth;

**revoked Border Crossing Permit Scheme Directions** means any of the **New South Wales Border Crossing Permit Scheme Directions**, **New South Wales and Queensland Border Crossing Permit Scheme Directions** or the **Victorian Border Crossing Permit Directions**;

**Revoked Victorian Border Crossing Order** means the **Victorian Border Crossing Permit Directions (No 44)** or the **Pandemic (Victorian Border Crossing) Order 2022 (No. 2)**, or their predecessors;

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

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

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

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

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

**vaccination status** means whether a person is fully vaccinated, received one dose of a two dose COVID-19 vaccine or has not received any dose of a COVID-19 vaccine;

**Victorian maritime port** means the authorised first points of entry for international maritime vessels including seaports of Geelong, Melbourne, Portland and Western point;

**Visitors to Hospitals and Care Facilities Order** means the **Pandemic (Visitors to Hospitals and Care Facilities) Order 2022 (No. 2)** as amended or replaced from time to time;

**Workplace Order** means the **Pandemic (Workplace) Order 2022 (No. 3)** as amended or replaced from time to time.

Dated 10 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. 3)**

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. 3) and is for explanatory purposes only*

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

PANDEMIC (WORKPLACE) ORDER 2022 (No. 3)

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**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (WORKPLACE) 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**

- (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. 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 12 January 2022 and ends at 11:59:00 pm on 12 April 2022.
- (2) The **Pandemic (Workplace) Order (No. 2)** is revoked at 11:59:00 pm on 12 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 clause 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 subparagraph (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 (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 (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 subclauses (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 subclauses (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 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;
  - (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) 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 subparagraphs (a) to (e); 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**.*

- (3) As soon as practicable after becoming aware that at least 5 confirmed cases attended the work premises within a 7 day period, the operator must notify the Department (or other entity nominated by the Department on its website) and:
  - (a) notify it of the actions taken in accordance with subclause (2)(a) to (e); and
  - (b) provide it with a copy of the risk assessment conducted in accordance with subclause (2)(e); and
  - (c) provide it with contact details of any exposed persons (whether or not workers) identified pursuant to subclause (2)(c); and
  - (d) 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.

#### 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 an 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 2022 (No. 3)** as amended or replaced from time to time;

**additional records requirement** has the meaning in clause 11;

**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 2022 (No. 2)** 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 2022 (No. 2)** 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 2022 (No. 2)** 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 and childcare service** has the same meaning as in the **Open Premises Order**;

**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 2022 (No. 3)** as amended or replaced from time to time;

**Open Premises Order** means the **Pandemic (Open Premises) Order 2022 (No. 3)** as replaced or amended from time to time;

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

**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**;

**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. 4)** 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;

**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 2022 (No. 2)**, 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 2022 (No. 2)** 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 10 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. 3)**

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. 3) and is for explanatory purposes only.*



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

PANDEMIC (ADDITIONAL INDUSTRY OBLIGATIONS) ORDER 2022 (No. 3)

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**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (ADDITIONAL INDUSTRY OBLIGATIONS) 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**

- (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. 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 12 January 2022 and ends at 11:59:00 pm on 12 April 2022.
- (2) The **Pandemic (Additional Industry Obligations) Order 2021 (No. 2)** is revoked at 11:59:00 pm on 12 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 paragraph (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 subparagraph (i) in relation to the work premises; and
- (v) provide the records required to be kept by the employer under subparagraph (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 subparagraph (1)(a)(i) in relation to a worker who is a confirmed case for a period of 30 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: 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 paragraph (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 subparagraph (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 subparagraph (A) were negative; and
  - (e) the employee or contractor has provided evidence of the negative COVID-19 PCR test result pursuant to paragraphs (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 paragraph (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 paragraph (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;
  - 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 – 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, the City of Latrobe and the Rural City of Wangaratta</p> <p><b>Day procedure centres in Metropolitan Melbourne</b></p>	<p>(a) An employer may only permit elective surgery procedures 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) The restrictions in paragraphs (a) and (b) do not apply to emergency surgery completed by private hospitals and day procedure centres.</p> <p>(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:</p> <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>
<p>All public health services located in <b>Metropolitan Melbourne</b> that do not operate a COVID-19 streaming area</p>	<p>(a) An employer may only permit elective surgery procedures 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>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>

<b>Work premises (Column 1)</b>	<b>Current elective surgery restrictions (Column 2)</b>
<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; and</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. 3)** 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. 3)** as amended or replaced from time to time;

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

**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. 4)** 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. 2)**, 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. 2)** as amended or replaced from time to time;

**Workplace Order** means the **Pandemic (Workplace) Order 2022 (No. 3)** 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 10 January 2022

MARTIN FOLEY MP  
Minister for Health

### Public Records Act 1973

#### DECLARATION OF RECORDS NOT AVAILABLE FOR PUBLIC INSPECTION

Whereas section 10 of the **Public Records Act 1973** provides, inter alia, that:

The Minister by notice published in the Government Gazette may declare that any specified records or records of a class transferred or to be transferred from a public office to the Public Record Office shall not be available for public inspection for a period specified in the declaration, being a period of not more than 30 years, after the date of their transfer to the Public Record Office.

I, James Merlino, as Acting Premier, responsible for the **Public Records Act 1973**, in so far as the Act relates to public records in the possession of, transferred from or to be transferred from Cabinet Office (previously known as Cabinet Secretariat), do now by this notice declare that Cabinet-in-Confidence records held in the custody of the Keeper of Public Records shall not be available for public inspection for the periods described in the schedule below.

Dated 23 December 2021

THE HON JAMES MERLINO MP  
Acting Premier of Victoria

#### SCHEDULE

Cabinet-in-Confidence Records Creation Date	Closure Period
2018	Closed until 01/01/2049
2019	Closed until 01/01/2050
2020	Closed until 01/01/2051

### Water Act 1989

#### GOULBURN–MURRAY RURAL WATER CORPORATION – WATER EFFICIENCY PROJECT

##### Notice of Adoption of a Reconfiguration Plan

##### TO29 RP01

On 10 December 2021, the Water Efficiency Project Reconfiguration Committee, being a committee established by Goulburn–Murray Rural Water Corporation under the **Water Act 1989**, determined to adopt Reconfiguration Plan TO29 RP01.

A copy of the Reconfiguration Plan map can be inspected, free of charge, at the Water Efficiency Project website at [www.waterefficiencyproject.com.au](http://www.waterefficiencyproject.com.au)

FRANK FISSELER  
Project Director  
Water Efficiency Project  
Goulburn–Murray Rural Water Corporation

**SUBORDINATE LEGISLATION ACT 1994  
NOTICE THAT STATUTORY RULES ARE  
OBTAINABLE**

Notice is hereby given under section 17(3) of the **Subordinate Legislation Act 1994** that the following Statutory Rule was first obtainable from TIMG Bookshop, Level 10, 575 Bourke Street, Melbourne 3000, on the date specified:

1. *Statutory Rule:* Occupational  
Health and Safety  
(COVID-19  
Incident  
Notification)  
Revocation  
Regulations 2022
- Authorising Act:* Occupational  
Health and Safety  
Act 2004
- Date first obtainable:* 14 January 2022
- Code A*
-



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