



Victoria Government Gazette

By Authority of Victorian Government Printer

No. G 7 Thursday 17 February 2022

www.gazette.vic.gov.au

GENERAL

TABLE OF PROVISIONS

Private Advertisements		T. J. Mulvany & Co.	658
Dissolution of Partnership		Taits Legal	658
GenderWorks and GenderWorks		Tartaglia Lawyers	659
Australia	654	Tehan, George & Co.	659
		Wainwright Ryan Eid Lawyers	659
Estates of Deceased Persons		Government and Outer Budget Sector	
Aitken Partners	654	Agencies Notices	660
Aughtersons	654	Orders in Council	829
Ballards Solicitors Pty Ltd	654	Corrections;	
Basile & Co. Pty Ltd	654	Plant Biosecurity;	
Brett Morris	655	State Owned Enterprises	
Carew Counsel Solicitors	655	Obtainables	834
Danaher Moulton	655		
De Marco Lawyers	655		
Garden & Green Lawyers	655		
J. Davey	656		
Joliman Lawyers	656		
Karolidis and Co.	656		
MST Lawyers	656		
Mackinnon Jacobs Lawyers	656		
Mahons with Yuncken & Yuncken	657		
Moores	657		
Pentana Stanton Lawyers	657		
Pietrzak Solicitors	657		
Roberts Beckwith Partners	658		
Russo Pellicano Carlei	658		
Stidston Warren Lawyers	658		

Advertisers Please Note

As from 17 February 2022

The last Special Gazette was No. 74 dated 16 February 2022.

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

How To Submit Copy

- See our webpage www.gazette.vic.gov.au
 - or contact our office on 8523 4601
between 8.30 am and 5.30 pm Monday to Friday
-

**PUBLICATION OF THE VICTORIA GOVERNMENT GAZETTE (GENERAL)
LABOUR DAY HOLIDAY WEEK 2022 (Monday 14 March 2022)**

Please Note:

The Victoria Government Gazette (General) for LABOUR DAY holiday week (G11/22) will be published on **Thursday 17 March 2022**.

Copy Deadlines:

Private Advertisements **9.30 am on Friday 11 March 2022**

Government and Outer

Budget Sector Agencies Notices **9.30 am on Tuesday 15 March 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 BURNES
Government Gazette Officer

PRIVATE ADVERTISEMENTS

DISSOLUTION OF PARTNERSHIP

Pursuant to section 41 of the **Partnership Act 1958**, take notice that the partnership between Jennifer Louise Branscombe, Katherine Lorraine Oliver and Stephanie Amanda Walters, trading as J.L Branscombe & K Oliver & S Walters, ABN 99 702 610 993, and carrying on business under the business names GenderWorks and GenderWorks Australia, has been dissolved by agreement with effect from 23 February 2022.

Creditors, next-of-kin and others having claims in respect of the estate of STEPHEN KIAH ANN TAN, also known as Tan Kiah Ann, deceased, late of 14 Kirkby Ridge, Salter Point, Western Australia, economist, who died on 30 March 2020, are requested to send particulars of their claims to the administrators, David Matthew Tan and Alicia Jane Tan, care of the undersigned solicitors, by 21 April 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.

AUDREY MARGARET TARRANT, late of 16 Stewart Street, Boronia, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 30 October 2021, are required by the personal representatives, Ivan Donald Tarrant and Jeffrey Charles Tarrant, to send particulars to them, care of the undermentioned solicitors, by 19 April 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.

AUGHTERSONS,
267 Maroondah Highway, Ringwood 3134.

STEPHEN BARRY KRUGER, late of 67 Clauscen Drive, Rowville, Victoria 3178, chef, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 10 December 2020, are required by the executor, Lainie Ellen Kruger,

care of Suite 4, 426 Burwood Highway, Wantirna South, Victoria 3152, to send particulars of their claims to her by 12 April 2022, after which date the executor may convey or distribute the estate, having regard only to the claims of which she then has notice. Probate was granted in Victoria on 12 October 2021.

BALLARDS SOLICITORS PTY LTD,
PO Box 4118, Knox City Centre, Victoria 3152.
DX 18206 Knox City.
Ph: 03 9800 7500.

Estate of ANNIE GRACE KENNEDY, late of 1/49 Scoresby Street, Kerang, teacher, deceased.

Creditors, next-of-kin and others having claims in respect of the abovenamed deceased, who died on 17 October 2021, are required by the executors, John Russell Kennedy and Janine Louise Spry, to send particulars of such claims to them, in care of the undermentioned solicitors, within two months from the date of publication of this notice, after which date they will distribute the assets, having regard only to the claims of which they then have notice.

Dated 10 February 2022

BASILE & CO. PTY LTD, legal practitioners, consultants and conveyancers (Vic. and NSW), 46 Wellington Street, Kerang, Victoria 3579.
RB:BD:21385.

Estate of BRUCE JAMES NEWSTEAD, late of 34 Ottrey Street, Pyramid Hill, Victoria, farmer, deceased.

Creditors, next-of-kin and others having claims in respect of the abovenamed deceased, who died on 22 September 2021, are required by the executors, Christine Ann Mann and Faye Michelle Martin, to send particulars of such claims to them, in care of the undermentioned solicitors, within two months from the date of publication of this notice, after which date they will distribute the assets, having regard only to the claims of which they then have notice.

Dated 4 February 2022

BASILE & CO. PTY LTD, legal practitioners, consultants and conveyancers (Vic. and NSW), 46 Wellington Street, Kerang, Victoria 3579.
RB:BD:21345.

Trustee Act 1958
SECTION 33 NOTICE
Notice to Claimants

WERNER JOSEPH MOCK, late of 28 Sunderland Avenue, Ashburton, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 19 December 2021, are required by Annabel Bui, care of 1/48 Aitchison Avenue, Ashburton, Victoria, the executor of the Will of the deceased, to send particulars of their claims to her, care of the undermentioned solicitor, by 28 April 2022, after which date the executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

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

Re: ALAN ROSS SINGER, late of 10d Edgewater Towers, 12 Marine Parade, St Kilda, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 22 June 2021, are required by Tristan Frederick Dolling and Jaye Singer, the executors of the estate of the deceased, to send particulars of their claims to them, care of the undermentioned solicitors, within two months from the date of publication of this notice, after which date they may convey or distribute the assets, having regard only to the claims of which they then have notice.

CAREW COUNSEL SOLICITORS,
Level 10, 313 La Trobe Street, Melbourne,
Victoria 3000.
Tel: 03 9670 5711, Fax: 03 9670 2226.

Re: KONSTANTINOS FOURTZIS, also known as Constantinos Fourtzis, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 1 June 2021, are required by the trustees of the estate, Panagiotis Fourtzis and Nikolaos Fourtzis, to send particulars to them, care of the undermentioned solicitors, by a date not later than 60 days of this notice, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they have notice.

DANAHER MOULTON,
Level 7, 333 Collins Street,
Melbourne, Victoria 3000.

Re: ANTONIA ABELA, late of 90 Lightwood Crescent, Meadow Heights, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 28 September 2021, are required by the trustee, John Abela, to send particulars to the trustee, care of the undermentioned solicitors, within 60 days from the publication hereof, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

DE MARCO LAWYERS,
794A Pascoe Vale Road, Glenroy 3046.

Re: CHRISTINE HANNELE IOANNOU, late of 8 Gordon Street, Coburg, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 February 2021, are required by the trustees, Tom Ioannou and Mark Krakkinen, to send particulars to the trustees, care of the undermentioned solicitors, within 60 days from the publication hereof, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

DE MARCO LAWYERS,
794A Pascoe Vale Road, Glenroy 3046.

HEATHER MARGARET KIEL, late of Swan Hill, Victoria, deceased.

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

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

ALLAN JOHN SCOWN, late of Lake Boga, Victoria, deceased.

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

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

YVONNE JUANITA DAVEY, late of 595 Point Nepean Road, McCrae, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 17 July 2021, are required by the executor, J. Davey, to send particulars of their claims to her, by registered mail, care of PO Box 33, McCrae, Victoria 3938, by 8 April 2022, after which date the executor may convey or distribute the assets and distribute the estate, having regard only to the claims of which she then has notice.

Re: Estate of ELAINE CHARLOTTE CARRA, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of ELAINE CHARLOTTE CARRA, late of Rural Northwest Health, 12 Mitchell Close, Hopetoun, in the State of Victoria, retired, deceased, who died on 27 September 2021, are to send particulars of their claim to the executors, care of the undermentioned legal practitioners, by 11 April 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.

IOANNIS KOUKAS, also known as John Koukas, late of 37 Koroneos Drive, Werribee South, Victoria, carpenter, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed

deceased, who died on 4 February 2021, are required by the administrators, Angela Koukas, Angelos Koukas and Jim Koukas, care of Shop 2 and 3, 785 Pascoe Vale Road, Glenroy, Victoria 3046, to send particulars of their claims to them within two months from the date of publication of this notice, after which date the administrators may convey or distribute the assets and distribute the estate, having regard only to the claims of which they then have notice. Letters of Administration was granted in Victoria on 2 February 2022.

Dated 8 February 2022

KAROLIDIS AND CO.,
Shop 2 and 3, 785 Pascoe Vale Road, Glenroy, Victoria 3046.

PO Box 526, Glenroy, Victoria 3046.

Ph: 03 9942 7790.

NK:VM:21/1567. Contact: Nick Karolidis.

Re: JUNE MARGARET CALLAGHAN, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 31 July 2021, are required by the trustees, Graeme Francis Callaghan and Fiona Margaret Callaghan, to send particulars to their solicitors at the address below by 19 April 2022, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

MST LAWYERS,
315 Ferntree Gully Road, Mount Waverley 3149.

Re: WILLIAM PETER NASH, late of Melaleuca Lodge, 383 Manningham Road, Doncaster, Victoria 3108, electronics technician, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 28 April 2021, are required by the executor, Ross Leonard Moll, to send particulars of their claims to the executor, care of the undermentioned solicitors, by 19 April 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.

MACKINNON JACOBS LAWYERS,
PO Box 340, Boronia, Victoria 3155.

Re: Estate of HEATHER ELIZABETH BAILLIE, late of 11 Earls Court, Balwyn North, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 August 2021, are required by the trustees, Bradley Neil Wray and Annette Elizabeth Thomas, to send particulars to the trustees, care of the undermentioned solicitors, by 18 April 2022, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees then have notice.

MAHONS with Yuncken & Yuncken, solicitors,
177 Surrey Road, Blackburn 3130.
Ref. No: PH:2211644.

Re: JUAN CARLOS PERA, late of 45 Vasey Avenue, Lalor, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 1 March 2021, are required by the trustee, Sarah Dannielle Pera, to send particulars to the trustee, care of the undermentioned solicitors, by Wednesday 13 April 2022, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

MAHONS with Yuncken & Yuncken, solicitors,
Shop 26, 314–360 Childs Road, Mill Park,
Victoria 3082.
AJM:221000262.

Re: NEAL LAWRENCE STOREN, late of 6 Lovely Way, South Morang, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 June 2021, are required by the trustees, Kim Maree Maunsell and Tracy Violet Fitzgerald, to send particulars to the trustees, care of the undermentioned solicitors, by Wednesday 13 April 2022, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees then have notice.

MAHONS with Yuncken & Yuncken, solicitors,
Shop 26, 314–360 Childs Road, Mill Park,
Victoria 3082.
AJM:221000403.

Re: HELEN CHAMBERS, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 14 September 2021, are required by the personal representatives, Andrew William Wood and Martin Alan Gannoni, to send particulars to the personal representatives, care of Moores, Level 1, 5 Burwood Road, Hawthorn, Victoria, by 19 April 2022, after which date the personal representatives may convey or distribute the assets, having regard only to the claims of which the personal representatives have notice.

MOORES,
Level 1, 5 Burwood Road, Hawthorn,
Victoria 3122.

**NOTICE TO CLAIMANTS UNDER
TRUSTEE ACT 1958**

(SECTION 33 NOTICE)

Notice to Claimants

DANIEL JOHN MCKINNON, late of 32 Bella Vista Drive, Tootgarook, Victoria, head chef, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 19 February 2017, are required by the personal representative, Xiufeng Dong, to send particulars of their claims to the personal representative, care of the undermentioned solicitors, by 18 April 2022, after which date the personal representative may convey or distribute the assets, having regard only to the claims of which the personal representative has notice.

PENTANA STANTON LAWYERS,
Suite 9, 50–54 Robinson Street, Dandenong,
Victoria 3175.

Creditors, next-of-kin and others having claims in respect of the estate of TADEUSZ METRAK, deceased, late of 1/5 Alexandra Street, St Kilda East, pensioner, who died on 29 December 2021, are required by the executor to send particulars of such claims to them, care of the undermentioned solicitors, by 21 April 2022, after which date the executor will convey or distribute the assets, having regard only to the claims of which the executor then has notice.

PIETRZAK SOLICITORS,
832 High Street, Kew East, Victoria 3102.

Re: PATRICIA ETHEL HILDA BENTON, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 22 July 2021, are required by the trustee, Stuart John Benton, to send particulars of such claims to him, in care of the below mentioned lawyers, by 14 April 2022, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

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

Re: SALVATORE COTRONEO, late of John Hannah Aged Care Facility, 68 Wattle Grove, Mulgrave, in the State of Victoria, retiree, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 November 2020, are required by Giuseppe Cotroneo, the trustee of the estate of the deceased, to send particulars of their claims to him, care of the undermentioned lawyers, by 18 April 2022, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

RUSSO PELLICANO CARLEI, lawyers,
43 Atherton Road, Oakleigh, Victoria 3166.

ETHEL MARGARET BARNES, late of George Vowell Aged Care, corner of Cobb Road and Nepean Highway, Mount Eliza, deceased.

Creditors, next-of-kin, and others having claims in respect of the estate of the deceased, who died on 1 September 2021, are required by the executor, Christopher Kevin Barnes, to send particulars to him, care of the undermentioned solicitors, by 2 May 2022, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

STIDSTON WARREN LAWYERS,
Suite 1, 10 Blamey Place, Mornington 3931.

BRIDGET CATHERINE HALLAM, known as and in the Will and Codicil called Catherine Bridget Hallam, late of 131–141 Coleman Parade, Glen Waverley, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 15 June 2021, are required to send particulars of their claims to the executor, James Gerard Hallam, by 21 April 2022, after which date the said executor will distribute assets, having regard only to the claims of which he then has notice.

T. J. MULVANY & CO., lawyers,
Suite 10, 214–216 Bay Street, Brighton 3186.

HELEN KOUROUMALIS, late of 14 Meldrum Avenue, Mill Park, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 28 February 2020, are required to send particulars of their claims to the executor, Ann Parastatidis, by 21 April 2022, after which date the said executor will distribute assets, having regard only to the claims of which she then has notice.

T. J. MULVANY & CO., lawyers,
Suite 10, 214–216 Bay Street, Brighton 3186.

JOCELYN ANN STEPHENS, late of 2 Cadby Street, Brighton, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 9 October 2021, are required to send particulars of their claims to the administrators, Michael John Stephens and Samantha Louise Stephens, by 21 April 2022, after which date the said administrators will distribute assets, having regard only to the claims of which they then have notice.

T. J. MULVANY & CO., lawyers,
Suite 10, 214–216 Bay Street, Brighton 3186.

Re: IAN WALTER DOUGLAS, late of 41 Thomass Road, Bessiebelle, Victoria 3304, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 July 2021, are required by the executor and trustee, Ronald James Collie, to send particulars to him, care of the undermentioned solicitors, by 18 April 2022, after which date he may convey or distribute the

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

TAITS LEGAL,
121 Kepler Street, Warrnambool 3280.

TINA GIGLIO, late of 455 Bluff Road, Hampton, Victoria, formerly of Unit 1, 377 Bluff Road, Hampton, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 24 June 2020, are required to send particulars of their claims to the trustee, Carl Michael Soccio, care of Tartaglia Lawyers, PO Box 156, Ascot Vale, Victoria, by 7 May 2022, after which date the trustee will distribute the assets of the estate, having regard only to claims of which he then has notice.

TARTAGLIA LAWYERS,
240 Union Road, Ascot Vale, Victoria 3032.

VINCENZO GIGLIO, late of 455 Bluff Road, Hampton, Victoria, formerly of Unit 1, 377 Bluff Road, Hampton, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 26 March 2020, are required to send particulars of their claims to the trustee, Carl Michael Soccio, care of Tartaglia Lawyers, PO Box 156, Ascot Vale, Victoria, by 7 May 2022, after which date the trustee will distribute the assets of the estate, having regard only to claims of which he then has notice.

TARTAGLIA LAWYERS,
240 Union Road, Ascot Vale, Victoria 3032.

Re: GLENN BRYDON, late of 311 Kippings Road, Strathbogie, Victoria, survey technician, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 28 September 2021, are required to send particulars of their claim to the administrator, care of the undermentioned solicitors, by 17 March 2022, after which date the administrator will convey or distribute the assets, having regard only to the claims of which the administrator then has notice.

TEHAN, GEORGE & CO., solicitors,
35 Binney Street, Euroa 3666.

KENWYN ARTHUR CAMP, late of 4 Irving Court, Vermont, Victoria, nursery person, deceased.

Creditors, next-of-kin and all others having claims in respect of the estate of the deceased, who died on 22 June 2021, are required by the executor, Leonie Loveday Wood, 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 may convey or distribute the assets, having regard only to the claims of which the executor then has notice.

WAINWRIGHT RYAN EID LAWYERS,
Level 4, 530 Lonsdale Street, Melbourne 3000.

**GOVERNMENT AND OUTER BUDGET
SECTOR AGENCIES NOTICES**

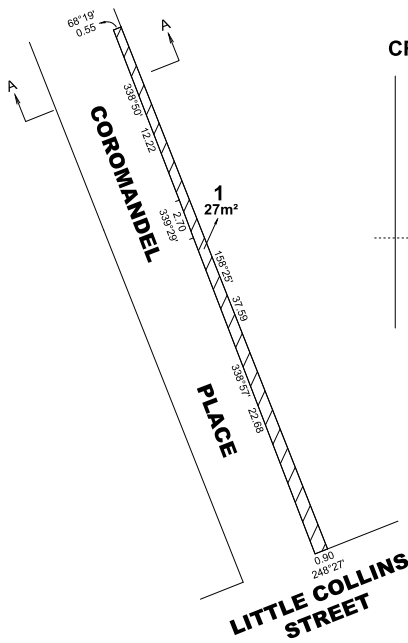


CITY OF MELBOURNE

ROAD DISCONTINUANCE

Pursuant to section 206(1) and Clause 3 of Schedule 10 of the **Local Government Act 1989**, the Melbourne City Council (Council) declares the portions of road, known as part of Coromandel Place Melbourne, shown hatched on the plan hereunder, discontinued. The Council intends to sell the land shown hatched to the adjoining owner.

DIAGRAM 1
BELOW RL 21.40m AHD



CROSS-SECTION A-A
NOT TO SCALE

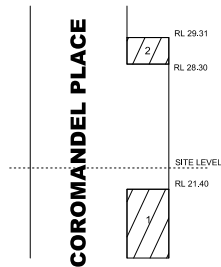
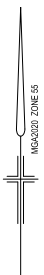
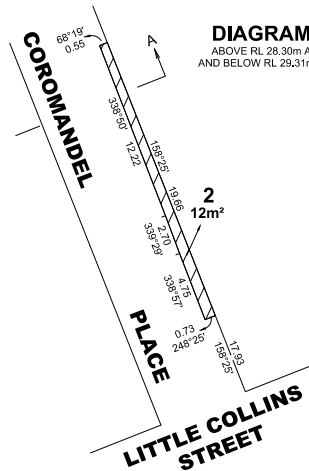


DIAGRAM 2
ABOVE RL 28.30m AHD
AND BELOW RL 29.31m AHD



ROAD TO BE DISCONTINUED

LEVELS SHOWN ON THIS PLAN ARE IN METRES TO AUSTRALIAN HEIGHT DATUM BASED ON MELBOURNE NORTH PM 275, WITH STATED RL: 22.956 AS AT 25/03/2021



STATUTORY REVIEW OF ROAD MANAGEMENT PLAN

In accordance with section 54 of the **Road Management Act 2004**, Bass Coast Shire Council gives notice that it is undertaking a review of its Road Management Plan (RMP).

The purpose of the review is to ensure that Council’s Road Management Plan reflects the expectations of its community, and keeps the road network safe and well maintained for years to come.

A copy of the current Road Management Plan is available for examination at Council Service Centres located at Wonthaggi, Cowes, Inverloch or Grantville during office hours, or can be viewed on Council’s website, www.basscoast.vic.gov.au

Any person wishing to make a submission as part of the review can do so by COB Friday 25 March 2022, via email at basscoast@basscoast.vic.gov.au; or by mail addressed to The Asset Management Coordinator, PO Box 118, Wonthaggi, Victoria 3995.

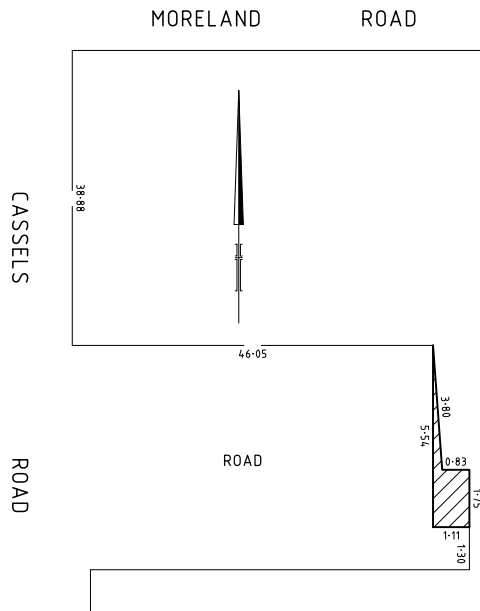
For further information, please contact Council’s Coordinator Asset Management on 1300 BCOAST (226 278) or (03) 56712211.



MORELAND CITY COUNCIL

Road Discontinuance

Pursuant to section 206 and Schedule 10, Clause 3 of the **Local Government Act 1989**, the Moreland City Council at its ordinary meeting held on 9 February 2022 has resolved to discontinue the road adjoining 222 Moreland Road, Brunswick, shown by hatching on the plan below and to sell the land from the road by private treaty to the owners of 222 Moreland Road, Brunswick.



CATHY HENDERSON
Chief Executive Officer

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 20 April 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.

EISOLD, Keith Emil, late of Possability, 36–38 William Street, Stawell, Victoria 3380, deceased, who died on 7 June 2021.

FLEMING, Graham, late of Rosewood Down Special Accommodation, 24 Railway Parade, Dandenong, Victoria 3175, deceased, who died on 15 October 2021.

HARMER, Ian James, late of Ballarat Health Services, Steele Haughton Unit, 1200 Dana Street, Ballarat, Victoria 3350, deceased, who died on 24 September 2021.

LIDSTER, Nita Mary, late of Corpus Christi Aged Care, 80 Clayton Road, Clayton, Victoria 3168, retired, deceased, who died on 28 September 2021.

MOUAT, Keith Stewart, late of Unit 112, 332 Park Street, South Melbourne, Victoria 3205, deceased, who died on 22 October 2021.

RAMSBOTHAM, Carol, late of Bapcare Brookview Community, 130–138 Dimboola Road, Westmeadows, Victoria 3049, retired, deceased, who died on 21 July 2021.

STONE, William Ivan Henry, late of 42 Carramar Drive, Frankston, Victoria 3199, deceased, who died on 2 October 2021. Date of Grant 7 February 2022.

Dated 9 February 2022

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 22 April 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.

BOHAN, Bernard, late of Room 4.16, Queens Road Rooming House, 69 Queens Road, Melbourne, Victoria 3004, deceased, who died on 21 August 2021.

BURNS, Rona, late of 1/17 Elizabeth Crescent, Carnegie, Victoria 3163, deceased, who died on 29 October 2021. Date of Grant 10 February 2022.

CULLIMORE, Margaret Teresa, late of Scottvale Aged Care, 71 Scott Street, Dandenong, Victoria 3175, deceased, who died on 23 September 2020.

FISHLEY, Kenneth Reginald, late of Royal Freemasons Bendigo, 61 Alder Street, Kangaroo Flat, Victoria 3555, deceased, who died on 21 August 2021.

MATTHEWS, Ellen May, late of Unit 21, 370 Melrose Drive, Tullamarine, Victoria 3043, deceased, who died on 9 June 2017.

WADSWORTH, Kathleen Marguerita, late of North Western District Private Nursing Home, 14 South Circular Road, Gladstone Park, Victoria 3043, deceased, who died on 31 October 2020.

Dated 11 February 2022

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 26 April 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.

ALEXANDER, David William, also known as David Alexander, late of 42 O'Connors Road, The Patch, Victoria 3792, deceased, who died on 8 October 2021.

ALLEN, Grant, also known as Grant D. Allen, late of Wintringham Ron Conn Nursing Home, 33 Westminster Drive, Avondale Heights, Victoria 3034, deceased, who died on 1 July 2021.

BOZINOVSKI, Andrea, late of 297 Ridge Road, Tresco, Victoria 3583, deceased, who died on 31 May 2019.

COULTER, John, late of 63 Bicentennial Crescent, Meadow Heights, Victoria 3048, deceased, who died on 10 October 2021.

FRANKENBERG, Valerie Patricia, also known as Valerie Patrica Frankenberg, late of Claremont and South Port Aged Care, 203 Napier Street, South Melbourne, Victoria 3205, pensioner, deceased, who died on 4 November 2021.

GIBSON, John Dougan, late of Unit 3, 2 Bush Grove, Glen Waverley, Victoria 3150, deceased, who died on 31 July 2021.

HACKER, Esther Ann, late of 2 Bond Street, Wonthaggi, Victoria 3995, but formerly of 8 Ormond Road, Footscray, Victoria 3012, retired, deceased, who died on 23 October 2021.

HUNT, Margaret Gwendoline, late of 1 Garvey Street, Bentleigh East, Victoria 3165, deceased, who died on 24 November 2021.

NEYMAN, Bradley David, late of Unit 2, 71 Lord Street, Richmond, Victoria 3121, deceased, who died on 17 August 2020.

PAUSACKER, Ian, late of 12 Bowen Street, Moonee Ponds, Victoria 3039, retired, deceased, who died on 10 October 2021.

STAFFORD, Victor, late of Unit 5, 138 Centre Dandenong Road, Cheltenham, Victoria 3192, deceased, who died on 9 September 2021.

TOURNISSOUD, Augusta Marie Louise, late of Opal Lakeview, Uplands Avenue, Lakes Entrance, Victoria 3909, pensioner, deceased, who died on 25 August 2021.

Dated 15 February 2022

Associations Incorporation Reform Act 2012

SECTION 135

On 18 January 2022 I issued a notice under section 135(2) of the **Associations Incorporation Reform Act 2012** (the Act) to the incorporated associations listed below, requesting them to show cause as to why their incorporation should not be cancelled.

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

4WD Muster Inc.; 717 Historic Vehicle and Machinery Group Inc.; A New Beginning Inc.; A. Powell Success Academy Inc.; All Saints East Malvern Tennis Club Inc.; Ariel – Christian Outreach Inc.; Asia-Pacific Property Export Network Inc.; Australasian Association of Drama Therapy Inc.; Australian Games Association Inc.; Australian Grape Lovers' Association Inc.; Australian Muslim Vision Inc.; Australian Polygraph Association Inc.; Ava Elderly Group in Maribyrnong Inc.; Barrabool Hills Landscape Guardians Inc.; Beach Volleyball Victoria Inc.; Benalla Hockey Association Inc.; Berwick Springs Residents & Owners Association Inc.; Birth Week Association Inc.; Blackburn Lake Environmental Education Park Inc.; Box Hill Pioneers Sporting Club Inc.; Bright Alpine Actors Inc.; Broadmeadows Amateur Swimming and Life Saving Club Inc.; Bundoora Baseball Club Inc.; Burramine/Tungamah Land Management Group Inc.; Burrowye–Guys Forest Landcare Group Inc.; Casey Chiefs Junior Rugby League Club Inc.; Central Highlands Pool Association Inc.; Centrestage Support Committee Inc.; Cholai Children Welfare Association (Australia) Inc.; Chollo Community Christian Fellowship; Cobram Rugby Union Club Inc.; Cobram's 'Murray Valley' Brass Band Inc.; Cockatoo Adult Riders Association Inc.; Cranbourne Kings Social Club Inc.; Crested Breeds Club of Australia Inc.; Croydon Squash Club Inc.; Dartmoor & District Kindergarten Inc.; Devon Meadows Riding Club Inc.; Diaspora Without Borders Foundation Inc.; Dingee Playgroup Inc.; East Melbourne Harriers Inc.; Eastern Jikany Nuer Community Association in Victoria Inc Incorporated; Echuca-Moama Film Society Inc.; Ensay Tennis Club Inc.; Finn Street Reserve Advisory Committee Inc.; Forest Edge Riding Club Inc.; Friends of Back Creek Inc.; Friends of Bunyip State Park Inc.; Gippsland Bombers Inc.; Gormandale Tennis Club Inc.; Greek Pensioners Club North Fitzroy Inc.; Hampton Park Redbacks Basketball Club Inc.; Hastings Adult Riders Club Inc.; Hume Community First Inc.; Hume Victory Football Club Inc.; Kealba Community Playgroup Incorporated; Labor Unity Inc.; Lift the Lid Inc.; Lincoln – Mercury Car Club of Australia Inc.; Little River Community Youth Club Inc.; Longford Playgroup Inc.; Lorne Cricket Club Inc.; Macedonian Australian Cultural Ethnic

Diaspora Organised Network Inc.; Mallee Sunset Ute Club Inc.; Mansfield Squash Club Inc.; Melbourne Association for Psychodynamic Psychiatry (MAPP) Inc.; Melbourne Property Investor's Association Inc.; Melton Cycling Club Inc.; Merbein Senior Citizens Club Inc.; Merino & District Badminton Club Inc.; Mid Murray Pistol Club Inc.; Middle Eastern New Friends Association Inc.; Millewa Tennis Club Inc.; Mirboo-North Badminton Assoc Inc.; Mitta Valley Angling Club Inc.; Mitta Valley Squash Club Inc.; Moe Homing Pigeon Club Inc.; Moe Jazz Festival Inc.; Mothergoose Playgroup Inc.; Noorat And District Tennis Association Inc.; Numurkah Community Youth Club Inc.; Off-Road Racing Australia Inc.; Old Kerrie School Inc.; Oz Birthing Woman Association Inc.; Plug In Tv Inc.; Prilep Social Club Inc.; Property Owners' Association of Vic. Inc.; Pure Jersey Breeders Association of Australia Inc.; Rainbow Recreation Reserve Committee Incorporated; Richmond Rangers Football Club Inc.; Rosedale Polocrosse Club Inc.; Roxburgh Park Mill Park Sinhalese Schools' Past Pupils' Association Inc.; San Biagio and Madonna Della Croce Committee (SBMCC) Inc.; Sao Mai Vietnamese School Inc.; Seymour Soccer Club Inc.; Shranish Association of Melbourne-Australia Inc.; Social Link Inc.; South Eastern Turkish Folklore Association Inc.; South Sudanese Community Networks and Interpretation Services Inc.; Southern Sudanese Womens Support in Melton Inc.; Special Celebrations Inc.; St Anthony's Netball Club Inc.; St George (Basketball Club) Inc.; St James Glen Iris Badminton Club Inc.; Sunningdale Children's Centre (Long Day Care and Pre-School) Inc.; Swan Hill North Kindergarten Inc.; Talbot Community Library and Arts Centre Inc.; Tanvic Inc.; Taylors Old Boys Football Club Inc.; Terang Community Playgroup Inc.; The Macedonian National Council Inc.; The Minhamite Soldiers Memorial Hall Inc.; The Victorian Community Services Tafe Teachers Network Inc.; Timboon Hockey Club Inc.; Traralgon Police Social Club Inc.; Victorian Association of Sri Lankan Singers Inc.; Victorian Dealer Country Council Inc.; Victorian Macedonian Welfare Association Inc.; Voice of Melbourne Inc.; Walkerville Progress Association Inc.; Wangaratta Swans Junior Football Club Inc.; Werribee Deaf Club Inc.; West End Rovers Junior Football Club Castlemaine Inc.; Willow Grove Riding Club

Inc.; Yarra Junction Junior Football Club Inc.; Yarraman Tennis Club Inc.; Yarriambiack Creek Flow Protection Committee Inc.; Youth Care and Recreation (YCR) Inc.

Dated 17 February 2022

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

Cemeteries and Crematoria Act 2003

SECTION 43(2)

Declaration that Cemetery Trust Fees
are to be Increased

I, Bryan Crampton, as Delegate of the Secretary to the Department of Health for the purposes of section 43(2) of the **Cemeteries and Crematoria Act 2003**, declare that all cemetery trust fees of \$50 or more will increase by 2.5 per cent in accordance with movements in the All Groups Consumer Price Index number (for Melbourne), as published by the Australian Bureau of Statistics.

This declaration will take effect on 1 July 2022.

Dated 7 February 2022

BRYAN CRAMPTON
Manager
Cemetery Sector Governance Support Unit

Electoral Act 2002

CHANGE TO REGISTER OF POLITICAL PARTIES

In accordance with section 51(5)(e) of the **Electoral Act 2002** (the Act), I hereby give notice of the following change to the Register of Political Parties.

Name of registered political party: Democratic Labour Party (DLP)

New registered officer: Stephen Campbell

New address: 1D Aughton Street, Bayswater, Western Australia 6053

Postal address: GPO Box 1402, Melbourne, Victoria 3001

Dated 9 February 2022

WARWICK GATELY, AM
Victorian Electoral Commission

Forests Act 1958**DETERMINATION OF FIREWOOD COLLECTION AREAS**

I, David Roberts, Acting Deputy Chief Fire Officer, Barwon South West Region, Department of Environment, Land, Water and Planning, make the following determination under section 57U of the **Forests Act 1958**.

Definitions

In this determination and with reference to a numbered item in the table in the determination:

- (a) **closing date**, being the date of revocation of the determination of a firewood collection area, means the date specified in column 6 of the item;
- (b) **opening date**, being the date on which the determination of a firewood collection area comes into operation, means the date specified in column 5 of the item or, if no date is specified, the date on which this determination is published in the Government Gazette.

Determination

Each area of State forest shown hatched on a plan lodged in the Central Plan Office of the Department of Environment, Land, Water and Planning, the number of which is shown in column 1 of an item in the table in this determination, is a firewood collection area for the purposes of section 57U of the **Forests Act 1958**, effective from the opening date for that area until the closing date for that area (inclusive).

Table – Firewood collection areas

Item no.	Column 1 LEGL no.	Column 2 DELWP region	Column 3 DELWP district	Column 4 Name of firewood collection area	Column 5 Opening date	Column 6 Closing date
1	LEGL./17-680	Barwon South West	Otway	Thompipe Ground Firewood	1/03/2022	30/06/2022
2	LEGL./17-681	Barwon South West	Otway	Boorook Ground Firewood	1/03/2022	30/06/2022
3	LEGL./18-084	Barwon South West	Otway	Tomahawk Creek – Gordons Track Firewood Collection Area	1/03/2022	30/06/2022
4	LEGL./20-095	Barwon South West	Otway	East Wormbete Creek Road Ground Firewood	1/03/2022	30/06/2022
5	LEGL./20-096	Barwon South West	Otway	Paddys Swamp Road Ground Firewood	1/03/2022	30/06/2022
6	LEGL./20-383	Barwon South West	Otway	Delaneys Taylors Ground Firewood	1/03/2022	30/06/2022
7	LEGL./20-384	Barwon South West	Otway	Thompipe West Ground Firewood	1/03/2022	30/06/2022
8	LEGL./21-724	Barwon South West	Far South West	Annya State Forest – Myamyn Road	1/03/2022	30/06/2022
9	LEGL./21-725	Barwon South West	Far South West	Homerton State Forest – Gee Road	1/03/2022	30/06/2022
10	LEGL./21-726	Barwon South West	Far South West	Cobboboonee Forest Park – Blacks Road	1/03/2022	30/06/2022

11	LEGL./21-727	Barwon South West	Far South West	Gorae – Holmes Road	1/03/2022	30/06/2022
12	LEGL./21-728	Barwon South West	Far South West	Mount Clay Sub Station	1/03/2022	30/06/2022
13	LEGL./21-729	Barwon South West	Far South West	Annya State Forest – Annya Road East	1/03/2022	30/06/2022
14	LEGL./21-730	Barwon South West	Far South West	Drumborg – Loop Road South	1/03/2022	30/06/2022
15	LEGL./21-731	Barwon South West	Far South West	Hotspur State Forest – Cowlands Road	1/03/2022	30/06/2022
16	LEGL./21-732	Barwon South West	Far South West	Nangeela State Forest – Centre E Track	1/03/2022	30/06/2022
17	LEGL./21-733	Barwon South West	Far South West	Nangeela State Forest – Byjuke Forest Road	1/03/2022	30/06/2022
18	LEGL./21-734	Barwon South West	Far South West	Roseneath State Forest – Vickerys Road	1/03/2022	30/06/2022
19	LEGL./21-010	Barwon South West	Far South West	Digby – Lanes Road	1/03/2022	30/06/2022
20	LEGL./21-735	Barwon South West	Far South West	Cobboboonee Forest Park – Coffeys Lane	1/03/2022	30/06/2022

Notes

1. The information in columns 2, 3 and 4 of the table is for information only.
2. **DELWP** means Department of Environment, Land, Water and Planning.
3. The legal plan of any firewood collection area may be obtained from the Central Plan Office of the Department of Environment, Land, Water and Planning – see <<https://www.landata.vic.gov.au>>, select Central Plan Office, and LEGL Plan. Maps of firewood collection areas that are open from time to time may be obtained from <www.ffm.vic.gov.au/firewood>.
4. There are no firewood collection areas open outside the firewood collection seasons as defined in the **Forests Act 1958**.

Dated 9 February 2022

DAVID ROBERTS
Acting Deputy Chief Fire Officer, Barwon South West Region
Department of Environment, Land, Water and Planning
as delegate of the Secretary to the
Department of Environment, Land, Water and Planning

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:

Change Request Number	Place Name	Authority	Location
–	Hogan Group	Department of Environment, Land, Water and Planning	Located at (146.999729, -39.207971)
	Sunshine Spur		Located at (147.292839, -36.513666)
	Warby Range		Located at (146.212994, -36.410583)
	Victoria Valley		Located at (142.328157, -37.552981)
	Tallangatta Valley		Located at (147.393322, -36.284892)
	Black Range		Located at (145.566463, -37.253650)
	Black Possum Spur		Located at (147.259386, -36.790111)
	Open Flats		Located at (141.359033, -35.410063)
–	Euroa (Euroa Swimming Pool Carpark) NSP	Country Fire Authority	Located at 16A Bury Street, Euroa For further details see map at www.land.vic.gov.au/place-naming
	Murrayville (Murrayville Caravan Park and Swimming Pool grassed area) NSP		Located at 34 Reed Street, Murrayville For further details see map at www.land.vic.gov.au/place-naming
	Terang (Terang Recreation Reserve) NSP		Located at 25 Strong Street, Terang For further details see map at www.land.vic.gov.au/place-naming
	Wandong (Wandong Plaza and IGA Supermarket Carpark) NSP		Located at 3272 Epping–Kilmore Road, Wandong For further details see map at www.land.vic.gov.au/place-naming
–	Yannyeweann Park	Development Victoria	Located adjacent to the Werribee River at 137 Farm Road, Werribee For further details see map at www.land.vic.gov.au/place-naming

Road Naming:

Change Request Number	Road Name	Locality	Naming Authority and Location
141776	Goddard Lane	Moonambel	Pyrenees Shire Council (formerly the western segment of Mountain View Road) The road traverses west off Mountain View Road.

Geographic Names Victoria

Land Use Victoria

2 Lonsdale Street

Melbourne 3000

CRAIG L. SANDY
Registrar of Geographic Names

Health Services Act 1988

HEALTH PURCHASING VICTORIA

Notice of Purchasing Policy Exemption

Pursuant to section 134A of the **Health Services Act 1988**, Health Purchasing Victoria (HPV) (trading as HealthShare Victoria) now grants exemption from the requirements specified at subparagraphs 3.3(b) and 3.3(c) of HPV Health Purchasing Policy 1: Procurement Governance for the class of public hospitals listed in Schedule 1 of the Act and, as per the definition of public hospital under the Act, the public health services listed in Schedule 5 of the Act. This exemption supports public hospitals' pandemic response and only applies to the annual report of operations and annual self-assessment reporting requirement for the 2021–22 financial year.

This exemption becomes effective from the date of publication in the Government Gazette.

Marine Safety Act 2010

Section 208(2)

NOTICE OF BOATING ACTIVITY EXCLUSION ZONE

Parks Victoria as the declared waterway manager for the 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 IRONMAN 70.3 Geelong event on 20 February 2022 are prohibited from entering and remaining in the following waters.

Waters of Port Phillip – Corio Bay, Eastern Beach, Geelong

Triangular-shaped course operating within these boundaries:

Start 38° 08' 46.2" E 144° 22' 07.3"S

Turn 1 38° 08' 22.6" E 144° 22' 08.5"S

Finish 38° 08' 46.1" E 144° 22' 30.5"S

The exclusion zone will be in effect from 7.00 am to 9.30 am on Sunday 20 February 2022.

Dated 2 February 2022

BY ORDER OF PARKS VICTORIA

Marine Safety Act 2010

Section 208(2)

CORRIGENDUM

Notice of Boating Activity Exclusion Zone

This Notice corrects an error contained in a Notice published in the Government Gazette G48 dated 2 December 2021 at page 59.

The reference in Table 1: Ski Racing Victoria 2021–2022 event dates at Lake Charm are updated to the below:

Event	Day	Date	Times
Point Score 4	Saturday	26 February 2022	6.30 am – 6.00 pm
	Sunday	27 February 2022	6.30 am – 4.00 pm
Point Score 5	Saturday	2 April 2022	6.30 am – 6.00 pm
	Sunday	3 April 2022	6.30 am – 4.00 pm
Back-up date	Saturday	23 April 2022	6.30 am – 6.00 pm
	Sunday	24 April 2022	6.30 am – 4.00 pm

Dated 17 February 2022

BY ORDER OF GANNAWARRA SHIRE COUNCIL

Geoff Rollinson

Director Infrastructure and Development

**SECTION 107 OF THE MINERAL RESOURCES
(SUSTAINABLE DEVELOPMENT) ACT 1990**

Ministerial Guidelines on the Use of Enforceable Undertakings

February 2022

Contents

- 1 Introduction**
- 2 Enforcement of the Act**
 - 2.1 Purpose and objectives of the Act
 - 2.2 Earth Resources Regulation
 - 2.3 Undertakings as a compliance tool
- 3 When are enforceable undertakings appropriate?**
 - 3.1 When undertakings will be considered
 - 3.2 Evaluation criteria
- 4 Acceptance of undertakings**
 - 4.1 Entering into an undertaking
 - 4.2 Typical elements of an enforceable undertaking
 - 4.3 Unacceptable terms
 - 4.4 Enforceable undertaking template
 - 4.5 Corrective action and industry compliance
 - 4.6 Public awareness
- 5 Compliance with undertakings**
 - 5.1 Offence to contravene an undertaking
 - 5.2 Withdrawing an undertaking
 - 5.3 Variations
 - 5.4 Reporting and monitoring
 - 5.5 Prosecution
- Attachment A Template enforceable undertaking**
- Attachment B Extracts of key provisions of the Act**

1 INTRODUCTION

Section 107 of the **Mineral Resources (Sustainable Development) Act 1990** (the Act) gives the Minister for Resources (the Minister) the power to enter into a written undertaking (an enforceable undertaking) with the holder of an authority under the Act (an authority holder) where the Minister believes on reasonable grounds that the authority holder has contravened or is likely to contravene the Act or regulations and in certain other circumstances.

The power to enter into an enforceable undertaking may be exercised where the Minister considers, having regard to the criteria specified in guidelines made under section 120A of the Act, that an enforceable undertaking is an appropriate enforcement mechanism.

These Guidelines are made under section 120A of the Act. Their purpose is to specify the criteria to which the Minister will have regard in deciding whether to enter into an enforceable undertaking.

References to ‘the Minister’ in these Guidelines include any person to whom the Minister has delegated the power to enter into an enforceable undertaking in accordance with section 120 of the Act. As at the date of these Guidelines, the persons to whom the Minister has delegated that power are the following officers in the Department of Jobs, Precincts and Regions:

- the Executive Director, Earth Resources Regulation; and
- the Director of Regulatory Compliance, Earth Resources Regulation.

Attached to these Guidelines are:

- a template form of enforceable undertaking (Attachment A); and
- extracts of section 107 and other relevant provisions of the Act (Attachment B).

2 ENFORCEMENT OF THE ACT

2.1 Purpose and objectives of the Act

The Victorian exploration, mining and extractive industries are regulated primarily under the Act, together with the Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019 and the Mineral Resources (Sustainable Development (Extractive Industries) Regulations 2010 (together, the Regulations).

The purpose of the Act is to encourage mineral exploration and economically viable mining and extractive industries which make the best use of, and extract the value from, resources in a way that is compatible with the economic, social and environmental objectives of the State.

The objectives of the Act are:

- to encourage and facilitate exploration for minerals and foster the establishment and continuation of mining operations by providing for:
 - an efficient and effective system for the grant of licenses and other approvals;
 - a process for co-ordinating applications for related approvals;
 - an effective administrative structure for making decisions concerning the allocation of mineral resources for the benefit of the general public; and
 - an economically efficient system of royalties, rentals, fees and charges;
- to establish a legal framework aimed at ensuring that:
 - risks posed to the environment, to members of the public, or to land, property or infrastructure by work being done under a licence or extractive industry work authority are identified and are eliminated or minimised as far as reasonably practicable;
 - consultation mechanisms are effective and appropriate access to information is provided;
 - land which has been mined or from which stone has been extracted or removed is rehabilitated;

- just compensation is paid for the use of private land for exploration or mining;
- conditions in licences and approvals are enforced; and
- dispute resolution procedures are effective; and
- to recognise that the exploration for, and mining or extraction of, mineral resources and stone must be carried out in a way that is not inconsistent with the **Native Title Act 1993** (Cth) and the **Land Titles Validation Act 1994** (Vic.).

In the administration of the Act, regard is to be had to the principles of sustainable development set out in section 2A of the Act, which are as follows:

- community wellbeing and welfare should be enhanced by following a path of economic development that safeguards the welfare of future generations;
- there should be equity within and between generations;
- biological diversity should be protected and ecological integrity maintained;
- there should be recognition of the need to develop a strong, growing, diversified and internationally competitive economy that can enhance the capacity for environment protection;
- measures to be adopted should be cost effective and flexible, not disproportionate to the issues being addressed, including improved valuation, pricing and incentive mechanisms;
- both long and short term economic, environmental, social and equity considerations should be effectively integrated into decision-making;
- if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation and decision-making should be guided by:
 - a careful evaluation to avoid serious or irreversible damage to the environment wherever practicable; and
 - an assessment of the risk-weighted consequences of various options;
- development should make a positive contribution to regional development and respect the aspirations of the community of Indigenous peoples; and
- decisions and actions should provide for community involvement in issues that affect them.

The Act and Regulations are available at www.legislation.vic.gov.au

2.2 Earth Resources Regulation

The Act and Regulations are administered and enforced by Earth Resources Regulation, a division of the Department of Jobs, Precincts and Regions (the Department). Earth Resources Regulation is committed to achieving and maintaining high levels of compliance in the mineral and extractive industries.

These Guidelines complement Earth Resources Regulation's 'Interim Compliance Strategy (2021–2022)'.

2.3 Undertakings as a compliance tool

An enforceable undertaking is a written instrument entered into by an authority holder and the Minister in accordance with section 107 of the Act. An authority holder that enters into an undertaking may subsequently withdraw or vary the undertaking only with the consent of the Minister.

An enforceable undertaking can provide a means for achieving efficient, cost-effective and innovative outcomes as an alternative to prosecution or other enforcement mechanisms. In deciding whether to enter into an enforceable undertaking and negotiating its terms, the Minister will have regard to the purpose and objectives of the Act.

There may be circumstances in which the Minister accepts an undertaking while Earth Resources Regulation continues to investigate the subject matter of the undertaking with a view to exercising other compliance measures in relation to the same or a related matter (where appropriate and in accordance with the Act).

Other measures used by Earth Resources Regulation to address non-compliance with the Act or to address remedial issues include:

- education;
- official warnings;
- infringement notices (see section 106 of the Act);
- directions and remedial or stop work notices (see sections 95M, 110, 110A and 110B of the Act);
- injunction applications (see section 110AA of the Act); and
- prosecution for offences, including for contravention of an enforceable undertaking that is in force (see section 108 of the Act).

3 WHEN ARE ENFORCEABLE UNDERTAKINGS APPROPRIATE?

3.1 When undertakings will be considered

Enforceable undertakings may be considered if the Minister believes on reasonable grounds that the holder of an authority:

- has contravened or is likely to contravene the Act or the Regulations;
- has not complied with any condition to which the authority is subject;
- has not complied with any condition specified under section 44 of the Act (relating to consents);
- has not complied with any condition applying to the carrying out of a work plan; or
- has undertaken work on land otherwise that in accordance with the work plan,

(this conduct is referred to collectively in these Guidelines as a *contravention or other compliance issue*).

The Minister will only enter into an undertaking if the Minister considers that an undertaking is an appropriate enforcement mechanism, having regard to the criteria specified in these Guidelines.

3.2 Evaluation criteria

The criteria to which the Minister will have regard when considering whether an enforceable undertaking is an appropriate enforcement mechanism are:

- the nature of the alleged contravention or other compliance issue in terms of:
 - the seriousness of the conduct involved;
 - the impact of the conduct on the environment; and
 - the impact of the conduct on community wellbeing and equity;
- the risk of the alleged contravention or other compliance issue worsening;
- whether the alleged contravention or other compliance issue can be resolved through other compliance mechanisms under the Act;
- the ability of an enforceable undertaking to remedy the alleged contravention or other compliance issue and its consequences;
- prospects of the contravention being remedied;
- the long and short term benefits to the economy, environment, community and equity of reaching a resolution through an enforceable undertaking;
- the apparent good faith of the authority holder;

- perceptions of industry and the general public in terms of consistent, transparent and effective enforcement of the Act;
- deterrence of future contravention of the Act by the authority holder and the industry more broadly; and
- such other criteria as the Minister considers relevant to the achieving of the purpose and objectives of the Act in the particular circumstances of the alleged contravention or other compliance issue.

4 ACCEPTANCE OF UNDERTAKING

4.1 Entering into an undertaking

The Minister does not have the power to require the holder of an authority to enter into an enforceable undertaking, but may raise it as an option for addressing an alleged contravention or other compliance issue. It is up to the authority holder to decide whether or not it wishes to enter into an enforceable undertaking.

An authority holder may withdraw from the process of agreeing the terms of an enforceable undertaking at any stage prior to the undertaking being entered into by the Minister. The undertaking is taken to have been entered into by the Minister when it has been executed by a duly authorised representative of the authority holder and has been executed by the Minister.

4.2 Typical elements of an enforceable undertaking

Enforceable undertakings must be in writing and should be detailed, specific and free from ambiguity.

While the content of each undertaking is subject to negotiation, most undertakings entered into by the Minister will directly address the conduct that has given rise to the alleged contravention or other compliance issue and its consequences.

An undertaking is an alternative to prosecution or other enforcement action under the Act and, as such, the authority holder is required to demonstrate through the commitments it makes in the undertaking that it is serious about achieving compliance and promoting the purpose and objectives of the Act.

An acceptable undertaking typically includes the following elements:

- an acknowledgement or admission by the authority holder that the Minister believes on reasonable grounds that the authority holder:
 - has, or is likely to have, contravened the Act or Regulations;
 - has not complied with any condition to which the authority is subject or any condition specified under section 44 of the Act;
 - has not complied with any condition applying to the carrying out of the work plan under the authority; or
 - has undertaken work on land otherwise than in accordance with the work plan under the authority;
- details of the corrective action that will be taken by the authority holder to remedy the alleged contravention or other compliance issue and its consequences (see further paragraph 4.5 below);
- reporting requirements from the authority holder to Earth Resources Regulation that may include the provision of:
 - periodic reports as to when and how the authority holder is complying with its obligations under the undertaking;
 - supporting evidence by the authority holder to verify that it is complying with the undertaking; and
 - a final report and supporting evidence when the authority holder considers the requirements of the undertaking have been fully satisfied (see further paragraph 5.4 below);

- future actions aimed at preventing a recurrence of the same or similar contraventions or other compliance issues (such as the implementation of internal compliance and/or training programs), including timeframes and other relevant details;
- an acknowledgement that the Minister and the Department may:
 - make the undertaking publicly available, including by placing it on Earth Resources Regulation’s website; and
 - make public reference to the undertaking from time to time, including in media statements and in Earth Resources Regulation’s publications;
- an acknowledgement that the undertaking in no way derogates from the rights and remedies available to any other person arising from the alleged contravention or other compliance issue; and
- an acknowledgement that the undertaking will not restrict the ability of the Minister or Earth Resources Regulation to utilise other enforcement mechanisms against the authority holder (other than as restricted by law).

4.3 Unacceptable terms

Undertakings will not be entered into by the Minister if they include:

- a denial by the authority holder that the conduct contravened the Act or Regulations or otherwise did not constitute a compliance issue;
- any terms that are inconsistent with an existing licence or work authority condition;
- any terms imposing obligations on the Minister or the Department;
- a requirement that the Minister or Earth Resources Regulation will not in future institute proceedings or other compliance measures in the particular matter;
- a statement that the undertaking is not an admission for the purposes of third party actions (although the undertaking need not explicitly state that it is such an admission);
- terms imposing obligations on third parties;
- terms purporting to set up defences for possible contraventions or other compliance issues;
- statements that the conduct was inadvertent; or
- self-serving statements by the authority holder that seek to minimise the consequences of the conduct or for public relations or promotional purposes.

4.4 Enforceable undertaking template

While there is no fixed form for an enforceable undertaking, an undertaking should generally set out:

- details of the authority holder;
- a description of the alleged contravention or other compliance issue;
- what the authority holder undertakes to do; and
- acknowledgments.

This framework is set out in further detail in the template enforceable undertaking provided at Attachment A.

4.5 Corrective action and industry compliance

In the resolution of any matter, Earth Resources Regulation is concerned with finding ways to ensure compliance with the Act and to otherwise have regard to the purpose and objectives of the Act.

Where relevant, an undertaking should:

- *Promote the principles of sustainable development*
An undertaking should identify failings in the authority holder’s systems and/or management that led to the alleged contravention or other compliance issue, and any

adverse long and short term economic, environmental, social and equity consequences. Where relevant, an undertaking should make commitments to address the adverse consequences of the contravention or other compliance issue, in addition to ceasing the contravention or other non-compliance.

When negotiating the terms of an enforceable undertaking Earth Resources Regulation may require the authority holder to consult with communities and/or any relevant agencies affected by the alleged contravention or other compliance issue to discuss how any adverse consequences of the contravention or other compliance issue can be addressed.

The authority holder could achieve this through engaging the community in forums aimed at understanding the impacts on community and agreeing on restorative measures to address compliance issues.

Outcomes of the community consultation, as well as a commitment to ongoing community engagement where appropriate, may be reflected in the terms of the undertaking.

- *Promote industry best practice*

Alleged contraventions and other compliance issues experienced by one authority holder may also be experienced by other authority holders. Sharing experiences, lessons learned and best practice can help support compliance with, and therefore the purpose and objectives of, the Act.

When negotiating the terms of an enforceable undertaking Earth Resources Regulation may require the authority holder to assess how its actions may have affected the industry, what it has learned from the matter and how it can use the implementation and outcomes of the undertaking to promote industry best practice.

For example, this may be achieved through:

- sharing the outcomes of research;
- actively engaging in industry forums to communicate the objectives of the undertaking and knowledge gained through complying with its terms; and/or
- educating other authority holders and assisting them to implement similar processes or changes.

These are only examples of ways in which an enforceable undertaking may be used to promote industry best practice and the purpose and objectives of the Act. Other ways may be appropriate having regard to the particular circumstances of the contravention or other compliance issue.

4.6 Public awareness

Section 107(7) of the Act authorises the Minister to publish an enforceable undertaking in any manner the Minister considers appropriate.

Earth Resources Regulation may make enforceable undertakings publicly available to ensure transparency in remediating risks to public safety, land, infrastructure and the environment. This may include:

- placing the undertaking, or an extract of actions and outcomes provided for in the undertaking, on its website;
- referring to the undertaking in media statements and in Earth Resources Regulation publications; and
- any other form or publication considered appropriate to the particular matter.

Earth Resources Regulation will consider requests by authority holders to exclude from publication some aspects of an undertaking involving genuinely commercially sensitive information. However, this is a matter within Earth Resources Regulation's discretion and authority holders should not assume that any part of an enforceable undertaking will be kept confidential.

5 COMPLIANCE WITH AN UNDERTAKING

5.1 Offence to contravene an undertaking

Section 108 of the Act provides that it is an offence for an authority holder to contravene a section 107 for an undertaking that is in force.

5.2 Withdrawing an undertaking

Section 107(3) of the Act provides that the authority holder may withdraw an undertaking only with the consent of the Minister.

5.3 Variations

Section 107(3) of the Act provides that the authority holder may vary an undertaking with the consent of the Minister. This allows for changes if undertakings are subsequently found to be impractical or where circumstances change.

Variations may be made public in the same way as the original undertaking.

5.4 Reporting and monitoring

Once an enforceable undertaking has been entered into, Earth Resources Regulation will require its implementation and effectiveness to be reported on and monitored. The authority holder must report on progress against milestones, which will be subject to monitoring and audits by or on behalf of Earth Resources Regulation.

To assist in monitoring compliance, Earth Resources Regulation seeks the inclusion of undertaking provisions requiring relevant information to be made available to it:

- periodically – for example, a quarterly audit of compliance with the undertaking;
- in specified circumstances – for example, where there is an alleged contravention of the undertaking, information relating to the alleged contravention; or
- at the request of Earth Resources Regulation.

Earth Resources Regulation may also require a commitment to an independent audit of the authority holder's compliance with the undertaking at regular intervals for the period of the undertaking.

Where it has reason to believe that the authority holder has contravened an undertaking, Earth Resources Regulation will usually first try to resolve the matter by consultation. If this approach fails, Earth Resources Regulation will not hesitate to utilise other compliance tools that it considers are proportionate to the contravention, including prosecution.

5.5 Prosecution

Section 107(4) of the Act provides that while an undertaking is in force, proceedings may not be brought for an offence constituted by the contravention or other thing that is the subject of the undertaking.

However, if the authority holder withdraws an undertaking before it has been fulfilled, Earth Resources Regulation may bring proceedings for an offence constituted by the contravention or other thing that is the subject of the undertaking.

For the avoidance of doubt, except to the extent provided in the Act, the entry into of an undertaking does not prevent Earth Resources Regulation from continuing to investigate the subject matter of the undertaking, with a view to:

- monitoring the authority holder's compliance with the undertaking and with the Act generally;
- exercising other compliance measures in relation to the same or a related matter; or
- bringing proceedings in relation to the matter in the event of withdrawal of the undertaking.

ATTACHMENT A TEMPLATE ENFORCEABLE UNDERTAKING**Undertaking to the Minister for Resources**

Entered into under section 107 of the **Mineral Resources (Sustainable Development) Act 1990** (Vic.) by [insert full Company name] ([insert ACN or ABN]) in favour of the Minister for Resources.

1 Person(s) giving the Undertaking

This Undertaking is entered into by [insert full Company name] ([insert ACN or ABN]) and the Minister for Resources of the State of Victoria for the purposes of section 107 of the **Mineral Resources (Sustainable Development) Act 1990** (Vic.) (the Act).

2 Definitions and interpretation

[Insert relevant definitions and interpretation provisions.]

3 Background

3.1 [Description of Company's business and activities relevant to the investigated conduct.]

3.2 [Description of the conduct the subject of the Earth Resources Regulation investigation.]

3.3 [Explanation of why Earth Resources Regulation considers the conduct to contravene the Act or constitutes another compliance issue.]

3.4 [Response from Company – for example: In response to Earth Resources Regulation, Company:

(a) [admits/acknowledges] that its conduct was likely to have contravened section [insert] of the Act; and

(b) has agreed to enter into this Undertaking.]

4 Commencement of this Undertaking

4.1 This Undertaking comes into effect when this Undertaking has been duly executed by [Company] and is signed by the Minister (the Commencement Date).

5 Undertaking

5.1 [Company] undertakes for the purposes of section 107 of the Act that:

(a) [insert undertakings].

6 Reporting and monitoring

6.1 [Insert reporting and monitoring provisions.]

7 Acknowledgements

7.1 [Company] acknowledges that:

(a) Earth Resources Regulation will make this Undertaking publicly available including by publishing it on Earth Resources Regulation's website;

(b) Earth Resources Regulation will, from time to time, make public reference to this Undertaking including in news media statements and in Earth Resources Regulation publications;

(c) this Undertaking in no way derogates from the rights and remedies available to any other person arising from the alleged conduct;

(d) this Undertaking will not restrict the ability of Earth Resources Regulation to utilise other enforcement mechanisms against [Company] under the Act, other than as provided by law; and

(e) it is an offence under section 108 of the Act to contravene a section 107 undertaking.

Executed as an Undertaking**The Company**

Executed by [insert full Company name] ([insert ACN or ABN]) pursuant to section 127(1) of the **Corporations Act 2001** by:

Director Signature

Director / Company Secretary Signature

Director Name (print)

Director / Company Secretary Name (print)

Date

Date

The Minister

Executed by [Name] as delegate of the Minister for Resources of the State of Victoria:

[Minister's Delegate Signature]

Date

Plant Biosecurity Act 2010

ORDER PROHIBITING OR RESTRICTING THE ENTRY OR IMPORTATION INTO VICTORIA OF MATERIALS WHICH ARE HOSTS OF ONION SMUT

I, Rosa Crnov, as delegate of the Minister for Agriculture, being of the reasonable suspicion that the exotic disease onion smut 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 onion smut.

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 onion smut made under section 36(1) of the **Plant Biosecurity Act 2010** and published in Victoria Government Gazette G7 on 18 February 2021 at pages 377–378 is revoked.

5 Definitions

In this Order –

host material means any agricultural equipment used in growing, harvesting, processing or transport of any plant of the genus *Allium*; and any packaging which has contained any plant of the genus *Allium*.

onion smut means the exotic disease caused by the fungus *Urocystis cepulae* (Frost).

6 Prohibitions, restrictions and conditions

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

(a) The entry or importation into Victoria of any host material is prohibited.

(b) Sub-clause (a) does not apply if the host material –

(i) originates from an area for which there is currently in force an area freedom certificate issued by an officer responsible for agriculture in the State or Territory from which the material originated, certifying that the area from which the material originated is known to be free of onion smut; or

- (ii) is accompanied by a plant health certificate, assurance certificate or plant health declaration, certifying or declaring that the material has been treated in a manner described in the Schedule to this Order; or
- (iii) enters Victoria under and in accordance with a permit issued by an inspector and there is compliance with any conditions or requirements set out in the permit.

7 **Verification of Consignments**

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

8 **Expiry**

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

Schedule

Host material must be –

- (1) cleaned free of earth material and organic matter by –
 - (a) high pressure water; or
 - (b) steam; and
- (2) disinfected with a solution containing not less than 100 ppm available chlorine, used as a spray rinse and allowed to dry without rinsing.

Dated 11 February 2022

ROSA CRNOV
Chief Plant Health Officer

Plant Biosecurity Act 2010

ORDER DECLARING RESTRICTED AREAS IN VICTORIA FOR THE CONTROL OF GREEN SNAIL

I, Mary-Anne Thomas, Minister for Agriculture, being of the reasonable belief that the exotic pest green snail (*Cantareus apertus* (Born)) is present in Victoria, make the following Order under section 32(1) of the **Plant Biosecurity Act 2010**, declaring areas described in clause 6 of this Order to be restricted areas.

1. **Objectives**

The objectives of this Order are –

- (a) to declare restricted areas for the control of green snail in Victoria; and
- (b) to specify the prohibitions, restrictions and requirements which are to operate in relation to the restricted areas.

2. **Authorising provision**

This Order is made under section 32(1) of the **Plant Biosecurity Act 2010** (the Act).

3. **Commencement**

This Order comes into operation on the day that it is published in the Government Gazette.

4. **Revocation**

The Order entitled Order declaring restricted areas in Victoria for the control of green snail made under section 32(1) of the **Plant Biosecurity Act 2010** and published in Victoria Government Gazette G6 on 11 February 2021 at pages 325–327, is revoked.

5. **Definitions**

In this Order –

host material means any host plant and any agricultural equipment, used package or earth material associated with the cultivation, harvesting, handling, transport or processing of host plants;

host plant means any plant or plant product, including any leafy vegetable, cutting, potted plant, turf, bare rooted plant, mature tree, cut flower, foliage, or hay, but excluding fruit and plants in tissue culture.

6. Declaration of restricted areas for the control of green snail

Each parcel of land described in Schedule 1 and Schedule 2 is declared to be a restricted area for the control of green snail.

7. Affected plants and materials

This Order affects host materials and host plants described in clause 5 of this Order.

8. Prohibitions, restrictions and requirements

- (1) The removal of any host material from a restricted area described in Schedule 1 is prohibited.
- (2) Subclause (1) does not apply to a person who removes any host material from the restricted area under and in accordance with a permit issued by an inspector and complies with any conditions set out in the permit.
- (3) The removal of any host plant from a restricted area described in Schedule 2 is prohibited.
- (4) Subclause (3) does not apply to a person who removes any host plant from the restricted area under and in accordance with a permit issued by an inspector and complies with any conditions set out in the permit.

9. Inspector may issue directions

An inspector is authorised to issue a direction to any owner or occupier of any land described in Schedule 1 –

- (a) requiring the owner or occupier to –
 - (i) destroy any host plant, known or suspected, to be infested with green snail; or
 - (ii) destroy any host plant where this is considered necessary to control or prevent the spread of green snail; or
 - (iii) apply to any host material, or land on which any host material is being grown or propagated, any treatment for the purpose of controlling green snail, including chemicals registered, approved or permitted for the purpose of controlling green snail; or
 - (iv) clean used equipment; or
- (b) prohibiting the planting or propagation of any host plant.

10. Expiry

This Order remains in force for a period of 12 months after the date that it is published in the Government Gazette.

Schedule 1

The parcels of land described by Standard Parcel Identifier: Lot 1 of LP85108; Lot 2 of LP97710; Lot 2 of LP146801; Lot 2 of PS300771; Lots 8, 10 and 11 of PS706163; Lots 1 and 2 of TP172348; Lot 1 of TP243174; Lots 1 and 2 of TP515135; Lots 2 and 4 of TP79806.

Schedule 2

The parcels of land described by Standard Parcel Identifier: Lots 21 and 22 of LP2308; Lot 3 of LP16185; Lot 1 of LP92345; Lot 1 of LP123399; Lot 1 of LP125889; Lots 1 and 2 of LP139278; Lot 2 of LP140453; Lot 2 of LP140776; Lot 1 of LP142944; Lot 1 of LP206697; Lot 2 of LP206698; Lot 2 of LP206791; Lot 1 of LP211203; Lot 3 of LP215193; Lot 1 of LP216470; Lot 2 of LP217789; PC358473; PC376129; Lots 1 and 3 of PS300771; Lot 2 of PS309134; Lot 2 of PS326225; Lots 1 and 2 of PS441414; Lots 1, 3 and 4 of PS446195; Lots 1, 2, 3, 4, 5, 6, 7 and 9 of PS706163; RES1 of PS706163; Lot 2 of PS709354; Lots 1 and 2 of PS731160; Lot 2 of PS744191; Lots 3 and 4 of PS846923; Lot 2 of PS846926; Lot 4 of TP107474; Lot 1 of TP189148; Lot 1

of TP194107; Lot 1 of TP212975; Lot 1 of TP214440; Lot 1 of TP215641; Lot 1 of TP338078; Lot 1 of TP580835; Lot 1 of TP743019; Lots 1 and 3 of TP79806; Lot 1 of TP827761; Lot 1 of TP828928; Lot 1 of TP867948; Lot 1 of TP867950; Lot 1 of TP882666; Lots 1 and 2 of TP882806.

Dated 13 February 2022

MARY-ANNE THOMAS MP
Minister for Agriculture

Port Management Act 1995

PORT MANAGEMENT (LOCAL PORTS) REGULATIONS 2015

Set Aside Determination – Regulation 11(1)

Local Ports of Port Phillip, Western Port and/or Port Campbell

As the Port Manager of Port Phillip, Parks Victoria has set aside an area of Port Phillip to facilitate the Frankston Waterfront Festival fireworks organised by Frankston City Council on the Frankston Pier. The set aside prohibits all persons entering the area between 9.00 pm and 10.30 pm on 18 February 2022. The full declaration including event information is available on Parks Victoria's website.

Dated 1 February 2022

BY ORDER OF PARKS VICTORIA

Public Health and Wellbeing Act 2008

Section 165AI

GUIDANCE FOR THE PANDEMIC (WORKPLACE) ORDER 2022 (No. 4)

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 a 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. 4) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (WORKPLACE) ORDER 2022 (No. 4)

TABLE OF PROVISIONS

PART 1 – PRELIMINARY	685
1. Objective.....	685
2. Citation	685
3. Authorising Provision.....	685
4. Commencement and revocation	685
5. Definitions	685
6. Application of this Order.....	685
PART 2 – WORKPLACE ORDERS	685
Division 1 – Precautionary measures.....	685
7. Operation of a work premises	685
8. Face coverings requirement.....	685
9. COVIDSafe Plan	686
10. Record-keeping obligations (records requirement).....	687
11. Additional records requirement (additional records requirement).....	691
12. Signage requirements (signage requirement).....	692
Division 2 – Responding to a symptomatic person or a confirmed COVID-19 case	692
13. Responding to a symptomatic person in a work premises.....	692
14. Responding to a confirmed case of COVID-19 in a work premises	692
15. Testing requirements for exposed persons	694
16. Collection of information by operators of a work premises	694
PART 3 – GENERAL PROVISIONS.....	694
17. Relationship with other Orders	694
18. Severability.....	694
19. Transitional provisions	694
PART 4 – PENALTIES	695
20. Penalties.....	695
SCHEDULE 1 – DEFINITIONS	696

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (WORKPLACE) 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**

- (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 is not intended to derogate from any such obligations.

2. Citation

This Order may be referred to as the **Pandemic (Workplace) 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 4 February 2022 and ends at 11:59:00 pm on 12 April 2022.
- (2) The **Pandemic (Workplace) Order 2022 (No. 3)** is revoked at 11:59:00 pm on 4 February 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 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 subparagraph (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; and
 - (b) immediately present a copy of the COVIDSafe Plan on request to an Authorised Officer; and
 - (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 paragraph (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 paragraph (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 paragraph (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 paragraph (d) applies are required to comply with the signage requirements in paragraph (d) in addition to the signage requirements in paragraph (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 paragraph (e) applies are required to comply with the signage requirements in paragraph (e) in addition to the signage requirements in paragraph (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 paragraph (f) applies are required to comply with the signage requirements in paragraph (f) in addition to the signage requirements in paragraph (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 paragraph (g) applies are required to comply with the signage requirements in paragraph (g) in addition to the signage requirements in paragraph (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: paragraph (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)

- (1) Where a work premises is an open premises under the **Open Premises Order** that has a patron limit specified for that premises in Schedule 1 of the **Open Premises Order**, an employer must display a sign at each entry to each publicly accessible space that includes a statement specifying the maximum number of patrons that may be present in the space at a single time in accordance with the **Open Premises Order**.
- (2) Where any other pandemic orders in force require a face covering to be worn in a work premises or part of a work premises:
 - (a) an employer in relation to that work premises; or
 - (b) a person who owns, operates or controls that work premises,
 must display a sign at each public entry advising that each person entering the work premises must wear a face covering, unless an exception under a 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) 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.

- (b) take reasonable steps to notify all workers that are 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
- (c) 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
- (d) 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.

- (e) 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 paragraphs (a) to (d); and
 - (ii) the Department has completed all relevant contact tracing.

Note: employers must comply with their obligations under occupational health and safety laws.

- (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 (d); and
 - (b) provide it with a copy of the risk assessment conducted in accordance with subclause (2)(d); and
 - (c) provide it with contact details of any exposed persons (whether or not workers) identified pursuant to subclause (2)(b); 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)(b) that they are an exposed person at a work premises must:

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

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

16. Collection of information by operators of a work premises

- (1) The operator of a work premises must collect, record and store the following information:
 - (a) a list of workers who have been notified under clause 14(2)(b) that they are exposed persons; and
 - (b) any results of tests for COVID-19 of workers who have been notified under clause 14(2)(b) 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 Notice**, 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. 5)** 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:

- (1) **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
- (2) **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 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. 3)** 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. 4)** 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. 3)** 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:

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

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

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;

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:

- (1) site remediation works;
- (2) site preparation works;
- (3) construction of utilities, roads, bridges and trunk infrastructure;
- (4) stormwater or flood management works;

but such a site ceases to be an early stage land development site:

- (5) 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
- (6) 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.

- (7) for an industrial or commercial development, on the day that construction of a building, warehouse or other physical structure commences;

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

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

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

employee includes a person who is self-employed;

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

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

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

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

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

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

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

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 Order**;

indoor zone means a section of an indoor space that:

- (1) 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

(2) 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:

- (1) a person who is an employee of an operator of the facility or venue; or
- (2) 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. 4)** 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. 5)** 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. 3)**, 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:

- (1) the School Bus Program; or
- (2) the Students with Disabilities Transport Program; or
- (3) a private arrangement between a school at 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 4 February 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. 5)

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) schools;
- (12) childcare or early childhood services;
- (13) 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. 5) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (ADDITIONAL INDUSTRY OBLIGATIONS) ORDER 2022 (No. 5)

TABLE OF PROVISIONS

PART 1 – PRELIMINARY	702
1. Objective.....	702
2. Citation	702
3. Authorising provision.....	702
4. Commencement and revocation	702
5. Definitions	702
6. Application of this Order.....	702
PART 2 – ADDITIONAL INDUSTRY OBLIGATIONS	702
7. Application of this Order to certain employers and roles.....	702
8. General obligations.....	703
9. Compliance.....	703
10. Consultation.....	703
11. Additional Industry Obligations.....	703
12. Abattoirs and meat processing facilities, poultry processing facilities and seafood processing facilities	704
13. Care facilities.....	704
14. Ports of entry	706
15. Hotel quarantine	706
16. Hospitals	706
PART 3 – GENERAL PROVISIONS.....	708
17. Relationship with other Orders	708
18. Severability.....	708
19. Transitional provisions	708
PART 4 – PENALTIES	708
20. Penalties.....	708
SCHEDULE 1 – RESTRICTIONS ON ELECTIVE SURGERY	709
SCHEDULE 2 – DEFINITIONS	711

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (ADDITIONAL INDUSTRY OBLIGATIONS) ORDER 2022 (No. 5)

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. 5)**.

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 4 February 2022 and ends at 11:59:00 pm on 12 April 2022.
- (2) The **Pandemic (Additional Industry Obligations) Order 2022 (No. 4)** is revoked at 11:59:00 pm on 4 February 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) schools;
 - (l) childcare or early childhood services;
 - (m) 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

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 test, if a worker receives:
 - (A) a positive test result from the COVID-19 rapid antigen test, the employer must direct the worker to immediately self-isolate in accordance with the Quarantine, Isolation and Testing Order; or
 - (B) two successive invalid COVID-19 rapid antigen test results, the employer must direct the worker to:
 - (1) undertake a COVID-19 PCR test as soon as possible; and
 - (2) immediately 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 the employee or contractor is fully vaccinated or is an excepted person and either:
- (c) the following applies:
 - (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 RAT 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 subsubparagraph (A) were negative; or
 - (d) the following applies:
 - (i) their attendance at the care facility is reasonably necessary to address a significant actual or potential decline in the quality of care delivered by the operator of that care facility; and
 - (ii) the employee or contractor is not experiencing COVID-19 symptoms; and
 - (iii) the employee or contractor:
 - (A) undertakes a COVID-19 rapid antigen test each day prior to working at the care facility for a period of 5 days from the day after that the employee or contractor last worked at that other facility while a confirmed case was present; and
 - (B) receives confirmation that the results of the tests undertaken pursuant to subsubparagraph (A) were negative.
- (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; 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>Private hospitals, private networked day hospitals and day procedure centres in Metropolitan Melbourne and private hospitals in the local government area of the City of Greater Geelong</p> <p>Private hospitals (excluding day procedure centres) in the local government area of 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>(a) An employer may only permit elective same day surgery (including non-urgent surgery) to be performed if the employer does not exceed the volume cap on elective surgery procedures in paragraph (b).</p> <p>(b) An employer must ensure that the volume of elective surgery procedures performed per week at each registered facility does not exceed 50 per cent of the usual volume of allocated list time prior to the introduction of restrictions on elective surgery procedures under the revoked Workplace (Additional Industry Obligations) Directions (No. 51).</p> <p>(c) An employer must:</p> <ul style="list-style-type: none"> (i) ensure all patients requiring elective surgery procedures are prioritised based on clinical need; (ii) maintain, at a minimum, the capacity the employer's facility has been providing public health services, as of 31 January 2022. Any reduction in this capacity must be confirmed by way of written mutual agreement between the relevant private and public hospital's Chief Executive Officers; (iii) assist aged care facilities with workforce requests related to shortages caused by the COVID-19 pandemic; (iv) assist public health services operating a COVID-19 streaming area to ensure urgent public patients waiting for elective surgery are treated within clinically recommended times. <p>(d) The following services provided by an employer do not count towards the volume cap in place at each registered facility in accordance with paragraph (b):</p> <ul style="list-style-type: none"> (i) all activity undertaken on behalf of public health services or public hospitals; (ii) emergency surgery. <p>(e) An employer may only permit elective surgery procedures to be performed in accordance with paragraphs (a) and (b) 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"> (i) the volume of urgent elective surgery procedures it is performing; and (ii) how requests for support from public health services to assist with the COVID-19 response and aged care facility workforce requests have been fulfilled.

Work premises (Column 1)	Current elective surgery restrictions (Column 2)
All public health services located in Metropolitan Melbourne that do not operate a COVID-19 streaming area	<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 Metropolitan Melbourne and all public health services that are part of Barwon Health that operate a COVID-19 streaming area</p> <p>All public health services that are:</p> <ul style="list-style-type: none"> ● part of the Ballarat Health Service campus of Grampians Health; ● part of Goulburn Valley Health; ● part of Bendigo Health; and ● the Latrobe Regional Hospital 	<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 and provide this information to the Department each week.</p>
<p>All public health services and public hospitals in Regional Victoria, except those that are:</p> <ul style="list-style-type: none"> ● part of Barwon Health; ● part of the Ballarat Health Service campus of Grampians Health; ● part of Goulburn Valley Health; ● part of Bendigo Health; or ● the Latrobe Regional Hospital 	<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 paragraph (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;

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

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

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;

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

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 2022 (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. 4)** 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. 5)** 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 2022 (No. 4)**, or their predecessors;

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

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 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:

- (1) 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;
- (2) 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 2022 (No. 2)** as amended or replaced from time to time;

Workplace Order means the **Pandemic (Workplace) Order 2022 (No. 4)** 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 4 February 2022

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

Section 165AI

**GUIDANCE FOR THE PANDEMIC COVID-19 MANDATORY VACCINATION
(GENERAL WORKERS) ORDER 2022 (No. 3)**

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. 3) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

**PANDEMIC COVID-19 MANDATORY VACCINATION (GENERAL WORKERS)
ORDER 2022 (No. 3)****TABLE OF PROVISIONS**

PART 1 – PRELIMINARY	717
1. Objective.....	717
2. Citation	717
3. Authorising Provision.....	717
4. Commencement and revocation	717
5. Definitions	717
6. Application of this Order.....	717
PART 2 – VACCINATION REQUIREMENTS FOR GENERAL WORKERS.....	717
7. Limits on work outside ordinary place of residence.....	717
8. Disclosure to authorised officers.....	718
PART 3 – GENERAL PROVISIONS.....	718
9. Severability.....	718
10. Transitional provisions	718
PART 4 – PENALTIES	718
11. Penalties.....	718
SCHEDULE 1 – DEFINITIONS	719
Division 1 – Key definitions	719
1. Vaccination status	719
2. Vaccination information	719
3. Employers and workers.....	719
Division 2 – Other definitions.....	720

Public Health and Wellbeing Act 2008

Section 165AI

COVID-19 MANDATORY VACCINATION (GENERAL WORKERS) 2022 ORDER (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 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. 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 4 February 2022 and ends at 11:59:00 pm on 12 April 2022.
- (2) The **Pandemic COVID-19 Mandatory Vaccination (General Workers) Order 2022 (No. 2)** is revoked at 11:59:00 pm on 4 February 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. 4)** 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. 3)** 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 other 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. 4)** 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 2022 (No. 2),
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) Coronavac (Sinovac);
- (5) Covishield (AstraZeneca/Serum Institute of India);
- (6) Covaxin (Bharat Biotech);
- (7) BBIP-CorV (Sinopharm);
- (8) Sputnik V (Gamaleya Research Institute);
- (9) Nuvaxovid (Bioelect on behalf of Novavax).

Dated 4 February 2022

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

Section 165AI

**GUIDANCE FOR THE PANDEMIC COVID-19 MANDATORY VACCINATION
(SPECIFIED FACILITIES) ORDER 2022 (No. 4)**

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 and the worker is aged 18 years or over, 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. 4) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC COVID-19 MANDATORY VACCINATION (SPECIFIED FACILITIES)

ORDER 2022 (No. 4)

TABLE OF PROVISIONS

PART 1 – PRELIMINARY	726
1. Objective.....	726
2. Citation	726
3. Authorising Provision.....	726
4. Commencement and revocation	726
5. Definitions	726
6. Application of this Order.....	726
PART 2 – OPERATOR OBLIGATIONS	726
Division 1 – Operator must collect, record and hold vaccination information	726
7. Vaccination information	726
8. Timing.....	727
9. Exceptions	727
Division 2 – Operator must take reasonable steps to prevent entry of unvaccinated workers.....	727
10. Prevention of entry to premises.....	727
11. Exception – self-quarantine or self-isolation	728
Division 3 – Operator to notify workers.....	728
12. Authorisation to use vaccination information	728
13. Disclosure to employer or contractor	728
14. Notification to current workers	728
15. Notification to new workers.....	729
Division 4 – Exceptions and other operator obligations	729
16. Exception – exceptional circumstances.....	729
17. Additional obligation.....	729
18. Disclosure to authorised officers.....	730
PART 3 – SERVICE VICTORIA AUTHORISATION	730
19. Notification of eligibility for booster	730
PART 4 – GENERAL PROVISIONS.....	730
20. Severability.....	730
21. Transitional provisions	730
PART 5 – PENALTIES	730
22. Penalties.....	730
Schedule 1 – Specified Facilities	731
Schedule 2 – Definitions	732
Division 1 – Key definitions	732
1. Vaccination status	732
2. Vaccination information	732
3. Schedule 1 definitions	733

Division 2 – Facility-specific definitions	733
4. Residential aged care facilities.....	733
5. Construction sites	733
6. Healthcare facilities.....	734
7. Education facilities	735
Division 3 – Other definitions	736
8. Other definitions.....	736

Public Health and Wellbeing Act 2008

Section 165AI

**PANDEMIC COVID-19 MANDATORY VACCINATION (SPECIFIED FACILITIES)
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**

- (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. 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 4 February 2022 and ends at 11:59:00 pm on 12 April 2022.
- (2) The **Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2022 (No. 3)** is revoked at 11:59:00 pm on 4 February 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 aged 18 years or over; and
 - (c) 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:
 - (d) whether the worker is fully vaccinated (boosted); and
 - (e) 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) in relation to a worker before that worker's booster deadline.

9. Exceptions

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

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 and the worker is aged 18 years and over, 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 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 14 days of the end of the period of self-quarantine 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); or
- (3) if the worker was in self-isolation because:
 - (a) they were a diagnosed person; or
 - (b) they were a probable case and they received a positive result from a COVID-19 PCR test undertaken during the period of self-isolation,

has a booking to receive, within 4 months of the end of the period of 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).

Note: if a worker was in self-isolation because they were a probable case, they will not be exempted from the requirement to have a booster dose by the booster deadline unless they receive a positive result from a COVID-19 PCR test undertaken during the period of self-isolation.

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 and the worker is aged 18 years or over, clause 10(2) obliges the operator to take all reasonable steps to ensure that the 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.

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 and the worker is aged 18 years or over, clause 10(2) obliges the operator to take all reasonable steps to ensure that the 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 – SERVICE VICTORIA AUTHORISATION**19. Notification of eligibility for booster**

The Chief Executive Officer of Service Victoria is authorised to notify a person through the Service Victoria App that the person:

- (1) is eligible to receive a booster dose; or
- (2) will shortly become eligible to receive a booster dose,

by using the information contained in the person's COVID-19 digital certificate issued by Services Australia and displayed through the Service Victoria App.

PART 4 – GENERAL PROVISIONS**20. 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.

21. 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 5 – PENALTIES**22. 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

Specified facility (Column 1)	Operator (Column 2)	Worker (Column 3)	Booster deadline (Column 4)	Facility-specific definitions
residential aged care facility	approved provider with responsibility for that residential aged care facility	residential aged care facility 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 1 March 2022.	Clause 4 of Schedule 2
construction site	principal contractor 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
healthcare facility	healthcare operator	healthcare 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 29 March 2022.	Clause 6 of Schedule 2
education facility	education operator	education worker	For workers that became fully vaccinated on or before 25 October 2021, the deadline is 25 February 2022. For workers that became fully vaccinated after 25 October 2021, the deadline is 15 March 2022.	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. 5)** 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)**, the **Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2022 (No. 3)**, or their predecessors;

Service Victoria App means the digital system provided by the Chief Executive Officer of Service Victoria and other parts of the Victorian Government;

two dose COVID-19 vaccine means:

- (a) Vaxzevria (AstraZeneca);
- (b) Comirnaty (Pfizer);
- (c) Spikevax (Moderna);
- (d) Coronavac (Sinovac);
- (e) Covishield (Astrazeneca/Serum Institute of India);
- (f) Covaxin (Bharat Biotech);
- (g) BBIP-CorV (Sinopharm);
- (h) Sputnik V (Gamaleya Research Institute).
- (i) Nuvaxovid (Biocelect on behalf of Novavax).

Dated 4 February 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. 3)**

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 and the worker is aged 18 years or over, 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. 3) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

**PANDEMIC COVID-19 MANDATORY VACCINATION (SPECIFIED WORKERS)
ORDER 2022 (No. 3)****TABLE OF PROVISIONS**

PART 1 – PRELIMINARY	741
1. Objective.....	741
2. Citation	741
3. Authorising provision.....	741
4. Commencement and revocation	741
5. Definitions	741
6. Application of this Order.....	741
PART 2 – EMPLOYER OBLIGATIONS.....	741
Division 1 – Employer must collect, record and hold vaccination information	741
7. Vaccination information	741
8. Timing.....	742
9. Exception - fully vaccinated and excepted persons	742
Division 2 – Employer must ensure unvaccinated workers do not work outside ordinary place of residence.....	742
10. No work outside ordinary place of residence.....	742
11. Exception – agricultural and forestry workers	742
12. Exception – self-quarantine or self-isolation	742
Division 3 – Employer to notify workers.....	743
13. Authorisation to use vaccination information	743
14. Notification to current workers	743
15. Notification to new workers.....	743
Division 4 – Exceptions and other employer obligations	744
16. Exception – exceptional circumstances.....	744
17. Disclosure to authorised officers	744
PART 3 – GENERAL PROVISIONS.....	744
18. Severability.....	744
19. Transitional provisions	744
PART 4 – PENALTIES	745
20. Penalties.....	745
SCHEDULE 1 – WORKERS.....	746
SCHEDULE 2 – DEFINITIONS	749
Division 1 – Key definitions	749
1. Vaccination status	749
2. Vaccination information	749
3. Employers and workers.....	750
Division 2 – Worker-specific definitions	750
4. Accommodation worker	750
5. Agricultural and forestry worker.....	750

6.	Airport worker	751
7.	Ancillary, support and welfare worker	751
8.	Authorised officer	751
9.	Care worker	751
10.	Community worker	752
11.	Creative arts worker	752
12.	Custodial worker	752
13.	Disability worker	753
14.	Emergency service worker	753
15.	Entertainment and function worker	753
16.	Food distribution worker	754
17.	Funeral worker	754
18.	Higher education worker	754
19.	Justice worker	754
20.	Manufacturing worker	754
21.	Marriage celebrant	755
22.	Meat and seafood processing worker	755
23.	Media and film production worker	755
24.	Mining worker	755
25.	Physical recreation worker	755
26.	Port or freight worker	755
27.	Professional sports, high-performance sports, or racing person	756
28.	Professional services worker	756
29.	Public sector worker	756
30.	Quarantine accommodation worker	757
31.	Real estate worker	757
32.	Religious worker	757
33.	Repair and maintenance worker	757
34.	Retail worker	757
35.	Science and technology worker	758
36.	Social and community service worker	759
37.	Transport worker	759
38.	Utility and urban worker	759
39.	Veterinary and pet/animal care worker	760
	Division 3 – Other definitions	760

Public Health and Wellbeing Act 2008

Section 165AI

**PANDEMIC COVID-19 MANDATORY VACCINATION (SPECIFIED WORKERS)
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 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. 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 4 February 2022 and ends at 11:59:00 pm on 12 April 2022.
- (2) The **Pandemic COVID-19 Mandatory Vaccination (Specified Workers) Order 2022 (No. 2)** is revoked at 11:59:00 pm on 4 February 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 aged 18 years or over; and
 - (c) 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:

- (d) whether the worker is fully vaccinated (boosted); and
- (e) 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 and the worker is aged 18 years and over, 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 14 days of the end of the period of self-quarantine 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); or
- (3) if the worker was in self-isolation because:
 - (a) they were a diagnosed person; or
 - (b) they were a probable case and they received a positive result from a COVID-19 PCR test undertaken during the period of self-isolation,

has a booking to receive, within 4 months of the end of the period of 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).

Note: if a worker was in self-isolation because they were a probable case, they will not be exempted from the requirement to have a booster dose by the booster deadline unless they receive a positive result from a COVID-19 PCR test undertaken during the period of self-isolation.

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 and the worker is aged 18 years or over, 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, and the worker is aged 18 years or over, 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

Row	Worker (Column 1)	Booster deadline (Column 2)	Worker-specific definitions
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, knackeries 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 2022 (No. 2)**, and their predecessors;

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

- (a) Vaxzevria (AstraZeneca);
- (b) Comirnaty (Pfizer);
- (c) Spikevax (Moderna);
- (d) Coronavac (Sinovac);
- (e) Covishield (AstraZeneca/Serum Institute of India);
- (f) Covaxin (Bharat Biotech);
- (g) BBIP-CorV (Sinopharm);
- (h) Sputnik V (Gamaleya Research Institute);
- (i) Nuvaxovid (Biocelect on behalf of Novavax).

Dated 4 February 2022

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

Section 165AI

GUIDANCE FOR THE PANDEMIC (OPEN PREMISES) ORDER 2022 (No. 4)

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 who are 18 years of age or above 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. 4) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (OPEN PREMISES) ORDER 2022 (No. 4)

TABLE OF PROVISIONS

PART 1 – PRELIMINARY	765
1 Objective.....	765
2 Citation	765
3 Authorising Provision.....	765
4 Commencement and revocation	765
5 Definitions	765
6 Application of this Order.....	765
PART 2 – OPEN PREMISES – VACCINATION REQUIREMENTS	765
Division 1 – Operator requirements	765
7 Open premises	765
8 Maintenance of system.....	765
9 Exclusion of persons	766
Division 2 – Patron requirements.....	766
10 Patrons must use system.....	766
11 No entry unless fully vaccinated or an excepted person.....	766
Division 3 – Worker requirements	766
12 Workers must be fully vaccinated	766
13 Information held under COVID-19 Mandatory Vaccination Orders	767
14 Disclosure to employer or contractor.....	767
15 Exceptional circumstances	767
16 Patron limits.....	767
PART 3 – OTHER REQUIREMENTS AND EXCEPTIONS FOR OPEN PREMISES..	768
17 COVID Check-in Marshal for check-in.....	768
18 Dancefloors.....	768
19 Access to bathrooms.....	768
20 Severe weather.....	768
21 Education and childcare services	768
22 Public Event Framework	768
23 Emergency use and operations	769
PART 4 – ADDITIONAL REQUIREMENTS AND EXCEPTIONS FOR SPECIFIC PREMISES	769
24 Adult education or higher education premises.....	769
25 Community premises.....	769
26 Drive-in cinemas	770
27 Entertainment and function premises.....	770
28 Food and drink premises	770
29 Physical recreation premises	771

30	Restricted retail premises	772
31	Tours and transport	772
PART 5 – MISCELLANEOUS.....		772
32	Disclosure to Authorised Officers	772
33	Severability.....	772
34	Transitional provisions	773
PART 6 – PENALTIES		773
35	Penalties.....	773
SCHEDULE 1 – OPEN PREMISES		774
SCHEDULE 2 – DEFINITIONS		775
Division 1 – Key Definitions.....		775
1	Patrons, operators and workers	775
2	Types of premises	776
3	Indoor and outdoor spaces.....	776
4	Vaccination status	776
5	Vaccination information and acceptable evidence	777
6	Public events.....	778
Division 2 – Premises-specific definitions.....		779
7	Accommodation premises	779
8	Adult education or higher education premises.....	779
9	Community premises.....	779
10	Creative arts premises	780
11	Entertainment and function premises.....	780
12	Food and drink premises	781
13	Gaming machine premises	782
14	Physical recreation premises	782
15	Restricted retail premises	783
16	Tours and tourism.....	783
Division 3 – Other definitions.....		783
17	Other definitions.....	783

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (OPEN PREMISES) 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 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. 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 4 February 2022 and ends at 11:59:00 pm on 12 April 2022.
- (2) The **Pandemic (Open Premises) Order 2022 (No. 3)** is revoked at 11:59:00 pm on 4 February 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

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

Row	Open premises (Column 1)	Vaccinated patron limit for all indoor spaces (Column 2)	Vaccinated patron limit for all outdoor spaces (Column 3)	Additional reqs and exceptions	Premises- specific definitions
1.	adult education or higher education premises	No limits	No limits	Clause 24	Clause 8 Schedule 2
2.	amusement parks	No limits	No limits	Not applicable	Not applicable
3.	arcades, escape rooms, bingo centres	Density quotient (2 sq metres)	No limits	Not applicable	Not applicable
4.	Casino	Density quotient (2 sq metres)	No limits	Not applicable	Not applicable
5.	community premises	No limits	No limits	Clause 25	Clause 9 Schedule 2
6.	creative arts premises	No limits	No limits	Not applicable	Clause 10 Schedule 2
7.	drive-in cinemas	Not applicable	Not applicable	Clause 26	Not applicable
8.	entertainment and function premises that are not specified elsewhere in this Column 1	30,000	No limits	Clause 27	Clause 11 Schedule 2
9.	food and drink premises	Density quotient (2 sq metres)	No limits	Clause 28	Clause 12 Schedule 2
10.	gaming machine premises	Density quotient (2 sq metres)	No limits	Not applicable	Clause 13 Schedule 2
11.	karaoke and nightclubs	Density quotient (2 sq metres)	No limits	Not applicable	Clause 11 Schedule 2
12.	physical recreation premises	No limits	No limits	Clause 29	Clause 14 Schedule 2
13.	restricted retail premises	No limits	No limits	Clause 30	Clause 15 Schedule 2
14.	sex on premises, brothels and sexually explicit venues	Density quotient (2 sq metres)	No limits	Not applicable	Clause 11 Schedule 2
15.	swimming pools, spas, saunas, steam rooms and springs	No limits	No limits	Not applicable	Clause 14 Schedule 2
16.	tours	No limits	No limits	Clause 31	Clause 16 Schedule 2
17.	premises used for tourism services	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

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

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

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

but does not mean:

- (iii) an ad hoc public gathering in a public place; or
- (iv) an ad hoc or routine public gathering in a premises, venue, indoor space or outdoor space which forms part of the ad hoc or routine operations, use, activities or services of the premises, venue, indoor space or outdoor space; or

- (v) a private gathering; or
- (vi) a wedding, funeral or end of life activity; or
- (vii) a routine religious gathering or ceremony,
to which this Order and the **Movement and Gathering Order** otherwise continue to apply; and
- (b) **exempt public event** means an eligible public event which, subject to the process described in the Public Event Framework, the Chief Health Officer or Deputy Chief Health Officer has exempted from a requirement in a pandemic order in force in accordance with clause 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; or
- (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 2022 (No. 4)** 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. 3)** 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 2022 (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 2022 (No. 3)**, 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) Coronavac (Sinovac);
- (5) Covishield (AstraZeneca/Serum Institute of India);
- (6) Covaxin (Bharat Biotech);
- (7) BBIP-CorV (Sinopharm);
- (8) Sputnik V (Gamaleva Research Institute);
- (9) Nuvaxovid (Biocelect on behalf of Novavax);

Workplace Order means the **Pandemic (Workplace) Order 2022 (No. 4)** as amended or replaced from time to time.

Dated 4 February 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. 5)

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. 5) and it is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (QUARANTINE, ISOLATION AND TESTING) ORDER 2022 (No. 5)

TABLE OF PROVISIONS

PART 1 – PRELIMINARY	789
1. Objective.....	789
2. Citation	789
3. Authorising provision.....	789
4. Commencement and revocation	789
5. Definitions	789
6. Application of this Order.....	789
PART 2 – SELF-ISOLATION FOR DIAGNOSED PERSONS	789
7. Who is a diagnosed person?.....	789
8. Requirement to self-isolate.....	789
9. Location of self-isolation.....	790
10. Self-isolation period	790
11. Notifications by the diagnosed person	790
PART 3 – SELF-ISOLATION FOR PROBABLE CASES	791
12. Who is a probable case?.....	791
13. Requirement to self-isolate.....	791
14. Location of self-isolation.....	791
15. Self-isolation period	791
16. Notification by the probable case.....	792
PART 4 – SELF-QUARANTINE FOR CLOSE CONTACTS.....	792
17. Who is a close contact?	792
18. Requirement to self-quarantine	793
19. Location of self-quarantine	793
20. Self-quarantine period	793
21. End of period of self-quarantine	793
22. Exception – previous clearance.....	794
23. Review of determination and notice	794
24. Notifications by the close contact	794
25. Testing of persons in self-quarantine	794
PART 5 – EXPOSED PERSONS	795
26. Who is an exposed person?.....	795
27. Testing Requirements of exposed persons	795
PART 6 – EDUCATION FACILITY OBLIGATIONS	795
28. Notifications by the operator of an education facility	795
29. Collection of information by operators of an education facility.....	795
PART 7 – SOCIAL CONTACTS AND SYMPTOMATIC PERSONS IN THE COMMUNITY	796
30. Who is a social contact?.....	796

31.	Testing of social contacts	796
32.	Who is a symptomatic person in the community?	796
33.	Testing of symptomatic person in the community	796
PART 8 – GENERAL PROVISIONS.....		796
34.	Requirements of self-isolation and self-quarantine.....	796
35.	Service Victoria authorisation	797
36.	General exemption power	798
37.	Exemption power – alternate premises for self-quarantine or self-isolation	798
38.	Exemption power – healthcare worker who is a close contact – return to work.....	799
39.	Severability.....	799
40.	Transitional provisions	799
PART 9 – PENALTIES		799
41.	Penalties.....	799
SCHEDULE 1 – DEFINITIONS		800

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (QUARANTINE, ISOLATION AND TESTING) ORDER 2022 (No. 5)

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. 5)**.

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 4 February 2022 and ends at 11:59:00 pm on 12 April 2022.
- (2) The **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 4)** is revoked at 11:59:00 pm on 4 February 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 and is not a recent confirmed case.
- (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 34. A diagnosed person can still leave the premises at which they are self-isolating to obtain medical care.

9 Location of self-isolation

- (1) A diagnosed person must self-isolate:
 - (a) if clause 8(1) applies, at the premises chosen by the person under subclause (2); or
 - (b) if clause 8(2) applies, at the premises at which the person was required to reside under 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 34(2)(a) and 34(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.

Note: if a person's period of self-isolation ends before the commencement of this Order, they are not required to self-isolate on the commencement of this Order. If a person's period of self-isolation begins but does not end before the commencement of this Order, they are only required to self-isolate for the remainder of their self-isolation period on the commencement of this Order.

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 the address of 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, the diagnosed person must inform the other person of their diagnosis.
- (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 and is not a recent confirmed case.
- (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:

- (1) if the person received the positive result from a COVID-19 rapid antigen test on or after the commencement of this Order; or
- (2) if the person received the positive result from a COVID-19 rapid antigen test before the commencement of this Order.

Note: the requirements of self-isolation are specified in clause 34. 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:
- (a) if clause 13(1) applies, at the premises chosen by the person under subclause (2); or
- (b) if clause 13(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 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 34(2)(a) and 34(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:
- (a) if clause 13(1) applies, when the probable case received a positive result from a COVID-19 rapid antigen test; or
- (b) if clause 13(2) applies, upon the commencement of this Order.
- (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 within 48 hours after the COVID-19 rapid antigen test from which the person became a probable case.

Note: if the probable case undertakes a COVID-19 PCR test within 48 hours after receiving the positive result from the COVID-19 rapid antigen test and receives a positive result from the COVID-19 PCR test, the probable case is not required to restart their self-isolation period; that period still begins from the relevant date under subclause (1).

Note: if a person's period of self-isolation ends before the commencement of this Order, they are not required to self-isolate on the commencement of this Order. If a person's period of self-isolation begins but does not end before the commencement of this Order, they are only required to self-isolate for the remainder of their self-isolation period on the commencement of this Order.

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 and providing:
 - (i) the positive result from the COVID-19 Rapid antigen test; and
 - (ii) the address of 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/ 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, the probable case must inform the other person of their positive result from a COVID-19 rapid antigen test.
- (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 paragraph (a).

 - (b) any person who is a close contact or a social contact of the probable case, to the extent the probable case 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; and
 - (c) the person is not a recent confirmed case.
- (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:

- (1) if the person becomes a close contact on or after the commencement of this Order; or
- (2) if the person became a close contact before the commencement of this Order.

Note: the requirements of self-quarantine are specified in clause 34.

19. Location of self-quarantine

- (1) A close contact may choose to self-quarantine:
 - (a) if clause 18(1) applies, at:
 - (i) a premises at which they ordinarily reside; or
 - (ii) another premises that is suitable for the person to reside in for the purpose of self-quarantine; or

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 34(2)(a) and 34(4).

- (b) if clause 18(2) applies, at a premises at which the person was permitted to reside under a Revoked Quarantine, Isolation and Testing Order.
- (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. Self-quarantine period

- (1) Subject to clause 21 and if clause 18(1) applies, if a close contact self-quarantines at the same premises where the diagnosed person or the probable case is self-isolating, the close contact's period of self-quarantine begins:
 - (a) on the date the diagnosed person undertook a COVID-19 PCR test, from which they were diagnosed with COVID-19; or
 - (b) on the date the probable case received a positive result from a COVID-19 rapid antigen test.
- (2) Subject to clause 21 and if clause 18(1) applies, 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's period of self-quarantine begins from the date the close contact most recently had in-person contact with the diagnosed person or the probable case.
- (3) Subject to clause 21 and if clause 18(2) applies, a close contact period of self-quarantine begins upon the commencement of this Order.

21. End of period of self-quarantine

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

- (1) subject to subclauses (2) to (5), seven days from the relevant date specified under clause 20(1) or 20(2) 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

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

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

- (5) if the person is a close contact of a probable case, the date the probable case receives a negative test result from a COVID-19 PCR test that was undertaken within 48 hours 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 seven day self-isolation period provided that the COVID-19 PCR test is undertaken within 48 hours of the COVID-19 rapid antigen test.

Note: if a person's period of self-quarantine ends before the commencement of this Order, they are not required to self-quarantine on the commencement of this Order. If a person's period of self-quarantine begins but does not end before the commencement of this Order, they are only required to self-quarantine for the remainder of their self-quarantine period on the commencement of this Order.

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 paragraph (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 or a probable case is required to self-quarantine under clause 18 and, during the period of self-quarantine, the person receives a

negative result from a COVID-19 rapid antigen test or 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 is a worker who has attended a work premises; and
- (2) the worker is not a close contact or a recent confirmed case; and
- (3) the worker has spent at least:
 - (a) 15 minutes of face-to-face contact; or
 - (b) two hours in an indoor space,
at the work premises with a diagnosed person or a probable case during the diagnosed person's or the probable case's infectious period.

27. Testing Requirements of exposed persons

A person who is an exposed person 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.

PART 6 – EDUCATION FACILITY OBLIGATIONS

28. Notifications by the operator of an education facility

An operator of an education facility who has been informed under clause 11(3)(a) or 16(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 the parents, guardians and carers of the persons enrolled at the education facility during the relevant infectious period:

- (1) that a diagnosed person or probable case has attended the education facility during the diagnosed person's or probable case's infectious period; and
- (2) to monitor if the person enrolled at the education facility begins to experience COVID-19 symptoms; and
- (3) that the person enrolled at the education facility must, if they begin to experience COVID-19 symptoms, 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.

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) the dates on which they were notified under clause 11(3)(a) or 16(3)(a) of any diagnosed persons or probable cases who attended the education facility during their infectious period; and
 - (b) the dates that any diagnosed persons or probable cases attended the education facility during their infectious period; and
 - (c) a list of all the workers at the education facility who have been identified as exposed persons as a result of their exposure to any diagnosed persons or probable cases at the education facility.
- (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 7 – 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 a close contact, exposed person or recent confirmed case.

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:

- (1) the person is experiencing one or more COVID-19 symptoms, unless those symptoms are caused by an underlying health condition or medication; and
- (2) the person is not a close contact, exposed person, social contact or a recent confirmed case.

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.

PART 8 – GENERAL PROVISIONS**34. 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 a probable case; 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.

35. Service Victoria authorisation

- (1) The Service Victoria CEO may:
 - (a) collect and display information to demonstrate a rapid antigen test result using the Service Victoria Platform; and
 - (b) collect and display other information relating to the rapid antigen test result, including related personal information and health information, using the Service Victoria Platform; and
 - (c) share information collected under paragraph (a) and (b) with the Department; and
 - (d) store and display the history of rapid antigen test results and enable the sharing of this information by a person using the Service Victoria Platform; and
 - (e) provide exposure notifications to persons through the Service Victoria Platform advising that they may have been exposed to COVID-19 in accordance with data managed by the Department.

- (2) Where a person is unable to use the Service Victoria Platform to demonstrate their rapid antigen test result, that information may be collected from another person on behalf of the person who is unable to use the Service Victoria Platform, using the Service Victoria Platform.
- (3) The Service Victoria CEO must delete any rapid antigen test result and related information collected under subclause (1)(a) and (1)(b) as soon as practicable after seven days of it being collected using the Service Victoria Platform.
- (4) Persons who receive a notification under subclause (1)(e) must follow any direction contained in the notification received through the Service Victoria Platform.

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 34(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 34(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 34(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 34(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 9 – 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:

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

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. 3)** 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 dhvcigovau.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 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 Order means the **Pandemic (Open Premises) Order 2022 (No. 4)** 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 or probable cases 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;

rapid antigen test result means the result of COVID-19 rapid antigen test, whether positive, negative or invalid;

recent confirmed case means a person who:

- (a) has already commenced but has not completed a period of self-isolation in accordance with Part 2 or Part 3 of this Order; or
- (b) has completed a period of self-isolation in accordance with Part 2 or Part 3 of this Order and the period of self-isolation ended within the previous 30 days;

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. 4)**, 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 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;

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) Coronavac (Sinovac);
- (e) Covishield (Astrazeneca/Serum Institute of India);
- (f) Covaxin (Bharat Biotech);
- (g) BBIP-CorV (Sinopharm);
- (h) Sputnik V (Gamaleva Research Institute);
- (i) Nuvaxovid (Bioelect on behalf of Novavax);

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 4 February 2022

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

Section 165AI

**GUIDANCE FOR THE PANDEMIC (VICTORIAN BORDER CROSSING)
ORDER 2022 (No. 4)**

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. 4) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (VICTORIAN BORDER CROSSING) ORDER 2022 (No. 4)

TABLE OF PROVISIONS

PART 1 – PRELIMINARY	806
1. Objective.....	806
2. Citation	806
3. Authorising Provision.....	806
4. Commencement and revocation	806
5. Definitions	806
PART 2 – REQUIREMENTS FOR INTERNATIONAL TRAVELLERS.....	806
Division 1 – Restrictions on entry	806
7. Restrictions on persons entering Victoria.....	806
Division 2 – International aircrew services worker.....	806
8. Eligibility	806
9. International aircrew services worker – Obligations after entry.....	807
Division 3 – International passenger arrival.....	808
10. Eligibility	808
11. Requirements for entry	809
12. Conditions after arrival – all international passenger arrivals	809
13. Additional conditions after arrival – all international passenger arrivals except adolescents who are not fully vaccinated and are not a medically exempt person	810
14. Additional conditions after arrival – adolescents who are not fully vaccinated and are not a medically exempt person.....	811
PART 3 – PERMIT REQUIREMENTS	812
15. Permit validity and revocation	812
16. Applications for a permit.....	812
17. Request for exemption.....	812
18. Power to grant exemptions.....	812
19. Conditions of exemption	813
PART 4 – GENERAL PROVISIONS.....	813
20. Severability	813
21. Transitional provisions	814
PART 5 – PENALTIES	814
22. Penalties.....	814
SCHEDULE 1 – DEFINITIONS	815

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (VICTORIAN BORDER CROSSING) 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 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. 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 4 February 2022 and ends at 11:59:00 pm on 12 April 2022.

(2) The **Pandemic (Victorian Border Crossing) Order 2021 (No. 3)** is revoked at 11:59:00 pm on 4 February 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 a COVID-19 rapid antigen test or COVID-19 PCR test completed after their 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) 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 a 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 – 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, childcare or early childhood services, residential aged care facility, disability residential service or hospital in Victoria (unless obtaining urgent medical care), until the day that is 8 days after the person arrived in Australia.

PART 3 – PERMIT REQUIREMENTS**15. 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).

16. 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.

17. 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 18(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.

18. 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.

19. Conditions of exemption

- (1) A person who receives an exemption under clause 18(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 18(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 17(1) to 19(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

20. 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.

21. 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**22. 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. 3)** 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. 4)** 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. 3) 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 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°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 4 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 2022 (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. 4)** 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 16 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 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. 3)**, or their predecessors;

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);
- (2) Comirnaty (Pfizer);
- (3) Spikevax (Moderna);
- (4) Coronavac (Sinovac);
- (5) Covishield (Astrazeneca/Serum Institute of India);
- (6) Covaxin (Bharat Biotech);
- (7) BBIP-CorV (Sinopharm);
- (8) Sputnik V (Gamaleya Research Institute);
- (9) Nuvaxovid (Bioelect on behalf of Novavax);

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

Dated 4 February 2022

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

MINISTERIAL ORDER

Establishment of Independent Pandemic Management Advisory Committee

I, Martin Foley MP, Minister for Health, under section 165CE(1) of the **Public Health and Wellbeing Act 2008**, order –

- 1 The establishment of a committee, to be known as an Independent Pandemic Management Advisory Committee, for the purposes of providing advice in relation to managing the pandemic disease COVID-19.
- 2 The Independent Pandemic Management Advisory Committee is to consist of no more than 15 members.
- 3 The Independent Pandemic Management Advisory Committee is established to perform the following functions stipulated by the **Public Health and Wellbeing Act 2008** (the Act):
 - (a) Under section 165CF(1) of the Act, to review and provide advice to the Minister for Health in relation to the exercise of powers under Part 8A of the Act, either on request by the Minister for Health or on the initiative of the Independent Pandemic Management Advisory Committee.
 - (b) Under section 165CF(1) of the Act, to prepare and provide reports to the Minister for Health including, but not limited to, reports that make non-binding recommendations.
 - (c) Under section 165AS(3) of the Act, to provide advice to the Pandemic Declaration Accountability and Oversight Committee regarding any order, or an instrument that extends, varies or revokes a pandemic order, in respect of which the Pandemic Declaration Accountability and Oversight Committee is considering a disallowance recommendation.
- 4 The Independent Pandemic Management Advisory Committee is dissolved when the Premier's pandemic declaration in respect of the pandemic disease COVID-19 is revoked or not renewed.

This Ministerial Order takes effect on 11 February 2022.

Dated 11 February 2022

MARTIN FOLEY MP
Minister for Health

Road Management Act 2004**DESIGNATION OF TOW AWAY AREA UNDER SCHEDULE 4 CLAUSE 5
FOR IRONMAN 70.3 GEELONG IN CITY OF GREATER GEELONG.**

Clause 5 of Schedule 4 to the **Road Management Act 2004** provides that a State road authority may move, keep or impound any vehicle that is unlawfully parked or left standing in an area designated by the Minister, (referred to in this instrument as a ‘tow-away area’), and may charge the owner of the vehicle a reasonable fee.

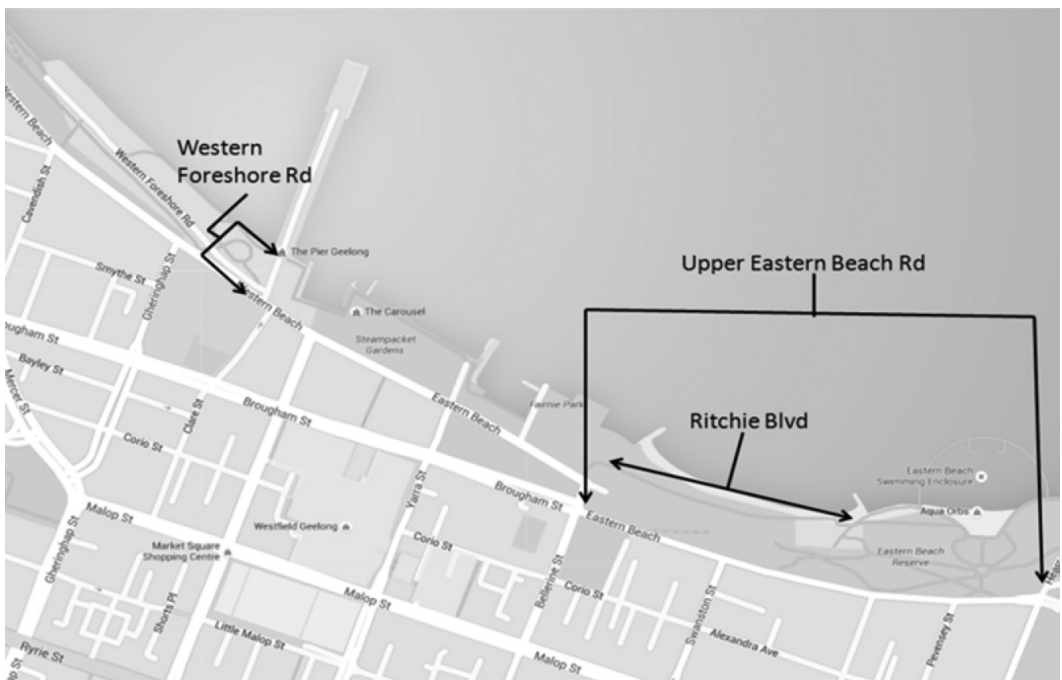
For the purposes of that provision, I, Paul Northey, Chief Regional Surface Transport at the Department of Transport and delegate of the Minister for Roads, designate the locations specified and shown on the attached plan, to be a tow-away area to facilitate the Ironman 70.3 Geelong, to be held in and around Geelong.

This instrument takes effect at 12.01 am on Sunday 20 February 2022 and expires at 11.59 pm on Sunday 20 February 2022.

- Ritchie Boulevard, Geelong
- Upper Eastern Beach Road, Geelong
- Bellarine Street between Ritchie Boulevard and Upper Eastern Beach Road, Geelong
- Western Foreshore Road.

Dated 8 February 2022

PAUL NORTHEY
Chief Regional Surface Transport
Department of Transport
Delegate of the Minister for Roads

Plan of Tow-Away Area

Road Management Act 2004

DELEGATION BY THE HEAD, TRANSPORT FOR VICTORIA

Under section 118(2) of the **Road Management Act 2004**, the Head, Transport for Victoria delegates to City of Greater Geelong, in its capacity as a road authority, its powers under section 119A and Clause 5 of Schedule 4 of that Act in respect of the roads listed below, to facilitate the conduct of the Ironman 70.3 Geelong.

In exercising these powers, City of Greater Geelong must ensure that appropriate signage is in place to provide adequate warning to motorists of tow-away zones. A failure to provide such signage does not invalidate this instrument.

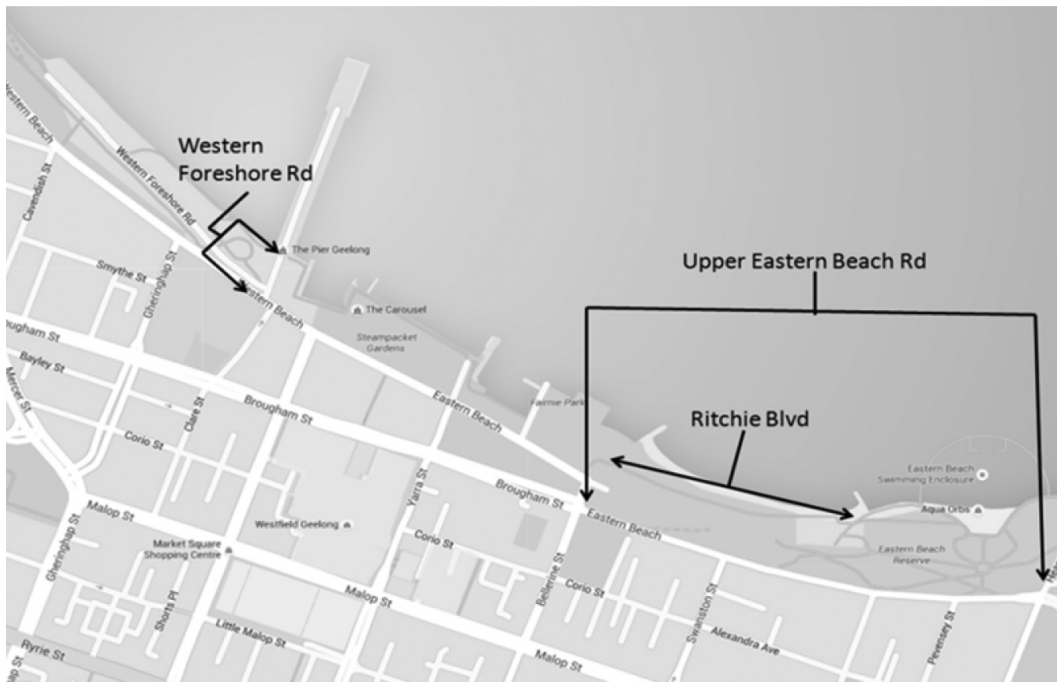
This instrument takes effect at 12.01 am on Sunday 20 February 2022 and expires at 11.59 pm on Sunday 20 February 2022.

- Ritchie Boulevard, Geelong
- Upper Eastern Beach Road, Geelong
- Bellarine Street between Ritchie Boulevard and Upper Eastern Beach Road, Geelong
- Western Foreshore Road.

Dated 8 February 2022

PAUL NORTHEY
 Chief Regional Surface Transport
 Department of Transport
 Delegate of the Minister for Roads

Plan of Tow-Away Area



Road Safety Act 1986**DECLARATION UNDER SECTION 99B(4) IN RELATION TO NON-ROAD ACTIVITIES
IN CITY OF GREATER GEELONG FOR THE IRONMAN 70.3 GEELONG ON
SATURDAY 19 FEBRUARY 2022 AND SUNDAY 20 FEBRUARY 2022****1 Purpose**

The purpose of this Declaration is to exempt participants in the Ironman 70.3 Geelong from specified provisions of the **Road Safety Act 1986** and regulations under that Act with respect to the Event, which is a non-road activity to be conducted on the highway(s) listed in Table 2 on Saturday 19 February 2022 and Sunday 20 February 2022.

2 Authorising provision

This notice is made under section 99B(4) of the **Road Safety Act 1986**. Section 99B(4) provides that the Minister for Roads may, on the application of a person proposing to conduct a non-road activity on a highway, by notice published in the Government Gazette, declare that specified provisions of the **Road Safety Act 1986** and of the regulations made under that Act do not apply with respect to the non-road activity specified in the notice during the period specified in the notice.

3 Commencement

This notice takes effect on Saturday 19 February 2022 at 6.30 am.

4 Expiry

This notice expires at 11.59 pm on Sunday 20 February 2022.

5 Definitions

In this notice, unless the context or subject-matter otherwise requires –

- a) ‘Event’ means the Ironman 70.3 Geelong, to be held on Sunday 20 February 2022; and
- b) ‘Participants’ means participants in the Event, including officers, members and authorised agents of the USM Events Pty Ltd T/A Ironman Oceania, whose presence is reasonably required to ensure the safe conduct of the Event.

6 Declaration

I, Paul Northey, as delegate of the Minister for Roads, under section 99B(4) of the **Road Safety Act 1986** declare that the provisions of the **Road Safety Act 1986** and regulations specified in Table 1 do not apply to Participants engaged in activities forming part of the Event on the highway specified in column 1 of Table 2 on the date and during the period specified in column 2 of Table 2, provided there is full compliance with any conditions imposed by the Department of Transport and the municipal council.

Dated 8 February 2022

PAUL NORTHEY
Chief Regional Surface Transport
Department of Transport
Delegate of the Minister for Roads

Table 1
Provisions of the Road Safety Act 1986 and regulations under that Act
that do not apply to participants in the Event

Road Safety Act 1986

All

Road Safety Road Rules 2017

All, except Rule 304 (Direction by a Police officer or Authorised person)

Road Safety (Vehicles) Interim Regulations 2020

All

Table 2

<i>Column 1</i> Highway	<i>Column 2</i> Date and time
<ul style="list-style-type: none"> ● Ritchie Boulevard, Geelong, between Bellarine Street and Eastern Park Reserve 	Saturday 19 February 2022 between the hours of 6.30 am and 11.00 am
<ul style="list-style-type: none"> ● Ritchie Boulevard, Geelong, between Bellarine Street and Eastern Beach Reserve ● Bellarine Street, Geelong, between Eastern Beach Road and Brougham Street ● Upper Eastern Beach Road, Geelong, between Bellarine Street and Garden Street ● Garden Street, Geelong, between Alexandra Avenue and Upper Eastern Beach Road ● Podbury Crescent, Geelong, between Garden Street and Eastern Park Circuit ● Eastern Park Circuit, Geelong, between Podbury Crescent and Holt Road ● Holt Road, Geelong, between Eastern Park Circuit and Geelong–Portarlington Road ● Geelong–Portarlington Road between Garden Street, Geelong, and the Curlewis Golf Club entrance, Curlewis (East bound lanes only) ● Point Henry Road, Moolap, between Geelong–Portarlington Road and the gravel section of Point Henry Road ● Eastern Beach Road, Geelong, between Gheringhap Street and Bellarine Street ● The Esplanade, Geelong, between Bell Parade and The Esplanade South ● Western Beach Road, Geelong, between The Esplanade South and Gheringhap Street ● Limeburners Road, Geelong, between Hearne Parade and Glen Avenue ● Western Foreshore Road, Geelong 	Sunday 20 February 2022 between the hours of 4.00 am and 6.00 pm

Serious Offenders Act 2018**APPROVAL OF PROCEDURE FOR SALIVA DRUG TESTING FOR CERTAIN OFFENDERS SUBJECT TO SUPERVISION ORDERS**

I, Rebecca Falkingham, Secretary to the Department of Justice and Community Safety approve the following test procedure for the purposes of Division 4 of Part 13 of the **Serious Offenders Act 2018** where:

- a court has made a supervision order or interim supervision order that includes conditions requiring the offender to:
 - submit to breath testing, urinalysis or other test procedures; and
 - reside at a residential facility or other location; and
- an officer suspects on reasonable grounds that the offender has breached a condition of their supervision order or interim supervision order by consuming drugs.

APPROVED PROCEDURE FOR SALIVA TESTING

Before collecting the saliva sample, the officer must be satisfied of the offender's identity.

Information to be given to the offender before conducting the test

The officer must inform the offender of all the following information:

- the officer suspects on reasonable grounds that the offender has breached a condition of his or her supervision order or interim supervision order by consuming drugs;
- in accordance with the conditions of the offender's supervision order or interim supervision order and section 213 of the **Serious Offenders Act 2018**, the offender is required to submit to saliva testing;

Refusal to submit to saliva test

If an offender refuses to provide a required saliva sample, the officer must inform the offender that failure to comply may constitute a contravention of the supervision order or interim supervision order.

Procedure for administering saliva testing

The saliva test must be administered by the officer according to the following steps:

1. select the relevant saliva drug testing instrument, which has been approved for saliva test purposes internally (the instrument);
2. review packaging on the instrument and ensure the instrument is within the expiry date. Ensure there is no visible damage to the instrument. If there is damage or the instrument is past the expiry date it should be discarded;
3. record the date, place and time of where the sample will be collected (in a form that includes the information contained in Schedule 1);
4. record batch number and expiry date of the instrument (see Schedule 1);
5. hand the instrument to the offender and request the offender insert the instrument into their mouth and follow instructions set by the test manufacturer;
6. wait the test manufacturer's required time for the test to be complete;
7. record the outcome of the test (see Schedule 1) and advise offender of the result;
8. the offender must sign the form (see Schedule 1);
9. if the offender believes that prescribed medication may result in inaccurate test results, the offender may complete an authorisation for the disclosure of medical information to the Department of Justice and Community Safety (in a form which includes the information contained in Schedule 2);
10. If the test is positive, the officer must take a photo of the positive preliminary test and place it on the offender's file;

If preliminary saliva test provides a positive indication

11. If an officer determines that it is appropriate for a secondary test to be conducted, the officer must advise the offender that a secondary saliva test is required, and that this sample will be sent to a laboratory for confirmatory forensic testing;
12. the officer will then administer a secondary saliva test following steps 1 – 6 of the Procedure for administering saliva testing and prepare the sample for laboratory testing in accordance with Australian Standards®.

REBECCA FALKINGHAM
Secretary, Department of Justice And Community Safety

Serious Offenders Act 2018

SCHEDULE 1

INFORMATION TO BE INCLUDED IN THE SALIVA TEST FORM

Section 213

Date	Place	Time	Name of offender	Instrument batch number	Instrument expiry date	Outcome of test	Offender's signature	Name of officer	Officer's signature	Witnessing Officer's signature

Serious Offenders Act 2018

SCHEDULE 2

CONSENT TO THE RELEASE OF MEDICAL INFORMATION

Section 213

Offender to complete:

I have been prescribed and am taking the following medication(s) (list):		
My treating health practitioner(s) are (list):		
I authorise the treating health practitioner(s) I have listed above to release information about the medication(s) I am prescribed and taking, to the Department of Justice and Community Safety:	Name of offender:	
	Date:	
	Signature:	
	Witness name:	
	Witness signature:	

Water Act 1989**NOTICE PURSUANT TO SECTION 218(2)(b) OF THE WATER ACT 1989**

Goulburn–Murray Rural Water Corporation, after six weeks from the publication of this notice, will make application to the Minister for Water (the Minister) to declare a drainage course in the Murray Valley West catchment.

The extent of the proposed drainage course is shown on a plan (Central planning drawing number LEGL./21-759, GMW drawing number 489174), which can be inspected at the offices of Goulburn–Murray Rural Water Corporation, 40 Casey Street, Tatura.

Submissions received by Goulburn–Murray Rural Water Corporation within six (6) weeks of the publication of this notice will be forwarded to the Minister for consideration.

Submissions should be forwarded to Drainage Systems Manager, Goulburn–Murray Rural Water Corporation, PO Box 165, Tatura, Victoria 3616.

Enquiries about the proposed Murray Valley West drainage course should be directed to Carolyn Nigro on 0408 877 129.

CHARMAINE QUICK
Managing Director
Goulburn–Murray Rural Water Corporation

Water Act 1989**VARIATION OF CENTRAL GIPPSLAND REGION WATER CORPORATION'S WATER SUPPLY DISTRICT**

I, Kessia Thomson, Executive Director, Department of Environment, Land, Water and Planning, as the delegate of the Minister administering the **Water Act 1989**, under section 122I of the **Water Act 1989** determine that the Central Gippsland Region Water Corporation Water Supply District of Central Gippsland Region Water Corporation is varied by including the land shaded in red as indicated on Central Gippsland Region Water Corporation's plan numbers:

- Water Supply District (Buln Buln, Darnum, Drouin, Nilma, Rokeby and Warragul) LEGL./21/049
- Water Supply District (Mirboo North) LEGL./21/047
- Water Supply District (Moe and Newborough) LEGL./21/050
- Water Supply District (Sale and Wurruk, (including Fulham and RAAF Base)) LEGL./21/046
- Water Supply District (Thorpdale) LEGL./21/051
- Water Supply District (Traralgon South) LEGL./21/048.

This determination will take effect on the date it is published in the Victoria Government Gazette.
Dated 20 January 2022

KESSIA THOMSON
Executive Director, Partnerships and Sector Performance, Water and Catchments
Department of Environment, Land, Water and Planning
(as delegate of the Minister)

Note: Copies of the plans referred to in this determination may be inspected at Gippsland Water Corporation, 55 Hazelwood Road, Traralgon, Victoria 3844.

Water Act 1989VARIATION OF CENTRAL GIPPSLAND REGION
WATER CORPORATION'S SEWERAGE DISTRICT

I, Kessia Thomson, Executive Director, Department of Environment, Land, Water and Planning, as the delegate of the Minister administering the **Water Act 1989**, under section 1221 of the **Water Act 1989** determine that the Central Gippsland Region Water Corporation Sewerage District of Central Gippsland Region Water Corporation is varied by including the land shaded in red as indicated on Central Gippsland Region Water Corporation's plan numbers:

- Sewerage District (Drouin) LEGL./21/039
- Sewerage District (Glengarry) LEGL./21/040
- Sewerage District (Heyfield) LEGL./21/033
- Sewerage District (Maffra) LEGL./21/034
- Sewerage District (Mirboo North) LEGL./21/035
- Sewerage District (Moe) LEGL./21/036
- Sewerage District (Morwell) LEGL./21/041
- Sewerage District (Neerim South) LEGL./21/042
- Sewerage District (Rawson) LEGL./21/037
- Sewerage District (Sale and Wurruk (Including Fulham and RAAF Base)) LEGL./21/038
- Sewerage District (Seaspray) LEGL./21/043
- Sewerage District (Stratford) LEGL./21/044
- Sewerage District (Warragul) LEGL./21/045.

This determination will take effect on the date it is published in the Victoria Government Gazette.
Dated 27 January 2022

KESSIA THOMSON
Executive Director, Partnerships and Sector Performance, Water and Catchments
Department of Environment, Land, Water and Planning
(as delegate of the Minister)

Note: Copies of the plans referred to in this determination may be inspected at Gippsland Water Corporation,
55 Hazelwood Road, Traralgon, Victoria 3844.

ORDERS IN COUNCIL

Corrections Act 1986

REVOCATION AND APPOINTMENT OF COMMUNITY CORRECTIONS CENTRES

Order in Council

The Governor in Council, under section 86(1) of the **Corrections Act 1986**, revokes the Order made on 12 October 2021, entitled ‘revocation and appointment of community corrections centres’ and appoints the premises at the addresses listed below to be community corrections centres under the **Corrections Act 1986**.

This Order comes into operation on 21 February 2022.

Community Corrections Centres
Court House Building, Barkly Street, Ararat
108–110 McLeod Street, Bairnsdale
22 Camp Street, Ballarat Central
3 William Vahland Place, Bendigo
703 Station Street, Box Hill
25–27 Dimboola Road, Broadmeadows
310 Murray Street, Colac
Neighbourhood Justice Centre, 241 Wellington Street, Collingwood
5/1640 Pascoe Vale Road, Coolaroo
176 Sladen Street, Cranbourne
Ground Floor and Mezzanine level, 4–50 Walker Street, Dandenong
Level 1, 228 Lonsdale Street, Dandenong
360 Foleys Road, Derrimut
461–463 High Street, Echuca
Ground Floor, 431 Nepean Highway, Frankston
Level 5, 30A Little Malop Street, Geelong
1140 Nepean Highway, Highbett
Level 4, 21 McLachlan Street, Horsham
Court House, Bridge Street, Korumburra
23 John Street, Lilydale
50 Franklin Street, Melbourne
2a Barries Road, Melton
59 Madden Avenue, Mildura
25 Ann Street, Morwell
12/825 Princes Highway, Pakenham
Ground Floor, 909 High Street, Reservoir
60–62 Maroondah Highway, Ringwood
2/843–849 Point Nepean Road, Rosebud
374–380 Raymond Street, Sale

32 Wallis Street, Seymour
307–331 Wyndham Street, Shepparton
409 Wyndham Street, Shepparton
4A/545 McDonalds Road, South Morang
Court House, Napier Street, St Arnaud
Court House, Patrick Street, Stawell
499 Ballarat Road, Sunshine
1–3 McCallum Street, Swan Hill
119–121 Murphy Street, Wangaratta
12 Queen Street, Warragul
769 Raglan Parade, Warrnambool
87 Synnot Street, Werribee
9 Watson Street, Wodonga
7 Korumburra Road, Wonthaggi

Dated 15 February 2022

Responsible Minister:

THE HON. NATALIE HUTCHINS MP

Minister for Corrections

ALEXANDRA DEBELJAKOVIC

Clerk of the Executive Council

Plant Biosecurity Act 2010

DECLARATION OF AN EXOTIC PEST

Order in Council

The Governor in Council, under section 5(3) of the **Plant Biosecurity Act 2010**, declares the following pest to be an exotic pest:

Name	Common name
<i>Euwallacea fornicatus</i> (Eichhoff)	polyphagous shot-hole borer

This order takes effect from the day it is published in the Government Gazette.

Dated 15 February 2022

Responsible Minister:

MARY-ANNE THOMAS MP

Minister for Agriculture

ALEXANDRA DEBELJAKOVIC

Clerk of the Executive Council

State Owned Enterprises Act 1992

STATE OWNED ENTERPRISES (STATE BODY—MAP CO.) ORDER 2022

Order in Council

The Governor in Council, under section 14(1) of the **State Owned Enterprises Act 1992**, makes the following Order:

1. Commencement

This Order comes into effect on the date it is published in the Government Gazette.

2. Definitions

In this Order:

‘**Act**’ means the **State Owned Enterprises Act 1992**;

‘**Board**’ means the Board of Directors of MAP Co.;

‘**MAP Co.**’ means the Melbourne Arts Precinct Corporation established by this Order;

‘**MAP Co. Managed Site**’ means Federation Square and any other MAP Site which is owned, managed or operated by MAP Co. from time to time;

‘**MAP Project**’ means a project or program of works undertaken by MAP Co., or by another person under an agreement with MAP Co., for the development, construction, modification of, or carrying out of other works at, a MAP Site;

‘**MAP Site**’ means a building, structure or area of land within the MAP Designated Area which is set aside, operated or managed primarily for the purpose of civic, cultural, artistic or creative activities, and includes buildings, structures and land for the provision of connections between, and services to, MAP sites;

‘**Melbourne Arts Precinct Designated Area**’ or ‘**MAP Designated Area**’ means the area within the City of Melbourne, and which comprises Federation Square to the north and an area to the south which includes but is not limited to Hamer Hall, Theatres Building, National Gallery Victoria International, being the areas within the blue lines and designated ‘MAP Designated Area’ on the plan set out in the Schedule to this Order;

‘**Minister**’ means the relevant Minister specified in clause 3;

‘**State**’ means the Crown in right of the State of Victoria.

3. Relevant Minister

The relevant Minister for the purpose of section 14(2)(eb) of the Act is the Minister for Creative Industries.

4. Establishment of MAP Co.

- (1) There is established for the purposes of the Act, a State body by the name of the Melbourne Arts Precinct Corporation.
- (2) The particular purpose of establishing MAP Co. is to create a body corporate to, on behalf of the State:
 - (a) provide leadership and strategic direction for the transformation of the MAP Designated Area, and the precinct around the MAP Designated Area, into a world class civic, cultural, arts and creative precinct;
 - (b) own, control, manage, operate, promote and develop Federation Square and other MAP Co. Managed Sites; and
 - (c) manage public spaces and shared services supporting MAP Sites.
- (3) The Minister may cause a review of MAP Co. including its governance arrangements to be undertaken and completed by no later than 3 years from the date of this Order.

5. Functions and powers of MAP Co.

- (1) The functions of MAP Co. are, on behalf of the State, to:
 - (a) provide leadership and strategic direction for the transformation of the MAP Designated Area and the precinct around the MAP Designated Area into a world class civic, cultural, arts and creative precinct;
 - (b) foster and promote civic, cultural, arts and creative activities and events at MAP Sites and elsewhere in and around the MAP Designated Area;
 - (c) hold, control, manage, operate, promote, develop and further the civic, cultural, arts and creative purposes of Federation Square and other MAP Co. Managed Sites;
 - (d) deliver, or facilitate the delivery, of MAP Projects;
 - (e) enter into and administer agreements and arrangements for the management and operation of MAP Co. Managed Sites and the delivery of MAP Projects; and
 - (f) consult with stakeholders of the MAP Designated Area, MAP Sites and MAP Projects.
- (2) MAP Co. has power to do all things necessary or convenient to be done for, or in connection with, or as incidental to, the performance of its functions, including the power to:
 - (a) enter into any contract, agreement or arrangement;
 - (b) enter into any licence or lease;
 - (c) acquire, hold and dispose of any real, personal or intellectual property;
 - (d) act as committee of management of reserved Crown land under the **Crown Land (Reserves) Act 1978**;
 - (e) with the approval of the Minister and the Treasurer, form, or participate in the formation, or become a member, of a corporation, association, partnership, trust or other body, and/or enter into a joint venture with any other person;
 - (f) employ staff;
 - (g) engage consultants, contractors or agents;
 - (h) appoint attorneys; and
 - (i) act as trustee or agent.

6. Particulars of share capital

- (1) The initial capital of MAP Co. shall be:
 - (a) a single share with a nominal value of one dollar, held by the Treasurer; or
 - (b) such other amount of initial capital as the Treasurer determines for MAP Co. under section 46 of the Act.

7. Board of Directors

- (1) The Board:
 - (a) is responsible for managing the affairs of MAP Co.; and
 - (b) may exercise the powers of MAP Co.
- (2) The Board shall consist of the following members –
 - (a) a chairperson;
 - (b) a deputy chairperson; and
 - (c) not less than 5 and not more than 7 other directors as the Minister and Treasurer determines.

- (3) The members of the Board shall be appointed by the Governor in Council having regard to the expertise necessary for MAP Co. to achieve its functions and objectives.
- (4) The Board must be comprised in such a way that as a whole it includes expertise and skills necessary in order to carry out its functions.
- (5) Each member of the Board shall be appointed –
 - (a) for a term (as specified in the instrument of appointment) not exceeding 3 years but is eligible for re-appointment;
 - (b) on such terms and conditions as are determined by the Minister and the Treasurer.

Dated 15 February 2022

Responsible Minister:

TIM PALLAS MP

Treasurer

ALEXANDRA DEBELJAKOVIC
Clerk of the Executive Council

**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 Rules were first obtainable from TIMG Bookshop, Level 10, 575 Bourke Street, Melbourne 3000, on the date specified:

- | | | | | | | | |
|-----|------------------------|---|-------------------------|--|-------------------------------|------------------|---------------|
| 9. | <i>Statutory Rule:</i> | Births, Deaths and Marriages Registration (Fees) Amendment Regulations 2022 | <i>Authorising Act:</i> | Births, Deaths and Marriages Registration Act 1996 | <i>Date first obtainable:</i> | 15 February 2022 | <i>Code A</i> |
| 10. | <i>Statutory Rule:</i> | County Court (Fees) Amendment Regulations 2022 | <i>Authorising Act:</i> | County Court Act 1958 | <i>Date first obtainable:</i> | 15 February 2022 | <i>Code A</i> |
| 11. | <i>Statutory Rule:</i> | Relationships (Fees) Amendment Regulations 2022 | <i>Authorising Act:</i> | Relationships Act 2008 | <i>Date first obtainable:</i> | 15 February 2022 | <i>Code A</i> |
| 12. | <i>Statutory Rule:</i> | Subordinate Legislation (Residential Tenancies (Rooming House Standards) Regulations 2012) Extension Regulations 2022 | <i>Authorising Act:</i> | Subordinate Legislation Act 1994 | <i>Date first obtainable:</i> | 15 February 2022 | <i>Code A</i> |
| 13. | <i>Statutory Rule:</i> | Drugs, Poisons and Controlled Substances Amendment (Schedule 8 Cannabis and Schedule 8 Tetrahydrocannabinol) Regulations 2022 | <i>Authorising Act:</i> | Drugs, Poisons and Controlled Substances Act 1981 | <i>Date first obtainable:</i> | 15 February 2022 | <i>Code A</i> |
| 14. | <i>Statutory Rule:</i> | Public Health and Wellbeing Amendment Regulations 2022 | <i>Authorising Act:</i> | Public Health and Wellbeing Act 2008 | <i>Date first obtainable:</i> | 15 February 2022 | <i>Code A</i> |
-

PRICING FOR SPECIAL GAZETTE, PERIODICAL GAZETTE AND VICTORIAN LEGISLATION

Retail price varies according to the number of pages in each Victoria Government Special Gazette, Victoria Government Periodical Gazette and Victorian legislation. The table below sets out the prices that apply.

<i>Price Code</i>	<i>No. of Pages (Including cover and blank pages)</i>	<i>Price*</i>
A	1–16	\$4.22
B	17–32	\$6.33
C	33–48	\$8.65
D	49–96	\$13.61
E	97–144	\$17.51
F	145–192	\$20.78
G	193–240	\$23.95
H	241–288	\$25.43
I	289–352	\$28.70
J	353–416	\$33.44
K	417–480	\$38.19
L	481–544	\$44.52
M	545–608	\$50.90
N	609–672	\$56.28
O	673–736	\$63.62
P	737–800	\$70.10
#Q	821–886	\$76.22
#R	887–950	\$81.29
#S	951–1016	\$86.83
#T	1017–1080	\$92.21
#U	1081–1146	\$97.75
#V	1147–1210	\$103.50
#W	1211–1276	\$108.88
#X	1277–1340	\$114.78
#Y	1341–1406	\$119.95

<i>Price Code</i>	<i>No. of Pages (Including cover and blank pages)</i>	<i>Price*</i>
#Z	1407–1470	\$125.60
#ZA	1471–1536	\$131.56
#ZB	1537–1610	\$136.57
#ZC	1611–1666	\$142.32
#ZD	1667–1730	\$147.70
#ZE	1731–1796	\$153.66
#ZF	1797–1860	\$159.20
#ZG	1861–1926	\$164.42
#ZH	1927–1990	\$170.38
#ZI	1991–2056	\$175.76

* All prices include GST
Printed as two volumes

ive

The *Victoria Government Gazette* is published by IVE Group Limited with the authority of the Government Printer for the State of Victoria

© State of Victoria 2022

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all enquiries to the Government Printer for the State of Victoria

Level 2, 1 Macarthur Street

Melbourne 3002

Victoria Australia

How To Order



Retail & Mail Sales

Victoria Government Gazette

Ground Floor, Building 8,
658 Church Street,
Richmond 3121

DX 106 Melbourne



Telephone

(03) 8523 4601

email

gazette@ivegroup.com.au

Recommended Retail Price \$2.55 (includes GST)