



Victoria Government Gazette

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No. G 51 Thursday 23 December 2021

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GENERAL

TABLE OF PROVISIONS

Private Advertisements		Government and Outer Budget Sector	
Land Act 1958		Agencies Notices	2634
Kordia Pty Ltd		Orders in Council	2868
Lease Application	2628	Drugs, Poisons and Controlled Substances;	
Estates of Deceased Persons		Education and Training Reform;	
AMJ Legal Pty Ltd	2628	Kardinia Park Stadium;	
Aitken Partners	2628	Occupational Health and Safety	
Ally L. Bauer	2628	Obtainables	2884
Arthur J. Dines & Co.	2628		
Basile & Co. Pty Ltd	2629		
David Davis & Associates	2629		
De Marco Lawyers	2629		
Hicks Oakley Chessell Williams	2630		
Hutchinson Legal	2630		
Joliman Lawyers	2630		
Kingston Lawyers Pty Ltd	2630		
Lawson Hughes Peter Walsh	2630		
MST Lawyers	2630		
Macpherson Kelley	2630		
Mahons with Yuncken & Yuncken	2631		
Matthew Shaw & Associates	2631		
Maurice Blackburn Lawyers	2631		
Norton Legal	2631		
Peter Hildebrandt	2631		
Prior Law	2632		
Stidston Warren Lawyers	2632		
Taits Legal	2632		
Taylor Whelan & Whelan	2632		
Tragear & Harris Lawyers	2633		
Warren, Graham & Murphy Pty Ltd	2633		

Advertisers Please Note

As from 23 December 2021

The last Special Gazette was No. 740 dated 22 December 2021.

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
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**FIRST GENERAL GAZETTE FOR 2022
THURSDAY 6 JANUARY 2022**

Please Note:

The **first** Victoria Government Gazette (General) for 2022 (G1/22) will be published on **Thursday 6 January 2022**.

Copy Deadlines:

Private Advertisements **9.30 am on Friday 31 December 2021**

Government and Outer

Budget Sector Agencies Notices **9.30 am on Tuesday 4 January 2022**

Office Hours:

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

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

KIM BURNES
Government Gazette Officer

PRIVATE ADVERTISEMENTS

Land Act 1958**KORDIA CROWES LOOKOUT**

Notice is hereby given that Kordia Pty Ltd has applied to lease, pursuant to section 134 of the **Land Act 1958**, for a term of twenty-one (21) years, Crown land being part Allotment 2120, parish of Barwongemoong, containing 7.6 square metres (more or less) as a site for 'provision, maintenance and operation of television and radio transmission, radio communications and associated facilities including a marine distress emergency comms network (MDEMS)'.

STUART McDONALD, late of 19 McGregor Avenue, Healesville, Victoria 3777, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the Will of the abovenamed deceased, who died on 14 August 2021, are required by the executor, Gregory Allen Black, care of 11 Clarke Street, Lilydale, Victoria 3140, to send particulars of their claims to him by 24 February 2022, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice. Probate was granted in Victoria on 28 October 2021.

Dated 16 December 2021

AMJ LEGAL PTY LTD,
11 Clarke Street, Lilydale, Victoria 3140.
PO Box 152, Lilydale, Victoria 3140.
Ph: (03) 9735 5599. GB:21-0434.
Contact: Greg Black.

Creditors, next-of-kin and others having claims in respect of the estate of MAROULLA COSTI, deceased, late of 7 Trentham Drive, Gladstone Park, Victoria, retired, who died on 24 September 2020, are requested to send particulars of their claims to the executor, Antonia Costi, care of the undersigned solicitors, by 25 February 2022, after which date she will convey or distribute the assets, having regard only to the claims of which she then has notice.

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

Re: JUNE EVELYN PELCHEN, late of 12, 540 Little Collins Street, Melbourne, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 24 July 2019, are required to send particulars of their claims to the executor, Ally Luise Bauer, care of PO Box 10BK, Black Hill, Victoria 3350, by 21 February 2022, after which date the executor may convey or distribute the assets, having regard only to the claims of which the executor has notice.

ALLY L. BAUER,
PO Box 10BK, Black Hill, Victoria 3350.

MEHMET HUSSEIN, late of 460 Epping Road, Wollert, in the State of Victoria, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 9 June 2021, are required by the executor, Muhiddin Hussein, care of Arthur J. Dines & Co., solicitors, 2 Enterprise Drive, Bundoora, in the said State, to send particulars to him by 21 February 2022, after which date the executor may convey or distribute the assets, having regards only to claims to which he has notice.

Dated 20 December 2021

ARTHUR J. DINES & CO.,
property law advisors,
2 Enterprise Drive, Bundoora 3083.

JOSEPHINE PISANI, late of 12 Merrilands Road, Reservoir, in the State of Victoria, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 29 April 2014, are required by the administrator, Alfred Pisani, care of Arthur J. Dines & Co., solicitors, 2 Enterprise Drive, Bundoora, in the said State, to send particulars to him by 21 February 2022, after which date the administrator may convey or distribute the assets, having regards only to claims to which he has notice.

Dated 16 December 2021

ARTHUR J. DINES & CO.,
property law advisors,
2 Enterprise Drive, Bundoora 3083.

Estate PHYLLIS ALMA AMARANT, late of Coates Hostel, Corner Long and James Streets, St Arnaud, Victoria 3478, deceased.

Creditors, next-of-kin and others having claims in respect of the abovenamed deceased, who died on 3 September 2021, are required by the executor, Sheryl Maree Sutton, to send particulars of such claims to her, in care of the undermentioned solicitors, within two months from the date of publication of this notice, after which date she will distribute the assets, having regard only to the claims of which she then has notice.

Dated 13 December 2021

BASILE & CO. PTY LTD, legal practitioners, consultants and conveyancers (Vic. and NSW), 46 Wellington Street, Kerang, Victoria 3579.
RB:GR:21339.

Estate PATRICIA HEAP, late of Cohuna Retirement Village, 38 Augustine Street, Cohuna, deceased.

Creditors, next-of-kin and others having claims in respect of the abovenamed deceased, who died on 2 October 2021, are required by the executor, Rosemarie Bartels, to send particulars of such claims to her, in care of the undermentioned solicitors, within two months from the date of publication of this notice, after which date she will distribute the assets, having regard only to the claims of which she then has notice.

Dated 14 December 2021

BASILE & CO. PTY LTD, legal practitioners, consultants and conveyancers (Vic. and NSW), 46 Wellington Street, Kerang, Victoria 3579.
RB:GR:21349.

Estate BARRY BENJAMIN LEVY, late of Glenarm Nursing Home, Burgoyne Street, Kerang, deceased.

Creditors, next-of-kin and others having claims in respect of the abovenamed deceased, who died on 26 September 2021, are required by the executor, Paul David Lowry, to send particulars of such claims to him, in care of the undermentioned solicitors, within two months from the date of publication of this notice, after which date he will distribute the assets, having regard only to the claims of which he then has notice.

Dated 13 December 2021

BASILE & CO. PTY LTD, legal practitioners, consultants and conveyancers (Vic. and NSW), 46 Wellington Street, Kerang, Victoria 3579.
RB:GR:21348.

STANLEY ROBERT BRADDY, late of 248 Turners Road, Strathfieldsaye, Victoria, retired builder, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 September 2021, are required by the executor, Equity Trustees Wealth Services Limited, ACN 006 132 332, of Level 1, 575 Bourke Street, Melbourne, Victoria to send particulars to it by 23 February 2022, after which date it may convey or distribute the assets, having regard only to the claims of which it then has notice.

DAVID DAVIS & ASSOCIATES,
Suite 2, 733 High Street, Thornbury,
Victoria 3071.

LOIS ANNE CAMPBELL, late of Unit 1, 11 Wridgeway Avenue, Burwood, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 3 October 2021, are required by the executor, Equity Trustees Wealth Services Limited, ACN 006 132 332, of Level 1, 575 Bourke Street, Melbourne, Victoria to send particulars to it by 23 February 2022, after which date it may convey or distribute the assets, having regard only to the claims of which it then has notice.

DAVID DAVIS & ASSOCIATES,
Suite 2, 733 High Street, Thornbury,
Victoria 3071.

Re: DOROTHY MAY PAXTON, late of Craigcare, 1a Virginia Street, Pascoe Vale, Victoria, deceased.

Creditors, next-of-kin, and others having claims in respect of the estate of the deceased, who died on 17 October 2021, are required by the trustee, Ellen Margaret Paxton, 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: SANDRA FITZSIMMONS.

Creditors, next-of-kin and others having claims against the estate of SANDRA FITZSIMMONS, late of Karana Aged Care, 44 Walpole Street, Kew, Victoria, deceased, who died on 14 August 2021, are requested to send particulars of their claims to the executor, care of the undermentioned lawyers, by 23 February 2022, after which date the executor will distribute the assets, having regard only to the claims of which he then has notice.

HICKS OAKLEY CHESSELL WILLIAMS,
PO Box 16067, Collins Street West,
Victoria 8007.

JESSIE ROBERTS, late of 15 Chivers Avenue, Glen Waverley, Victoria 3150, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 26 August 2021, are required by the personal representative, Peter Roberts, to send particulars of such claim to him, care of the undersigned, by 21 February 2022, after which date the personal representative may convey or distribute the assets, having regard only to the claims of which he then has notice.

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

Re: Estate of JENNIFER ANN SIMMONDS, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of JENNIFER ANN SIMMONDS, late of Alcheringa Hostel, 2–14 Boree Drive, Swan Hill, in the State of Victoria, home duties, deceased, who died on 17 June 2021, are to send particulars of their claim to the executors, care of the undermentioned legal practitioners, by 15 March 2022, after which the executors will distribute the assets, having regard only to the claims of which they then have notice.

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

Re: MARGERY ALICE WARREN, late of 65, 62–67 Cavanagh Street, Cheltenham, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in the respect of the estate of MARGERY ALICE WARREN, deceased, who died on 19 July 2021, are required by the trustees, Ross Keown Warren and Robert John Lander, to send particulars of their claim to the undermentioned firm by a date not later than two months from the date of publication hereof, after which date the trustees will convey or distribute assets, having regard only to the claims of which they then have notice.

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

Estate of ANDREW FOUNTAIN.

Creditors, next-of-kin and others having claims in respect of the estate of ANDREW FOUNTAIN, late of 2 Grandview Grove, Moorabbin, Victoria, groundsman, deceased, who died on 27 April 2008, are required by the executor, Joy Olwyn Day, to send particulars of their claims to the executor, care of the undersigned lawyers, by 24 February 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.

LAWSON HUGHES PETER WALSH, lawyers,
Level 2, 533 Little Lonsdale Street,
Melbourne 3000.
susan@lhpw.com.au

Re: BRENDA JOAN NOONAN, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 23 September 2021, are required by the trustee, Natalie Anne Atkinson, to send particulars to her solicitors at the address below by 22 February 2022, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

IRIS MARY NADIA BERTOLUCCI, late of 7 Centre Road, Brighton, Victoria, teacher, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 23 March 2021, are required by the

trustee, Michelle Marie Louise Bertolucci, of Unit 2, 317 St Kilda Street, Brighton, Victoria, doctor, to send particulars to her, care of the undersigned, by 23 February 2022, after which date the trustee may convey or distribute the assets, having regard only to the claims of which she then has notice.

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

Re: Estate of LUIGI PETER MALVESTUTO, late of 25 Chum Creek Road, Healesville, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 July 2021, are required by the trustees, Solina Malvestuto and Julian Malvestuto, to send particulars to the trustees, care of the undermentioned solicitors, by 22 February 2022, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees then have notice.

MAHONS with Yuncken & Yuncken, solicitors,
101/177 Surrey Road, Blackburn 3130.
RefNo: PH:2211415.

Re: KATHLEEN MARGARET GODFREY, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the late KATHLEEN MARGARET GODFREY, late of BlueCross Sheridan Hall Brighton, 10 Marion Street, Brighton, Victoria, bookkeeper, deceased, who died on 27 April 2021, are required by the executor, Peter John Godfrey, to send particulars to him, care of the undermentioned solicitors, by 25 February 2022, after which date the executor may convey or distribute the assets of the estate, having regard only to the claims of which he then has notice.

MATTHEW SHAW & ASSOCIATES,
PO Box 214, Hampton, Victoria 3188.

Re: MARGARET SHIRLEY BLAIKIE, late of 34A Balaka Street, Capel Sound, Victoria.

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

who died on 9 August 2021, are required by the executors, John Russell Blaikie, Joanne Margaret Blaikie and Robert Colin Blaikie to send particulars of such claims to them at the undermentioned address by 28 February 2022, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

John Russell Blaikie, Joanne Margaret Blaikie and Robert Colin Blaikie, care of
MAURICE BLACKBURN LAWYERS,
Level 21, 380 La Trobe Street, Melbourne 3000.
Tel: (03) 9605 2700. Ref: ZTAPP/5641379.

MARGARET MANGION, late of 8/258 Ballarat Road, Footscray, Victoria 3011, cleaner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 6 May 2021, are required by the executor, Jennifer Margaret Booth, care of Unit 39, 131 Hyde Street, Footscray, Victoria 3011, to send particulars of their claims to her by 24 February 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 24 August 2021.

Dated 16 December 2021

NORTON LEGAL,
Unit 39, 131 Hyde Street, Footscray,
Victoria 3011.
Ph: 9314 7320.

DOROTHY ANNE ATKINSON, deceased, late of Arcare Parkview, 1287 Dandenong Road, Malvern East, Victoria 3145, physiotherapist.

Creditors, next-of-kin and all others having claims in respect of the deceased, who died on 15 October 2021, are required by the executors, Michael Alastair Campbell and Jock Seaforth Holland, to send particulars of such claims to their lawyer at the address below by 1 April 2022, after which date the executors will distribute the assets, having regard only to the claims of which they have notice.

PETER HILDEBRANDT, lawyer,
Suite 714, 1 Acacia Place, Abbotsford,
Victoria 3067.

BETTY DOROTHY DACKAS, deceased, late of Mecwacare, 1287 Malvern Road, Malvern, Victoria 3144, nursing clinical director.

Creditors, next-of-kin and all others having claims in respect of the deceased, who died on 10 July 2021, are required by the executors, Robert John Layet and Stuart Douglas Hall, to send particulars of such claims to their lawyer at the address below by 1 April 2022, after which date the executors will distribute the assets, having regard only to the claims of which they have notice.

PETER HILDEBRANDT, lawyer,
Suite 714, 1 Acacia Place, Abbotsford,
Victoria 3067.

Creditors, next-of-kin and others having claims against the estate of DORIS BROWN, late of Viewhills Manor, Japara Aged Care, 55 Heatherton Road, Endeavour Hills, Victoria, who died on 6 August 2021, are required by the executor, Carol Ann Walsh, to send detailed particulars of their claims to the said executor, care of Prior Law of 701 Centre Road, Bentleigh East, Victoria 3165, by 21 February 2022, after which date the executor will proceed to distribute the said estate, having regard only to the claims of which she then has notice. Grant of Probate was obtained in Victoria on 29 October 2021.

PRIOR LAW,
701 Centre Road, Bentleigh East, Victoria 3165.

FERDINAND HENDRIK BEKKER, late of Somerville Gardens Aged Care, 22 Graf Road, Somerville, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 August 2021, are required by the executor, Vivienne Anne Brown, to send particulars to her, care of the undermentioned solicitors, by 28 February 2022, after which date the executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

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

DAVID JOHN FORD, late of 6 Raven Close, Carrum Downs, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 February 2021, are required by the executor, Trudy Elizabeth Ford, to send particulars to her, care of the undermentioned solicitors, by 28 February 2022, after which date the executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

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

Re: MARGARET ANN DEMPSEY, late of 19 James Street, Port Fairy, Victoria 3284, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 4 April 2021, are required by the executors and trustees, Garry John Dempsey and Colin Patrick Dempsey, to send particulars to them, care of the undermentioned solicitors, by 21 February 2022, after which date they may convey or distribute the assets, having regard only to the claims of which they then have notice.

TAITS LEGAL,
Shop 3/32 Bank Street, Port Fairy, Victoria 3284.

Re: ELIZABETH DOROTHY THERESA COFFEY, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of ELIZABETH DOROTHY THERESA COFFEY, deceased, late of 41–47 Victoria Street, Bendigo, Victoria 3550, and formerly of 92–94 Chum Street, Golden Square, who died on 3 January 2020, are to send particulars of their claim to Elizabeth Angela Morley and Loretta Rosemary Coffey, the executors, care of the undermentioned solicitors, by Monday 21 February 2022, after which date the executors will distribute the assets, having regard only to the claims of which the executors then have notice.

TAYLOR WHELAN & WHELAN, solicitors,
435 Hargreaves Street, Bendigo, Victoria 3550.
Tel: (03) 5441 8766.
admin@taylorwhelan.com

Re: MARJORIE ALLEN MAGGS, late of 26 Victoria Street, Sandringham, Victoria 3191, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 11 October 2021, are required by the executor, Robert MacLellan Maggs, to send particulars to him, care of the undermentioned solicitors, by 4 March 2022, after which date the executor may convey and distribute the assets, having regard only to the claims of which he then has notice.

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

Re: ZILLAH SIEDE, late of Princeton View Aged Care, 29 Heathfield Road, Brighton East, Victoria 3187, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 5 November 2021, are required by the executor, Judith Louise Siede, to send particulars to her, care of the undermentioned solicitors, by 4 March 2022, after which date the executor may convey and distribute the assets, having regard only to the claims of which she then has notice.

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

Estate of GEOFFREY KEITH FLEMMING, late of Cabin B8, 2143 Princes Highway, Swan Reach, Victoria, plasterer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 30 June 2021, are required by the executor, Tracey Susanne Kathleen Bromage, to send particulars to her, care of Warren, Graham & Murphy Pty Ltd, 119 Main Street, Bairnsdale, Victoria, by 21 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.

WARREN, GRAHAM & MURPHY PTY LTD,
119 Main Street, Bairnsdale, Victoria 3875.

**GOVERNMENT AND OUTER BUDGET
SECTOR AGENCIES NOTICES**

Planning and Environment Act 1987

ARARAT PLANNING SCHEME

Notice of the Preparation of an Amendment

Amendment C46arat

The Ararat Rural City Council has prepared Amendment C46arat to the Ararat Planning Scheme. The land affected by the Amendment is Allotment 4D-12A on Plan of Subdivision 5017 on the southwest corner of Queen Street and Moore Street, and it is known as Queen Street Ararat. The Amendment proposes to Rezone that portion of the land zoned Public Park and Recreation Zone (PPRZ) to Commercial 1 Zone (C1Z).

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the Ararat Rural City website at <https://www.ararat.vic.gov.au/>; and/or during office hours, at the office of the planning authority, Rural City of Ararat Municipal Offices, Corner Vincent and High Streets, Ararat; or at the Department of Environment, Land, Water and Planning website, www.delwp.vic.gov.au/public-inspection

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

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council Meetings and any public hearing held to consider submissions. The closing date for submissions is 4 March 2022. A submission must be sent to Dr Tim Harrison, CEO, Ararat Rural City Council, PO Box 246, Ararat, Victoria 3377, or planning@ararat.vic.gov.au

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

DR TIM HARRISON
Chief Executive Officer
Ararat Rural City Council

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 23 February 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.

BURKILL, Raymond Sidney, late of Unit 8, 242 Mickleham Road, Gladstone Park, Victoria 3043, deceased, who died on 29 July 2021.

CAPPER, Tracey Ann, late of Unit 57, 1 Waygara Street, Eumemmerring, Victoria 3177, deceased, who died on 11 July 2021.

CARR, Leonard James, late of 10 Rupert Court, Broadmeadows, Victoria 3047, deceased, who died on 28 July 2021.

JRAIW, Kim, late of PO Box 23264, 20th Floor, Al Nassr Tower B (Ministry Of Transport), Aldoha Qatar, deceased, who died on 14 July 2020.

MORGAN, Paul Layton, late of Millers Road and Cherry Lake, Altona, Victoria 3018, deceased, who died on 1 July 2021.

PRICE, Patricia May, late of 15 Phipps Avenue, Boronia, Victoria 3155, retired, deceased, who died on 20 August 2021.

SANDERSON, Elaine Margaret, late of Arcare Burnside, 2 Nicol Street, Burnside, Victoria 3023, deceased, who died on 21 August 2021.

Dated 15 December 2021

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 25 February 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.

CHEW, Gladys Mui Yoong, also known as Gladys Chew, late of 25 Kristen Close, Glen Waverley, Victoria 3150, deceased, who died on 7 November 2019.

CLEAL, Thomas Richard, late of Room 29, Bapcare Brookview Community, 130 Dimboola Road, Westmeadows, Victoria 3049, pensioner, deceased, who died on 23 June 2021.

CRABBE, Roy Clifford, late of Regis Inala Village, Unit 207, 220 Middleborough Road, Blackburn South, Victoria 3130, retired, deceased, who died on 22 September 2021.

GREIG, Alexander Raymond, late of 1 Hallam Close, Hamilton, Victoria 3300, deceased, who died on 9 February 2021.

KINGS, Lois May, late of Room 55, Arcare, 1 Gremel Road, Reservoir, Victoria 3073, deceased, who died on 19 September 2021.

MAHER, Jerome Francis William, late of Unit 2, 55 Talbot Crescent, Kooyong, Victoria 3144, deceased, who died on 9 August 2021.

WARWICK, Christopher James, also known as Christopher Warwick and Chris James Warwick, late of 416 Fernbank-Glenaladale Road, Fernbank, Victoria 3864, deceased, who died on 11 August 2021.

Dated 17 December 2021

Aboriginal Lands Act 1970

SECTION 23C(2)

In accordance with section 23C(2) of the **Aboriginal Lands Act 1970**, I, the Hon. Gabrielle Williams MP, Minister for Aboriginal Affairs, hereby extend the period of appointment of Mr Michael Fung of PricewaterhouseCoopers (2 Riverside Quay, Southbank, Victoria 3006) as administrator of the Framlingham Aboriginal Trust. This extension of appointment applies from 1 January 2022 to 30 June 2022 inclusive, unless I revoke it sooner.

Dated 20 December 2021

GABRIELLE WILLIAMS MP
Minister for Aboriginal Affairs

Catchment and Land Protection Act 1994

NOTICE OF APPROVAL OF

WIMMERA REGIONAL CATCHMENT STRATEGY 2021–27 UNDER SCHEDULE 2

In accordance with Schedule 2 of the **Catchment and Land Protection Act 1994**, the Hon. Lisa Neville, Minister for Water, has consulted with the Minister for Energy, Environment and Climate Change; Minister for Planning; and Minister for Agriculture. Approval of the Wimmera Regional Catchment Strategy 2021–27 was given on 14 December 2021. The Wimmera Regional Catchment Strategy 2021–27 is operational from the date of this notice.

Electricity Industry Act 2000

NOTICE OF VARIATION OF LICENCE TO SELL ELECTRICITY BY RETAIL

The Essential Services Commission (the commission) gives notice under section 30(b) of the **Electricity Industry Act 2000** (Vic.) (Industry Act) that on 15 December 2021, pursuant to section 29(1)(b) of the Industry Act, the commission varied the electricity retail licence issued to Progressive Green Pty Ltd (ACN 130 175 343). These variations authorise the licensee to sell electricity to small customers and reflect changes to standard conditions occurring since the licence was first granted.

The varied licence continues on an ongoing basis. A copy of the licence is available on the commission's website at www.esc.vic.gov.au, or can be obtained by calling the commission on 03 9032 1300.

KATE SYMONS
Chairperson

**Electricity Industry Act 2000,
Gas Industry Act 2001**

NOTICE OF GRANT OF LICENCES TO SELL ELECTRICITY AND GAS

The Essential Services Commission (the commission) gives notice under section 30(a) of the **Electricity Industry Act 2000** (Vic.) and section 39(a) of the **Gas Industry Act 2001** (Vic.) that, pursuant to section 19(1) of the **Electricity Industry Act 2000** and section 26(1) of the **Gas Industry Act 2001**, the commission has granted an application by GEE Power & Gas Pty Ltd (ACN 636 908 220) for licences to sell electricity and gas to customers in Victoria. The licences authorise sale to medium business customers and large customers in Victoria.

The licences were issued on 15 December 2021 on an ongoing basis. Copies of the licences are available on the commission's website at www.esc.vic.gov.au or can be obtained by calling the commission on 03 9032 1300.

KATE SYMONS
Chairperson

**Electricity Industry Act 2000,
Gas Industry Act 2001**

NOTICE OF GRANT OF LICENCE TO SELL ELECTRICITY AND GAS

The Essential Services Commission (the commission) gives notice under section 30(a) of the **Electricity Industry Act 2000** (Vic.) and section 39(a) of the **Gas Industry Act 2001** (Vic.) that, pursuant to section 19(1) of the **Electricity Industry Act 2000** and section 26(1) of the **Gas Industry Act 2001**, the commission has granted applications by Telstra Energy (Retail) Pty Ltd (ACN 645 100 447) for licences to sell electricity and gas to customers in Victoria.

The licences were issued on 15 December 2021 on an ongoing basis. A copy of the licences is available on the commission's website at www.esc.vic.gov.au or can be obtained by calling the commission on 03 9032 1300.

KATE SYMONS
Chairperson

Housing Act 1983

LAND THE DIRECTOR OF HOUSING IS DEEMED TO HAVE AN INTEREST IN
UNDER SECTION 107 OF THE **HOUSING ACT 1983**

BeyondHousing

I, Ben Rimmer (the Director), hereby issue the following declaration pursuant to section 107 of the **Housing Act 1983** (the Act).

The Director and BeyondHousing have agreed in writing that the following land of which BeyondHousing is registered as proprietor is land to which section 107 of the Act should apply and is therefore land in which the Director is deemed to have an interest under section 107.

Volume	Folio	Address
12061	626	21 Ziebell Circuit, Wodonga, Victoria 3690
12061	638	3 Ziebell Circuit, Wodonga, Victoria 3690
11957	251	Units 1 and 2/3 Blackwood Drive, West Wodonga, Victoria 3689

Dated 29 October 2021

Signed at Melbourne in the State of Victoria
BEN RIMMER
Director of Housing

Fisheries Act 1995

FISHERIES NOTICE 2021

I, Travis Dowling, Chief Executive Officer of the Victorian Fisheries Authority, as delegate of the Minister for Fishing and Boating, and having undertaken consultation in accordance with section 3A of the **Fisheries Act 1995**, make the following Fisheries Notice under section 152 of that Act:

Dated 15 December 2021

TRAVIS DOWLING
Chief Executive Officer
Victorian Fisheries Authority

FISHERIES (REVOCATION) NOTICE 2021

1. Title

This notice may be cited as the Fisheries (Revocation) Notice 2021.

2. Objective

The objective of this notice is to revoke the Fisheries (Rock Lobster Digital Tagging) Notice 2021, which will become redundant when amendments to the Fisheries Regulations 2019 commence operation on 16 December 2021.

3. Authorising provisions

This notice is made under section 152 of the **Fisheries Act 1995** and section 27 of the **Interpretation of Legislation Act 1984**.

4. Commencement

This notice comes into operation on 24 December 2021.

5. Revocation of Fisheries Notices

The Fisheries (Rock Lobster Digital Tagging) Notice 2021 is revoked.

Note

Section 152(5) of the **Fisheries Act 1995** provides that, unless sooner revoked, this notice is revoked by virtue of that section on the day which is 12 months after the date on which it came into operation.

Magistrates' Court Act 1989

NOTICE SPECIFYING MAGISTRATE
TO THE SPECIALIST FAMILY VIOLENCE COURT DIVISION

Pursuant to section 41A(3) of the **Magistrates' Court Act 1989**, I assign the following magistrates to the Specialist Family Violence Court Division of the Magistrates' Court of Victoria:

Richard Pithouse

Dated 16 December 2021

JUDGE LISA HANNAN
Chief Magistrate

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.

Features:

Change Request Number	Place Name	Authority and Location
–	Bass Coast College – Wonthaggi Campus	Department of Education and Training Located at 2 McKenzie Street, Wonthaggi. For further details please see map at: www.land.vic.gov.au/place-naming
–	Bass Coast College – Dudley Campus	Department of Education and Training Located at 174 South Dudley Road, Wonthaggi. For further details please see map at: www.land.vic.gov.au/place-naming
–	Bass Coast College – San Remo Campus	Department of Education and Training Located at 145 Potters Hill Road, San Remo. For further details please see map at: www.land.vic.gov.au/place-naming
–	McKinnon Secondary College – McKinnon Campus	Department of Education and Training Located at 291a McKinnon Road, McKinnon. For further details please see map at: www.land.vic.gov.au/place-naming
–	McKinnon Secondary College – East Campus	Department of Education and Training Located at 232 East Boundary Road, Bentleigh East. For further details please see map at: www.land.vic.gov.au/place-naming
143358	Fishermans Jetty Boat Ramp	Department of Environment, Land, Water and Planning Located at the eastern end of Fishermans Road in Venus Bay. For further details please see map at: www.land.vic.gov.au/place-naming
143356	Fishermans Jetty	Department of Environment, Land, Water and Planning Located at the eastern end of Fishermans Road in Venus Bay. For further details please see map at: www.land.vic.gov.au/place-naming

Geographic Names Victoria

Land Use Victoria
2 Lonsdale Street
Melbourne 3000

CRAIG L. SANDY
Registrar of Geographic Names

Health Complaints Act 2016

Section 90

INTERIM PROHIBITION ORDER

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

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

Name of the general health service provider on whom the Interim Prohibition Order is imposed:	Robert Lorient of Williamstown in the State of Victoria who also trades as 'Coburg Massage'
Date of this Interim Prohibition Order:	19 December 2021
Date on which this Interim Prohibition Order expires:	An Interim Prohibition Order can remain in force for up to 12 weeks. This Interim Prohibition Order will remain in force until 12 March 2022 while an investigation is conducted, unless it is revoked before that date.
Effect of this Interim Prohibition Order:	<ol style="list-style-type: none"> 1. The general health service provider named above must not, directly or indirectly: <ol style="list-style-type: none"> a) advertise or cause to be advertised, or b) offer or cause to be offered, or c) provide or cause to be provided, or d) establish, direct or otherwise operate any business that either advertises, offers or provides (or causes to be advertised, offered or provided) any general health service (paid or otherwise, in a clinical or non-clinical capacity) that involves physical contact (including massage services) to any female persons. 2. The general health service provider named above must prominently display a copy of this Interim Prohibition Order at any premises where he provides any general health service and must ensure that it is easily visible to the public. 3. The general health service provider named above must prominently publish a copy of this Interim Prohibition Order on the homepage, in a manner that is easily visible to the public, of any website or social medial platform he uses to offer or promote any general health service.

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

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

This Order will be published in the Victoria Government Gazette and on the internet site of the Health Complaints Commissioner, www.hcc.vic.gov.au

ELIZABETH LANGDON
Acting Health Complaints Commissioner

Judicial Entitlements Act 2015

CERTIFICATE PURSUANT TO SECTION 35

Certificate 1/2021

I certify that, pursuant to section 35 of the **Judicial Entitlements Act 2015**, the conditions of service set out in the attached schedules are authorised. Unless otherwise provided, the conditions take effect from 1 July 2021.

Dated 16 December 2021

JACLYN SYMES MP
Attorney-General

Schedule 1	
Condition of Service	Entitlement
Long service leave – Judges of the Supreme or County Court	<p>(1) A judge of the Supreme or County Court is entitled to long service leave.</p> <p>(2) A judge of the Supreme or County Court accrues long service leave on the following basis:</p> <ul style="list-style-type: none"> (a) one month of long service leave, upon five years of service as a judge; and (b) an additional five months of long service leave, upon seven years of service as a judge; and (c) after seven years of service as a judge, long service leave accrues on a daily basis at a rate of $\frac{6}{7}$th of one month of long service leave for each year of service.
Long service leave – Associate Judges of the Supreme Court	<p>(3) An associate judge of the Supreme Court is entitled to long service leave.</p> <p>(4) An associate judge of the Supreme Court accrues long service leave on the following basis:</p> <ul style="list-style-type: none"> (a) one month of long service leave, upon five years of service as an associate judge; and (b) an additional five months of long service leave, upon seven years of service as an associate judge; and (c) after seven years of service as an associate judge, long service leave accrues on a daily basis at a rate of $\frac{6}{7}$th of one month of long service leave for each year of service.
Long service leave – Associate Judges of the County Court	<p>(5) An associate judge of the County Court is entitled to long service leave.</p> <p>(6) An associate judge of the County Court accrues long service leave on the following basis:</p> <ul style="list-style-type: none"> (a) 2.1 months of long service leave, upon seven years of service as an associate judge; and (b) after seven years of service as an associate judge, long service leave accrues on a daily basis at a rate of $\frac{3}{10}$th of one month of long service leave for each year of service.
Long service leave – Chief Magistrate	<p>(7) The Chief Magistrate is entitled to long service leave.</p> <p>(8) The Chief Magistrate accrues long service leave on the following basis:</p> <ul style="list-style-type: none"> (a) one month of long service leave, upon five years of service as a Chief Magistrate; and (b) an additional five months of long service leave, upon seven years of service as a Chief Magistrate; and (c) after seven years of service as a Chief Magistrate, long service leave accrues on a daily basis at a rate of $\frac{6}{7}$th of one month of long service leave for each year of service.

Schedule 1	
Condition of Service	Entitlement
Long service leave – Magistrates	<p>(9) A magistrate is entitled to long service leave.</p> <p>(10) A magistrate accrues long service leave on the following basis:</p> <ul style="list-style-type: none"> (a) 2.1 months of long service leave, upon seven years of service as a magistrate; and (b) after seven years of service as a magistrate, long service leave accrues on a daily basis at a rate of $\frac{3}{10}$th of one month of long service leave for each year of service.
Previous entitlements	<p>(11) This schedule:</p> <ul style="list-style-type: none"> (a) supersedes the long service leave entitlements in Certificate 2007, Certificate 2012, Certificate 1/2014, Certificate 1/2018 and Certificate 1/2019 (Schedule 2) in relation to a person who: <ul style="list-style-type: none"> i. holds office as a judicial officer on 1 July 2021; or ii. is appointed as a judicial officer on or after 1 July 2021; (b) does not affect the long service leave entitlements of a judicial officer who ceased to hold office before 1 July 2021.

Schedule 1	
Condition of Service	Entitlement
Definitions	<p>(12) For the purposes of this schedule (including the notes):</p> <p>(a) associate judge does not include a reserve associate judge;</p> <p>(b) Certificate 2007 means the certificate signed by the Attorney-General on 19 July 2007, under section 15 of the Judicial Remuneration Tribunal Act 1995, numbered 2007;</p> <p>(c) Certificate 1/2008 means the certificate signed by the Attorney-General on 14 February 2008, under section 15 of the Judicial Remuneration Tribunal Act 1995, numbered 1/2008;</p> <p>(d) Certificate 2012 means the certificate signed by the Attorney-General on 24 February 2012, under section 15 of the Judicial Remuneration Tribunal Act 1995, numbered 2012;</p> <p>(e) Certificate 1/2014 means the certificate signed by the Attorney-General on 13 June 2014, under section 15 of the Judicial Remuneration Tribunal Act 1995, numbered 1/2014;</p> <p>(f) Certificate 2/2014 means the certificate signed by the Attorney-General on 30 June 2014, under section 15 of the Judicial Remuneration Tribunal Act 1995, numbered 2/2014;</p> <p>(g) Certificate 1/2018 means the certificate signed by the Attorney-General on 8 January 2018, under section 35 of the Judicial Entitlements Act 2015, numbered 1/2018;</p> <p>(h) Certificate 1/2019 (Schedule 2) means schedule 2 to the certificate signed by the Attorney-General on 26 August 2019, under section 35 of the Judicial Entitlements Act 2015, numbered 1/2019;</p> <p>(i) judge of the County Court:</p> <p>i. includes the Chief Judge and Deputy Chief Judge; and</p> <p>ii. does not include a reserve judge or reserve associate judge of the County Court;</p> <p>(j) judge of the Supreme Court:</p> <p>i. includes the Chief Justice, the President of the Court of Appeal and a Judge of Appeal; and</p> <p>ii. does not include a reserve judge or reserve associate judge of the Supreme Court;</p> <p>(k) judicial officer means a judge of the Supreme or County Court, an associate judge of the Supreme or County Court, the Chief Magistrate or a magistrate;</p> <p>(l) magistrate does not include the Chief Magistrate or a reserve magistrate.</p>

Notes to Schedule 1:

1. This schedule:
 - i. applies to long service leave ('LSL') that was accrued by a judicial officer before 1 July 2021, but was not taken or paid out before 1 July 2021, with such LSL being treated as having accrued on a daily basis in accordance with this schedule;
 - ii. applies to LSL that is accrued by a judicial officer on or after 1 July 2021, which LSL accrues on a daily basis in accordance with this schedule.
2. The LSL balance of a judicial officer after 1 July 2021 must be calculated to include a deduction of all LSL that was taken by the officer, before and after 1 July 2021.
3. Section 43 of the **Judicial Entitlements Act 2015** provides that any certificate issued under section 15 of the **Judicial Remuneration Tribunal Act 1995**, as in force immediately before its repeal, is taken to be an entitlement certificate under the **Judicial Entitlements Act 2015**.
4. The recognition of prior service, for the purposes of LSL, for judicial officers is set out in:
 - i. Certificate 2/2014; and
 - ii. Certificate 2/2014 and Certificate 1/2008, as amended or extended by sections 16 and 20 of the **Judicial Remuneration Tribunal Act 1995** (immediately before its repeal).
5. The pay out of accrued sabbatical and LSL:
 - i. was set out in sections 17 and 18 of the **Judicial Remuneration Tribunal Act 1995** (immediately before its repeal); and
 - ii. is set out in sections 12 and 13 of the **Judicial Entitlements Act 2015**.

Schedule 2	
Condition of Service	Entitlement
Long service leave – reserve judges of the Supreme and County Courts	<p>(1) A reserve judge of the Supreme or County Court is entitled to long service leave.</p> <p>(2) A reserve judge of the Supreme or County Court accrues long service leave on the following basis:</p> <ul style="list-style-type: none"> (a) one month of long service leave, upon five years of service as a reserve judge; and (b) an additional five months of long service leave, upon seven years of service as a reserve judge; and (c) after seven years of service as a reserve judge, long service leave accrues on a daily basis at a rate of $\frac{6}{7}$th of one month of long service leave for each year of service. <p>(3) For the purpose of clause (2) above, a reserve judge of the Supreme or County Court:</p> <ul style="list-style-type: none"> (a) subject to paragraph (b), performs service as a reserve judge when the reserve judge is engaged to undertake the duties of a judge of the court on a full-time basis; (b) does not perform service as a reserve judge when they: <ul style="list-style-type: none"> i. are engaged to undertake the duties of a judge of the court on a sessional basis; or ii. are not engaged to undertake the duties of a judge of the court; or iii. were engaged to undertake the duties of a judge of the court on a full-time basis before 6 February 2019. <p>(4) If a reserve judge, immediately prior to appointment to that office, served as a judge of the Supreme or County Court, an interstate judge, a reserve judge or the Chief Magistrate, the years of service in the prior office are recognised as if they had been served as a reserve judge.</p> <p>(5) A reserve judge of the Supreme or County Court may, if there is any long service leave that has accrued, take or be paid out long service leave in the following manner:</p> <ul style="list-style-type: none"> (a) the reserve judge may, with the approval of the relevant head of jurisdiction (i.e. the Chief Justice or Chief Judge, as applicable), take long service leave while the reserve judge is engaged to undertake the duties of a judge of the court on a full-time basis; (b) the reserve judge may take long service leave while the reserve judge is engaged to undertake the duties of a judge of the court on a sessional basis; and (c) the reserve judge may be paid long service leave at any time that the reserve judge is not engaged to undertake the duties of a judge of the court. <p>(6) If, at the time that a person ceases being a reserve judge, there is any long service leave that has accrued, the person is entitled to be paid out at the cessation of the person's appointment as a reserve judge.</p> <p>(7) A person who was appointed as a reserve judge of the Supreme Court shortly after the commencement of the Courts Legislation Amendment (Reserve Judicial Officers) Act 2013 is taken, for the purposes of this schedule, to have served as a judge of the Supreme Court immediately prior to their appointment as a reserve judge.</p>

Schedule 2	
Condition of Service	Entitlement
Calculation of payment for long service leave	<p>(8) The payment under clauses (5)(c) and (6) above is based on:</p> <p>(a) clause (9) below, if:</p> <p style="padding-left: 20px;">i prior service is not recognised under clause (4) above; or</p> <p style="padding-left: 20px;">ii years of tenured service is seven years or more; or</p> <p>(b) clause (10) below, if clause (9) below does not apply.</p> <p>(9) If this clause applies, long service leave would be paid based on the person's reserve judge salary.</p> <p>(10) If this clause applies, long service leave would be paid based on the following:</p> <p>(a) if $X + Y \leq Z$ then long service leave is paid based on the person's tenured judge salary;</p> <p>(b) if $X \geq Z$ then long service leave is paid based on the person's reserve judge salary;</p> <p>(c) if $X < Z$, <u>and</u> $X + Y > Z$ then:</p> <ul style="list-style-type: none"> • $Z - X$ months of long service leave is paid based on the person's tenured judge salary; and • $Y - (Z - X)$ is paid based on the person's reserve judge salary. <p>X = all long service leave that has been paid out or taken as a tenured judge or as a reserve judge (months);</p> <p>Y = the long service leave that is proposed to be paid to the reserve judge (months);</p> <p>Z = years of tenured service $\times \frac{6}{7}$.</p>

Schedule 2	
Condition of Service	Entitlement
Long service leave – reserve associate judges of the Supreme Court	<p>(11) A reserve associate judge of the Supreme Court is entitled to long service leave.</p> <p>(12) Clauses (2) to (10) above apply to a reserve associate judge of the Supreme Court as if:</p> <ul style="list-style-type: none"> (a) references to a ‘reserve judge of the Supreme Court’ were references to a ‘reserve associate judge of the Supreme Court’; and (b) references to ‘reserve judge salary’ were references to ‘reserve associate judge salary’; and (c) references to ‘tenured judge salary’ were references to ‘tenured associate judge salary’; and (d) references to ‘years of tenured service’ were references to ‘years of tenured associate judge service; and (e) the references to ‘reserve judge’ and ‘judge’ were, respectively, references to ‘reserve associate judge’ and ‘associate judge’; and (f) references to ‘judge of the Supreme Court’ were references to ‘associate judge of the Supreme Court’; and (g) references to ‘engaged to undertake the duties of a judge’, were references to ‘engaged to undertake the duties of an associate judge’.
Previous entitlements	<p>(13) This schedule:</p> <ul style="list-style-type: none"> (a) supersedes the long service leave entitlements in Certificate 1/2019 (Schedule 4) in relation to a person who, on or after 1 July 2021, holds office as: <ul style="list-style-type: none"> i. a reserve judge of the Supreme or County Court, or ii. a reserve associate judge of the Supreme Court; and (b) does not affect the long service leave entitlements of a reserve judge of the Supreme or County Court who ceased to hold office before 1 July 2021; and (c) does not create any LSL entitlements for a reserve associate judge who ceased to hold office before 1 July 2021.

Schedule 2	
Condition of Service	Entitlement
Definitions	<p>(14) For the purposes of this schedule (including the notes and examples):</p> <p>(a) Certificate 2/2014 means the certificate signed by the Attorney-General on 30 June 2014, under section 15 of the Judicial Remuneration Tribunal Act 1995, numbered 2/2014;</p> <p>(b) Certificate 1/2019 (Schedule 4) means schedule 4 to the certificate signed by the Attorney-General on 26 August 2019, under section 35 of the Judicial Entitlements Act 2015, numbered 1/2019;</p> <p>(c) a reserve associate judge of the Supreme Court is not engaged to undertake the duties of an associate judge of the court when the person is:</p> <ol style="list-style-type: none"> i. engaged under section 105H of the Supreme Court Act 1986; or ii. a serving interstate judge, who receives a salary in relation to their office in that other State or Territory or the Commonwealth; or iii. not otherwise paid a Victorian salary for their service as a reserve associate judge of the Supreme Court; <p>(d) a reserve judge is not engaged to undertake the duties of a judge of the court when the person is:</p> <ol style="list-style-type: none"> i. engaged under section 81GA of the Constitution Act 1975; or ii. engaged under section 12H of the County Court Act 1958; or iii. a serving interstate judge, who receives a salary in relation to their office in that other State or Territory or the Commonwealth; or iv. not otherwise paid a Victorian salary for their service as a reserve judge of the Supreme or County Court; <p>(e) interstate judge means a judge, associate judge or master of:</p> <ol style="list-style-type: none"> i. a court of the Commonwealth of Australia; or ii. a court of a Territory of Australia; or iii. a court of a State of Australia (other than Victoria); <p>(f) reserve associate judge salary means the salary that would be payable if the reserve associate judge of the Supreme Court were engaged, on a full time basis, to undertake the duties of an associate judge of the Supreme Court;</p> <p>(g) reserve judge:</p> <ol style="list-style-type: none"> i. means a reserve judge of the Supreme or County Court; and ii. does not include a reserve associate judge of the Supreme or County Court;

Schedule 2	
Condition of Service	Entitlement
Definitions	<p>(h) <i>reserve judge salary</i> means:</p> <p>i if the person is a reserve judge of the Supreme Court, the salary that would be payable if the reserve judge were engaged, on a full time basis, to undertake the duties of a Judge of the Court (other than a Judge of Appeal); and</p> <p>ii if the person is a reserve judge of the County Court, the salary that would be payable if the reserve judge were engaged on a full time basis to undertake the duties of a judge of the County Court;</p> <p>(i) <i>tenured associate judge salary</i> means the salary that was actually received by the person, as an associate judge of the Supreme Court, immediately before the person most recently ceased being an associate judge of the Supreme Court;</p> <p>(j) <i>tenured judge salary</i> means the salary that was actually received by the person as a judge of the Supreme or County Court or the Chief Magistrate, immediately before the person most recently ceased being a judge of the Supreme or County Court or the Chief Magistrate; or</p> <p>(k) <i>years of tenured associate judge service</i> means years of service as an associate judge of the Supreme Court;</p> <p>(l) <i>years of tenured service</i> means years of service as a judge of the Supreme or County Court or the Chief Magistrate.</p>

Notes to Schedule 2:

1. The long service leave ('LSL') balance of a reserve judge of the Supreme or County Court, or an associate judge of the Supreme Court, after 1 July 2021 must be calculated to include a deduction of all LSL that was taken by, or paid out to, the officer, before and after 1 July 2021.
2. Section 43 of the **Judicial Entitlements Act 2015** provides that any certificate issued under section 15 of the **Judicial Remuneration Tribunal Act 1995**, as in force immediately before its repeal, is taken to be an entitlement certificate under the **Judicial Entitlements Act 2015**.
3. The reference to 'immediately prior' in clause (4) reflects the wording in Certificate 2/2014 and Certificate 1/2019 (Schedule 4). Consistent with those certificates:
 - (a) the requirement for the previous position to be immediately prior would permit a short interval between the end of the appointment as a tenured judge and the start of the appointment as a reserve judge, but the service periods must not be disjointed in time by the holding of another office or position or an unreasonably lengthy amount of time; and
 - (b) examples of circumstances in which an acceptable interval between appointments might occur would be to enable leave to be taken, travel for personal purposes, or where there was a delay in the reserve appointment occurring.
4. An interval between appointments that would not meet the requirement of 'immediately prior' would be where:
 - (a) the person worked in a non-judicial role during the interval, such as in private legal practice; or
 - (b) there was a significant period between the ending of the former appointment and the commencement of the appointment of reserve judge, even if no other office or position was held during that period.

Examples for Schedule 2:**Example 1:**

- Dr Ng served six years as a tenured judge before retiring on 2 February 2021.
- Upon retiring, Dr Ng is paid out one month of LSL.
- Upon her retirement, Dr Ng was immediately appointed as a reserve judge.
- Over a period of five years (from 2021 to 2026), Dr Ng serves an additional:
 - 12 months as a reserve judge, engaged on a full-time basis; and
 - five months as a reserve judge, engaged on a sessional basis.
- Dr Ng does not take any LSL prior to her retirement in 2026.
- Applying the terms of this schedule, at the expiration of her term as a reserve judge, Dr Ng is taken to have **seven years of service** as a reserve judge and is entitled to be paid out **five months of LSL**:
 - when Dr Ng retired as a tenured judge, she was entitled to (and paid) one month of LSL (because she had served for a period of more than five years and less than seven years);
 - the **six years** of service as a tenured judge are counted as service, for LSL purposes, as a reserve judge;
 - the **additional 12 months** of service as a reserve judge (engaged on a full-time basis) counts as an additional 12 months service for LSL purposes;
 - taking into account the above six years of service, and the additional 12 months of service, Dr Ng was taken to have seven years of service, and she became entitled to an additional five months of LSL;
 - Dr Ng was paid out the one month LSL when she retired as a tenured judge. Dr Ng is entitled to be paid out the 5 months of LSL that accrued after her 12 months of service as a reserve judge when she was engaged on a full-time basis;
 - the **five months** of service as a reserve judge, when Dr Ng was engaged on a sessional basis, are **not** counted as service for LSL, because a reserve judge does not accrue LSL when they are engaged on a sessional basis.
- The five months of LSL is paid at the following rate:
 - 4 $\frac{1}{7}$ months is paid at the tenured judge salary rate (i.e. the salary that was actually paid to Dr Ng immediately before she resigned on 2 February 2021);
 - $\frac{6}{7}$ of a month (i.e. the remainder of the LSL) is paid at the reserve judge salary rate.
- These amounts reflect that, under clause (4), the prior service as a tenured judge is recognised for LSL purposes, and, in accordance with clause (8), clause (10) applies. Applying clause (10):
 - X = all LSL that was paid out or taken as a tenured judge or as a reserve judge, which is 1 month;
 - Y = the LSL that is proposed to be paid to the reserve judge (months), which is five months;
 - Z = years of tenured service $\times \frac{6}{7}$, which is $6 \times \frac{6}{7} = 5 \frac{1}{7}$;
 - applying the above values for X, Y and Z, clause 10(c) is applicable because:
 - $X < Z$ (i.e. $1 < 5 \frac{1}{7}$); and
 - $X + Y > Z$ (i.e. $6 > 5 \frac{1}{7}$);
 - under clause (10)(c):
 - Z - X months of LSL is paid based on the person's tenured judge salary; and
 - the remainder of the LSL (i.e. $Y - (Z - X)$) is paid based on the person's reserve judge salary.

- applying clause (10)(c):
 - $4 \frac{1}{7}$ months of LSL is paid based on the person's tenured judge salary (i.e. $5 \frac{1}{7} - 1 = 4 \frac{1}{7}$); and
 - $\frac{6}{7}$ month is paid based on the person's reserve judge salary (i.e. $5 - (5 \frac{1}{7} - 1)$).

Example 2:

- Mr Ali served 15 years as a tenured judge before retiring on 1 June 2019.
- At the time of Mr Ali's retirement, all the accrued LSL is paid out (i.e. Mr Ali has taken or been paid out $(6 + (8 \times \frac{6}{7}^{\text{th}}))$ months = $12 \frac{6}{7}$ months) (subject to a cap on the payout of LSL of 12 months: section 12 of the **Judicial Entitlements Act 2015**).
- Mr Ali is immediately appointed as a reserve judge.
- Mr Ali undertakes 12 months of service as a reserve judge (engaged on a full-time basis).
- Applying the terms of this schedule:
 - Mr Ali's 15 years of service as a tenured judge are counted, for LSL purposes, as service as a reserve judge;
 - Mr Ali was paid out his LSL entitlement when he retired as a tenured judge (subject to the cap). Accrued LSL is not transferred to his new office as a reserve judge;
 - at the expiration of his term as a reserve judge, Mr Ali is entitled to $\frac{6}{7}^{\text{th}}$ of a month's LSL:
 - at the commencement of his service as a reserve judge, Mr Ali is taken to have 15 years of service and he was therefore accruing LSL (on a daily basis) at a rate of $\frac{6}{7}^{\text{th}}$ of one month of LSL for each year of service;
 - after 12 months of service, he had accrued $\frac{6}{7}^{\text{th}}$ of a month LSL.
 - The $\frac{6}{7}^{\text{th}}$ of a month LSL is paid at the reserve judge salary rate. This rate reflects:
 - Mr Ali had more than 7 years of tenured service;
 - clause (9) is, in accordance with clause (8), applicable, because Mr Ali has more than 7 years of tenured service;
 - under clause (9), the payment of LSL is based on Mr Ali's reserve judge salary.

Schedule 3	
Condition of Service	Entitlement
Prior service – acting magistrates	<p>(1) A magistrate who, immediately prior to their appointment to that office, actually served as an acting magistrate on a full time basis, will have that service as an acting magistrate recognised for long service leave purposes in accordance with Certificate 2/2014.</p> <p>(2) A magistrate who, immediately prior to their appointment to that office, actually served as an acting magistrate on a sessional basis, will not have that service as an acting magistrate recognised for long service leave purposes.</p>
Definitions	<p>(3) For the purpose of this schedule (including the notes):</p> <p>(a) Certificate 2/2014 means the certificate signed by the Attorney-General on 30 June 2014, under section 15 of the Judicial Remuneration Tribunal Act 1995, numbered 2/2014.</p>

Notes to Schedule 3:

1. The reference to ‘immediately prior’ in clauses (1) and (2) reflects the wording in Certificate 2/2014:
 - (a) the requirement for the previous position to be immediately prior would permit a short interval between the end of the appointment as a tenured judge and the start of the appointment as a reserve judge, but the service periods must not be disjointed in time by the holding of another office or position or unreasonably lengthy amount of time; and
 - (b) examples of circumstances in which an acceptable interval between appointments might occur would be to enable leave to be taken, travel for personal purposes, for a short period of time, or where there was a delay in the reserve appointment occurring.
2. An interval between appointments that would not meet the requirement of ‘immediately prior’ would be where:
 - (a) the person worked in a non-judicial role during the interval, such as in private legal practice; or
 - (b) there was a significant period between the ending of the former appointment and the commencement of the appointment of reserve judge, even if no other office or position was held during that period.

Schedule 4	
Condition of Service	Entitlement
Entitlements – reserve associate judges	<ol style="list-style-type: none"> (1) Reserve associate judges of the Supreme Court, while engaged to perform the duties of an associate judge, on a full time basis, are entitled to use a motor vehicle on the same basis as an associate judge of the Supreme Court, with the financial contribution of the reserve associate judge being on a pro rata basis (based on the period of use of the vehicle). (2) Reserve associate judges of the Supreme Court are entitled to reimbursement of the cost of public transport in Victoria, which was used by the reserve associate judge on a day that the reserve associate judge was engaged to perform the duties of an associate judge. (3) Reserve associate judges of the Supreme Court are entitled to a professional development allowance, on the same basis as an associate judge, on a pro rata basis. (4) Reserve associate judges of the Supreme Court are entitled to overseas or interstate travel in accordance with the Court Services Victoria judicial travel policy, when engaged to perform the duties of an associate judge. (5) Reserve associate judges of the Supreme Court are entitled to travel allowances to cover accommodation (where necessary), and meals and incidentals when travelling on circuit, in accordance with the Court Services Victoria judicial travel policy.

Definitions	<p>(6) For the purposes of this schedule (including the notes):</p> <p>(a) <i>Act</i> means the Judicial Entitlements Act 2015;</p> <p>(b) a reserve associate judge of the Supreme Court is not engaged to perform the duties of an associate judge when the person is:</p> <p style="margin-left: 20px;">i. engaged under section 105H of the Supreme Court Act 1986; or</p> <p style="margin-left: 20px;">ii. a serving interstate judge, who receives a salary in relation to their office in that other State or Territory or the Commonwealth; or</p> <p style="margin-left: 20px;">iii. not having a sitting day (this sub-paragraph applies to a reserve associate judge who is engaged on a sessional basis); or</p> <p style="margin-left: 20px;">iv. not otherwise paid a Victorian salary for their service as a reserve associate judge of the Supreme Court.</p> <p>(c) <i>interstate judge</i> means a judge, associate judge or master of:</p> <p style="margin-left: 20px;">i. a court of the Commonwealth of Australia; or</p> <p style="margin-left: 20px;">ii. a court of a Territory of Australia; or</p> <p style="margin-left: 20px;">iii. a court of a State of Australia (other than Victoria);</p> <p>(d) <i>sitting day</i> has the same meaning as it has in section 7(1) of the Act;</p> <p>(7) For the purposes of clause (3) above:</p> <p>(a) <i>pro rata</i> for a reserve associate judge who is appointed on a sessional basis is the number of days in a financial year that the person is engaged (i.e. paid) to perform the duties of an associate judge, divided by 235; and</p> <p>(b) <i>pro rata</i> for a reserve associate judge who is appointed on a full time basis is the number of days in a financial year that the person is engaged to perform the duties of an associate judge divided by 365.25.</p>
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Notes to Schedule 4:

1. This schedule applies from 1 July 2021.

Examples for Schedule 4:

Example 1

If a reserve associate judge of the Supreme Court is engaged as an associate judge on a full-time basis for a period of 100 days in a financial year, the person is:

- (a) entitled to reimbursement of the cost of public transport in Victoria, which was used by the reserve associate judge on any of those 100 days;
- (b) entitled to a professional development allowance, on the same basis as an associate judge of the Supreme Court, on a pro rata basis (i.e. the annual rate of the professional development allowance for an associate judge $\times \frac{100}{365.25}$);
- (c) entitled to use a motor vehicle for the days when the reserve associate judge is engaged (subject to paying a pro rata amount of the annual amount payable by an associate judge);
- (d) entitled to travel allowances to cover accommodation (where necessary), and meals and incidentals when travelling on circuit, in accordance with the Court Services Victoria judicial travel policy;
- (e) entitled to overseas or interstate travel, in accordance with the Court Services Victoria judicial travel policy, during those 100 days.

Example 2

If a reserve associate judge of the Supreme Court is engaged, under section 105D(1) of the **Supreme Court Act 1986**, as an associate judge on a sessional basis for 6 months in a financial year and has 30 sitting days in that financial year, the person is:

- (a) under section 7(1) of the Act, paid for 30 sitting days;
- (b) entitled to reimbursement of the cost of public transport in Victoria, which was used by the reserve associate judge on any of those 30 sitting days;
- (c) entitled to a professional development allowance, on the same basis as an associate judge of the Supreme Court, on a pro rata basis (i.e. the annual rate of the professional development allowance for an associate judge $\times \frac{30}{235}$);
- (d) not entitled to a motor vehicle entitlement;
- (e) entitled to travel allowances to cover accommodation (where necessary), and meals and incidentals when travelling on circuit, in accordance with the Court Services Victoria judicial travel policy;
- (f) entitled to overseas or interstate travel in accordance with the Court Services Victoria judicial travel policy, during those 30 days.

Schedule 5	
Condition of Service	Entitlement
Living away from home allowance – magistrates	<p>(1) Magistrates required to live away from home on a temporary basis for extended periods (longer than 21 days and less than 3 years) receive a living away from home allowance comprised of the following rates for a period of up to, but not exceeding three years (for the period of living away from home):</p> <ul style="list-style-type: none"> (a) a weekly amount to provide assistance for additional costs incurred by the magistrate whilst living away from home; (b) reimbursement of a weekly rental amount (with a cap) equal to the costs of a lease agreement or rental agreement between the magistrate and the rental provider for a property located within the region of the assigned law court the magistrate has been assigned to, which has been approved by the Chief Magistrate; (c) reimbursement of reasonable temporary relocation expenses approved by the Chief Magistrate.

Schedule 5	
Condition of Service	Entitlement
Calculation of payment for living away from home allowance	<p>(2) The weekly amount referred to in clause (1)(a) above is \$283 a week. This amount is adjusted, on 1 July each year, in line with the Consumer Price Index (All Groups Melbourne), comparing the relevant June Quarters.</p> <p>(3) The weekly rental amount cap, which is referred to in clause (1)(b) above, is the higher of:</p> <ul style="list-style-type: none"> (a) the median rental price of a two-bedroom property of the suburb or regional town (whichever is most applicable) of the headquarter law court the magistrate is being assigned to, aligned to the quarterly rental report of median rental rates published by the Victorian Government; or (b) an amount that is determined, in writing, by the Chief Magistrate, after the Chief Magistrate has considered the following additional factors: <ul style="list-style-type: none"> i. the availability of property within the region of the assigned law court, informed by data obtained from a relocation consultant engaged by Court Services Victoria; ii. the security of the magistrate; iii. the property being fully furnished; iv. specific arrangements regarding the magistrate, including the relocation of their families. <p>(4) The weekly rental amount referred to in clause 1(b) above will be paid in accordance with the Magistrates' Court of Victoria <i>Living Away from Home Expenses Policy</i>.</p> <p>(5) Reasonable temporary relocation expenses referred to in clause (1)(c) above will be reimbursed in accordance with the Magistrates' Court of Victoria <i>Living Away from Home Expenses Policy</i> and may include:</p> <ul style="list-style-type: none"> (a) removal and packing of furniture and personal effects; and (b) storage of furniture and personal effects for a maximum period of 8 weeks; and (c) costs associated with an early lease termination; and (d) the cost of transporting furniture and personal effects.
Previous entitlements	(6) This schedule supersedes the living away from home allowance in Certificate 1/2008 and Certificate 1/2012 in relation to magistrates required to live away from home on a temporary basis for an extended period of 21 days to 3 years.
Delegation	(7) The Chief Magistrate may, in writing, delegate their duties, powers and functions under this schedule to a Deputy Chief Magistrate or an executive officer of Court Services Victoria.

Schedule 5	
Condition of Service	Entitlement
Definitions	<p>(8) For the purposes of this schedule (including the notes):</p> <p>(a) <i>magistrate</i> does not include the Chief Magistrate or a reserve magistrate;</p> <p>(b) <i>Certificate 1/2008</i> means the certificate signed by the Attorney-General on 14 February 2008, under section 15 of the Judicial Remuneration Tribunal Act 1995, numbered 1/2008;</p> <p>(c) <i>Certificate 1/2012</i> means the certificate signed by the Attorney-General on 24 February 2012, under section 15 of the Judicial Remuneration Tribunal Act 1995, numbered 2012;</p> <p>(d) <i>living away from home</i> means that the magistrate is living away from their principal residence.</p>

Example for Schedule 5

A magistrate would receive a weekly living away from home allowance noted below if:

- the magistrate has a permanent residence in Melbourne, and is assigned to the Magistrates' Court in Shepparton for a two year period;
- the median rental price of a 2 bedroom property (including apartments) in the suburb or regional town (whichever is applicable) where the headquarter law court is located is \$280 a week;
- the Chief Magistrate, having regard to the factors noted in clause (3)(b), including that the magistrate's family is moving to Shepparton for the 2 year period, determines a figure of \$400 a week;
- the magistrate leases a property costing \$900 a week.

The weekly living away from home allowance in the above scenario would be \$683 (being \$283 a week plus reimbursement of the weekly rental costs, capped at \$400 a week).

Marine Safety Act 2010

Section 208(2)

NOTICE OF BOATING ACTIVITY EXCLUSION ZONE

I, Scott Wikman – Acting General Manager Water Storage Services of Goulburn Murray Water, as the declared waterway manager for Lake Eppalock hereby give notice under section 208(2) of the **Marine Safety Act 2010** that Waters of Lake Eppalock within Derrinal Pool, east of the Spit, adjacent to the Victorian Speed Boat Club and extending into McIvor Bay as marked by buoys are prohibited to all persons and vessels not registered to take part in the Victorian Speed Boat Club race days at Lake Eppalock.

The exclusion zone takes effect between 7.00 am and 7.00 pm on Saturday 8 January 2022 and Sunday 9 January 2022.

Dated 25 November 2021

SCOTT WIKMAN
Acting General Manager Water Storage Services
Goulburn Murray Water

Marine Safety Act 2010

Section 208(2)

NOTICE OF BOATING ACTIVITY EXCLUSION ZONE

Strathbogie Shire Council as the declared waterway manager for the Goulburn River from Hughes Creek to Goulburn Weir including Lake Nagambie, makes the following declaration under section 208(2) of the **Marine Safety Act 2010**, that the waters of Lake Nagambie in Furlong Cove and surrounding McNamara Point as marked by buoys are prohibited to all persons and vessels not registered to take part in the New Year's Eve Fireworks display.

The exclusion zone takes effect between 4 pm until 11 pm on 31 December 2021.

Dated 20 December 2021

By Order of Strathbogie Shire Council
DAVID ROFF
Director, Corporate Operations

Occupational Health and Safety Act 2004

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2017

Notice of Grant of Major Hazard Facility Licence

On 21 December 2020 a licence to operate a Major Hazard Facility was granted in accordance with regulation 452 of the Occupational Health and Safety Regulations 2017 (the Regulations) to APA Orbest Gas Plant Pty Ltd in respect of the facility registered under Part 6.2 of the Regulations, located at 73 Ewings Marsh Road, Corringale, Victoria. The licence is effective from 4 February 2021 and expires on 3 February 2026.

The following conditions are attached to the licence:

No Conditions

COLIN RADFORD
Chief Executive
Delegate of the Victorian WorkCover Authority

Occupational Health and Safety Act 2004

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2017

Notice of Grant of Major Hazard Facility Licence

On 20 November 2019 a licence to operate a Major Hazard Facility was granted in accordance with regulation 452 of the Occupational Health and Safety Regulations 2017 (the Regulations) to Arch Wood Protection (Aus) Pty Ltd in respect of the facility registered under Part 6.2 of the Regulations, located at 10 Station Street, Trentham, Victoria. The licence is effective from 14 January 2020 and expires on 13 January 2025.

The following conditions are attached to the licence:

No Conditions

COLIN RADFORD
Chief Executive
Delegate of the Victorian WorkCover Authority

Occupational Health and Safety Act 2004

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2017

Notice of Grant of Major Hazard Facility Licence

On 9 August 2019 a licence to operate a Major Hazard Facility was granted in accordance with regulation 452 of the Occupational Health and Safety Regulations 2017 (the Regulations) to BOC Limited in respect of the facility registered under Part 6.2 of the Regulations, located at 351 Hammond Road, Dandenong, Victoria. The licence is effective from 4 September 2019 and expires on 4 September 2024.

The following conditions are attached to the licence:

No Conditions

COLIN RADFORD

Chief Executive

Delegate of the Victorian WorkCover Authority

Occupational Health and Safety Act 2004

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2017

Notice of Grant of Major Hazard Facility Licence

On 16 June 2021 a licence to operate a Major Hazard Facility was granted in accordance with regulation 452 of the Occupational Health and Safety Regulations 2017 (the Regulations) to Chemring Australia Pty Ltd in respect of the facility registered under Part 6.2 of the Regulations, located at 230 Staceys Road, Anakie, Victoria. The licence is effective from 26 July 2021 and expires on 25 July 2026.

The following conditions are attached to the licence:

1. Chemring Australia Pty Ltd (Chemring) must establish and implement a continuous improvement action plan for the Safety Management System (SMS) by no later than 26 January 2022 (the CIA Plan). The CIA Plan must contain, as a minimum:
 - a. improvement actions for performance monitoring of the SMS focusing on Management of Change and risk control measures; and
 - b. reflect the results of:
 - i. Chemring's periodic review of the SMS;
 - ii. Chemring's periodic review of control measure performance monitoring; and
 - iii. any audit.
2. Chemring's senior management must provide a presentation to the WorkSafe delegate on or before 30 November 2021, outlining the work Chemring has undertaken to improve performance monitoring at the Lara Major Hazard Facility, ensuring that the performance monitoring covers all aspects of the SMS and risk control measures. The presentation must also include a description of initiatives implemented to improve the communication of key safety information on the performance of the Major Hazard Facility to employees and Health and Safety Representatives.

COLIN RADFORD

Chief Executive

Delegate of the Victorian WorkCover Authority

Occupational Health and Safety Act 2004**OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2017**

Notice of Grant of Major Hazard Facility Licence

On 31 August 2021 a licence to operate a Major Hazard Facility was granted in accordance with regulation 452 of the Occupational Health and Safety Regulations 2017 (the Regulations) to Cooper Energy (CH) Pty Ltd in respect of the facility registered under Part 6.2 of the Regulations, located at Athena Gas Plant, 192 Brumbys Road, Port Campbell, Victoria 3269. The licence is effective from 7 October 2021 and expires on 7 October 2026.

The following conditions are attached to the licence:

1. By no later than 7 April 2022, Cooper Energy (CH) Pty Ltd (Cooper Energy) is to demonstrate to the satisfaction of WorkSafe Victoria (in its discretion), by written report, that the fire protection systems installed at the Athena Gas Plant (the Facility) continue to be appropriate for the types and quantities of Schedule 14 materials present at the Facility. In order to comply with this condition, Cooper Energy must, at a minimum:
 - a. update the fire safety study (or equivalent technical study) for the Facility (Updated Study); and
 - b. in the event the Updated Study identifies additional risk control measures to reduce the magnitude and the severity of consequences from potential incidents, then Cooper must provide to WorkSafe an action plan detailing when and how it will adopt the risk control measures, so far as is reasonably practicable.

COLIN RADFORD
Chief Executive

Delegate of the Victorian WorkCover Authority

Occupational Health and Safety Act 2004**OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2017**

Notice of Grant of Major Hazard Facility Licence

On 19 November 2019 a licence to operate a Major Hazard Facility was granted in accordance with regulation 452 of the Occupational Health and Safety Regulations 2017 (the Regulations) to Freight Specialists Pty Ltd in respect of the facility registered under Part 6.2 of the Regulations, located at 1 Sunline Drive, Truganina, Victoria. The licence is effective from 20 January 2021 and expires on 1 December 2024.

The following conditions are attached to the licence:

No Conditions

COLIN RADFORD
Chief Executive

Delegate of the Victorian WorkCover Authority

Occupational Health and Safety Act 2004

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2017

Notice of Grant of Major Hazard Facility Licence

On 8 February 2019 a licence to operate a Major Hazard Facility was granted in accordance with regulation 452 of the Occupational Health and Safety Regulations 2017 (the Regulations) to Lattice Energy Limited in respect of the facility registered under Part 6.2 of the Regulations, located at BassGas Gas Plant, 5775 South Gippsland Highway, Lang Lang, Victoria. The licence is effective from 21 March 2019 and expires on 21 March 2024.

The following conditions are attached to the licence:

No Conditions

COLIN RADFORD

Chief Executive

Delegate of the Victorian WorkCover Authority

Occupational Health and Safety Act 2004

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2017

Notice of Grant of Major Hazard Facility Licence

On 8 August 2019 a licence to operate a Major Hazard Facility was granted in accordance with regulation 452 of the Occupational Health and Safety Regulations 2017 (the Regulations) to Lochard Energy (Iona Operations) Pty Ltd in respect of the facility registered under Part 6.2 of the Regulations, located at 285 Waarre Road, Port Campbell, Victoria. The licence is effective from 24 September 2019 and expires on 24 September 2024.

The following conditions are attached to the licence:

No Conditions

COLIN RADFORD

Chief Executive

Delegate of the Victorian WorkCover Authority

Occupational Health and Safety Act 2004

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2017

Notice of Grant of Major Hazard Facility Licence

On 27 October 2020 a licence to operate a Major Hazard Facility was granted in accordance with regulation 452 of the Occupational Health and Safety Regulations 2017 (the Regulations) to LyondellBasell Australia Pty Ltd in respect of the facility registered under Part 6.2 of the Regulations, located at Geelong Polypropylene Plant, Refinery Road, Corio, Victoria. The licence is effective from 19 November 2020 and expires on 28 November 2025.

The following conditions are attached to the licence:

No Conditions

COLIN RADFORD

Chief Executive

Delegate of the Victorian WorkCover Authority

Occupational Health and Safety Act 2004**OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2017****Notice of Grant of Major Hazard Facility Licence**

On 10 August 2020 a licence to operate a Major Hazard Facility was granted in accordance with regulation 452 of the Occupational Health and Safety Regulations 2017 (the Regulations) to Maxam Australia Pty Ltd in respect of the facility registered under Part 6.2 of the Regulations, located at Avenel Depot, 441 Upton Road, Avenel, Victoria. The licence is effective from 18 August 2020 and expires on 10 February 2022.

The following conditions are attached to the licence:

That by 23 September 2020, Maxam Australia Pty Ltd provides an updated action plan and the Regional Director and members of the leadership team present this plan to WorkSafe representatives. As a minimum, the plan shall contain the following information:

- outline of Maxam’s timeline/resourcing for improvements to its safety management system;
- outline a timeline and resourcing for improvements to its risk control measures;
- discussion of lessons learnt from its revised safety assessment methodology and how Maxam intends to incorporate this methodology into its SMS;
- discussion of the timeline and resourcing for preparing its next safety case submission, which is due by 10 August 2021;
- include any outstanding actions from version 5 of the assessment findings report, dated 6 August 2020.

COLIN RADFORD

Chief Executive

Delegate of the Victorian WorkCover Authority

Occupational Health and Safety Act 2004**OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2017****Notice of Grant of Major Hazard Facility Licence**

On 8 August 2019 a licence to operate a Major Hazard Facility was granted in accordance with regulation 452 of the Occupational Health and Safety Regulations 2017 (the Regulations) to Stolthaven Coode Island Pty Ltd in respect of the facility registered under Part 6.2 of the Regulations, located at 42–52 Mackenzie Road, West Melbourne, Victoria. The licence is effective from 17 September 2019 and expires on 17 September 2024.

The following conditions are attached to the licence:

1. That by 17 September 2020 and on the yearly anniversary of this date throughout the term of the licence, Stolthaven Coode Island Pty Ltd demonstrates in writing that:
 - (a) the results of its performance monitoring are being used to measure the effectiveness of the SMS; and
 - (b) steps are being taken to continually improve all aspects of the SMS in accordance with the results obtained.
2. That by 17 September 2020 and on the yearly anniversary of this date throughout the term of the Licence, Stolthaven Coode Island Pty Ltd demonstrates in writing that:
 - (a) the results of its performance monitoring are being used to measure the effectiveness of risk controls adopted at the facility; and
 - (b) corrective actions are being taken in respect of the failure of any risk control measures indicated by this performance monitoring.

COLIN RADFORD

Chief Executive

Delegate of the Victorian WorkCover Authority

Occupational Health and Safety Act 2004

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2017

Notice of Grant of Major Hazard Facility Licence

On 18 January 2019 a licence to operate a Major Hazard Facility was granted in accordance with regulation 452 of the Occupational Health and Safety Regulations 2017 (the Regulations) to Melbourne Water Corporation in respect of the facility registered under Part 6.2 of the Regulations, located at Silvan Water Treatment Plant, 120 Stonyford Road, Silvan, Victoria. The licence is effective from 20 February 2019 and expires on 19 February 2024.

The following conditions are attached to the licence:

No Conditions

COLIN RADFORD

Chief Executive

Delegate of the Victorian WorkCover Authority

Occupational Health and Safety Act 2004

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2017

Notice of Grant of Major Hazard Facility Licence

On 29 October 2020 a licence to operate a Major Hazard Facility was granted in accordance with regulation 452 of the Occupational Health and Safety Regulations 2017 (the Regulations) to Mobil Oil Australia Pty Ltd in respect of the facility registered under Part 6.2 of the Regulations, located at Melbourne Airport Joint User Hydrant Installation (JUHI), 3–27 Marker Road, Melbourne Airport, Victoria. The licence is effective from 4 December 2020 and expires on 3 December 2025.

The following conditions are attached to the licence:

No Conditions

COLIN RADFORD

Chief Executive

Delegate of the Victorian WorkCover Authority

Occupational Health and Safety Act 2004

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2017

Notice of Grant of Major Hazard Facility Licence

On 26 November 2020 a licence to operate a Major Hazard Facility was granted in accordance with regulation 452 of the Occupational Health and Safety Regulations 2017 (the Regulations) to Nufarm Australia Limited in respect of the facility registered under Part 6.2 of the Regulations, located at 103–105 Pipe Road, Laverton North, Victoria. The licence is effective from 5 January 2021 and expires on 5 January 2026.

The following conditions are attached to the licence:

No Conditions

COLIN RADFORD

Chief Executive

Delegate of the Victorian WorkCover Authority

Occupational Health and Safety Act 2004

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2017

Notice of Grant of Major Hazard Facility Licence

On 15 September 2021 a licence to operate a Major Hazard Facility was granted in accordance with regulation 452 of the Occupational Health and Safety Regulations 2017 (the Regulations) to Toll North Pty Ltd in respect of the facility registered under Part 6.2 of the Regulations, located at 180 Fitzgerald Road, Laverton North, Victoria. The licence is effective from 24 October 2021 and expires on 24 October 2026.

The following conditions are attached to the licence:

1. The chief executive officer and/or the most senior officer of Toll North Pty Ltd (Toll) that is resident in Victoria, must meet with the Major Hazard Facility Licence Delegate (Delegate) of the Victorian WorkCover Authority (WorkSafe), and provide a presentation that demonstrates to the satisfaction of the Delegate, that Toll is continuing to safely and competently operate the Major Hazard Facility (MHF) located at 180 Fitzgerald Road, Laverton North (Compliance Meeting). Examples of the matters that should be addressed by Toll in the Compliance Meeting, include email providing evidence that:
 - a. adequate process safety, operational, and technical support resources are allocated to the MHF;
 - b. performance reporting processes are providing Toll's Group Management with insight into the effectiveness of the MHF's Safety Management System (SMS) and risk control measures adopted;
 - c. performance monitoring and auditing of the MHF's control measures (to verify the effectiveness of the controls) is being used to improve control measure performance over time;
 - d. performance monitoring and auditing of the MHF's SMS (to verify the effectiveness of all aspects of the SMS) is being used to continually improve all aspects of the SMS.

The first Compliance Meeting must occur on or before 1 March 2022, with subsequent Compliance Meetings to be held every 6–12 months, on dates directed by the Delegate.

COLIN RADFORD

Chief Executive

Delegate of the Victorian WorkCover Authority

Occupational Health and Safety Act 2004

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2017

Notice of Grant of Major Hazard Facility Licence

On 13 May 2021 a licence to operate a Major Hazard Facility was granted in accordance with regulation 452 of the Occupational Health and Safety Regulations 2017 (the Regulations) to Nufarm Australia Limited in respect of the facility registered under Part 6.2 of the Regulations, located at 2–4 Thomas Road and 15–21 Raymond Road, Laverton North, Victoria. The licence is effective from 15 June 2021 and expires on 14 June 2026.

The following conditions are attached to the licence:

No Conditions

COLIN RADFORD

Chief Executive

Delegate of the Victorian WorkCover Authority

Occupational Health and Safety Act 2004

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2017

Notice of Grant of Major Hazard Facility Licence

On 15 January 2020 a licence to operate a Major Hazard Facility was granted in accordance with regulation 452 of the Occupational Health and Safety Regulations 2017 (the Regulations) to Elgas Limited in respect of the facility registered under Part 6.2 of the Regulations, located at 61 Radnor Drive, Deer Park, Victoria. The licence is effective from 28 January 2020 and expires on 21 February 2025.

The following conditions are attached to the licence:

No Conditions

COLIN RADFORD
Chief Executive
Delegate of the Victorian WorkCover Authority

Public Health and Wellbeing Act 2008

Section 165AI

**GUIDANCE FOR THE PANDEMIC COVID-19 MANDATORY VACCINATION
(GENERAL WORKERS) ORDER 2021 (No. 1)**

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 2021 (No. 1) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

**PANDEMIC COVID-19 MANDATORY VACCINATION
(GENERAL WORKERS) ORDER 2021 (No. 1)****TABLE OF PROVISIONS**

PART 1 – PRELIMINARY	2668
1. Objective.....	2668
2. Citation	2668
3. Authorising Provision.....	2668
4. Commencement and revocation	2668
5. Definitions	2668
6. Application of this Order.....	2668
PART 2 – VACCINATION REQUIREMENTS FOR GENERAL WORKERS	2668
7. Limits on work outside ordinary place of residence	2668
8. Disclosure to authorised officers.....	2669
PART 3 – GENERAL PROVISIONS.....	2669
9. Severability.....	2669
10. Transitional provisions	2669
PART 4 – PENALTIES	2669
11. Penalties.....	2669
SCHEDULE 1 – DEFINITIONS	2670
Division 1 – Key definitions.....	2670
1. Vaccination status	2670
2. Vaccination information	2670
3. Employers and workers	2670
Division 2 – Other definitions.....	2671

Public Health and Wellbeing Act 2008

Section 165AI

COVID-19 MANDATORY VACCINATION (GENERAL WORKERS) 2021 ORDER (No. 1)

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 2021 (No. 1)**.

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 15 December 2021 and ends at 11:59:00 pm on 12 January 2022.
- (2) The **COVID-19 Mandatory Vaccination (General Workers) Directions (No. 3)** are revoked at 11:59:00 pm on 15 December 2021.

5. Definitions

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

6. Application of this Order

This Order applies to the whole State of Victoria.

PART 2 – 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).

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).
- (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 (other than a revoked direction) to the **COVID-19 Mandatory Vaccination (General Workers) Directions (No. 3)** is taken on and after the revocation of the **COVID-19 Mandatory Vaccination (General Workers) Directions (No. 3)** to be a reference to this Order.
- (2) Any act, matter or thing that had effect under the **COVID-19 Mandatory Vaccination (General Workers) Directions (No. 3)** immediately before they were revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which the **COVID-19 Mandatory Vaccination (General Workers) Directions (No. 3)** were subject immediately before they were revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.
- (5) In this clause:
revoked direction means a direction that is:
 - (a) made by the Chief Health Officer or Acting Chief Health Officer under section 200(1) of the **Public Health and Wellbeing Act 2008**; and
 - (b) continued by section 165CJ of that Act as if it were a pandemic order in the same terms made under section 165AI(1); and
 - (c) revoked by a pandemic order.

PART 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;
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 paragraph (a).

2. Vaccination information

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

Note: vaccination information may be recorded in a variety of documents, such as a letter from a medical practitioner, a certificate of immunisation or an immunisation history statement obtained from the Australian Immunisation Register. 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 2021 (No. 1)** as amended or replaced from time to time;

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

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

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

medical practitioner means:

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

one dose COVID-19 vaccine means:

- (1) 'COVID-19 Vaccine Janssen' (Janssen-Cilag);

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

pandemic orders in force has the same meaning as in the **Pandemic (Movement and Gathering) Order 2021 (No. 1)** as amended or replaced from time to time;

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

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

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

Dated 15 December 2021

MARTIN FOLEY MP,
Minister for Health

GUIDANCE FOR THE PANDEMIC COVID-19 MANDATORY VACCINATION
(SPECIFIED FACILITIES) ORDER 2021 (No. 1)

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.

This Order requires operators of specified facilities to:

- (1) collect, record and hold 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; and
- (3) notify current and new workers that the operator is obliged to collect, record and hold vaccination information about the worker and to take reasonable steps to prevent a worker who is unvaccinated or partially vaccinated from entering or remaining on the premises of a specified facility for the purposes of work.

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 2021 (No. 1) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

**PANDEMIC COVID-19 MANDATORY VACCINATION
(SPECIFIED FACILITIES) ORDER 2021 (No. 1)****TABLE OF PROVISIONS**

PART 1 – PRELIMINARY	2675
1. Objective.....	2675
2. Citation.	2675
3. Authorising Provision.....	2675
4. Commencement and revocation	2675
5. Definitions	2675
6. Application of this Order.....	2675
PART 2 – OPERATOR OBLIGATIONS	2675
Division 1 – Operator must collect, record and hold vaccination information	2675
7. Vaccination information	2675
8. Timing.....	2675
9. Exception – fully vaccinated and excepted persons.....	2676
Division 2 – Operator must take reasonable steps to prevent entry of unvaccinated workers	2676
10. Prevention of entry to premises.....	2676
Division 3 – Operator to notify workers.....	2676
11. Authorisation to use vaccination information	2676
12. Disclosure to employer or contractor.....	2676
13. Notification to current workers	2676
14. Notification to new workers.....	2676
Division 4 – Exceptions and other operator obligations	2677
15. Exception – exceptional circumstances.....	2677
16. Additional obligation.....	2677
17. Disclosure to authorised officers.....	2677
PART 3 – GENERAL PROVISIONS	2677
18. Severability.....	2677
19. Transitional provisions	2677
PART 4 – PENALTIES.....	2678
20. Penalties.....	2678
SCHEDULE 1 – SPECIFIED FACILITIES	2679
SCHEDULE 2 – DEFINITIONS	2680
Division 1 – Key definitions	2680
1. Vaccination status	2680
2. Vaccination information	2680
3. Schedule 1 definitions	2680
Division 2 – Facility-specific definitions	2680
4. Residential aged care facilities	2680
5. Construction sites	2681
6. Healthcare facilities	2682
7. Education facilities	2683
Division 3 – Other definitions	2683
8. Other definitions.....	2683

Public Health and Wellbeing Act 2008

Section 165AI

**PANDEMIC COVID-19 MANDATORY VACCINATION
(SPECIFIED FACILITIES) ORDER 2021 (No. 1)**

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 2021 (No. 1)**.

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 15 December 2021 and ends at 11:59:00 pm on 12 January 2022.
- (2) The **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 13)** are revoked at 11:59:00 pm on 15 December 2021.

5. Definitions

In this Order:

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

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 vaccination information about the worker.

8. Timing

An operator must comply with the obligations in clause 7 as soon as reasonably practicable after the commencement of this Order.

9. Exception – fully vaccinated and excepted persons

Clause 7 does not apply in relation to a worker if the operator already holds information that the worker:

- (a) is fully vaccinated; or
- (b) will be an excepted person for the period beginning when this Order commences and ending when this Order ends.

Division 2 – Operator must take reasonable steps to prevent entry of unvaccinated workers**10. Prevention of entry to premises**

- (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 if the worker is unvaccinated or partially vaccinated.
- (2) For the purposes of clause 10(1), if an operator does not hold vaccination information about a worker, the operator must treat the worker as if the worker is unvaccinated.

Division 3 – Operator to notify workers**11. Authorisation to use vaccination information**

For the purposes of complying with clause 10, an operator is authorised to use any information about a worker that it holds under clause 7.

12. Disclosure to employer or contractor

If the operator is obliged to comply with clause 10(1) in relation to a worker and the operator is not:

- (a) the employer of the worker; or
- (b) the person who engaged the worker to work at the facility,

the operator is authorised to disclose to the employer or person who engaged the worker that the operator is obliged to comply with clause 10(1) in relation to the worker.

13. Notification to current workers

- (1) Unless an exception applies under this Order, subject to clause 13(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 vaccination information about the worker; and
 - (b) clause 10(1) obliges the operator to take all reasonable steps to ensure that a worker who is unvaccinated or partially vaccinated, does not enter, or remain on, the premises of a specified facility for the purposes of working at the facility.
- (2) Clause 13(1) does not apply to an operator in respect of a worker if the operator informed the worker of the matters specified in that subclause under a previous version of this Order or the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 13)** and its predecessors.

14. 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:

- (a) clause 7 obliges the operator to collect, record and hold vaccination information about the worker; and
- (b) clause 10(1) obliges the operator to take all reasonable steps to ensure that a worker who is unvaccinated or partially vaccinated, does not enter, or remain on, the premises of a specified facility for the purposes of working at the facility.

Division 4 – Exceptions and other operator obligations**15. 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.

16. Additional obligation

If the circumstances specified in clause 15(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.

17. 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.
- (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 (other than a revoked direction) to the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 13)** is taken on and after the revocation of the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 13)** to be a reference to this Order.

- (2) Any act matter or thing that had effect under the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 13)** immediately before they were revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 13)** were subject immediately before they were revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.
- (5) In this clause:
revoked direction means a direction that is:
 - (a) made by the Chief Health Officer or the Acting Chief Health Officer under section 200(1) of the **Public Health and Wellbeing Act 2008**; and
 - (b) continued by section 165CJ of that Act as if it were a pandemic order in the same terms made under section 165AI(1); and
 - (c) revoked by a pandemic order.

PART 4 – PENALTIES

20. Penalties

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

Failure to comply with pandemic order, direction or other requirement

- (1) A person commits an offence if the person refuses or fails to comply with a pandemic order, or with a direction given to the person, or a requirement made of the person, in the exercise of a pandemic management power.
 Penalty: In the case of a natural person, 60 penalty units;
 In the case of a body corporate, 300 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply.

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

SCHEDULE 1 – SPECIFIED FACILITIES

Specified facility (Column 1)	Operator (Column 2)	Worker (Column 3)	Facility- specific definitions
residential aged care facility	approved provider with responsibility for that residential aged care facility	residential aged care facility worker	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.	Clause 5 of Schedule 2
healthcare facility	healthcare operator	healthcare worker	Clause 6 of Schedule 2
education facility	education operator	education worker	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; or
 - (b) partially vaccinated; or
 - (c) unvaccinated; or
 - (d) excepted person.
- (2) A person is **fully vaccinated** if the person is a worker who has received one dose of a one dose COVID-19 vaccine or two doses of a two dose COVID-19 vaccine including two different types of two dose COVID-19 vaccines.
- (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.
- (4) A person is **unvaccinated** if the person has not received a dose of a COVID-19 vaccine and is not an excepted person.
- (5) A person is an **excepted person** if the person holds 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).
- (6) 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 paragraph (a).

2. Vaccination information

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

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

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

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

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 2021 (No. 1)** 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 2021 (No. 1)** as amended or replaced from time to time;

two dose COVID-19 vaccine means:

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

Dated 15 December 2021

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 2021 (No. 1)**

This order requires employers to not permit a worker to work outside their ordinary place of residence if they are unvaccinated or partially vaccinated in order to limit the spread of COVID-19 within the population of those workers. Specified workers are listed in Schedule 1.

This Order requires employers of specified workers to:

- (1) collect, record and hold vaccination information of workers;
- (2) not permit specific unvaccinated or partially vaccinated workers from working outside the worker's ordinary place of residence; and
- (3) 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 to work outside the worker's ordinary place of residence.

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 2021 (No. 1) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

**PANDEMIC COVID-19 MANDATORY VACCINATION
(SPECIFIED WORKERS) ORDER 2021 (No. 1)****TABLE OF PROVISIONS**

PART 1 – PRELIMINARY	2689
1. Objective.....	2689
2. Citation	2689
3. Authorising provision.....	2689
4. Commencement and revocation	2689
5. Definitions	2689
6. Application of this Order.....	2689
PART 2 – EMPLOYER OBLIGATIONS.....	2689
Division 1 – Employer must collect, record and hold vaccination information	2689
7. Vaccination information	2689
8. Timing.....	2689
9. Exception – fully vaccinated and excepted persons.....	2689
Division 2 – Employer must ensure unvaccinated workers do not work outside ordinary place of residence	2690
10. No work outside ordinary place of residence.....	2690
11. Exception – agricultural and forestry workers	2690
Division 3 – Employer to notify workers	2690
12. Authorisation to use vaccination information	2690
13. Notification to current workers	2690
14. Notification to new workers.....	2690
Division 4 – Exceptions and other employer obligations.....	2691
15. Exception – exceptional circumstances.....	2691
16. Disclosure to authorised officers.....	2691
PART 3 – GENERAL PROVISIONS.....	2691
17. Severability.....	2691
18. Transitional provisions	2691
PART 4 – PENALTIES	2692
19. Penalties.....	2692
SCHEDULE 1 –WORKERS.....	2693
SCHEDULE 2 – DEFINITIONS	2694
Division 1 – Key definitions.....	2694
1. Vaccination status.....	2694
2. Vaccination information	2694
3. Employers and workers.....	2694
Division 2 – Worker-specific definitions.....	2695
4. Accommodation worker	2695
5. Agricultural and forestry worker.....	2695
6. Airport worker.....	2695

7.	Ancillary, support and welfare worker	2695
8.	Authorised officer	2696
9.	Care worker	2696
10.	Community worker	2697
11.	Creative arts worker	2697
12.	Custodial worker	2697
13.	Disability worker	2698
14.	Emergency service worker	2698
15.	Entertainment and function worker	2698
16.	Funeral worker	2698
17.	Higher education worker	2698
18.	Justice worker	2699
19.	Manufacturing worker	2699
20.	Marriage celebrant	2699
21.	Meat and seafood processing worker	2699
22.	Media and film production worker	2699
23.	Mining worker	2700
24.	Physical recreation worker	2700
25.	Port or freight worker	2700
26.	Professional sports, high-performance sports, or racing person	2700
27.	Professional services worker	2701
28.	Public sector worker	2701
29.	Real estate worker	2701
30.	Religious worker	2701
31.	Repair and maintenance worker	2702
32.	Retail worker	2702
33.	Science and technology worker	2703
34.	Social and community service worker	2703
35.	Transport worker	2704
36.	Utility and urban worker	2704
37.	Veterinary and pet/animal care worker	2704
	Division 3 – Other definitions	2704

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC COVID-19 MANDATORY VACCINATION**(SPECIFIED WORKERS) ORDER 2021 (No. 1)**

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 2021 (No. 1)**.

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 15 December 2021 and ends at 11:59:00 pm on 12 January 2022.
- (2) The **COVID-19 Mandatory Vaccination (Workers) Directions (No. 8)** are revoked at 11:59:00 pm on 15 December 2021.

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**

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 vaccination information about the worker.

8. Timing

An employer must comply with the obligations in clause 7 as soon as reasonably practicable after the commencement of this Order.

9. Exception – fully vaccinated and excepted persons

Clause 7 does not apply in relation to a worker if the employer already holds vaccination 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.

Division 2 – Employer must ensure unvaccinated workers do not work outside ordinary place of residence**10. No work outside ordinary place of residence**

- (1) An employer of a worker must not permit a worker to work for that employer outside the worker's ordinary place of residence if that worker is unvaccinated or partially vaccinated.
- (2) For the purposes of subclause 10(1), if an employer does not hold vaccination information about 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 that worker:

- (a) is unvaccinated or partially vaccinated; and
- (b) is employed or engaged by the employer through the Pacific Australia Labour Mobility scheme; and
- (c) 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.

Division 3 – Employer to notify workers**12. Authorisation to use vaccination information**

For the purposes of complying with this clause, an employer is authorised to use any information about a worker that it holds under clause 7.

13. 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 vaccination information about the worker; and
 - (b) clause 10(1) obliges the employer not to permit a worker who is unvaccinated or partially vaccinated to work for that employer outside the worker's ordinary place of residence unless an exception applies under this Order.
- (2) Subclause (1) does not apply if the employer has previously notified the worker of the matters specified in that subclause under a previous version of this Order or the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 8)** and its predecessors.

14. 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 vaccination information about the worker; and
- (b) clause 10(1) obliges the employer not to permit a worker who is unvaccinated or partially vaccinated to work for that employer outside the worker's ordinary place of residence.

Division 4 – Exceptions and other employer obligations**15. Exception – exceptional circumstances**

- (1) An employer of a worker is not required to comply with Division 1 or 2 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.

16. 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.
- (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**17. 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.

18. Transitional provisions

- (1) A reference in any pandemic order in force (other than a revoked direction) to the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 8)** is taken on and after the revocation of the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 8)** to be a reference to this Order.
- (2) Any act matter or thing that had effect under the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 8)** immediately before they were revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 8)** were subject immediately before they were revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.

- (5) In this clause:
revoked direction means a direction that is:
- (a) made by the Chief Health Officer or Acting Chief Health Officer under section 200(1) of the **Public Health and Wellbeing Act 2008**; and
 - (a) continued by section 165CJ of that Act as if it were a pandemic order in the same terms made under section 165AI(1); and
 - (b) revoked by a pandemic order.

PART 4 – PENALTIES

19. Penalties

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

Failure to comply with pandemic order, direction or other requirement

- (1) A person commits an offence if the person refuses or fails to comply with a pandemic order, or with a direction given to the person, or a requirement made of the person, in the exercise of a pandemic management power.
- Penalty: In the case of a natural person, 60 penalty units;
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)	Worker-specific definitions
1.	accommodation worker	Schedule 2, Division 2, Clause 4
2.	agricultural and forestry worker	Schedule 2, Division 2, Clause 5
3.	airport worker	Schedule 2, Division 2, Clause 6
4.	ancillary, support and welfare worker	Schedule 2, Division 2, Clause 7
5.	authorised officer	Schedule 2, Division 2, Clause 8
6.	care worker	Schedule 2, Division 2, Clause 9
7.	community worker	Schedule 2, Division 2, Clause 10
8.	creative arts worker	Schedule 2, Division 2, Clause 11
9.	custodial worker	Schedule 2, Division 2, Clause 12
10.	disability worker	Schedule 2, Division 2, Clause 13
11.	emergency service worker	Schedule 2, Division 2, Clause 14
12.	entertainment and function worker	Schedule 2, Division 2, Clause 15
13.	funeral worker	Schedule 2, Division 2, Clause 16
14.	higher education worker	Schedule 2, Division 2, Clause 17
15.	justice worker	Schedule 2, Division 2, Clause 18
16.	manufacturing worker	Schedule 2, Division 2, Clause 19
17.	marriage celebrant	Schedule 2, Division 2, Clause 20
18.	meat and seafood processing worker	Schedule 2, Division 2, Clause 21
19.	media and film production worker	Schedule 2, Division 2, Clause 22
20.	mining worker	Schedule 2, Division 2, Clause 23
21.	physical recreation worker	Schedule 2, Division 2, Clause 24
22.	port or freight worker	Schedule 2, Division 2, Clause 25
23.	professional sports, high-performance sports or racing person	Schedule 2, Division 2, Clause 26
24.	professional services worker	Schedule 2, Division 2, Clause 27
25.	public sector worker	Schedule 2, Division 2, Clause 28
26.	real estate worker	Schedule 2, Division 2, Clause 29
27.	religious worker	Schedule 2, Division 2, Clause 30
28.	repair and maintenance worker	Schedule 2, Division 2, Clause 31
29.	retail worker	Schedule 2, Division 2, Clause 32
30.	science and technology worker	Schedule 2, Division 2, Clause 33
31.	social and community service worker	Schedule 2, Division 2, Clause 34
32.	transport worker	Schedule 2, Division 2, Clause 35
33.	utility and urban worker	Schedule 2, Division 2, Clause 36
34.	veterinary and pet/animal care worker	Schedule 2, Division 2, Clause 37

SCHEDULE 2 – DEFINITIONS

Division 1 – Key definitions

1. Vaccination status

- (1) A person's **vaccination status** is one of the following:
 - (a) fully vaccinated; or
 - (b) partially vaccinated; or
 - (c) unvaccinated; or
 - (d) excepted person.
- (2) A person is **fully vaccinated** if the person is a worker who has received one dose of a one dose COVID-19 vaccine or two doses of a two dose COVID-19 vaccine including two different types of two dose COVID-19 vaccines.
- (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.
- (4) A person is **unvaccinated** if the person has not received a dose of a COVID-19 vaccine and is not an excepted person.
- (5) A person is an **excepted person** if the person holds 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).
- (6) An **acceptable certification** for the purpose of subclause (5) 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 subclause (a).

2. Vaccination information

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

Note: vaccination information may be recorded in a variety of documents, such as a letter from a medical practitioner, a certificate of immunisation or an immunisation history statement obtained from the Australian Immunisation Register. 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 a:
 - (i) prison;
 - (ii) remand centre;
 - (iii) youth residential centre;
 - (iv) 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 **Serious Offenders Act 2018**, and includes the Maribyrnong Community Residential Facility;
- (5) **residential treatment facility** has the same meaning as **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 34 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. Funeral worker

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

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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**.

26. 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.

27. 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.

28. 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.

29. 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.

30. 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**.

31. **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.

32. **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**.

33. 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.

34. 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.

35. 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**.

36. 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 car parks for the purposes of supporting workers.

37. 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;

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) 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 2021 (No. 1)** 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;

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

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

Dated 15 December 2021

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

Section 165AI

GUIDANCE FOR THE

PANDEMIC (MOVEMENT AND GATHERING) ORDER 2021 (No. 1)

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

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

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

- (1) in specified indoor spaces such as retail premises (excluding restricted retail premises) or education premises; and
- (2) in airports or on an aircraft.

Failure to comply with this Order may result in penalties.

This guidance does not form part of the Pandemic (Movement and Gathering) Order 2021 (No. 1) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (MOVEMENT AND GATHERING) ORDER 2021 (No. 1)

TABLE OF PROVISIONS

PART 1 – PRELIMINARY	2709
1 Objective.....	2709
2 Citation	2709
3 Authorising provisions	2709
4 Commencement and revocation	2709
5 Definitions	2709
6 Application of Order	2709
PART 2 – WORK AND FACE COVERING REQUIREMENTS FOR INDIVIDUALS.....	2709
7 Work	2709
8 Face covering requirements.....	2709
9 Face covering requirements in airports and on aircraft	2711
PART 3 – CEREMONIES	2712
10 Worker requirements	2712
PART 4 – OTHER PROVISIONS	2713
11 Relationship with other Orders	2713
12 Severability.....	2713
13 Transitional provisions	2713
PART 5 – PENALTIES	2714
14 Penalties.....	2714
SCHEDULE 1 – DEFINITIONS	2715

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (MOVEMENT AND GATHERING) ORDER 2021 (No. 1)

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

PART 1 – PRELIMINARY**1 Objective**

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

2 Citation

This Order may be referred to as the **Pandemic (Movement and Gathering) Order 2021 (No. 1)**.

3 Authorising provisions

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

4 Commencement and revocation

- (1) This Order commences at 11:59:00 pm on 15 December 2021 and ends at 11:59:00 pm on 12 January 2022.
- (2) The **Stay Safe Directions (Victoria) (No. 30)** are revoked at 11:59:00 pm on 15 December 2021.

5 Definitions

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

6 Application of Order

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

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

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

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

8 Face covering requirements

- (1) A person must:
 - (a) carry a face covering at all times, except where subclause 8(2)(a), (2)(b), (2)(c), (2)(d) or (2)(e) applies; and
 - (b) wear a face covering:
 - (i) while in an indoor space at an education premises that is a primary school (including an outside school hours care service at a primary school) if:
 - (A) the person is a worker; or
 - (B) the person is a student in Year 3 or above, up to and including Year 6; or

- (C) the person is a visitor at the education premises and aged 12 years or above; and
 - (ii) while in an indoor space at a prison, remand centre, youth residential centre or youth justice centre if the person is a worker; and
 - (iii) while in an indoor space that is a publicly accessible area of a retail premises, excluding a restricted retail premises; and
 - (iv) while in an indoor space that is a publicly accessible area of a food and drink premises (including a food court) if the person is a worker working at the food and drink premises; and
 - (v) while in an indoor space at a court that is:
 - (A) a publicly accessible area of a court; or
 - (B) a facility used for jury trials in a court; and
 - (vi) while in an indoor space that is a publicly accessible area of a healthcare premises; and
 - (vii) while visiting a hospital; and
 - (viii) while visiting a care facility; and
 - (ix) while on public transport or in a commercial passenger vehicle or in a vehicle being operated by a licensed tourism operator; and
 - (x) if the person is a diagnosed person or close contact and is leaving the premises in accordance with the **Quarantine, Isolation and Testing Order**; and
 - (xi) if the person has been tested for COVID-19 and is awaiting the results of that test, except where that test was taken as part of a surveillance or other asymptomatic testing program; and
- Note: the **Additional Industry Obligations Order** sets out the surveillance testing requirements for relevant industries and workers.*
- (c) wear a face covering where required to do so in accordance with any other pandemic orders in force.

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

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

- (2) Subclauses 8(1)(b) and (1)(c) do not apply if a person complies with any other requirements under any other pandemic orders in force and:
 - (a) the person is an infant or a child under the age of 12 years except where subclause 8(1)(b)(i) applies; or
 - (b) the person is a prisoner in a prison (either in their cell or common areas), subject to any policies of that prison; or
 - (c) the person is detained in a remand centre, youth residential centre or youth justice centre (either in their room or common areas), subject to any policies of that centre; or
 - (d) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or

Examples: persons who have obstructed breathing, a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.

 - (e) it is not practicable for the person to comply with subclauses 8(1)(b) or (1)(c) because the person is escaping harm or the risk of harm, including harm relating to family violence or violence of another person; or

- (f) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (g) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
- (h) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or
Examples: teaching, lecturing, broadcasting.
- (i) the person is working by themselves in an enclosed indoor space (unless and until another person enters that indoor space); or
Example: a person working by themselves in a classroom at an education premises after hours.
- (j) the person is attending a ceremonial space; or
- (k) the person is a professional sportsperson when training or competing; or
- (l) the person is engaged in any strenuous physical exercise; or
Examples: jogging, running, swimming, cycling.
- (m) the person is riding a bicycle or motorcycle; or
- (n) the person is consuming:
 - (i) medicine; or
 - (ii) food or drink; or
- (o) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (p) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (q) the person is receiving a service and it is not reasonably practicable to receive that service wearing a face covering; or
- (r) the person is providing a service and it is not reasonably practicable to provide that service wearing a face covering; or
- (s) the person is an accused person in a criminal case in any court located in the State of Victoria and the person is in the dock either alone or with a co-accused, provided that any co-accused also present in the dock is at least 1.5 metres away from the person; or
- (t) the person is asked to remove the face covering to ascertain identity; or
Example: a person may be asked by police, security, bank or post office staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.
- (u) for emergency purposes; or
- (v) when required or authorised by law; or
- (w) when doing so is not safe in all the circumstances.

9 Face covering requirements in airports and on aircraft

- (1) Without limiting clause 8(1)(b), a person in the State of Victoria at an airport or travelling in an aircraft must:
 - (a) carry a face covering at all times, except where subclause (2)(a) or 9(2)(b) applies; and
 - (b) wear a face covering while in an indoor space at an airport (and at all times while inside an aircraft); and
 - (c) wear a face covering where required to do so in accordance with any other pandemic orders in force.

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

- (2) Subclauses (1)(b) and 9(1)(c) do not apply if a person complies with any other requirements under any other pandemic orders in force and:
- (a) the person is an infant or a child under the age of 12 years; or
 - (b) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or
Examples: persons who have obstructed breathing, a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.
 - (c) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
 - (d) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
 - (e) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or
Examples: teaching, lecturing, broadcasting.
 - (f) the person is consuming food, drink or medicine; or
 - (g) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
 - (h) the person is receiving a service and it is not reasonably practicable to receive that service wearing a face covering; or
 - (i) the person is providing a service and it is not reasonably practicable to provide that service wearing a face covering; or
 - (j) the person is asked to remove the face covering to ascertain identity; or
Examples: a person may be asked by police, security, or airport staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.
 - (k) for emergency purposes; or
 - (l) when required or authorised by law; or
 - (m) when doing so is not safe in all the circumstances.
- (3) An authorised officer may require a person to attest in writing that they have complied with the requirements of subclause (1) to wear a face covering on an aircraft (subject to subclause (2)).

PART 3 – CEREMONIES

10 Worker requirements

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

- (4) If an organiser is the employer of a fully vaccinated person or an excepted person who works at the premises:
- (a) the organiser is deemed to have complied with subclause (2) if they hold vaccination information about the person under:
- (i) the **COVID-19 Mandatory Vaccination (Specified Workers) Order**;
or
- (ii) the **COVID-19 Mandatory Vaccination (Specified Facilities) Order**;
or
- (iii) the **COVID-19 Mandatory Vaccination (General Workers) Order**;
or
- (iv) the **Open Premises Order**; and
- (b) the organiser is authorised to use that information for the purposes of complying with subclause (1).

PART 4 – OTHER PROVISIONS

11 Relationship with other Orders

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

12 Severability

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

13 Transitional provisions

- (1) A reference in any pandemic order in force (other than a revoked direction) to the **Stay Safe Directions (Victoria) (No. 30)** is taken on and after the revocation of the **Stay Safe Directions (Victoria) (No. 30)** to be a reference to this Order.
- (2) Any act matter or thing that had effect under the **Stay Safe Directions (Victoria) (No. 30)** immediately before they were revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which the **Stay Safe Directions (Victoria) (No. 30)** were subject immediately before they were revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.
- (5) In this clause:

revoked direction means a direction that is:

- (a) made by the Chief Health Officer or Acting Chief Health Officer under section 200(1) of the **Public Health and Wellbeing Act 2008**; and

- (b) continued by section 165CJ of that Act as if it were a pandemic order in the same terms made under section 165AI(1); and
- (c) revoked by a pandemic order.

PART 5 – PENALTIES

14 Penalties

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

Failure to comply with pandemic order, direction or other requirement

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

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

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

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

SCHEDULE 1 – DEFINITIONS

For the purposes of this Order:

Additional Industry Obligations Order means the **Pandemic (Additional Industry Obligations) Order 2021 (No. 1)** as amended or replaced from time to time;

aircraft means an aircraft that is mainly used for the purpose of, or is engaged, or is intended or likely to be engaged, in a flight wholly within Australia;

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

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

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

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

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

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

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

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

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

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

Detention Notice means a notice given to a person requiring the person to be detained for a specified period under the **Public Health and Wellbeing Act 2008**;

education premises means:

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

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

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

face covering means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection (but does not include a face shield);

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

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

healthcare premises means:

- (a) a community health centre, including mental health, child and maternity, and drug and alcohol counselling services centres; or
- (b) a general practice; or

- (c) a COVID-19 related healthcare site, including testing sites, vaccination centres and hotel quarantine premises; or
- (d) a dental surgery and dental practice; or
- (e) a health clinic, including medical specialist and/or allied health professional operated clinics; or
- (f) a diagnostic and medical imaging centre; or
- (g) a premises at which mobile health services are provided; or
- (h) a premises at which blood donation services are provided;

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

indoor space means an area, room or premises that is or are substantially enclosed by a roof and walls that are permanent structures rising either from floor to ceiling or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are open or closed;

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

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

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

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

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

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

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

premises means:

- (a) a building, or part of a building; and
- (b) any land on which the building is located, other than land that is available for communal use;

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

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

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

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

Quarantine, Isolation and Testing Order means the **Pandemic (Quarantine, Isolation and Testing) Order 2021 (No. 1)** as amended or replaced from time to time;

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

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

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

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

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

Victorian Border Crossing Order means the **Pandemic (Victorian Border Crossing) Order 2021 (No. 1)** as amended or replaced from time to time;

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

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

worker means any person engaged or employed by either:

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

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

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

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

Dated 15 December 2021

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

Section 165AI

GUIDANCE FOR THE PANDEMIC (OPEN PREMISES) ORDER 2021 (No. 1)

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

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

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

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

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

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

This guidance does not form part of the Pandemic (Open Premises) Order 2021 (No. 1) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (OPEN PREMISES) ORDER 2021 (No. 1)**TABLE OF PROVISIONS**

PART 1 – PRELIMINARY	2721
1 Objective.....	2721
2 Citation	2721
3 Authorising Provision.....	2721
4 Commencement and revocation	2721
5 Definitions	2721
6 Application of this Order.....	2721
PART 2 – OPEN PREMISES – VACCINATION REQUIREMENTS	2721
Division 1 – Operator requirements.....	2721
7 Open premises	2721
8 Maintenance of system.....	2721
9 Exclusion of persons	2722
Division 2 – Patron requirements	2722
10 Patrons must use system.....	2722
11 No entry unless fully vaccinated or an excepted person.....	2722
Division 3 – Worker requirements.....	2722
12 Workers must be fully vaccinated	2722
13 Information held under COVID-19 Mandatory Vaccination Orders	2723
14 Disclosure to employer or contractor.....	2723
15 Exceptional circumstances	2723
16 Patron limits.....	2723
PART 3 – OTHER REQUIREMENTS AND EXCEPTIONS FOR OPEN PREMISES	2724
17 COVID Check-in Marshal for check-in.....	2724
18 Access to bathrooms.....	2724
19 Severe weather.....	2724
20 Education and childcare services	2724
21 Public Event Framework	2724
22 Emergency use and operations	2725
PART 4 – ADDITIONAL REQUIREMENTS AND EXCEPTIONS FOR SPECIFIC PREMISES	2725
23 Adult education or higher education premises.....	2725
24 Community premises.....	2725
25 Drive-in cinemas	2726
26 Entertainment and function premises.....	2726
27 Food and drink premises	2726
28 Physical recreation premises	2727
29 Restricted retail premises	2728
30 Tours and transport.....	2728

PART 5 – MISCELLANEOUS.....	2728
31 Disclosure to Authorised Officers	2728
32 Severability.....	2728
33 Transitional provisions	2728
PART 6 – PENALTIES	2729
34 Penalties.....	2729
SCHEDULE 1 – OPEN PREMISES	2730
SCHEDULE 2 – DEFINITIONS	2732
Division 1 – Key Definitions	2732
1 Patrons, operators and workers	2732
2 Types of premises	2733
3 Indoor and outdoor spaces.....	2733
4 Vaccination status	2733
5 Vaccination information and acceptable evidence	2734
6 Public events.....	2735
Division 2 – Premises-specific definitions.....	2735
7 Accommodation premises	2735
8 Adult education or higher education premises.....	2736
9 Community premises.....	2736
10 Creative arts premises	2736
11 Entertainment and function premises.....	2737
12 Food and drink premises	2738
13 Gaming machine premises	2738
14 Physical recreation premises	2739
15 Restricted retail premises	2739
16 Tours and tourism	2740
Division 3 – Other definitions.....	2740
17 Other definitions	2740

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (OPEN PREMISES) ORDER 2021 (No. 1)

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 2021 (No. 1)**.

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 15 December 2021 and ends at 11:59:00 pm on 12 January 2022.
- (2) The **Open Premises Directions (No. 7)** are revoked at 11:59:00 pm on 15 December 2021.

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, 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 18 years of age or above; or
 - (b) an excepted person.

- (2) The operator must collect, record and hold vaccination information about each fully vaccinated person and each excepted person 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 person who works at the premises:

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

14 Disclosure to employer or contractor

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

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

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

15 Exceptional circumstances

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

16 Patron limits

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

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

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

PART 3 – OTHER REQUIREMENTS AND EXCEPTIONS FOR OPEN PREMISES

Division 1 – Other requirements

17 COVID Check-in Marshal for check-in

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

Division 2 – Exceptions

18 Access to bathrooms

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

19 Severe weather

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

20 Education and childcare services

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

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

21 Public Event Framework

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

22 Emergency use and operations

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

PART 4 – ADDITIONAL REQUIREMENTS AND EXCEPTIONS FOR SPECIFIC PREMISES

23 Adult education or higher education premises

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

24 Community premises

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

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

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

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

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

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

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

- (5) If an indoor space or an outdoor space at a community premises is being operated only for the purpose of:
 - (a) providing access to essential local government services; or
Examples: to pay council levy rates and charges, to register a pet, to obtain a permit or to view a planning scheme.
 - (b) conducting an essential local council meeting where attendance of patrons through remote electronic means is not reasonably practicable, the obligations in Part 2 and clause 17 do not apply in relation to that indoor space or outdoor space.

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

25 Drive-in cinemas

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

26 Entertainment and function premises

The operator of an entertainment and function premises which operates primarily in outdoor spaces must publish a COVID Safe event plan.

27 Food and drink premises

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

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

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

(ii) an excepted person;

at an entrance to the premises or at the first point of service.

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

28 Physical recreation premises

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

29 Restricted retail premises

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

- (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; and
- (b) the total area of all indoor spaces and outdoor spaces accessible to patrons at the premises does not exceed 100 square metres.

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

30 Tours and transport

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

PART 5 – MISCELLANEOUS**31 Disclosure to Authorised Officers**

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

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

32 Severability

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

33 Transitional provisions

- (1) A reference in any pandemic order in force (other than a revoked direction) to the **Open Premises Directions (No. 7)** is taken on and after the revocation of the **Open Premises Directions (No. 7)** to be a reference to this Order.
- (2) Any act matter or thing that had effect under the **Open Premises Directions (No. 7)** immediately before they were revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which the **Open Premises Directions (No. 7)** were subject immediately before they were revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.
- (5) In this clause:

revoked direction means a direction that is:

- (1) made by the Chief Health Officer or Acting Chief Health Officer under section 200(1) of the **Public Health and Wellbeing Act 2008**; and
 - (a) continued by section 165CJ of that Act as if it were a pandemic order in the same terms made under section 165AI(1); and
 - (b) revoked by a pandemic order.

PART 6 – PENALTIES**34 Penalties**

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

Failure to comply with pandemic order, direction or other requirement

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

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

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

- (2) A person is not guilty of an offence against 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 23	Clause 8 Schedule 2
2.	amusement parks	No limits	No limits	Not applicable	Not applicable
3.	arcades, escape rooms, bingo centres	No limits	No limits	Not applicable	Not applicable
4.	casino	No limits	No limits	Not applicable	Not applicable
5.	community premises	No limits	No limits	Clause 24	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 25	Not applicable
8.	entertainment and function premises that are not specified elsewhere in this Column 1	30,000	No limits	Clause 26	Clause 11 Schedule 2
9.	food and drink premises	No limits	No limits	Clause 27	Clause 12 Schedule 2
10.	gaming machine premises	No limits	No limits	Not applicable	Clause 13 Schedule 2
11.	karaoke and nightclubs	No limits	No limits	Not applicable	Clause 11 Schedule 2
12.	physical recreation premises	No limits	No limits	Clause 28	Clause 14 Schedule 2
13.	restricted retail premises	No limits	No limits	Clause 29	Clause 15 Schedule 2
14.	sex on premises, brothels and sexually explicit venues	No limits	No limits	Not applicable	Clause 11 Schedule 2

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

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

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

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

2 Types of premises

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

3 Indoor and outdoor spaces

- (1) For the purpose of this Order:
 - (a) **density quotient (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.
 - (b) **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;
 - (c) **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; or
 - (c) excepted person.
- (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.
- (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) An **acceptable certification** is:
- (a) a COVID-19 digital certificate issued by Services Australia and displayed through the Medicare App, Service Victoria App or equivalent smartphone wallet that states that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia; or
 - (b) a printed version of the COVID-19 digital certificate referred to in paragraph (a).

5 Vaccination information and acceptable evidence

- (1) For the purposes of this Order:
- (a) **acceptable evidence** means:
 - (i) in relation to a person who is fully vaccinated and ordinarily resides in Australia:
 - (A) successful completion of a Service Victoria QR check-in that includes confirmation that the person is fully vaccinated displayed through the Service Victoria App; or
 - (B) a COVID-19 digital certificate displayed through the Medicare App, the Service Victoria App or equivalent smartphone wallet; or
 - (C) a printed version of the COVID-19 digital certificate or immunisation history statement issued by the vaccination provider, a medical practitioner or the Australian Immunisation Register; or
 - (D) in relation to an excepted person, an acceptable certification;
 - (ii) in relation to a person who is fully vaccinated and ordinarily resides outside Australia:
 - (A) a copy of the evidence that has been sighted by the Commonwealth Government as proof of vaccination for the purposes of entry to Australia consisting of either the Australian Traveller Declaration or the COVID-19 Vaccination and Testing Declaration for travel to Australia; and
 - (B) a copy of a paper or digital certificate issued by an overseas government authority or an accredited overseas government vaccination provider that shows the person is fully vaccinated with a vaccine approved or recognised by the Therapeutic Goods Administration, is written in English or accompanied by a certified translation, and contains:
 - (1) the person's name as it appears in their passport;
 - (2) the person's date of birth or passport number;
 - (3) the vaccine brand name, and
 - (4) the date of each dose or the date on which a full course of immunisation was completed; or
 - (C) an Australian International COVID-19 Vaccination Certificate; and
 - (b) **vaccination information** is information about a person's vaccination status and includes information that is derived from a record of information that was made under, or in accordance with, the **Australian Immunisation Register Act 2015** of the Commonwealth.

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

6 Public events

(1) For the purpose of this Order:

(a) **eligible public event** means an organised public gathering for a common purpose on a for profit or not-for-profit basis which is:

(i) an event (or a series of events):

(A) conducted on a one-off or periodic basis; and

(B) open to members of the public; and

(C) which may be subject to specific licences, approvals or permits; and

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

(D) publicly announced or advertised; and

(E) which may be in a premises, venue, indoor space or outdoor space where such an event (or a series of events) forms part of the routine operations, use, activities or services of the premises, venue, indoor space or outdoor space; or

(ii) an event (or series of events) deemed by the Victorian Government to be a major event (or a series of events) or venue which wishes to hold 30,000 attendees or more,

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

but does not mean:

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

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

(v) a private gathering; or

(vi) a wedding, funeral or end of life activity; or

(vii) a routine religious gathering or ceremony,

to which this Order and the **Movement and Gathering Order** otherwise continue to apply; and

(b) **exempt public event** means an eligible public event which, subject to the process described in the Public Event Framework, the Chief Health Officer or Deputy Chief Health Officer has exempted from a requirement in a pandemic order in force in accordance with clause 21; and

(c) **Public Event Framework** means the Public Event Framework as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer.

Division 2 – Premises-specific definitions

7 Accommodation premises

(1) For the purposes of this Order:

(a) **accommodation premises** means any of the following:

(i) a camping ground;

(ii) a caravan park;

(iii) a hotel;

(iv) a hostel;

- (v) a bed and breakfast;
- (vi) a private holiday rental facility, including Airbnbs;
- (vii) a motel;
- (viii) a serviced apartment; or
- (ix) a **licensed premises** to the extent that it is operated as a **premises** specified in paragraphs (i) to (viii).

8 Adult education or higher education premises

- (1) For the purposes of this Order:
- (a) **adult education or higher education premises** means a premises that operates for the purpose of providing higher education services; and
 - (b) **higher education services** means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, and other post-compulsory education or training.

9 Community premises

- (1) For the purposes of this Order:
- (a) **community premises** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (i) a community centre or community hall;
 - (ii) a public library (including a toy library, but not the State Library);
 - (iii) a youth centre;
 - (iv) a playground;
 - (v) a skatepark in an outdoor space; or
 - (vi) a premises that has outdoor communal exercise equipment, but does not include:
 - (vii) a creative arts premises;
 - (viii) a physical recreation premises; or
 - (ix) a premises that has a swimming pool, hydrotherapy pool, spa, sauna, steam room or spring; and
 - (b) **early childhood education or care services** means onsite early childhood education and care services or children's services provided under the:
 - (i) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs; or
 - (ii) **Education and Care Services National Law Act 2010** and the **Education and Care Services National Regulations 2011** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services.

10 Creative arts premises

- (1) For the purposes of this Order:
- (a) **creative arts premises** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (i) an art studio;
 - (ii) a ceramics studio;

- (iii) a music room or studio;
- (iv) a rehearsal room or studio;
- (v) any other premises that is used for creative art,
but does not include:
 - (vi) a physical recreation premises;
 - (vii) a community premises; or
 - (viii) a place of worship; and

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

11 **Entertainment and function premises**

(1) For the purposes of this Order:

(a) **animal premises** means any of the following:

- (i) a zoological park;
- (ii) a wildlife centre;
- (iii) a petting zoo;
- (iv) an aquarium;
- (v) an animal farm that is not being operated for the purpose of producing food; and

(b) **entertainment and function premises** means any of the following, whether operated on a for profit or not-for-profit basis:

- (i) a theatre;
- (ii) a cinema;
- (iii) a music hall, concert hall or auditorium;
- (iv) a gallery or a museum;
- (v) the State Library;
- (vi) an arena or stadium;
- (vii) an arcade;
- (viii) an amusement park;
- (ix) a gaming machine premises;
- (x) a brothel, sex on premises venue or sexually explicit entertainment venue;
- (xi) a bingo centre;
- (xii) a karaoke premises;
- (xiii) a nightclub;
- (xiv) an animal premises;
- (xv) a function premises;
- (xvi) a convention centre;
- (xvii) a licensed premises to the extent that it is operated as a premises specified in subparagraphs (i) to (xvi);
- (xviii) a premises specified in subparagraphs (i) to (xvii) that is located within an accommodation premises; and

(c) **function premises** means a building, room or space that is used for the purpose of holding events, functions, conferences or receptions; and

(d) **National Performing Arts Company** means an organisation funded through the National Performing Arts Partnership Framework; and

- (e) **nightclub** means a premises:
 - (i) to which a late night licence applies; and
 - (ii) with a dancefloor; and
- (f) **State Library** means the State Library Victoria; and
- (g) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

12 Food and drink premises

- (1) For the purposes of this Order:
 - (a) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
 - (b) **food court** has the same meaning as in the **Liquor Control Reform Act 1998**; and
 - (c) **food and drink premises** means:
 - (i) a cafe;
 - (ii) a restaurant;
 - (iii) a fast-food store;
 - (iv) a cafeteria;
 - (v) a canteen;
 - (vi) a winery;
 - (vii) a food court;
 - (viii) a **licensed premises** to the extent it operates as a premises specified in subparagraphs (i) to (viii);
 - (ix) a premises specified in subparagraphs (i) to (viii) that is located within an accommodation premises; and
 - (d) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
 - (e) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
 - (f) **licensed premises** means a business characterised as a pub, bar, club, nightclub or hotel that supplies alcohol under a general licence, an on-premises licence, a late night licence, a producer's licence, a club licence or a packaged liquor licence; and
 - (g) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
 - (h) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
 - (i) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
 - (j) **small food and drink premises** means a food and drink premises with a total area of all spaces accessible to members of the public of less than 100 square metres.

13 Gaming machine premises

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

14 Physical recreation premises

(1) For the purposes of this Order:

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

15 Restricted retail premises

(1) For the purposes of this Order:

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

16 Tours and tourism

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

Division 3 – Other definitions**17 Other definitions**

For the purposes of this Order:

ATAGI means the Australian Technical Advisory Group on Immunisation;

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

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

court means:

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

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

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

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

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

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

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

education and childcare service means:

- (1) school education at a registered school as defined in the **Education and Training Reform Act 2006**;

(2) early childhood education or care services;

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

(1) save a person's life; or

(2) prevent serious damage to a person's health; or

(3) prevent a person from suffering or continuing to suffer significant pain or distress;

face covering means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection (but does not include a face shield);

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

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

mandatory vaccination worker means:

(1) a person who is a worker within the meaning of the COVID-19 Mandatory Vaccination (Specified Workers) Order;

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

(3) an excluded worker;

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

(1) anaphylaxis after a previous dose;

(2) anaphylaxis to any component of the vaccine, including polysorbate or polyethylene glycol;

(3) in relation to AstraZeneca:

(a) history of capillary leak syndrome; or

(b) thrombosis with thrombocytopenia occurring after a previous dose;

(4) in relation to Comirnaty or Spikevax:

(a) myocarditis or pericarditis attributed to a previous dose of either Comirnaty or Spikevax; or

(5) the occurrence of any other serious adverse event that has:

(a) been attributed to a previous dose of a COVID-19 vaccine by an experienced immunisation provider or medical specialist (and not attributed to any another identifiable cause); and

(b) been reported to State adverse event programs and/or the Therapeutic Goods Administration;

medical practitioner means:

(1) a general practice registrar on an approved 3GA training placement; or

(2) a public health physician; or

(3) an infectious disease physician; or

(4) a clinical immunologist; or

(5) a general practitioner who is vocationally registered; or

(6) a general practitioner who is a fellow of the Royal Australian College of General Practitioners (RACGP); or

(7) a general practitioner who is a fellow of the Australian College of Rural and Remote Medicine (ACRRM); or

(8) a paediatrician; or

(9) a medical practitioner who is a fellow of the Royal Australasian College of Physicians;

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

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

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

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

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

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

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

Workplace Order means the **Pandemic (Workplace) Order 2021 (No. 1)** as amended or replaced from time to time.

Dated 15 December 2021

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

Section 165AI

GUIDANCE FOR THE PANDEMIC (DETENTION) ORDER 2021 (No. 1)

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

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

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

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

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

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

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

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

Failure to comply with this Order may result in penalties.

This guidance does not form part of the Pandemic (Detention) Order 2021 (No. 1) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008
Section 165AI

PANDEMIC (DETENTION) ORDER 2021 (No. 1)

TABLE OF PROVISIONS

PART 1 – PRELIMINARY	2745
1. Objective.....	2745
2. Citation	2745
3. Authorising provisions	2745
4. Commencement.....	2745
5. Definitions	2745
6. Application of this Order.....	2745
PART 2 – REQUIREMENTS OF DETENTION	2745
7. Requirement for detention.....	2745
8. Who is a person of risk?.....	2745
9. Place of detention	2746
10. Period of detention	2746
11. Request for testing.....	2746
12. Extension of period of detention	2746
13. Transport to detention.....	2746
14. Leaving detention	2747
15. Permitting a person to enter the specified place of detention.....	2747
PART 3 – GENERAL PROVISIONS.....	2748
16. Exemption from detention.....	2748
17. Designation of places of detention	2748
18. Severability.....	2748
PART 4 – PENALTIES	2748
19. Penalties.....	2748
SCHEDULE 1 – DEFINITIONS	2749
SCHEDULE 2 – INITIAL PERIOD OF DETENTION.....	2750

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (DETENTION) ORDER 2021 (No. 1)

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

PART 1 – PRELIMINARY**1. Objective**

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

2. Citation

This Order may be referred to as the **Pandemic (Detention) Order 2021 (No. 1)**.

3. Authorising provisions

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

4. Commencement

This Order commences at 11:59:00 pm on 15 December 2021 and ends at 11:59:00 pm on 12 January 2022.

5. Definitions

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

6. Application of this Order

This Order applies to the whole State of Victoria.

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

(1) A person is required to be detained in accordance with this Order if the person is:

- (a) a person of risk; and
- (b) in Victoria.

(2) This Order does not apply to a person who is a diplomat or consular official.

(3) Subclause 7(1) does not require the detention of a person if that person:

- (a) has been initially detained under a requirement of this Order; and
- (b) has been released from detention pursuant to a provision of the **Public Health and Wellbeing Act 2008**; and
- (c) the person is a person of risk only because of the same circumstances for which the person was initially detained.

8. Who is a person of risk?

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

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

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

9. Place of detention

- (1) Subject to this Order, a person of risk is required to be detained at a place of detention specified by the authorised officer who detains the person.
- (2) Despite subclause 9(1), a person of risk may be transported to be detained at another place of detention specified by an authorised officer and notified to the person.

10. Period of detention

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

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

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

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

11. Request for testing

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

12. Extension of period of detention

- (1) If a detained person has been tested for COVID-19 during the initial period of detention and is awaiting the result of the latest test at the end of the initial period of detention, the person is required to continue to be detained until the end of a further period of 14 days or the date on which the result is communicated to the person, whichever is earlier.
- (2) An authorised officer must give a detained person notice in writing of their continued detention and the extended period of detention under subclause 12(1).

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

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

13. Transport to detention

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

14. Leaving detention

- (1) A detained person must not leave the person's place of detention in any circumstances, unless:
 - (a) the person has been granted permission to do so by an authorised officer:
 - (i) for the purpose of obtaining medical care; or
 - (ii) for the purpose of getting tested for COVID-19; or
 - (iii) if it is reasonably necessary to reduce a serious risk to the person's mental health; or
 - (iv) for the purpose of visiting a patient in hospital if permitted to do so under the Visitors to Hospitals and Care Facilities Order; or
 - (v) for the purpose of leaving Victoria; or
 - (b) there is an emergency situation; or
 - (c) the person is required to do so by law.
- (2) If a detained person leaves the person's place of detention in accordance with subclause 14(1), the person must comply with:
 - (a) any Orders currently in force applying to the person; and
 - (b) any other instructions given to the person by an authorised officer, including instructions to:
 - (i) wear personal protective equipment; and
 - (ii) as much as possible, refrain from touching communal surfaces such as handrails, elevator buttons, door handles, furniture and fittings.

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

- (1) A detained person must not permit any other person to enter their specified place of detention, unless:
 - (a) the other person is lawfully authorised to enter that place for a specific purpose (for example, providing food or for medical reasons); or
 - (b) the other person is detained at the same place of detention and for the same, or substantially the same, period of detention; or
 - (c) the other person ordinarily resides with the person at the place of detention.
- (2) A detained person is permitted to move around, meet or gather at their specified place of detention with any person referred to in subclause 15(1)(b) or (1)(c).
- (3) A detained person is not permitted to move around, meet or gather at their specified place of detention with any person other than a person referred to in subclause 15(2) unless:
 - (a) the detained person has been granted written permission to do so by an authorised officer:
 - (i) for the purpose of obtaining medical care; or
 - (ii) for the purpose of getting tested for COVID-19; or
 - (ii) if it is reasonably necessary to reduce a serious risk to the detained person's mental health; or
 - (b) there is an emergency situation; or
 - (c) the detained person is required to do so by law.
- (4) A detained person is permitted to communicate with people who are not staying at the specified place of detention, either by phone or other electronic means.

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

- (5) A support person who agrees to submit to the same conditions of detention as a detained person may stay with a detained person who:
- (a) is under 18 years of age – if the support person is the detained person’s parent or guardian; or
 - (b) has a disability or medical condition that requires support or treatment – if the support person is the detained person’s parent, guardian or carer.

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

PART 3 – GENERAL PROVISIONS

16. Exemption from detention

- (1) A person is not required to comply with a requirement of this Order if the person is granted an exemption from that requirement under subclause 16(2).
- (2) The Chief Health Officer, a Deputy Chief Health Officer or any authorised officer, may exempt a person of risk from any or all requirements in this Order, if satisfied that an exemption is appropriate, having regard to:
 - (a) the need to protect public health; and
 - (b) the principles in sections 5 to 10 of the Act, as appropriate.
- (3) An exemption under subclause 16(2) must:
 - (a) be given, in writing, to the person to whom the exemption applies; and
 - (b) specify the requirement or requirements that the person need not comply with.
- (4) An exemption granted to a person under this clause does not prevent an authorised officer from exercising a pandemic management power to give the person a different direction or impose a different requirement on the person.

17. Designation of places of detention

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

18. Severability

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

PART 4 – PENALTIES

19. Penalties

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

Failure to comply with pandemic order, direction or other requirement

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

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

Penalty: In the case of a body corporate, 300 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply.

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

SCHEDULE 1 – DEFINITIONS

For the purposes of this Order:

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

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

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

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

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

diplomat or consular official means:

- (a) a person identified in Article 1 of the Vienna Convention on Diplomatic Relations, as set out in the Schedule to the **Diplomatic Privileges and Immunities Act 1967** of the Commonwealth; and
- (b) a person identified in Article 1 of the Vienna Convention on Consular Relations, as set out in the Schedule to the **Consular Privileges and Immunities Act 1972** of the Commonwealth;

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

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

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

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

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

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

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

person of risk has the meaning given in clause 8;

place of detention means:

- (a) a hotel or other facility or part of a hotel or other facility designated under clause 17; or
- (b) a place determined by an authorised officer to be a place of detention, in a particular case;

Quarantine, Isolation and Testing Order means the Pandemic (Quarantine, Isolation and Testing) Order 2021 (No. 1) as amended or replaced from time to time;

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

support person means a person supporting another person and includes

- (a) the parent or guardian of a person under 18 years of age; and
- (b) the parent, guardian or carer of a person with a disability or medical condition that requires support or medical treatment;

this Order means the Pandemic (Detention) Order 2021 (No. 1);

Victorian Border Crossing Order means the Pandemic (Victorian Border Crossing) Order 2021 (No. 1) as amended or replaced from time to time;

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

SCHEDULE 2 – INITIAL PERIOD OF DETENTION

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

Dated 15 December 2021

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

Section 165AI

GUIDANCE FOR THE

PANDEMIC (VISITORS TO HOSPITALS AND CARE FACILITIES) ORDER 2021 (No. 1)

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

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

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

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

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

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

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

Failure to comply with this Order may result in penalties.

This guidance does not form part of the Pandemic (Visitors to Hospitals and Care Facilities) Order 2021 (No. 1) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (VISITORS TO HOSPITALS AND CARE FACILITIES) ORDER 2021 (No. 1)

TABLE OF PROVISIONS

PART 1 – PRELIMINARY	2753
1. Objective.....	2753
2. Citation	2753
3. Authorising provision.....	2753
4. Commencement and revocation	2753
5. Definitions	2753
6. Application of this Order.....	2753
PART 2 – ENTRY REQUIREMENTS FOR HOSPITALS.....	2753
7. Prohibition on entry.....	2753
8. Hospital excluded persons.....	2753
9. Hospital may permit certain hospital excluded persons to visit	2754
10. Restrictions on visitors of patients (end of life).....	2755
11. Restrictions on visitors of patients (other)	2755
12. Child or dependent visitors	2755
13. Operator of hospital to facilitate communication.....	2756
14. Operator to take all reasonable steps.....	2756
15. Exemption power.....	2756
PART 3 – ENTRY REQUIREMENTS FOR CARE FACILITIES.....	2756
16. Prohibition on entry.....	2756
17. Care facility excluded persons	2756
18. Certain care facility excluded persons may be permitted to visit a care facility	2756
19. Restrictions on visitors of residents (end of life).....	2757
20. Restrictions on visitors of residents (other)	2757
21. Restrictions on visitors as prospective residents.....	2757
22. Operator to take all reasonable steps.....	2757
23. Visitor declarations	2758
PART 4 – GENERAL PROVISIONS.....	2758
24. Relationship with other Orders	2758
25. Transitional provisions – Hospital Visitors Directions	2758
26. Transitional provisions – Care Facilities Directions	2759
27. Severability.....	2759
PART 5 – PENALTIES	2759
28. Penalties.....	2759
SCHEDULE 1 – DEFINITIONS	2760
1. Definition of care facility	2760
2. Definition of care facility worker.....	2760
3. Definition of hospital worker	2760
4. Other definitions.....	2761

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (VISITORS TO HOSPITALS AND CARE FACILITIES) ORDER 2021 (No. 1)

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

PART 1 – PRELIMINARY**1. Objective**

The objective of this Order is to restrict access to hospitals and care facilities in order to limit the spread of COVID-19 within a particularly vulnerable population, balancing the need to limit the spread of COVID-19 against the broader responsibilities of operators to the physical, emotional and psychological wellbeing of their clients.

2. Citation

This Order may be referred to as the **Pandemic (Visitors to Hospitals and Care Facilities) Order 2021 (No. 1)**.

3. Authorising provision

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

4. Commencement and revocation

- (1) The **Pandemic (Visitors to Hospitals and Care Facilities) Order 2021 (No. 1)** commences at 11:59:00 pm on 15 December 2021 and ends at 11:59:00 pm on 12 January 2022.
- (2) The **Hospital Visitor Directions (No. 40)** are revoked at 11:59:00 pm on 15 December 2021.
- (3) The **Care Facilities Directions (No. 50)** are revoked at 11:59:00 pm on 15 December 2021.

5. Definitions

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

6. Application of this Order

This Order applies to the whole State of Victoria.

PART 2 – ENTRY REQUIREMENTS FOR HOSPITALS**7. Prohibition on entry**

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

- (1) the person is a patient of the hospital; or
- (2) the person is a hospital worker, as defined in Schedule 1 and the entry is not otherwise prohibited under this Order; or
- (3) the person is a visitor of a patient of the hospital and the visit is not otherwise prohibited under this Order; or
- (4) the person is present in an area of the hospital in respect of which an exemption under clause 15 is in force.

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

8. Hospital excluded persons

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

9. Hospital may permit certain hospital excluded persons to visit

- (1) Despite clause 8, a person referred to in paragraphs (1) and (6) of the definition of hospital excluded person may enter or remain at a hospital if:
- (a) the person is:
 - (i) the parent, carer or guardian of the patient, or has temporary care of the patient, and the purpose of the visit is to breastfeed the patient; or
 - (ii) a person whose presence at the hospital is for the purposes of end of life support for a patient of the hospital; or
 - (iii) an immediate family member of a patient whose medical condition is life threatening; and
 - (b) the person is authorised to enter or remain at the hospital by:
 - (i) an officer of the hospital with the position of Executive Director of Nursing or equivalent; and
 - (ii) the Chief Health Officer or Deputy Chief Health Officer.

*Note: a person who has been diagnosed with COVID-19 and has not yet been given, or taken to have been given, clearance from self-isolation under the **Quarantine, Isolation and Testing Order** may be authorised to visit the hospital under this subclause. Such authorisation has to be given by the hospital and the Chief Health Officer or the Deputy Chief Health Officer, and can be subject to conditions: see subclause (2).*

- (2) A person permitted to enter or remain at a hospital under subclause (1) must comply with any directions or conditions imposed in relation to their visit by either or both of:
- (a) the officer of the hospital who authorised their visit under subclause (1)(b)(i); and
 - (b) the Chief Health Officer or the Deputy Chief Health Officer.
- (3) Despite clause 8, a person referred to in paragraphs (2), (4) or (5) of the definition of hospital excluded person may enter or remain at a hospital if:
- (a) the person is:
 - (i) the parent, carer or guardian of the patient, or has temporary care of the patient; or
 - (ii) the partner or support person of a pregnant patient of the hospital, and the purpose of the visit is to attend the birth of the patient's child; or
 - (iii) a person whose presence at the hospital is for the purposes of end of life support for a patient of the hospital; or
 - (iv) an immediate family member of a patient whose medical condition is life threatening; and
 - (b) the person is authorised to enter or remain at the hospital by an officer of the hospital with the position of Executive Director of Nursing and Midwifery or equivalent.

Note: a hospital may determine whether it will allow a person who has been in close contact with a person who has been diagnosed with COVID-19, who has recently arrived from overseas or who has been tested for COVID-19 and has not yet received the results of their test to visit the hospital in certain specified circumstances, and what conditions it will impose on such visits.

- (4) A person permitted to enter or remain at a hospital under subclause (3) must comply with any directions or conditions imposed in relation to their visit by the officer of the hospital who authorised their visit under subclause (3)(b).
- (5) An officer of the hospital referred to in subclause (1)(b)(i) or subclause (3)(b) as the case may be, must keep, in relation to each person to whom they give authorisation under that subclause, a record of:
- (a) the contact details of the person; and
 - (b) the date and time at which that person entered and left the hospital.

- (6) A record under subclause (5) must be kept for at least 28 days from the day the authorisation is given.

10. Restrictions on visitors of patients (end of life)

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

11. Restrictions on visitors of patients (other)

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

12. Child or dependent visitors

- (1) If a person is visiting a hospital for the purposes of providing end of life support to a patient or for a purpose specified in clause 11(1) and they are a parent, carer or guardian of a child or dependent, the child or dependent may accompany that person when attending the hospital and they are not counted in a visitor limit under clause 10 or clause 11 if the visitor cannot be present at the hospital without the child or dependent because the visitor cannot –
- (a) access alternative care arrangements for the child or dependent (whether on a paid or voluntary basis); or
 - (b) leave the child or dependent unattended.

- (2) If a child or dependent is visiting a hospital and the patient they are visiting is their carer, parent or guardian, the child or dependent may be present at the hospital and they are not counted in a visitor limit under clause 10 or 11 if the patient cannot –
- (a) access alternative care arrangements for the child or dependent (whether on a paid or voluntary basis); or
 - (b) leave the child or dependent unattended.

13. Operator of hospital to facilitate communication

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

14. Operator to take all reasonable steps

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

15. Exemption power

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

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

PART 3 – ENTRY REQUIREMENTS FOR CARE FACILITIES

16. Prohibition on entry

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

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

17. Care facility excluded persons

Despite clause 16, a person who is a care facility worker or a visitor of a resident of the care facility or a prospective resident of the care facility, must not enter, or remain on, the premises of the facility if the person is a care facility excluded person.

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

- (1) Despite clause 17, a person referred to in paragraph (3) of the definition of care facility excluded person may enter, or remain on, the premises of the care facility if:

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

19. Restrictions on visitors of residents (end of life)

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

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

20. Restrictions on visitors of residents (other)

Where a visitor of a resident of the care facility is visiting, the operator of the care facility must not permit:

- (1) more than five visitors of a resident to enter or remain on the premises at any one time in relation to a resident; and
- (2) more than five visitors of a resident to enter or remain on the premises per day in relation to a resident.

21. Restrictions on visitors as prospective residents

If a prospective resident of the care facility visits, the operator of the care facility must not permit:

- (1) more than four other persons to accompany the prospective resident to enter or remain on the premises; and
- (2) more than one visit at the facility for this purpose at any one time.

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

22. Operator to take all reasonable steps

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

- (1) a person does not enter or remain on the premises of the care facility if the person is prohibited from doing so by clause 16; and
- (2) the care facility facilitates telephone, video or other means of electronic communication with the parents, guardians, partners, carers, support persons and family members of residents to support the physical, emotional and social wellbeing (including mental health) of residents.

23. Visitor declarations

- (1) The operator of a care facility must require visitors in relation to the care facility to declare in writing at the start of each visit, but before entering any area of the care facility that is freely accessible to residents, whether the visitor:
- (a) is free of COVID-19 symptoms; and
Note: for the purposes of this Order, COVID-19 symptoms, including but not limited to acute respiratory infection (such as cough, shortness of breath, sore throat), loss of smell, and loss of taste do not include those symptoms where caused by an underlying health condition or medication.
 - (b) has been in contact with a confirmed case (except in the course of their employment while wearing the appropriate level of personal protective equipment in the circumstances) in the:
 - (i) preceding 7 days if the person is fully vaccinated and is not a close contact; or
 - (ii) preceding 14 days if the person is not fully vaccinated or is a close contact; and
 - (c) is currently required to self-isolate or self-quarantine in accordance with the **Quarantine, Isolation and Testing Order**.
- Note: operators of care facilities are subject to additional obligations under the **Additional Industry Obligations Order**.*
- (2) Where a visitor of a resident of a care facility is aged under 18 years, a parent, carer or guardian of the visitor may make the declaration required of the visitor by the operator of a care facility under subclause (1) on the visitor's behalf.

PART 4 – GENERAL PROVISIONS**24. Relationship with other Orders**

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

25. Transitional provisions – Hospital Visitors Directions

- (1) A reference in any pandemic order (other than a revoked direction) to the **Hospital Visitor Directions (No. 40)** is taken on and after the revocation of the **Hospital Visitor Directions (No. 40)** to be a reference to this Order.
- (2) Any act matter or thing that had effect under the **Hospital Visitor Directions (No. 40)** immediately before they were revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which the **Hospital Visitor Directions (No. 40)** were subject immediately before they were revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.
- (5) In this clause:
revoked direction means a direction that is:
 - (a) made by the Chief Health Officer or the Acting Chief Health Officer under section 200(1) of the **Public Health and Wellbeing Act 2008**; and
 - (a) continued by section 165CJ of that Act as if it were a pandemic order in the same terms made under section 165AI(1); and
 - (b) revoked by a pandemic order.

26. Transitional provisions – Care Facilities Directions

- (1) A reference in any pandemic order (other than a revoked direction) to the **Care Facilities Directions (No. 50)** is taken on and after the revocation of the **Care Facilities Directions (No. 50)** to be a reference to this Order.
- (2) Any act matter or thing that had effect under **Care Facilities Directions (No. 50)** immediately before they were revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which the **Care Facilities Directions (No. 50)** were subject immediately before they were revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.
- (5) In this clause:
revoked direction means a direction that is:
 - (a) made by the Chief Health Officer under section 200(1)(d) of the **Public Health and Wellbeing Act 2008**; and
 - (b) continued by section 165CJ of that Act as if it were a pandemic order in the same terms made under section 165AI(1); and
 - (c) revoked by a pandemic order.

27. Severability

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

PART 5 – PENALTIES**28. Penalties**

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

Failure to comply with pandemic order, direction or other requirement

- (1) A person commits an offence if the person refuses or fails to comply with a pandemic order, or with a direction given to the person, or a requirement made of the person, in the exercise of a pandemic management power.
Penalty: In the case of a natural person, 60 penalty units;
Penalty: In the case of a body corporate, 300 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply.

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

SCHEDULE 1 – DEFINITIONS**1. Definition of care facility**

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

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

2. Definition of care facility worker

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

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

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

3. Definition of hospital worker

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

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

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

4. Other definitions

For the purposes of this Order:

Additional Industry Obligations Order means the **Pandemic (Additional Industry Obligations) Order 2021 (No. 1)** as amended or replaced from time to time;

alcohol and drug residential service means any of the following:

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

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

care facility excluded person means a person that:

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

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

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

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

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

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

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

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

confirmed case means a person who has been diagnosed with COVID-19 and includes the period of time prior to the diagnosis during which the confirmed case is considered infectious;

Note: the period during which a person is considered infectious is generally considered to be 48 hours prior to the onset of COVID-19 symptoms, however, alternative infectious periods may be determined at the discretion of an officer or nominated representative of the Department (for instance, in high-risk settings or if the confirmed case is asymptomatic).

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

Examples: visiting medical officers, locum doctors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) means a situation where the person's death is expected within days (including periods of 28 days or less), or where the person, with or without existing conditions, is at risk of dying from a sudden acute event;
- (2) does not mean a situation where a person has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the person is expected to die within 12 months (except where the situation also falls within subclause (1));

excepted person means a person who holds acceptable certification that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia due to:

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

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

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

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

hospital means:

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

hospital excluded person means a person that:

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

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

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

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

- (6) the person is aged under 16 years, other than in circumstances where:
 - (a) either:
 - (i) the person's presence at the hospital is for the purposes of end of life support for a patient; or
 - (ii) the person is visiting a patient who has a life-threatening medical condition; and

- (b) either:
- (i) the person aged under 16 years is a child, grandchild or sibling of the patient, or has a kinship relation to the patient; or
 - (ii) clause 12 applies.
- (7) in the case of a visitor – the person has been tested for COVID-19 and has not yet received the results of that test.

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

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

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

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

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

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

operator of a care facility means:

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

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

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

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

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

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

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

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

Quarantine, Isolation and Testing Order means the **Pandemic (Quarantine, Isolation and Testing) Order 2021 (No. 1)** as amended or replaced from time to time;

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

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

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

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

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

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

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

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

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

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

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

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

Victorian Border Crossing Order means the **Pandemic (Victorian Border Crossing) Order 2021 (No. 1)** as amended or replaced from time to time;

Workplace Order means the **Pandemic (Workplace) Order 2021 (No. 1)** as amended or replaced from time to time.

Dated 15 December 2021

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

Section 165AI

GUIDANCE FOR THE

PANDEMIC (QUARANTINE, ISOLATION AND TESTING) ORDER 2021 (No. 1)

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

- (1) diagnosed with COVID-19 to self-isolate;
- (2) who are living with a diagnosed person, close contacts or exposed persons, to self-quarantine and undertake testing.

There are different requirements of self-quarantine depending on the level of exposure to someone diagnosed with COVID-19 and whether a person (or their family members) are vaccinated.

Failure to comply with this Order may result in penalties.

This guidance does not form part of the Pandemic (Quarantine Isolation and Testing) Order 2021 (No. 1) and it is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (QUARANTINE, ISOLATION AND TESTING) ORDER 2021 (No. 1)

TABLE OF PROVISIONS

PART 1 – PRELIMINARY	2768
1. Objective.....	2768
2. Citation	2768
3. Authorising provision.....	2768
4. Commencement and revocation	2768
5. Definitions	2768
6. Application of this Order.....	2768
PART 2 – SELF-ISOLATION FOR DIAGNOSED PERSONS	2768
7. Who is a diagnosed person?.....	2768
8. Requirement to self-isolate.....	2768
9. Location of self-isolation.....	2769
10. Self-isolation period	2769
11. Notifications by the diagnosed person	2769
PART 3 – SELF-QUARANTINE FOR CLOSE CONTACTS.....	2770
12. Who is a close contact?	2770
13. Requirement to self-quarantine	2770
14. Location of self-quarantine	2770
15. Period of self-quarantine	2770
16. End of period of self-quarantine	2771
17. Exception – previous clearance.....	2771
18. Review of determination and notice	2771
19. Notifications by the close contact	2771
20. Testing of persons in self-quarantine	2772
PART 4 – EXPOSED PERSONS	2773
21. Notifications by the operator.....	2773
22. Self-quarantine of exposed persons.....	2773
23. Collection of information by operators.....	2774
24. Notification of exposure by the Department.....	2774
PART 5 – GENERAL PROVISIONS.....	2774
25. Requirements of self-isolation and self-quarantine.....	2774
26. General exemption power	2776
27. Exemption power – alternate premises for self-quarantine or self-isolation	2777
28. Exemption power – healthcare worker who is a close contact – return to work.....	2777
29. Severability	2778
30. Transitional provisions	2778
PART 6 – PENALTIES	2778
31. Penalties.....	2778
SCHEDULE 1 – DEFINITIONS	2779

Public Health and Wellbeing Act 2008
Section 165AI

PANDEMIC (QUARANTINE, ISOLATION AND TESTING) ORDER 2021 (No. 1)

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

PART 1 – PRELIMINARY

1. Objective

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

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

2. Citation

This Order may be referred to as the **Pandemic (Quarantine, Isolation and Testing) Order 2021 (No. 1)**.

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 15 December 2021 and ends at 11:59:00 pm on 12 January 2022.
- (2) The **Diagnosed Persons and Close Contacts Directions (No. 35)** are revoked at 11:59:00 pm on 15 December 2021.

5. Definitions

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

6. Application of this Order

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

PART 2 – SELF-ISOLATION FOR DIAGNOSED PERSONS

7. Who is a diagnosed person?

- (1) A person is a diagnosed person if the person:
 - (a) at any time before, on or after the commencement of this Order, has been informed that they have been diagnosed with COVID-19; and
 - (b) has not:
 - (i) been given, or is not taken to have been given, clearance from self-isolation; or
 - (ii) completed 10 days of self-isolation after the date on which the person undertook a COVID-19 PCR test, from which they were diagnosed with COVID-19,whichever is earlier.

8. Requirement to self-isolate

- (1) A diagnosed person must self-isolate under this Order:
 - (a) if the diagnosis is communicated to the person on or after the commencement of this Order; or

- (b) if the diagnosis was communicated to the person before the commencement of this Order.

Note: the requirements of self-isolation are specified in clause 25. 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)(a) applies, at the premises chosen by the person under subclause (2); or
 - (b) if clause 8(1)(b) applies, at the premises at which the person was required to reside under the **Diagnosed Persons and Close Contacts Directions (No. 35)**.
- (2) For the purposes of subclause (1)(a), the diagnosed person may choose to self-isolate at:
 - (a) a premises at which they ordinarily reside; or
 - (b) another premises that is suitable for the person to reside in for the purpose of self-isolation.

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

Note 2: once a person has chosen the premises at which to self-isolate, the person must reside at that premises for the entirety of the period of self-isolation unless an exemption to move to and self-isolate at an alternate premises has been given: see clauses 25(2)(a) and 25(8).

- (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(1), the period of self-isolation begins:
 - (a) if clause 8(1)(a) applies, when the diagnosis is communicated to the person; or
 - (b) if clause 8(1)(b) applies, upon the commencement of this Order.
- (2) For the purposes of clause 8(1), the period of self-isolation ends 10 days after the date on which the person undertook a COVID-19 PCR test, from which they were diagnosed with COVID-19.

11. Notifications by the diagnosed person

- (1) Immediately after choosing a premises under clause 9(2), the diagnosed person must:
 - (a) if any other person is residing at the premises chosen by the diagnosed person, notify the other person that:
 - (i) the diagnosed person has been diagnosed with COVID-19; and
 - (ii) the diagnosed person has chosen to self-isolate at the premises; and
 - (b) notify the Department of:
 - (i) the address of the premises chosen by the diagnosed person; and
 - (ii) the name of any other person who is residing at the premises chosen by the diagnosed person.
- (2) If, during the period that a diagnosed person is self-isolating at a premises for the purposes of clause 8(1), another person informs the diagnosed person that they intend to commence residing at the premises chosen by the diagnosed person:
 - (a) the diagnosed person must inform the other person of their diagnosis; and
 - (b) if the other person commences residing at the premises, the diagnosed person must notify the Department that a person has commenced residing with the diagnosed person and the name of that person.

- (3) The diagnosed person must notify the persons listed below that the diagnosed person has been diagnosed with COVID-19, and of the diagnosed person's infectious period:
- (a) the operator of any work premises at which the diagnosed person ordinarily works, if the diagnosed person attended an indoor space at the work premises during their infectious period; or
 - (b) the operator of any education facility at which they are enrolled, if the diagnosed person attended an indoor space at the education facility during their infectious period.

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

PART 3 – SELF-QUARANTINE FOR CLOSE CONTACTS

12. Who is a close contact?

- (1) For the purposes of this clause, a person is a **close contact** if before, on or after the commencement of this Order:
- (a) an officer or nominated representative of the Department makes a determination that the person is a close contact of a diagnosed person, including in the event of an outbreak, and has given that person a notice of the determination in accordance with subclause (2); or
 - (b) the person has spent more than four hours in an indoor space at a private residence, accommodation premises or care facility with a diagnosed person during their infectious period.
- (2) For the purposes of clause 12(1)(a), the notice:
- (a) may be given orally or in writing, and, if given orally, must be confirmed in writing as soon as reasonably practicable; and
 - (b) is not required to be in a particular form.

13. Requirement to self-quarantine

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

Note: the requirements of self-quarantine are specified in clause 25.

14. Location of self-quarantine

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

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

Note 2: once a person has chosen the premises at which to self-quarantine, the person must reside at that premises for the entirety of the period of self-quarantine unless an exemption to move to and self-quarantine at an alternate premises has been given: see clauses 25(2)(a) and 25(8).

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

15. Period of self-quarantine

- (1) Subject to clause 16, if a person:
- (a) is a close contact; and
 - (b) the person:
 - (i) is fully vaccinated; or
 - (ii) is under 12 years and two months of age and all persons with whom they ordinarily reside are fully vaccinated,
- then
- (c) the person is required to self-quarantine for seven days from the date the diagnosed person tested positive for COVID-19.

- (2) Subject to clause 16, if a person:
 - (a) is a close contact; and
 - (b) the person:
 - (i) is aged 12 years and two months or over and is not fully vaccinated; or
 - (ii) is under 12 years and two months of age and any person with whom they ordinarily reside is not fully vaccinated,then
 - (c) the person is required to self-quarantine for 14 days from the date the diagnosed person tested positive for COVID-19.

16. End of period of self-quarantine

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

- (a) subject to subclauses (b) and (c), at the time specified in clause 15 or as varied or revoked under clause 18 or extended under clause 20(1) or 20(3); or
- (b) the notice given to the person under clause 12(1)(a) is revoked under clause 18, at the time that revocation takes effect; or
- (c) if the person becomes a diagnosed person following a COVID-19 PCR test, when the diagnosis is communicated to the person.

Note 1: a close contact who becomes a diagnosed person will then be required to self-isolate under clause 8.

Note 2: a close contact's period of self-quarantine may be extended under clause 20 if the person is waiting to receive test result or has refused to undertake a COVID-19 PCR test.

17. Exception – previous clearance

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

18. Review of determination and notice

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

19. Notifications by the close contact

If a close contact is required to self-quarantine under clause 13 and, during the period of self-quarantine, another person informs the close contact that they intend to commence residing

at the premises chosen by the close contact the close contact must inform the other person of their self-quarantine.

20. Testing of persons in self-quarantine

(1) If a close contact is required to self-quarantine under clause 13 and, during the period of self-quarantine, the person:

- (a) undertakes a COVID-19 PCR test; and
- (b) the period of self-quarantine expires during the period in which the person is awaiting the result of that COVID-19 PCR test,

the period of self-quarantine is extended until the person receives the result of the COVID-19 PCR test.

Note 1: persons who are in self-quarantine and experience a temperature higher than 37.5 degrees or symptoms of acute respiratory infection are encouraged to get tested. In certain circumstances, a person may be required to comply with an order that they undergo a medical test: Public Health and Wellbeing Act 2008, section 113(3).

Note 2: in some circumstances, the Chief Health Officer or Deputy Chief Health Officer may consider it appropriate to exempt a person from the extension of the period of self-quarantine period under subclause (1), having regard to the need to protect public health and relevant principles in the Public Health and Wellbeing Act 2008 as they apply in the person's individual circumstances: clause 26.

Note 3: a person is not required to continue to self-quarantine under subclause (1) if the person is exempted in accordance with clause 26, either before or after the period of self-quarantine is extended pursuant to subclause (1).

(2) If a close contact is required to self-quarantine under clause 13 and, during the period of self-quarantine, the person receives a test result stating that they have been diagnosed with COVID-19, the person becomes a diagnosed person and must self-isolate under clause 8.

(3) If a close contact is required to self-quarantine under clause 13 and, during the period of self-quarantine, the person receives a test result stating that they have not been diagnosed with COVID-19, the person:

- (a) if the period of self-quarantine has not expired – must continue to self-quarantine under clause 13 for the remainder of the self-quarantine period; or
- (b) if the period of self-quarantine was extended under subclause (1) – may cease self-quarantining immediately; or
- (c) if the period of self-quarantine was extended under subclause (4) – may cease self-quarantining at the time referred to in subclause (4)(c) and, if that time has already passed, may cease self-quarantining immediately.

(4) If a close contact is required to self-quarantine under clause 13 and:

- (a) clause 15(1) applies to the person and the person refuses or otherwise fails to take a COVID-19 PCR test when offered on the sixth day of their period of self-quarantine; and
- (b) clause 15(2) applies to the person and the person refuses or otherwise fails to take a COVID-19 PCR test when offered on the thirteenth day of their period of self-quarantine,

then the Chief Health Officer, a Deputy Chief Health Officer or an authorised officer authorised to exercise a power under section 165AW of the **Public Health and Wellbeing Act 2008**, may make a determination in relation to a person that the period of self-quarantine is extended until the earlier of:

- (c) a period specified in the notice (which must not exceed 14 days); or

- (d) the person receives a test result stating that they have not been diagnosed with COVID-19,

and must give the person notice of the decision.

Note 1: close contacts of diagnosed persons will be offered a COVID-19 PCR test on day 6 (if the relevant period is 7 days) or day 13 (if the relevant period is 14 days), as testing at this time is likely to detect the presence of COVID-19 even if the person has not yet developed symptoms. As a person may be infectious for up to 14 days after the 14 day incubation period, if this COVID-19 PCR test does not occur an authorised officer may give a further direction under section 165B or 165BA and subclause (4) to extend the period of self-quarantine for an additional period, being the period specified in the notice (which must not exceed 14 days) or the person receives a test result stating that they have not been diagnosed with COVID-19 (whichever is earlier). Such extended period of self-quarantine is required to prevent a person who develops COVID-19 towards the end of the likely incubation period, even if not symptomatic, transmitting COVID-19 to the broader community.

*Note 2: in some circumstances, the Chief Health Officer or Deputy Chief Health Officer may consider it appropriate to exempt a person from the extension of the period of self-quarantine period under subclause (4) of clause 26, having regard to the need to protect public health and relevant principles in the **Public Health and Wellbeing Act 2008** as they apply in the person's individual circumstances.*

Note 3: a person is not required to continue to self-quarantine under subclause (4) if the person is exempted in accordance with clause 26, either before or after the period of self-quarantine is extended under subclause (4).

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

PART 4 – EXPOSED PERSONS

21. Notifications by the operator

- (1) An operator of a work premises or an education facility who has been informed under clause 11(3) that a diagnosed person attended an indoor space at that work premises or education facility during the diagnosed person's infectious period, must take reasonable steps to notify:
- (a) their employees or persons enrolled at the education facility who were present in the same indoor space as the diagnosed person during their infectious period, as the case may be, that those employees or persons enrolled at the education facility:
- (i) may have been exposed to COVID-19; and
- (ii) must self-quarantine immediately from the time they were notified that they may have been exposed to COVID-19; and
- (iii) must undertake a COVID-19 PCR test within 24 hours of receiving the notification under subclause (a) that they may have been exposed to COVID-19; and
- (iv) must remain in self-quarantine until they receive a negative result from the COVID-19 PCR test; and
- (v) must notify the operator of the work premises or education facility of the result of the COVID-19 PCR test.
- (2) In addition to subclause (1), an operator of an education facility must take reasonable steps to notify persons enrolled at the education facility who were present in the same indoor space as the diagnosed person during their infectious period that those persons enrolled at the education facility must produce to the operator of the education facility acceptable evidence of a negative result from the COVID-19 PCR test before being permitted to return to the education facility.

22. Self-quarantine of exposed persons

- (1) A person who has been notified under clause 21(1) that they may have been exposed to COVID-19 must:
- (a) self-quarantine immediately from the time they were notified that they may have been exposed to COVID-19; and

- (b) undertake a COVID-19 PCR test; and
 - (c) remain in self-quarantine until they receive a negative result from the COVID-19 PCR test; and
 - (d) notify the operator of the relevant work premises or education facility of the result of the COVID-19 PCR test.
- (2) In addition to subclause (1), if a person who has been notified under clause 21(1) is enrolled at an education facility, they must produce to the operator of the education facility acceptable evidence of a negative result from the COVID-19 PCR test within 24 hours of receiving the negative result and before returning to the education facility.

Note: the exposed person's parent, guardian or carer may notify the operator of the education facility on behalf of the exposed person, for the purpose of subclause (1)(d) and (2).

23. Collection of information by operators

- (1) The operator of a work premises or education facility must collect, record and store the following information:
- (a) a list of employees or persons enrolled at the education facility who have been notified under clause 21(1) that they may have been exposed to COVID-19; and
 - (b) the results of the tests for COVID-19 of those employees or persons enrolled at the education facility who may have been exposed to COVID-19, including the acceptable evidence of a negative test result for COVID-19 provided to the operator of the education facility under clause 22(2).
- (2) For the purposes of complying with this clause, an operator of a work premises or education facility is authorised to use any information that it holds under subclause (1).

24. Notification of exposure by the Department

- (1) A person who has been notified by the Department that they may have been exposed to COVID-19 must:
- (a) self-quarantine immediately from the time they were notified that they may have been exposed to COVID-19; and
 - (b) undertake a COVID-19 PCR test within 24 hours of being notified that they may have been exposed to COVID-19; and
 - (c) remain in self-quarantine until they receive a negative test result for COVID-19.
- (2) The Service Victoria CEO:
- (a) may provide exposure notifications to persons through the Service Victoria App advising that they may have been exposed to COVID-19 in accordance with data managed by the Department of Health; and
 - (b) persons who receive a notification under subclause (a) must follow any direction contained in the notification received through the Service Victoria App.

PART 5 – GENERAL PROVISIONS

25. Requirements of self-isolation and self-quarantine

- (1) This clause applies to a person who is required to:
- (a) self-isolate at a premises under clause 8; or
 - (b) self-quarantine at a premises under clause 13.
- (2) The person identified in subclause (1):
- (a) must reside at the premises for the entirety of the period of self-isolation or self-quarantine, as the case requires, except for any period that the person is admitted to a hospital or other facility for the purposes of receiving medical care; and
 - (b) must not leave the premises, except:
 - (i) for the purposes of obtaining medical care or medical supplies; or

- (ii) for the purposes of transporting another person with whom they reside to or from a hospital if the person identified in subclause (1) is asymptomatic for COVID-19; or
 - (iii) for the purposes of getting tested for COVID-19; or
 - (iv) in any emergency situation; or
 - (v) if required to do so by law; or
 - (vi) for the purposes of visiting a patient in hospital if permitted to do so under the **Visitors to Hospitals and Care Facilities Order**; or
 - (vii) for the purposes of working in a care facility if permitted to do so under the **Visitors to Hospitals and Care Facilities Order**; or
 - (viii) for the purpose of sitting a Senior Secondary examination provided that the person is not a diagnosed person; or
 - (ix) where:
 - (A) the person is a close contact but is not residing at the same premises where a diagnosed person is self-isolating; and
 - (B) the person:
 - (1) was enrolled at an education facility at the time they became a close contact; and
 - (2) is unvaccinated or an excepted person,to attend that education facility for a relevant purpose on and from day 8 of their period of self-quarantine, only if the person or the person's parent, guardian or carer:
 - (C) obtains confirmation from the operator of the education facility that it is maintaining a system to collect, hold and record the information provided to it under subclauses (D) and (E);
 - (D) provides acceptable evidence to the operator of the education facility prior to the person's first attendance at the education facility since becoming a close contact that the person:
 - (1) is not residing with a diagnosed person; and
 - (2) has undertaken a COVID-19 PCR test on day 6 of their period of self-quarantine and received a test result that they have not been diagnosed with COVID-19; and
 - (E) provides acceptable evidence to the operator of the education facility prior to the person entering an indoor space at the education facility on each day on and from day 8 of their period of self-quarantine that the person has undertaken a COVID-19 rapid antigen test and received a negative test result; and
- (c) must not permit any other person to enter the premises unless:
 - (i) that other person:
 - (A) ordinarily resides at the premises; or
 - (B) is required to self-isolate or self-quarantine at the premises under 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) A person who is required to complete a COVID-19 rapid antigen test in accordance with subclause (2)(b)(ix)(E) must:
- (a) undertake a second COVID-19 rapid antigen test as soon as possible if the person receives an invalid test result from the COVID-19 rapid antigen test, such that it is not possible to conclude that the result is a negative test result; and
 - (b) if the result of the first COVID-19 rapid antigen test is positive, or the result of the second COVID-19 rapid antigen test is invalid, such that it is not possible to conclude that the result is negative:
 - (i) complete a COVID-19 PCR test within 24 hours; and
 - (ii) not attend the education facility until the person receives a negative test result for COVID-19.
- (4) In the event that a person receives a positive test result from either a COVID-19 rapid antigen test or a COVID-19 PCR test referred to in subclauses (2)(b)(ix)(D), (2)(b)(ix)(E) and (3), the person or the person's parent, guardian or carer must notify the operator of the education facility of the test result by the next day that the education facility is operational following receipt of the test result.
- (5) The operator of an education facility may maintain a system to collect, hold and record the information provided to it under subclauses (2)(b)(ix)(D), (2)(b)(ix)(E) and (4).
- (6) An operator of an education facility is authorised to use any information that it has been provided under the system maintained under subclause (5).
- (7) 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.
- (8) Despite subclause (2)(a):
- (a) a diagnosed person who is required to self-isolate; or
 - (b) a close contact who is required to self-quarantine,
- may apply under clause 27(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.
- (9) 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 28(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.

26. 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.

27. 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 25(2)(a) for the purpose of moving to an alternate premises for the remainder of the period of self-isolation or self-quarantine if the person is granted an exemption from the requirement under subclause (2).
- (2) The Chief Health Officer, a Deputy Chief Health Officer or a Director or Medical Lead of a designated Local Public Health Unit may exempt a person or group of persons from any or all requirements in clauses 9(1), 9(2) (location of self-isolation) or 14 (location of self-quarantine) or 25(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.

28. 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 25(2)(a) for the purpose of the healthcare worker returning to work if the person is granted an exemption from the requirement under subclause (2).
- (2) The Chief Health Officer, a Deputy Chief Health Officer, a Director or Medical Lead of a designated Local Public Health Unit may exempt a person from any or all of the requirements of clause 14(location of self-quarantine) or clause 25(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.

29. 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.

30. Transitional provisions

- (1) A reference in any pandemic order in force (other than a revoked direction) to the **Diagnosed Persons and Close Contacts Directions (No. 35)** is taken on and after the revocation of the **Diagnosed Persons and Close Contacts Directions (No. 35)** to be a reference to this Order.
- (2) Any act matter or thing that had effect under the **Diagnosed Persons and Close Contacts Directions (No. 35)** immediately before they were revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which the **Diagnosed Persons and Close Contacts Directions (No. 35)** were subject immediately before they were revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.
- (5) In this clause:

revoked direction means a direction that is:

- (a) made by the Chief Health Officer or the Acting Chief Health Officer under section 200(1) of the **Public Health and Wellbeing Act 2008**; and
- (b) continued by section 165CJ of that Act as if it were a pandemic order in the same terms made under section 165AI(1); and
- (c) revoked by a pandemic order.

PART 6 – PENALTIES

31 Penalties

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

Failure to comply with pandemic order, direction or other requirement

- (1) A person commits an offence if the person refuses or fails to comply with a pandemic order, or with a direction given to the person, or a requirement made of the person, in the exercise of a pandemic management power.
- Penalty: In the case of a natural person, 60 penalty units;
- Penalty: In the case of a body corporate, 300 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply.

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

SCHEDULE 1 – DEFINITIONS

For the purposes of this Order:

acceptable evidence means evidence of the matters described in clauses 21(2), 23(1)(b), 25(2)(b)(ix)(D) and 25(2)(b)(ix)(E) that the relevant operator of the education facility determines is acceptable;

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

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

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

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

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

- (a) **Education and Care Services National Law** and the **Education and Care Services National Regulations**, including long day care services, kindergartens and/or preschool and family daycare services, but not including outside **school** hours care services; and
- (b) **Children’s Services Act 1996**, including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;

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

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

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

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

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

COVID-19 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(1);

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;
- (e) for the purposes of clause 25 only, an adult education or higher education 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 26(2), 27(2), 28(2) of these directions;

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

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

higher education services means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, senior secondary certificates and other post-compulsory education or training;

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

indoor space means an area, room or premises that is or are substantially enclosed by a roof and walls that are either floor to ceiling high or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are:

- (a) permanent or temporary; or
- (b) open or closed;

infectious period means the period:

- (a) commencing:
 - (i) if the person undertook a COVID-19 PCR test (from which they were diagnosed with COVID-19) without experiencing symptoms of COVID-19, 48 hours before the person undertook the COVID-19 PCR test; or
 - (ii) if the person was experiencing symptoms of COVID-19 at the time they undertook a COVID-19 PCR test (from which they were diagnosed with COVID-19), 48 hours before the person first experienced symptoms; and
- (b) concluding:
 - (i) 10 days after the date on which the person undertook the COVID-19 PCR test (from which they were diagnosed with COVID-19); or
 - (ii) such other time as specified by an officer or nominated representative of the Department;

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

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

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

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

premises means:

- (a) a building, or part of a building; and
- (b) any land on which the building is located, other than land that is available for communal use;

relevant purpose means the purpose of:

- (a) participating in any activity that is onsite at the education facility other than at an adult education or higher education premises; or
- (b) for secondary school students, undertaking a senior secondary certificate (the Victorian Certificate of Education (VCE) or the Victorian Certificate of Applied Learning (VCAL)) or Vocational Education and Training (VET) at an adult education or higher education premises;

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

revoked direction has the meaning in clause 30(5);

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

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

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

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

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

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

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

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

unvaccinated has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Workers) Order**;

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

work premises means the premises of an employer in which work is undertaken, including any vehicle whilst being used for work purposes, but excluding a worker's ordinary place of residence;

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

Dated 15 December 2021

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

Section 165AI

GUIDANCE FOR THE

PANDEMIC (VICTORIAN BORDER CROSSING) ORDER 2021 (No. 1)

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

All international arrivals:

- (1) must comply with the general post-entry conditions;
- (2) 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;
- (3) are restricted from entering specific facilities for a period of time after entering Victoria; and
- (4) 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;
- (2) complete prescribed COVID-19 PCR tests; and
- (3) self-quarantine for a prescribed period of time.

International aircrew arrivals must, amongst other things:

- (1) complete prescribed COVID-19 PCR tests or COVID-19 rapid antigen tests; and
- (2) self-quarantine for a prescribed period of time.

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 2021 (No. 1) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (VICTORIAN BORDER CROSSING) ORDER 2021 (No. 1)

TABLE OF PROVISIONS

PART 1 – PRELIMINARY	2785
1. Objective.....	2785
2. Citation	2785
3. Authorising Provision.....	2785
4. Commencement and revocation	2785
5. Definitions	2785
6. Application of this Order.....	2785
PART 2 – REQUIREMENTS FOR INTERNATIONAL TRAVELLERS.....	2785
Division 1 – Restrictions on entry.....	2785
7. Restrictions on persons entering Victoria.....	2785
Division 2 – International aircrew services worker	2785
8. Eligibility	2785
9. International aircrew services worker – Obligations after entry.....	2786
Division 3 – International passenger arrival	2788
10. Eligibility	2788
11. Requirements for entry	2789
12. Conditions after arrival – all international passenger arrivals	2789
13. Additional conditions after arrival – all international passenger arrivals except adolescents who are not fully vaccinated and are not a medically exempt person.....	2790
14. Additional conditions after arrival – fully vaccinated adolescents and adults	2790
15. Additional conditions after arrival – adolescents who are not fully vaccinated and are not a medically exempt person.....	2791
16. Additional conditions after arrival – medically exempt persons and children who are not fully vaccinated	2792
PART 3 – PERMIT REQUIREMENTS	2792
17. Permit validity and revocation	2792
18. Applications for a permit.....	2793
19. Request for exemption.....	2793
20. Power to grant exemptions.....	2793
21. Conditions of exemption	2794
PART 4 – GENERAL PROVISIONS.....	2794
22. Severability.....	2794
23. Transitional provisions	2794
PART 5 – PENALTIES	2795
24. Penalties.....	2795
SCHEDULE 1 – DEFINITIONS	2796

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (VICTORIAN BORDER CROSSING) ORDER 2021 (No. 1)

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 2021 (No. 1)**.

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 15 December 2021 and ends at 11:59:00 pm on 12 January 2022.
- (2) The **Victorian Border Crossing Permit Directions (No. 44)** are revoked at 11:59:00 pm on 15 December 2021.

5. Definitions

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

6. Application of this Order

This Order applies to the whole State of Victoria.

PART 2 – REQUIREMENTS 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; or
 - (b) a pre-departure COVID-19 PCR test within 3 days of their scheduled departure for Victoria, and
- if the person completed a COVID-19 rapid antigen test:
- (c) 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 COVID-19 rapid antigen test, such that it is not possible to conclude that the result is a negative test result; and
 - (d) if the result of the first COVID-19 rapid antigen test is positive, or the result of the second COVID-19 rapid antigen test is invalid such that it is not possible to conclude that the result is negative, the person must complete a COVID-19 PCR test within 24 hours and remain in self-quarantine until the person receives a negative test result.
- (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 COVIDSafe 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) whilst 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 subclause (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, for a period of 72 hours 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 subclause (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 and remain in self-quarantine as required under subclause (i); or
 - (B) a COVID-19 rapid antigen test within 24 hours of arrival in Victoria, and
 - 1. undertake a second COVID-19 rapid antigen test as soon as possible if the person receives an invalid test result from the COVID-19 rapid antigen test, such that it is not possible to conclude that the result is a negative test result; and
 - 2. if the result of the first COVID-19 rapid antigen test is positive, or the result of the second COVID-19 rapid antigen test is invalid such that it is not possible to conclude that the result is negative, complete a COVID-19 PCR test within 24 hours and remain in self-quarantine as required under subclause (i); and
 - (iv) complete a COVID-19 PCR test between the fifth and seventh day of arrival in Australia if the person is in Victoria on those days and has not already taken a COVID-19 PCR test between the fifth and seventh days of arrival in Australia; 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 subclause (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 subclause (i); or

- (B) a COVID-19 rapid antigen test within 24 hours of arrival in Victoria, and:
 - 1. undertake a second COVID-19 rapid antigen test as soon as possible if the person receives an invalid test result from the COVID-19 rapid antigen test, such that it is not possible to conclude that the result is a negative test result; and
 - 2. if the result of the first COVID-19 rapid antigen test is positive, or the result of the second COVID-19 rapid antigen test is invalid such that it is not possible to conclude that the result is negative, complete a COVID-19 PCR test within 24 hours and remain in self-quarantine as required under subclause (i); and
- (C) a COVID-19 PCR test again on the third and thirteenth days of their period of self-quarantine if the person is in self-quarantine on those days in accordance with subclause (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 fully vaccinated enters Victoria under clause 8(1)(a), 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 7 days after arriving in Victoria, unless:
 - (a) the worker has completed a COVID-19 PCR test and returned a negative result within 24 hours prior to visiting the residential aged care facility, disability residential service or hospital; or
 - (b) the worker has completed a COVID-19 rapid antigen test and returned a negative test result on the day they are visiting the residential aged care facility, disability residential service or hospital.
- (3) If an international aircrew services worker who is a medically exempt person enters Victoria under clause 8(1)(b), that person must, in addition to complying with the obligations specified in subclause (1), not attend an educational facility, childcare or early childhood services, residential aged care facility, disability residential service or hospital (unless the person is obtaining urgent medical care) for 14 days after arriving in Victoria.

Division 3 – International passenger arrival

10. Eligibility

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

11. Requirements for entry

- (1) An international passenger arrival may enter Victoria if the person is either:
- (a) 12 years and 2 months of age or above; or
 - (b) younger than 12 years and 2 months of age and travelling unaccompanied, and they obtain a valid international passenger arrival permit which includes:
 - (c) the person's personal details; and
 - (d) an attestation by the person stating that (as at the date of attestation) the person and each dependant under 12 years and 2 months of age entering Victoria with that person:
 - (i) meets the requirements in clause 10(1); and
 - (ii) has provided information in the permit that is true and correct; and
 - (A) 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 0 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 **Error! Reference source not found.**; 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 subclause (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 subclause (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 subclause (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 a COVID-19 PCR test:
 - (i) 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 a test within 24 hours of arrival in Australia; and
 - (ii) again between the fifth and seventh day of arrival in Australia if the person is in Victoria on those days and has not already taken a test between the fifth and seventh day of arrival in Australia; and
 - (e) remain in self-quarantine, unless undertaking essential activities, for the period when they enter Victoria until the time that is 72 hours after arriving 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
 - (f) if leaving self-quarantine to undertake essential activities as permitted under subclause (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 subclause (e), not share spaces or facilities at the premises at which they are self-quarantining, including a bedroom, bathroom or kitchen, with any other person who is not self-quarantining.

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

- (1) If a fully vaccinated person aged 12 years and 2 months of age or above enters Victoria under clause 10(1)(a), that person must, in addition to complying with the obligations specified in clauses 12(1) and 13(1), not attend an educational facility, childcare or early childhood services, residential aged care facility, disability residential service or hospital (unless the person is obtaining urgent medical care) in Victoria for 7 days after arriving in Australia, unless:

- (a) the person has completed a COVID-19 PCR test and returned a negative result within 24 hours prior to visiting the educational facility, childcare or early childhood services, residential aged care facility, disability residential service or hospital; or
- (b) the person has completed a COVID-19 rapid antigen test and returned a negative test result on the day they are visiting the educational facility, childcare or early childhood services, residential aged care facility, disability residential service or hospital.

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

- (1) If a person enters Victoria under clause 10(1)(c), that person must, in addition to the obligations specified in clause 12(1):
 - (a) travel immediately and directly to, and self-quarantine at, the premises at which the person will reside for the purposes of self-quarantine for the period when they arrive in Victoria until the day that is 8 days after the person arrived in Australia. If the person arrived in Victoria after the end of the self-quarantine period, the person is not required to self-quarantine; and
 - (b) whilst in direct transit to their place of self-quarantine in Victoria, only leave their vehicle for the purposes of:
 - (i) obtaining medical care or medical supplies; or
 - (ii) accessing toilet and bathroom facilities; or
 - (iii) paying for fuel; or
 - (iv) purchasing essential items; or
 - (v) purchasing takeaway food or drink; and
 - (c) if leaving their vehicle for a permitted reason in subclause (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 a COVID-19 PCR test:
 - (i) 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 a COVID-19 PCR test within 24 hours of arrival within Australia; and
 - (ii) again between the fifth and seventh day of arrival in Australia if the person is in Victoria on those days and has not already taken a COVID-19 PCR test between the fifth and seventh days of arrival in Australia; and
 - (e) remain in self-quarantine unless undertaking essential activities for the period specified in subclause (a); and
 - (f) if leaving self-quarantine to undertake essential activities under subclause (e):
 - (i) wear a face covering at all times unless, in accordance with the pandemic orders in force, an exception from the requirement to wear a face covering applies to the person; and
 - (ii) practise physical distancing; and
 - (g) not share spaces or facilities at the premises at which they are self-quarantining, including a bedroom, bathroom or kitchen, with any other person who is not self-quarantining; and

- (h) not attend an educational facility in Victoria:
 - (i) until the day that is 8 days after the person arrived in Australia; and
 - (ii) if applicable, until they have received a negative result from their COVID-19 PCR test carried out between the fifth and seventh day after arrival, in accordance with subclause (d)(ii); and
- (i) not attend childcare or early childhood services, residential aged care facility, disability residential service or hospital in Victoria (unless obtaining urgent medical care), until the day that is 15 days after the person arrived in Australia.

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

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

- (1) If a medically exempt person aged 18 years or older enters Victoria under clause 10(1)(a), that person must, in addition to the obligations specified in clauses 12(1) and 13(1), not attend an educational facility, childcare or early childhood services, residential aged care facility, disability residential service or hospital (unless obtaining urgent medical care) in Victoria until the day which is 15 days after the person arrived in Australia.
- (2) If a medically exempt person aged at least 12 years and 2 months and less than 18 years enters Victoria under clause 10(1)(a), that person must, in addition to the obligations specified in clauses 12(1) and 13(1):
 - (a) not attend an educational facility in Victoria:
 - (i) until the day which is 8 days after the person arrived in Australia; and
 - (ii) if applicable, until they have received a negative result from their COVID-19 PCR test carried out in accordance with clause 13(1)(d)(ii); and
 - (b) not attend a childcare or early childhood services, residential aged care facility, disability residential service or hospital (unless obtaining urgent medical care) in Victoria until the day that it is 15 days after the person arrived in Australia.
- (3) A person younger than 12 years and 2 months of age who enters Victoria under clause 10(1)(b) must, in addition to the obligations specified in clauses 12(1) and 13(1) :
 - (a) not attend an educational facility in Victoria:
 - (i) until the day which is 8 days after the person arrived in Australia; and
 - (ii) if applicable, until they have received a negative result from their COVID-19 PCR test carried out in accordance with clause 13(1)(d)(ii); and
 - (b) not attend childcare or early childhood services, residential aged care facility, disability residential service or hospital (unless obtaining urgent medical care) in Victoria until the day that is 15 days after the person arrived in Australia.

PART 3 – PERMIT REQUIREMENTS

17. Permit validity and revocation

An international passenger arrival permit:

- (a) 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
- (b) may be used on multiple occasions by a person to enter Victoria during the validity period in subclause (a); and
- (c) is immediately revoked if the person departs Australia within the validity period in subclause (a).

18. Applications for a permit

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

19. Request for exemption

- (1) A person is not required to comply with a requirement of this Order if the person is granted an exemption from that requirement under clause 20(2).
- (2) A person may request an exemption by:
 - (a) using the Service Victoria Platform; or
 - (b) contacting the Department by phone (or other method determined by the Department from time to time).
- (3) A request for exemption must contain all information reasonably required by the Department from time to time, for the purpose of protecting public health.
- (4) The Service Victoria CEO will provide any information contained in a request for exemption under subclause (2)(a) to the Department.

20. Power to grant exemptions

- (1) A person may request an exemption from any or all requirements contained in this Order.
- (2) The Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) may exempt a person or group of persons from any or all requirements contained in these directions, if satisfied that an exemption is appropriate, having regard to the:
 - (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the **Public Health and Wellbeing Act 2008**, as appropriate.
- (3) Before granting any exemption under subclause (2) the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) must consider:
 - (a) the circumstances set out in any request; and
 - (b) any documentary evidence provided by the person, including test results or other medical information in relation to the person; and
 - (c) any further documentary evidence requested by the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) and provided by the person.

- (4) An exemption under subclause (2):
- (a) must:
 - (i) be given by the Department, in writing, to the person who is the subject of the exemption; or
 - (ii) be published by the Department, in writing, for the purpose of any group of persons who are the subject of the exemption; and
 - (iii) specify the requirement or requirements that the person or group of persons need not comply with; and
 - (b) may be subject to additional or different conditions approved by the Chief Health Officer or Deputy Chief Health Officer.
- (5) An exemption granted under subclause (2) does not prevent an authorised officer from exercising an emergency power or a pandemic management power to give the person or group of persons a different direction or impose a different requirement on the person or group of persons.

21. Conditions of exemption

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

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

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

PART 4 – GENERAL PROVISIONS

22. Severability

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

23. Transitional provisions

- (1) A reference in any pandemic order in force (other than a revoked direction) to the **Victorian Border Crossing Permit Directions (No. 44)** is taken on and after the revocation of the **Victorian Border Crossing Permit Directions (No. 44)** to be a reference to this Order.
- (2) Any act matter or thing, including a permit, that had effect under the **Victorian Border Crossing Permit Directions (No. 44)** immediately before they were revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which the **Victorian Border Crossing Permit Directions (No. 44)** were subject immediately before they were revoked.

- (4) This clause is subject to any express provision to the contrary in this Order.
- (5) In this clause:
revoked direction means a direction that is:
- (a) made by the Chief Health Officer or Acting Chief Health Officer under section 200(1) of the **Public Health and Wellbeing Act 2008**; and
 - (b) continued by section 165CJ of that Act as if it were a pandemic order in the same terms made under section 165AI(1); and
 - (c) revoked by a pandemic order.

PART 5 – PENALTIES

24. Penalties

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

Failure to comply with pandemic order, direction or other requirement

- (1) A person commits an offence if the person refuses or fails to comply with a pandemic order, or with a direction given to the person, or a requirement made of the person, in the exercise of a pandemic management power.
- Penalty: In the case of a natural person, 60 penalty units;
 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 2021 (No. 1)** as amended or replaced from time to time;

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

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

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

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

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

- (1) a fever ($\geq 37.5^{\circ}\text{C}$) or consistent fever of less than 37.5°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
 - (c) a documented diagnosed **COVID-19** infection confirmed by a **COVID-19 PCR test** within the previous 6 months.

*Note: a person who enters Victoria on an international passenger arrival permit has a temporary medical exemption pursuant to subclause (c) 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 (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 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;

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**);

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

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

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

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

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

personal details means:

- (1) the person’s full name; and
 - (2) the person’s contact phone number; and
 - (3) the full names of any dependants under the age of 12 years and 2 months for whom the person is a parent, guardian or carer, arriving in Victoria with the person; and
 - (4) the address from which the person is departing when entering Victoria; and
 - (5) where applicable, the current address where the person ordinarily resides; and
 - (6) the address where the person will reside after entering Victoria; and
- Note: if the person is in Victoria temporarily, they can provide details of the accommodation at which they are staying.*
- (7) the date of entry to Victoria; and
 - (8) if applicable, any planned date of departure from Victoria;
 - (9) the person’s **vaccination status**;

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

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

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

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

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

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

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

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

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

Workplace Order means the **Pandemic (Workplace) Order 2021 (No. 1)** as amended or replaced from time to time.

Dated 15 December 2021

MARTIN FOLEY MP
Minister of Health

Public Health and Wellbeing Act 2008

Section 165AI

GUIDANCE FOR THE PANDEMIC (WORKPLACE) ORDER 2021 (No. 1)

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 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 not attend a work premises if they have been tested for COVID-19 because they are symptomatic 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 suspected 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 2021 (No. 1) and is for explanatory purposes only

Public Health and Wellbeing Act 2008

Section 165AI

GUIDANCE FOR THE PANDEMIC (WORKPLACE) ORDER 2021 (No. 1)

TABLE OF PROVISIONS

PART 1 – PRELIMINARY	2803
1. Objective.....	2803
2. Citation	2803
3. Authorising Provision.....	2803
4. Commencement and revocation	2803
5. Definitions	2803
6. Application of this Order.....	2803
PART 2 – WORKPLACE ORDERS	2803
Division 1 – Precautionary measures	2803
7. Operation of a work premises	2803
8. Face coverings requirement.....	2803
9. COVIDSafe Plan	2804
10. Record-keeping obligations (records requirement).....	2805
11. Additional records requirement (additional records requirement).....	2809
12. Signage requirements (signage requirement).....	2810
Division 2 – Responding to suspected or confirmed COVID-19 case.....	2810
13. Responding to a suspected case of COVID-19 in a work premises	2810
14. Responding to a confirmed case of COVID-19 in a work premises	2810
15. Self-quarantine of exposed persons.....	2811
PART 3 – GENERAL PROVISIONS.....	2812
16. Relationship with other Orders	2812
17. Severability.....	2812
18. Transitional provisions	2812
PART 4 – PENALTIES	2812
19. Penalties.....	2812
SCHEDULE 1 – DEFINITIONS	2813

Public Health and Wellbeing Act 2008

Section 165AI

GUIDANCE FOR THE PANDEMIC (WORKPLACE) ORDER 2021 (No. 1)

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

PART 1 – PRELIMINARY**1. Objective**

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

2. Citation

This Order may be referred to as the **Pandemic (Workplace) Order 2021 (No. 1)**.

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 15 December 2021 and ends at 11:59:00 pm on 12 January 2022.
- (2) The **Workplace Directions (No. 57)** are revoked at 11:59:00 pm on 15 December 2021.

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 **Error! Reference source not found.**8 to 15.
- (2) A worker must not attend a work premises if:
 - (a) they have been tested for COVID-19 because they are symptomatic; and
 - (b) they are awaiting the result of that 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 subclause 10(1);
 - (ii) the appropriate level of PPE to be worn at the work premises;
 - (iii) actions taken by the employer to mitigate the introduction of COVID-19 at the work premises;

Examples: temperature testing, provision and training for PPE use, physical distancing requirements (e.g. closing or reconfiguring common areas such as lunchrooms to support workers remaining 1.5 metres apart at all times).
 - (iv) the processes which the employer has put in place to respond to any suspected case 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;
 - (b) in relation to:
 - (i) each individual vehicle that makes up a fleet of two or more vehicles; and

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

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

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

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

Note: an owners corporation is required to have a COVIDSafe Plan for all premises where there are shared indoor spaces (for example: hallways, underground carparking facilities, or gyms).

- (4) An employer must:
 - (a) ensure the COVIDSafe Plan is held at the work premises at all times;
 - (b) immediately present a copy of the COVIDSafe Plan on request to an Authorised Officer;
 - (c) comply with any direction given by an Authorised Officer or WorkSafe inspector to modify a COVIDSafe Plan, including:
 - (i) following an outbreak of confirmed cases of COVID-19 at a work premises; or
 - (ii) if the Authorised Officer considers that the COVIDSafe Plan is not fit for purpose; and
 - (d) implement any modifications required in accordance with subclause (4)(a).

10. Record-keeping obligations (records requirement)

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

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

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

- (2) Subject to subclauses (3) to (9), an employer must:
 - (a) comply with subclause (1) using the Victorian Government QR code system; and
 - (b) make reasonable efforts to ensure that a person required to record an attendance at the work premises in accordance with subparagraph (a) can do so using the Victorian Government QR code system for that purpose even where they do not have access to a personal mobile phone or other device that enables them to do so; and

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

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

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

- (d) where a work premises is:
 - (i) a retail facility other than a supermarket, where the total of all indoor spaces accessible to members of the public is 2,000 square metres or more; or
 - (ii) a market,then:

- (iii) the work premises must prominently display signage at all points of sale at the work premises so that members of the public can record their attendance using the Victorian Government QR code system; and

Note 1: work premises to which subparagraph (d) applies are required to comply with the signage requirements in subparagraph (d) in addition to the signage requirements in subparagraph (c).

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

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

- (e) where a work premises is:

- (i) a retail facility other than a supermarket, where the total of all indoor spaces accessible to members of the public is less than 2,000 square metres; or
- (ii) a market stall,

then:

- (iii) the work premises must prominently display signage at all points of sale at the work premises so that members of the public can record their attendance using the Victorian Government QR code system; and

Note 1: work premises to which subparagraph (e) applies are required to comply with the signage requirements in subparagraph (e) in addition to the signage requirements in subparagraph (c).

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

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

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

- (f) where a work premises is a food and drink facility, then:

- (i) the work premises must prominently display signage at all points of sale and at all points of service, so that members of the public can record their attendance using the Victorian Government QR code system; and

Note: work premises to which subparagraph (f) applies are required to comply with the signage requirements in subparagraph (f) in addition to the signage requirements in subparagraph (c).

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

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

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

- (g) where a work premises is a supermarket, then:

- (i) the work premises must prominently display signage at all points of sale at the work premises so that members of the public can record their attendance using the Victorian Government QR code system; and

Note 1: work premises to which subparagraph (g) applies are required to comply with the signage requirements in subparagraph (g) in addition to the signage requirements in subparagraph (c).

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

- (ii) staff members who interact with a member of the public at a point of sale must request that the member of the public record their attendance at the work premises.
- (3) Where:
- (a) it is not reasonably practicable for a person to record an attendance at a work premises using the Victorian Government QR code system; or
 - (b) there is an access issue that prevents the Victorian Government QR code system from operating,

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

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

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

- (4) Information collected by an employer using an alternative record-keeping method under subclause (3) must be provided by the employer to Service Victoria if requested to do so by the Department or Service Victoria.
- (5) Where a person who attends a work premises is unable to check in using the Victorian Government QR code system for the purpose of subclauses (1) or (9), that information may be collected by an employer or an owner of a vehicle used as a commercial passenger vehicle service from another person on behalf of the first person using the Victorian Government QR code system for that purpose.
- (6) An employer is not required to comply with the records requirement in subclause (1):
- (a) subject to subclause (9), in relation to members of the public using a commercial passenger vehicle service; or
 - (b) in relation to essential support groups and health services if confidentiality is typically required; or
- Example: support groups for alcohol and drugs or family violence typically require confidentiality.*
- (c) in relation to common property areas governed by an owners corporation; or
 - (d) in relation to persons receiving contactless 'click and collect' services where the transaction does not involve entering any indoor space at a work premises; or
- Example: attending a retail facility where a worker drops the goods into the boot of a customer's car whilst the customer remains in the car.*
- (e) in relation to takeaway food providers in respect of customers attending the premises for the sole purpose of collecting food at a drive-through window; or
 - (f) in relation to service stations in respect of members of the public who do not enter a building and pay using contactless payment methods at the petrol bowser; or
 - (g) in relation to emergency workers attending a work premises for the purposes of responding to an emergency where complying with the records requirement is not practicable in the circumstances; or
 - (h) in relation to attendances at a work premises for the purposes of police matters (including investigations), and the administration of justice where the person who is the subject of the record requests that their attendance is kept confidential; or

- (i) subject to subclause (9), in relation to members of the public using public transport or at a stop or station for passenger services of a public transport service; or
 - (j) subject to subclause (9), in relation to a tour and charter bus service, except in relation to workers operating or delivering the tour and charter bus service; or
 - (k) in relation to workers of, or visitors to premises owned or operated by, intelligence agencies who attend that premises for reasons of national security; or
 - (l) in relation to parents, guardians and carers attending a school, childcare or early childhood service or outside school hours care service for the purposes of picking up or dropping off children or students, provided the parent, guardian or carer does not enter an indoor space at the school, childcare or early childhood service or outside school hours care service.
- (7) An employer is not required to comply with subclause 10(2) in relation to work premises that are:
- (a) schools, childcare or early childhood services and outside school hours care services in respect of all students, teachers and other school staff (but not visitors, contractors or other workers); or
Note: educational facilities (other than schools and childcare or early childhood services and outside school hours care services) are required to comply with subclause (2).
 - (b) care facilities in respect of residents; or
 - (c) a health service entity; or
 - (d) farms in respect of workers and other persons attending for work-related purposes; or
 - (e) premises where pre-ordered goods are being delivered via contactless delivery; or
Example: a meal delivery service driver attending a premises to drop a meal ordered via an app at the door is not required to check-in at that premises.
 - (f) a private residence attended by workers for the purposes of undertaking work; or
Note: this excludes common property areas governed by an owners corporation.
 - (g) a prison, remand centre, youth residential centre, or youth justice centre; or
 - (h) a site operated by COVID-19 Quarantine Victoria; or
 - (i) a site where the use of electronic devices is prohibited due to safety concerns; or
Example: petrochemical bulk storage and transport, and other flammable liquids sites.
 - (j) a school bus; or
 - (k) an early stage land development site, excluding any site office at that site.
Example: workers conducting scoping work on empty land prior to the commencement of construction will not be required to check-in using the Victorian Government QR code system. However, a worker entering a site office on otherwise empty land will need to check-in to that office using the Victorian Government QR code system.
- (8) An employer to whom the accommodation facilities requirements of the **Open Premises Order** applies is only required to comply with subclause 10(2) in respect of a person who:
- (a) is not registered to stay overnight at the accommodation facility; and
 - (b) attends a communal or shared accommodation space.
- (9) Despite subclause (2):
- (a) an owner of a vehicle used as a commercial passenger vehicle service; or

- (b) an employer in respect of:
 - (i) public transport; or
 - (ii) a stop or station for passenger services of a public transport service, other than stops or stations that are not regularly staffed; or
 - (iii) a tour and charter bus service,must make available and clearly visible and accessible in the vehicle, stop or station at all times, a sign that allows members of the public in the vehicle or at the stop or station to use the Victorian Government QR code system.
- (10) In handling any information collected under subclause (1):
 - (a) an employer who uses or an owner who makes available a system other than the Victorian Government QR code system, must:
 - (i) not collect personal information unless:
 - (A) the information is necessary to meet the requirements outlined in subclause (1); or
 - (B) the information is provided by a driver or passenger using the system made available under subclause (9); and
 - (ii) use reasonable endeavours to protect the personal information from use or disclosure, other than in accordance with a request made by an Authorised Officer (or a person assisting an Authorised Officer); and
 - Note: information should be collected in a way that protects it from being disclosed to other patrons.*
 - Example: where using a paper-based method, a sheet of paper could be placed over previous visitor details on a sheet that records the names.*
 - (iii) use reasonable endeavours to notify the person from whom the personal information is being collected that the primary purpose of collection is for COVID-19 contact tracing, and that their personal information may be collected and stored by the Victorian Government for this purpose; and
 - (iv) destroy the information as soon as reasonably practicable following 28 days after the attendance at the work premises, unless a statutory requirement permits or requires the personal information to be retained;
 - Note: subparagraph (a) is intended to apply to employers who use or owners who collect information pursuant to subparagraphs (1) or (9) using a method other than the Victorian Government QR code system, whether or not:*
 - (a) *the employer also uses or the owner also uses the Victorian Government QR code system to comply with subparagraphs (1) or (9); or*
 - (b) *the system used by the employer or made available by the owner links to the Victorian Government QR code system.*
 - (b) Service Victoria and/or another operator of the Victorian Government QR code system must destroy the information as soon as reasonably practicable following 28 days after the attendance at the work premises unless a statutory requirement permits or requires the personal information to be retained.

11. Additional records requirement (additional records requirement)

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

- (2) In collecting the information outlined in subclause (1), an employer must:
 - (a) use reasonable endeavours to protect the personal information from use or disclosure, other than in accordance with a request made by an Authorised Officer; and
 - (b) destroy the information as soon as reasonably practicable, unless another statutory requirement permits or requires the personal information to be retained.

12. Signage requirements (signage requirement)

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

- (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 suspected or confirmed COVID-19 case

13. Responding to a suspected case of COVID-19 in a work premises

- (1) An employer must not require a worker to perform work at a work premises if the worker is displaying one or more COVID-19 Symptoms.
- (2) As soon as practicable after becoming aware of a suspected case in a worker who has attended a work premises in the period commencing 48 hours prior to the onset of symptoms, an employer must:
 - (a) advise the worker to self-isolate immediately and support the worker in doing so, by either:
 - (i) directing the worker to travel home immediately (and providing support to the worker to do so); or
 - (ii) where the worker is unable to travel home immediately, directing the worker to isolate themselves at the work premises and, whilst doing so, to wear a face covering and remain at least 1.5 metres from any other person at the work premises, until the worker can return home later that day to self-isolate; and

Note: the worker should isolate in a separate room from other persons, where possible.
 - (b) advise the worker to be tested for COVID-19 as soon as practicable, and to self-isolate whilst awaiting the result of that test; and
 - (c) ensure appropriate records are maintained in accordance with clause 10(1) in order to support contact tracing if the suspected case becomes a confirmed case, particularly from the period commencing 48 hours prior to the onset of symptoms in the suspected case; and

Note: this will include, for example, rosters and worker details, and details of all visitors to the work premises, to ascertain which persons were present at the work premises and who they may have come into contact with.
 - (d) inform all workers (including the health and safety representative) to be vigilant about the onset of symptoms of COVID-19 and advise all workers to be tested for COVID-19 and self-isolate 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 test result for COVID-19 must, as soon as practicable, notify the operator of any work premises at which the diagnosed person ordinarily works, if the diagnosed person attended an indoor space at the work premises during their Infectious Period.
- (2) As soon as practicable after becoming aware of a diagnosed person who has attended the work premises in the Infectious Period, the operator must:

- (a) notify the Department and WorkSafe in accordance with the **Occupational Health and Safety (COVID-19 Incident Notification) Regulations 2021** and the health and safety representative at the work premises; and
 - (b) to the extent not already completed, direct the diagnosed worker not to attend the work premises and advise them to self-isolate in accordance with clause 13(2)(a); and
 - (c) take reasonable steps to notify all workers who were present at the same indoor space that they:
 - (i) may have been exposed to COVID-19; and
 - (ii) must undertake a test for COVID-19 within 24 hours of receiving the notification that they may have been exposed to COVID-19; and
 - (iii) must notify the operator of the work premises of their test result; and
 - (d) inform all workers (including health and safety representatives) to be vigilant about the onset of COVID-19 Symptoms and advise all workers to be tested for COVID-19 and self-quarantine if they become symptomatic; and
 - (e) put in place appropriate control and/or risk management measures to reduce the risk of spreading COVID-19 at the work premises; and
- Note: employers are encouraged to ensure that any risks identified from the confirmed case are addressed in these control measures.*
- Examples: increasing the implementation and enforcement of control measures with respect to PPE (such as face coverings) and physical distancing.*
- (f) contact the Department (or other entity nominated by the Department on its website) and:
 - (i) notify it of the actions taken in accordance with subclauses (2)(a) to (e); and
 - (ii) provide it with a copy of the risk assessment conducted in accordance with subclause (2)(e); and
 - (iii) provide the Department (or other entity nominated by the Department) with contact details of any exposed persons (whether or not workers) identified pursuant to subclause (2)(a); and
 - (iv) comply with any further directions given by the Department or WorkSafe in relation to closure of the Work Premises (or part of the Work Premises) and/or cleaning; and
 - (g) where the work premises (or part of the work premises) is closed, not re-open that work premises (or that part of the work premises which was closed) until all of the following have occurred:
 - (i) the employer has complied with all of its obligations under subclauses (2)(a) to (f); and
 - (ii) the Department has completed all relevant contact tracing.

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

15. Self-quarantine of exposed persons

A worker who has been notified under clause 14(2)(c) that they may have been exposed to COVID-19 must:

- (a) self-quarantine immediately from the time they were notified that they may have been exposed to COVID-19; and
- (b) undertake a test for COVID-19 within 24 hours of being notified that they may have been exposed to COVID-19; and
- (c) remain in self-quarantine until they receive a negative test result for COVID-19 result; and
- (d) notify the operator of the relevant work premises of their test result.

PART 3 – GENERAL PROVISIONS**16. Relationship with other Orders**

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

17. 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.

18. Transitional provisions

- (1) A reference in any pandemic order in force (other than a revoked direction) to the **Workplace Directions (No. 57)** is taken on and after the revocation of the **Workplace Directions (No. 57)** to be a reference to this Order.
- (2) Any act matter or thing that had effect under the **Workplace Directions (No. 57)** immediately before they were revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which the **Workplace Directions (No. 57)** were subject immediately before they were revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.
- (5) In this clause:

revoked direction means a direction that is:

 - (a) made by the Chief Health Officer or Acting Chief Health Officer under section 200(1) of the **Public Health and Wellbeing Act 2008**; and
 - (b) continued by section 165CJ of that Act as if it were a pandemic order in the same terms made under section 165AI(1); and
 - (c) revoked by a pandemic order.

PART 4 – PENALTIES**19. Penalties**

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

Failure to comply with pandemic order, direction or other requirement

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

Penalty: In the case of a natural person, 60 penalty units;
Penalty: In the case of a body corporate, 300 penalty units.
- (2) A person is not guilty of an offence against subsection 19(1) if the person had a reasonable excuse for refusing or failing to comply.

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

SCHEDULE 1 – DEFINITIONS

For the purposes of this Order:

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

Additional Industry Obligations Order means the **Pandemic (Additional Industry Obligations) Order 2021 (No. 1)** as amended or replaced from time to time;

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

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

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

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

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

- (a) **Education and Care Services National Law** and the **Education and Care Services National Regulations**, including long day care services, kindergartens and/or preschool and family daycare services, but not including outside school hours care services; and
- (b) **Children's Services Act 1996**, including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;

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

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

confirmed case means a diagnosis of COVID-19 in a worker at the work premises;

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

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

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

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

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

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

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

Department means the Department of Health;

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

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

diagnosed worker means a worker who is a diagnosed person;

early stage land development site means an open air, greenfields site where civil works are being undertaken that are associated with, and preparatory to, the construction of multiple individual residential dwellings or an industrial or commercial development on that site, including but not limited to:

- (a) site remediation works;
- (b) site preparation works;
- (c) construction of utilities, roads, bridges and trunk infrastructure;
- (d) stormwater or flood management works;

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

- (e) for a residential development where the development is, or will be, subdivided to facilitate the construction of individuals dwellings, on the day that the construction of a dwelling on that part of the subdivision (or planned subdivision) of the early stage land development site commences; and
- (f) for a residential development where the development has not been subdivided and it is not intended that the development will be subdivided in the future, on the day that construction commences; and

Examples: this type of residential development includes a high-rise apartment complex or a retirement village.

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

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

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

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

employee includes a person who is self-employed;

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

exposed person means any person who has had face-to-face contact of any duration, or who has shared a closed space, with a confirmed case during their Infectious Period at a work premises;

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

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

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

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

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

higher education services means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, and other post-compulsory education or training;

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

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

indoor zone means a section of an indoor space that:

- (a) is designated by the person who owns, controls or operates the indoor space as being for the exclusive use of specified members of the public; and

(b) is delineated by temporary barriers, tape or other clearly visible markings or means;
Infectious Period has the same meaning as in the **Quarantine, Isolation and Testing Order**;
inspector has the same meaning as in the **Occupational Health and Safety Act 2004**;
market means a public market, whether indoor or outdoor, including a food market;

member of the public is a person but does not include:

- (a) a person who is an employee of an operator of the facility or venue; or
- (b) any other person who attends the facility or venue that is reasonably necessary for providing a service at the facility or venue;

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

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

outbreak means:

- (a) a single confirmed case of COVID-19 in a resident, staff member or frequent attendee of a residential aged care facility; or
- (b) two or more epidemiologically linked cases outside of a household with symptom onset within 14 days;

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

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

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

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

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

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

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

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

PPE means personal protective equipment;

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

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

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 2021 (No. 1)** as amended or replaced from time to time;

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

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

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

retail facility means a premises, or part of a premises, that are used wholly or predominantly for the sale or hire of goods by retail, the retail provision of services and includes a market, retail shopping centre and supermarkets;

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

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

school bus means any bus while being used as part of:

- (a) the School Bus Program; or
- (b) the Students with Disabilities Transport Program; or
- (c) a private arrangement between a school and a bus company;

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

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

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

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

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

signage requirement has the meaning in clause 12;

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

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

suspected case means a person who is displaying one or more COVID-19 Symptoms;

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**;

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 15 December 2021

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

Section 165AI

GUIDANCE FOR THE

PANDEMIC (ADDITIONAL INDUSTRY OBLIGATIONS) ORDER 2021 (No. 1)

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

The following industries must comply with this Order:

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

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

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

Failure to comply with this Order may result in penalties.

This explanatory guidance does not form part of the Pandemic (Additional Industry Obligations) Order 2021 (No. 1) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (ADDITIONAL INDUSTRY OBLIGATIONS) ORDER 2021 (No. 1)

TABLE OF PROVISIONS

PART 1 – PRELIMINARY	2819
1. Objective.....	2819
2. Citation	2819
3. Authorising provision.....	2819
4. Commencement and revocation	2819
5. Definitions	2819
6. Application of this Order.....	2819
PART 2 – ADDITIONAL INDUSTRY OBLIGATIONS	2819
7. Application of this Order to certain employers and roles.....	2819
8. General obligations.....	2820
9. Compliance.....	2820
10. Consultation.....	2820
11. Additional Industry Obligations.....	2820
12. Abattoirs and meat processing facilities, poultry processing facilities and seafood processing facilities	2821
13. Care facilities.....	2821
14. Ports of entry	2823
15. Hotel quarantine	2823
16. Hospitals.....	2824
PART 3 – GENERAL PROVISIONS.....	2825
17. Relationship with other Orders	2825
18. Severability.....	2825
19. Transitional provisions	2825
PART 4 – PENALTIES	2826
20. Penalties.....	2826
SCHEDULE 1 – RESTRICTIONS ON ELECTIVE SURGERY	2827
SCHEDULE 2 – DEFINITIONS	2830

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (ADDITIONAL INDUSTRY OBLIGATIONS) ORDER 2021 (No. 1)

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 2021 (No. 1)**.

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 15 December 2021 and ends at 11:59:00 pm on 12 January 2022.
- (2) The **Workplace (Additional Industry Obligations) Directions (No. 58)** are revoked at 11:59:00 pm on 15 December 2021.

5. Definitions

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

6. Application of this Order

This Order applies to the whole State of Victoria.

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

- (1) This Order applies to Additional Obligation Industries, namely:
 - (a) poultry processing facilities;
 - (b) abattoirs and meat processing facilities;
 - (c) seafood processing facilities;
 - (d) supermarket work premises and perishable food work premises;
 - (e) warehousing and distribution centres;
 - (f) commercial cleaning services;
 - (g) care facilities;
 - (h) ports of entry servicing international arrivals;
 - (i) hotel quarantine;
 - (j) hospitals;
 - (k) construction sites.

- (2) This Order applies to Additional Obligation Industries work premises that are located:
- (a) in relation to supermarket work premises and perishable food work premises, and warehousing and distribution centres, in Metropolitan Melbourne; and
 - (b) in relation to all other Additional Obligation Industries not referred to in subclause (a), anywhere in Victoria, unless this Order indicates otherwise.

8. General obligations

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

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

9. Compliance

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

- (a) an inspection of a work premises; or
- (b) 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:

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

11. Additional Industry Obligations

- (1) An employer in relation to an Additional Obligation Industry work premises must:
- (a) where the employer's work premises is an industry that is listed in the Surveillance Testing Industry List and Requirements (as amended from time to time on the advice of the Chief Health Officer):
 - (i) carry out surveillance testing for COVID-19 on its workers in relation to the work premises in accordance with the requirements of the Surveillance Testing Industry List and Requirements (as amended from time to time on the advice of the Chief Health Officer), including:
 - (A) those sections of its workforce required to be tested under the Surveillance Testing Industry List and Requirements;
 - (B) a weekly surveillance testing target of the percentage of workers that are to be tested; and

- (ii) for industries that require workers to undergo a COVID-19 rapid antigen test, if a worker receives an invalid test result from the COVID-19 rapid antigen test, the employer must direct the worker to undertake a second COVID-19 rapid antigen test as soon as possible; and
- (iii) for industries that require workers to undergo a COVID-19 rapid antigen test, if a worker receives:
 - (A) a positive test result from the COVID-19 rapid antigen test; or
 - (B) two successive invalid COVID-19 rapid antigen test results, the employer must direct the worker to:
 - (C) undertake a COVID-19 PCR test as soon as possible; and
 - (D) self-isolate until a negative COVID-19 PCR test result is received; and
- (iv) keep records of surveillance testing of workers for COVID-19, which demonstrate that the employer has complied with its obligations under subclause (i) in relation to the work premises; and
- (v) provide the records required to be kept by the employer under subclause (iv) to the Department upon request by the Department for those records.

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

- (2) An employer is not required to carry out surveillance testing for COVID-19 pursuant to subclause (1)(a)(i) in relation to a worker who is a confirmed case for period of 90 days commencing from the date the diagnosis of COVID-19 is confirmed through a COVID-19 PCR test.

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

- (1) In relation to a work premises that is an abattoir, meat processing facility, poultry processing facility or seafood processing facility, an employer must ensure that all workers at the work premises wear the appropriate level of personal protective equipment:
 - (a) to carry out the functions of the worker's role; and
 - (b) to mitigate the introduction of 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 1: an employer at a work premises that is an abattoir, meat processing facility, poultry processing facility or seafood processing facility is required to comply with subclause (b) unless an exception under the **Movement and Gathering Order** applies in respect of a worker; in which case the employer is exempted from requiring that worker to wear a face covering.*

13. **Care facilities**

- (1) An employer in relation to a work premises that is a care facility in Victoria must require care facility workers in relation to a care facility to wear a face covering while working in any indoor space at the care facility if the worker is performing a resident-facing role at the care facility, unless an exception under the **Movement and Gathering Order** applies to that worker.

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

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

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

- (2) If a care facility worker is working at more than one work premises for two or more different employers:
- (a) the care facility worker must provide a written declaration to each employer to advise them that the worker is working at more than one work premises and must provide details of the other work premises to each employer; and
 - (b) each employer must maintain a record of all care facility workers who have disclosed to the employer under subclause (a) that they are working across more than one work premises.
- (3) Despite the **Visitors to Hospitals and Care Facilities Order**, an employer in relation to a work premises that is a care facility in Victoria must not permit an employee or contractor (excluding a visiting health care professional) to enter the care facility where:
- (a) the employee or contractor has, on or after 4 October 2020, worked at another care facility; and
 - (b) at the time the employee or contractor worked at that other care facility, a confirmed case was present at that other facility,
- unless:
- (c) if the employee or contractor is fully vaccinated:
 - (i) at least 7 days have elapsed since the last time the employee or contractor worked at that other facility while a confirmed case was present; and
 - (ii) the employee or contractor:
 - (A) has undertaken a COVID-19 PCR test on or after 6 days from the day that the employee or contractor last worked at that other facility while a confirmed case was present; and
 - (B) received confirmation that the results of the test undertaken pursuant to subclause (A) were negative; or
 - (d) if the employee or contractor is not fully vaccinated:
 - (i) at least 14 days have elapsed since the last time the employee or contractor worked at that other facility while a confirmed case was present; and
 - (ii) the employee or contractor:
 - (A) has undertaken a COVID-19 PCR test on or after 13 days from the day that the employee or contractor last worked at that other facility while a confirmed case was present; and
 - (B) received confirmation that the results of the test undertaken pursuant to subclause (A) were negative; and
 - (e) the employee or contractor has provided evidence of the negative COVID-19 PCR test result pursuant to subclause (c) or (d) to the employer prior to commencing work at that care facility.

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

Note 2: the effect of subclause (3) is that, in the event of an outbreak of COVID-19 at a care facility, an employee or contractor present during the outbreak must only work at that facility, and cannot be permitted to work at other care facilities. Such employees or contractors must wait a minimum period of either 7 days if they are fully vaccinated or 14 days if they are not fully vaccinated from when they last worked a shift while a confirmed case was present at the facility and test negative for COVID-19, before moving from that care facility to commence work at another care facility. No test is required if it has been 28 days or more since the employee or contractor last worked a shift while a confirmed case was present at the facility.

- (4) For the avoidance of any doubt, the obligations on an employer in subclause (3) do not apply to a visiting health care professional entering the care facility.

- (5) An employer in relation to a work premises that is a care facility in Victoria must comply with personal protective equipment requirements in accordance with the requirements of the Department.
- (6) The Chief Health Officer may grant an exemption in writing to the requirements of subclause (3).

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

14. Ports of entry

- (1) Subject to subclause (2), a port of entry worker means:
 - (a) any airport or maritime port worker who has direct contact (including occasional contact or interactions) with international passengers or crew, at the international port of entry; or
 - (b) a worker or person who interacts with the environment within the international port of entry (including any worker or person who boards a vessel, ship or aircraft) where international passengers and crew are or have been.

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

- (2) Despite subclause (1), a port of entry worker does not include any worker who works in an international departures area of an airport.
- (3) In relation to a work premises that is a port of entry work premises servicing international arrivals, an employer must:

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

- (a) make available an adequate supply of personal protective equipment free of charge to port of entry workers; and
- (b) ensure that all port of entry workers wear appropriate personal protective equipment in accordance with the requirements of the Department; and
- (c) if they are an employer of an international aircrew service worker, keep, and provide to the Department upon request by the Department, records of:
 - (i) the date and time each COVID-19 rapid antigen test is administered to an international aircrew service worker; and
 - (ii) the result of each COVID-19 rapid antigen test administered to an international aircrew service worker; and
 - (iii) in the event that the result of the COVID-19 rapid antigen test is positive for an international aircrew service worker, the date, time and result of a COVID-19 PCR test undertaken on that worker.

15. Hotel quarantine

- (1) In relation to a work premises that is a hotel quarantine work premises, an employer must:
 - (a) make available an adequate supply of personal protective equipment free of charge to workers; and
 - (b) ensure that all workers wear appropriate personal protective equipment in accordance with the requirements of the Department; and
 - (c) provide regular training to workers (including, but not limited to, an induction for all workers commencing at, or returning to, the work premises) that covers:
 - (i) good hygiene practices; and
 - (ii) advising workers not to attend the work premises when unwell.

16. Hospitals

- (1) In relation to those parts of a hospital that are a high-risk hospital work premises, an employer must:
 - (a) arrange operations at the work premises so as to have high-risk hospital work premises workers working consistently with the same group of other high-risk hospital work premises workers where reasonably practicable, including (but not limited to):
 - (i) developing separate shifts in a way that minimises physical interactions between groups of high-risk hospital work premises workers attending different shifts;
 - (ii) separating high-risk hospital work premises workers into work areas;
 - (iii) dividing work areas up further into separate teams;
 - (iv) providing separate break areas for the separate teams;
 - (v) requiring teams to use separate entrances and exits from other teams;
 - (vi) where high-risk hospital work premises workers are from the same household, ensuring they work in the same shift and work area.
- (2) Subject to subclause (3), an employer in relation to a high-risk hospital work premises must not require or permit a high-risk hospital work premises worker to perform work at more than one work premises of the employer.
- (3) Subclause (2) does not apply where it is not practicable to limit a high-risk hospital work premises worker to only one work premises.
- (4) Where subclause (3) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of high-risk hospital work premises workers working across multiple work premises.

Example: rosters.
- (5) If a high-risk hospital work premises worker working in a high-risk hospital work premises is working at more than one work premises for two or more different employers:
 - (a) the high-risk hospital work premises worker must provide a written declaration to each employer to advise them that the high-risk hospital work premises worker is working at more than one work premises and must provide details of the other work premises to each employer; and
 - (b) each employer must maintain a record of all high-risk hospital work premises workers who have disclosed to the employer under subclause (a) that they are working across more than one work premises.
- (6) In relation to a work premises that is a hospital, an employer must require workers to declare in writing at the start of each shift:
 - (a) whether the worker has completed a shift or shifts at another hospital in a high-risk hospital work premises in the 14 days prior to making the declaration; and
 - (b) if the worker declares that they have completed a shift or shifts at another hospital in a high-risk hospital work premises in the 14 days prior to making the declaration:
 - (i) the name of the relevant hospital; and
 - (ii) whether a shift, or any shifts, declared under subclause (a) were on the roster of a COVID streaming area.

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

- (7) In relation to:
- (a) a work premises identified in Column 1 of Schedule 1, an employer must comply with the restrictions and requirements outlined in Column 2 of Schedule 1; and
- except in relation to:
- (b) an in vitro fertilisation (IVF) procedure performed at a work premises that is a registered facility; or
 - (c) 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 (other than a revoked direction) to the **Workplace (Additional Industry Obligations) Directions (No. 58)** is taken on and after the revocation of the **Workplace (Additional Industry Obligations) Directions (No. 58)** to be a reference to this Order.
- (2) Any act matter or thing that had effect under the **Workplace (Additional Industry Obligations) Directions (No. 58)** immediately before they were revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which the **Workplace (Additional Industry Obligations) Directions (No. 58)** were subject immediately before they were revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.
- (5) In this clause:

revoked direction means a direction that is:

- (a) made by the Chief Health Officer or the Acting Chief Health Officer under section 200(1) of the **Public Health and Wellbeing Act 2008**; and
- (b) continued by section 165CJ of that Act as if it were a pandemic order in the same terms made under section 165AI(1); and
- (c) revoked by a pandemic order.

PART 4 – PENALTIES**20. Penalties**

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

Failure to comply with pandemic order, direction or other requirement

- (1) A person commits an offence if the person refuses or fails to comply with a pandemic order, or with a direction given to the person, or a requirement made of the person, in the exercise of a pandemic management power.
Penalty: In the case of a natural person, 60 penalty units;
In the case of a body corporate, 300 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply.

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

SCHEDULE 1 – RESTRICTIONS ON ELECTIVE SURGERY

Work premises (Column 1)	Current elective surgery restrictions (Column 2)
<p>Private hospitals in Metropolitan Melbourne and in the local government area of the City of Greater Geelong, the City of Ballarat, the City of Greater Shepparton, the City of Greater Bendigo and the City of Latrobe</p> <p>Day procedure centres in Metropolitan Melbourne</p>	<p>(a) An employer may only permit elective surgery procedures to be performed if the employer:</p> <ul style="list-style-type: none"> (i) has provided capacity and support to assist with the COVID-19 response, including to public health services operating a COVID-19 streaming area, as required; and (ii) does not exceed the volume cap on elective surgery procedures in paragraph (b). <p>(b) An employer must ensure that the volume of elective surgery procedures performed per week is up to 75 per cent of the usual volume of allocated list time prior to the introduction of restrictions on elective surgery procedures under a revoked direction.</p> <p>(c) An employer must ensure patients requiring elective surgery procedures are prioritised based on clinical need. An employer must accommodate time critical and urgent elective surgery patients within the 75 per cent cap specified in paragraph (b).</p> <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; and (ii) emergency surgery. <p>(e) An employer supporting public health services operating a COVID-19 streaming area must:</p> <ul style="list-style-type: none"> (i) agree arrangements with public health services to support the COVID-19 response before increasing elective surgeries within the 75 per cent cap on elective surgery procedures in paragraph (b); and (ii) where required to support the COVID-19 response, ensure referrals from public health services operating a COVID-19 streaming area of public patients requiring Category 1 and Category 2A elective surgery procedures are prioritised based on clinical need; and (iii) provide a report to the Department on a fortnightly basis that specifies the arrangements it has implemented to comply with paragraph (e).

Work premises (Column 1)	Current elective surgery restrictions (Column 2)
<p>All public health services located in Metropolitan Melbourne that do not operate a COVID-19 streaming area</p>	<p>(a) An employer may only permit elective surgery procedures to be performed if the employer:</p> <ul style="list-style-type: none"> (iii) has provided capacity and support to assist with the COVID-19 response, including to public health services operating a COVID-19 streaming area, as required; and (iv) does not exceed the volume cap on elective surgery procedures in paragraph (b). <p>(b) An employer must ensure that the volume of elective surgery procedures performed per week is up to 75 per cent of the usual volume of allocated list time prior to the introduction of restrictions on elective surgery procedures under a revoked direction.</p> <p>(c) An employer must ensure patients requiring elective surgery procedures are prioritised based on clinical need. An employer must accommodate urgent elective surgery patients within the 75 per cent cap specified in paragraph (b).</p>
<p>All public health services located in Metropolitan Melbourne that operate a COVID-19 streaming area</p> <p>All public health services that are:</p> <ul style="list-style-type: none"> ● part of Barwon Health 	<p>(a) An employer may only permit an elective surgery procedure to be performed that is a Category 1 or Category 2A elective surgery procedure.</p> <p>(b) An employer must ensure all elective surgery procedures that are not urgent elective surgery procedures, including Category 2B elective surgery procedures and Category 3 elective surgery procedures and non-urgent non-ESIS procedures, are temporarily postponed.</p>
<p>All public health services and public hospitals in Regional Victoria, except those that are part of:</p> <ul style="list-style-type: none"> ● Barwon Health; ● the Ballarat Health Service campus of Grampians Health; ● Goulburn Valley Health; ● 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 (a) applies, an employer should ensure elective surgery procedures that are not urgent elective surgery procedures, including Category 2B elective surgery procedures and Category 3 elective surgery procedures, are reduced in the first instance.</p>

Work premises (Column 1)	Current elective surgery restrictions (Column 2)
<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 must ensure that the volume of elective surgery procedures performed per week is up to 75 per cent of the usual volume of allocated list time prior to the introduction of restrictions on elective surgery procedures under a revoked direction.</p> <p>(b) An employer must ensure patients requiring elective surgery procedures are prioritised based on clinical need. An employer must accommodate urgent elective surgery patients within the 75 per cent cap specified in paragraph (a).</p> <p>(c) 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>(d) If (c) applies, an employer should ensure elective surgery procedures that are not urgent elective surgery procedures, including Category 2B elective surgery procedures and Category 3 elective surgery 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 ‘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 2A elective surgery procedure means a procedure that is clinically indicated within 90 days and where the patient’s condition may deteriorate quickly and may become an emergency if not admitted within an appropriate time;

Category 2B elective surgery procedure means a procedure that is clinically indicated within 90 days and where the patient’s condition is unlikely to deteriorate quickly or become an emergency during that period;

Category 3 elective surgery procedure means a procedure that is clinically indicated within 365 days but is unlikely to deteriorate quickly;

confirmed case means a worker or person diagnosed with COVID-19 and includes the period of time prior to the diagnosis during which the worker is considered infectious;

Note: the period during which a person is considered infectious is generally considered to be 48 hours prior to the onset of COVID-19 symptoms, however, alternative infectious periods may be determined at the discretion of an officer or nominated representative of the Department (for instance, in high-risk settings or if the confirmed case is asymptomatic).

construction site means a work premises at which civil works, building or construction activities take place;

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

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

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

COVID streaming area means any patient treatment area nominated by the relevant health service as an area dedicated to treating a confirmed case or confirmed cases, including negative pressure rooms for COVID-19 patients;

COVID-19 symptoms has the same meaning as in the **Workplace Order**;

day procedure centre has the same meaning as in the **Visitors to Hospitals and Care Facilities Order**;

density quotient has the same meaning as in the **Workplace Order**;

Department means the Department of Health;

Detention Notice means a notice given to a person requiring the person to be detained for a specified period under the **Public Health and Wellbeing Act 2008**;

elective surgery procedure means an urgent elective surgery procedure, urgent non-ESIS procedures, Category 1 elective surgery procedure, Category 2A elective surgery procedure, Category 2B elective surgery procedure, Category 3 elective surgery procedure or non-urgent non-ESIS procedure;

employee includes a person who is self-employed;

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

face covering has the same meaning as in the **Workplace Order**;

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

high-risk hospital work premises means any hospital ward treating a confirmed case or cases of COVID-19;

high-risk hospital work premises worker means any worker involved in the direct care of patients, and those who interact with a high-risk hospital work premises;

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

hotel quarantine means a place (being a hotel or other facility or class of facility), designated by the Attorney-General and published in the Government Gazette, where people are detained in or directed to remain in, or are staying in, quarantine, isolation or emergency accommodation at, for the purpose of eliminating or reducing the serious risk to public health posed by the COVID-19 pandemic;

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

meat processing facility has the meaning under the PrimeSafe licence category ‘further meat processing facilities’;

Metropolitan Melbourne means the area within the municipal districts under the local government of the municipal councils set out in Schedule 2 of the **Planning and Environment Act 1987**;

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

outbreak means:

- (a) a single confirmed case of COVID-19 in a resident, staff member or frequent attendee of a residential aged care facility; or
- (b) two or more epidemiologically linked cases outside of a household with symptom onset within 14 days;

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

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

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

perishable food work premises means a work premises that is predominantly a perishable food facility that is a chilled distribution facility;

personal protective equipment has the same meaning as in the **Occupational Health and Safety Regulations 2017**;

port means the port of Melbourne, the port of Geelong, the port of Portland, the port of Hastings and any other port declared under section 6 of the **Port Management Act 1995** in relation to which port lands or port waters or both port lands and port waters have been declared under section 5 of the **Port Management Act 1995**;

port of entry means a port or airport;

port of entry worker has the meaning in clause 14(1);

poultry processing facility has the meaning under the PrimeSafe licence category ‘poultry meat processing facilities’;

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

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

public 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 2021 (No. 1)** 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;

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 <https://www.health.vic.gov.au/covid-19/surveillance-testing-industry-list-covid-19> as amended from time to time by the Victorian Government.

theatre complex means the suite of rooms at a hospital where medical procedures are performed and ancillary services are conducted;

urgent elective surgery procedure means a procedure where admission within 30 days is clinically indicated for a condition that has the potential to deteriorate quickly to the point that it might become an emergency; a procedure that is clinically indicated within 90 days and where the patient’s condition may deteriorate quickly and become an emergency if not admitted within an appropriate time; an urgent non-ESIS procedure including a procedure undertaken for the purposes of cancer diagnosis and early or overdue cancer surveillance and includes a Category 1 elective surgery procedure, a Category 2A elective surgery procedure and a urgent non-ESIS procedure;

urgent non-ESIS procedure means a procedure that is a time critical procedure that is not reported via the Elective Surgery Information System where the patient’s condition is likely to deteriorate quickly including procedures undertaken for the purposes of cancer diagnosis and early or overdue cancer surveillance;

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

*Note: under the **Public Health and Wellbeing Act 2008**, vehicle includes any means of transport, whether used on land, sea or in the air.*

visiting health care professional means a health care worker whose usual place of work is not the facility but who attends to provide health care services to a resident or facility;

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

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

work premises means the premises of an employer in which work is undertaken, including any vehicle whilst being used for work purposes, 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 15 December 2021

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

Section 165AI

GUIDANCE FOR THE

PANDEMIC (VICTORIAN BORDER CROSSING) ORDER 2021 (No. 2)

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 2021 (No. 2) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (VICTORIAN BORDER CROSSING) ORDER 2021 (No. 2)**TABLE OF PROVISIONS**

PART 1 - PRELIMINARY	2836
1. Objective.....	2836
2. Citation	2836
3. Authorising Provision.....	2836
4. Commencement and revocation	2836
5. Definitions	2836
6. Application of this Order.....	2836
PART 2 – REQUIREMENTS FOR INTERNATIONAL TRAVELLERS	2836
Division 1 – Restrictions on entry	2836
7. Restrictions on persons entering Victoria.....	2836
Division 2 – International Aircrew Services Worker	2836
8. Eligibility	2836
9. International aircrew services worker - Obligations after entry	2837
Division 3 – International passenger arrival	2839
10. Eligibility	2839
11. Requirements for entry	2839
12. Conditions after arrival – all international passenger arrivals	2840
13. Additional conditions after arrival – all international passenger arrivals except adolescents who are not fully vaccinated and are not a medically exempt person	2840
14. Additional conditions after arrival – fully vaccinated adolescents and adults	2842
15. Additional conditions after arrival – adolescents who are not fully vaccinated and are not a medically exempt person.....	2842
16. Additional conditions after arrival – medically exempt persons and children who are not fully vaccinated	2843
PART 3 – PERMIT REQUIREMENTS	2844
17. Permit validity and revocation	2844
18. Applications for a permit.....	2844
19. Request for exemption.....	2844
20. Power to grant exemptions.....	2844
21. Conditions of exemption	2845
PART 4 – GENERAL PROVISIONS	2846
22. Severability.....	2846
23. Transitional provisions	2846
Part 5 – Penalties	2846
24. Penalties.....	2846
SCHEDULE 1 – DEFINITIONS	2847

Public Health and Wellbeing Act 2008
Section 165AI

PANDEMIC (VICTORIAN BORDER CROSSING) ORDER 2021 (No. 2)

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

PART 1 - PRELIMINARY

1. Objective

The objective of this Order is to 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 2021 (No. 2)**.

3. Authorising Provision

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

4. Commencement and revocation

- (1) This Order commences at 11:59:00 pm on 20 December 2021 and ends at 11:59:00 pm on 12 January 2022.
- (2) The **Pandemic (Victorian Border Crossing) Order 2021 (No. 1)** is revoked at 11:59:00 pm on 20 December 2021.

5. Definitions

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

6. Application of this Order

This Order applies to the whole State of Victoria.

PART 2 – REQUIREMENTS FOR INTERNATIONAL TRAVELLERS

Division 1 – Restrictions on entry

7. Restrictions on persons entering Victoria

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

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

Division 2 – International aircrew services worker

8. Eligibility

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

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

9. International aircrew services worker – Obligations after entry

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

- (ii) if leaving self-quarantine to undertake essential activities as permitted under subparagraph (i):
 - (A) wear a face covering at all times unless, in accordance with the pandemic orders in force, an exception from the requirement to wear a face covering applies to the person; and
 - (B) practise physical distancing; and
- (iii) if remaining for a period of 48 hours or longer in Victoria, complete either:
 - (A) a COVID-19 PCR test within 24 hours of arrival in Victoria; or
 - (B) a COVID-19 rapid antigen test within 24 hours of arrival in Victoria and comply with the COVID-19 rapid antigen test procedure; and
- (iv) complete:
 - (A) a COVID-19 PCR test; or
 - (B) 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,
between the fifth and seventh day of arrival in Australia if the person is in Victoria on those days and has not already taken a COVID-19 PCR test or a COVID-19 rapid antigen test and complied with the COVID-19 rapid antigen test procedure between the fifth and seventh days of arrival in Australia; 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
 - (C) on the third and thirteenth days of their period of self-quarantine if the person is in self-quarantine on those days in accordance with subparagraph (i):
 1. a COVID-19 PCR test; or
 2. 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; 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 fully vaccinated enters Victoria under clause 8(1)(a), 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 7 days after arriving in Victoria, unless:
 - (a) the worker has completed a COVID-19 PCR test and returned a negative result within 24 hours prior to visiting the residential aged care facility, disability residential service or hospital; or
 - (b) the worker has completed a COVID-19 rapid antigen test and returned a negative test result on the day they are visiting the residential aged care facility, disability residential service or hospital.
- (3) If an international aircrew services worker who is a medically exempt person enters Victoria under clause 8(1)(b), that person must, in addition to complying with the obligations specified in subclause (1), not attend an educational facility, childcare or early childhood services, residential aged care facility, disability residential service or hospital (unless the person is obtaining urgent medical care) for 14 days after arriving in Victoria.

Division 3 – International passenger arrival

10. Eligibility

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

11. Requirements for entry

- (1) An international passenger arrival may enter Victoria if the person is either:
 - (a) 12 years and 2 months of age or above; or
 - (b) younger than 12 years and 2 months of age and travelling unaccompanied, and they obtain a valid international passenger arrival permit which includes:
 - (c) the person's personal details; and

- (d) an attestation by the person stating that (as at the date of attestation) the person and each dependant under 12 years and 2 months of age entering Victoria with that person:
 - (i) meets the requirements in clause 10(1); and
 - (ii) has provided information in the permit that is true and correct; and
 - (iii) will comply with the international passenger arrival conditions; and
- (e) a QR code capable of being scanned by an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction).

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

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

12. Conditions after arrival – all international passenger arrivals

- (1) An international passenger arrival who enters Victoria under clause 10(1) must, for the period between when they arrive in Victoria and until the day that is 14 days after the person arrived in Australia:
 - (a) comply with all general post-entry conditions; and
 - (b) carry and present on request to an authorised officer, Victoria Police Officer or a Protective Services officer (or other person under such person's direction):
 - (i) their valid international passenger arrival permit (unless they are a child under 12 years and 2 months of age and travelling with a person who holds a valid permit); and
 - (ii) an acceptable form of identification; and
 - (iii) if applicable, evidence of their COVID-19 PCR test results in accordance with clause 13(1); and
 - (iv) international acceptable evidence or international acceptable certification to show that:
 - (A) they are fully vaccinated or a medically exempt person; or
 - (B) if younger than 12 years and 2 months of age, at least one of their parents or guardians is fully vaccinated or is a medically exempt person; or
 - (C) if at least 12 years and 2 months of age and less than 18 years of age and not:
 - 1. fully vaccinated or a medically exempt person; or
 - 2. travelling unaccompanied,
 at least one of their parents or guardians is fully vaccinated or is a medically exempt person.

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

- (1) An international passenger arrival who enters Victoria under clause 10(1) (other than under clause 10(1)(c)) must:
 - (a) if they are required to self-quarantine under paragraph (f), 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 (f), 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) 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,
between the fifth and seventh day of arrival in Australia if the person is in Victoria on those days and has not already taken a COVID-19 PCR test or if applicable, a COVID-19 rapid antigen test and complied with the COVID-19 rapid antigen test procedure, between the fifth and seventh day of arrival in Australia; and
- (f) 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
- (g) if leaving self-quarantine to undertake essential activities as permitted under paragraph (f):
 - (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
- (h) if they are required to self-quarantine under paragraph (f), not share spaces or facilities at the premises at which they are self-quarantining, including a bedroom, bathroom or kitchen, with any other person who is not self-quarantining.

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

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

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

- (1) If a person enters Victoria under clause 10(1)(c), that person must, in addition to the obligations specified in clause 12(1):
- (a) travel immediately and directly to, and self-quarantine at, the premises at which the person will reside for the purposes of self-quarantine for the period when they arrive in Victoria until the day that is 8 days after the person arrived in Australia. If the person arrived in Victoria after the end of the self-quarantine period, the person is not required to self-quarantine; and
 - (b) whilst in direct transit to their place of self-quarantine in Victoria, only leave their vehicle for the purposes of:
 - (i) obtaining medical care or medical supplies; or
 - (ii) accessing toilet and bathroom facilities; or
 - (iii) paying for fuel; or
 - (iv) purchasing essential items; or
 - (v) purchasing takeaway food or drink; and
 - (c) if leaving their vehicle for a permitted reason in paragraph (b):
 - (i) wear a face covering at all times unless, in accordance with the pandemic orders in force, an exception from the requirement to wear a face covering applies to the person; and
 - (ii) practise physical distancing; and
 - (iii) keep detailed records of each place they stop; and
 - (d) complete:
 - (i) a COVID-19 PCR test; or
 - (ii) if specified in the International Arrivals and Aircrew Testing Requirements, a COVID-19 rapid antigen test and comply with the COVID-19 rapid antigen test procedure,
within 24 hours of arrival in Victoria if the person is in Victoria at any time within 24 hours of arrival in Australia and has not already taken either a COVID-19 PCR test or if applicable, a COVID-19 rapid antigen test and complied with the COVID-19 rapid antigen test procedure, within 24 hours of arrival in Australia; and
 - (e) 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,
between the fifth and seventh day of arrival in Australia if the person is in Victoria on those days and has not already taken a COVID-19 PCR test or if applicable, a COVID-19 rapid antigen test and complied with the COVID-19 rapid antigen test procedure, between the fifth and seventh day of arrival in Australia; and
- (f) remain in self-quarantine unless undertaking essential activities for the period specified in paragraph (a); and
- (g) if leaving self-quarantine to undertake essential activities under paragraph (f):
 - (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
- (h) 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
- (i) not attend an educational facility in Victoria:
 - (i) until the day that is 8 days after the person arrived in Australia; and
 - (ii) if applicable, until they have received a negative result from their COVID-19 test carried out between the fifth and seventh day after arrival, in accordance with paragraph (e); and
- (j) not attend childcare or early childhood services, residential aged care facility, disability residential service or hospital in Victoria (unless obtaining urgent medical care), the day that is 15 days after the person arrived in Australia.

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

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

- (1) If a medically exempt person aged 18 years or older enters Victoria under clause 10(1)(a), that person must, in addition to the obligations specified in clauses 12(1) and 13(1), not attend an educational facility, childcare or early childhood services, residential aged care facility, disability residential service or hospital (unless obtaining urgent medical care) in Victoria until the day which is 15 days after the person arrived in Australia.
- (2) If a medically exempt person aged at least 12 years and 2 months and less than 18 years enters Victoria under clause 10(1)(a), that person must, in addition to the obligations specified in clauses 12(1) and 13(1):
 - (a) not attend an educational facility in Victoria:
 - (i) until the day which is 8 days after the person arrived in Australia; and
 - (ii) if applicable, until they have received a negative result from their COVID-19 test carried out in accordance with clause 13(1)(e); and
 - (b) not attend a childcare or early childhood services, residential aged care facility, disability residential service or hospital (unless obtaining urgent medical care) in Victoria until the day that it is 15 days after the person arrived in Australia.
- (3) A person younger than 12 years and 2 months of age who enters Victoria under clause 10(1)(b) must, in addition to the obligations specified in clauses 12(1) and 13(1):
 - (a) not attend an educational facility in Victoria:
 - (i) until the day which is 8 days after the person arrived in Australia; and
 - (ii) if applicable, until they have received a negative result from their COVID-19 test carried out in accordance with clause 13(1)(e); and

- (b) not attend childcare or early childhood services, residential aged care facility, disability residential service or hospital (unless obtaining urgent medical care) in Victoria until the day that is 15 days after the person arrived in Australia.

PART 3 – PERMIT REQUIREMENTS

17. Permit validity and revocation

An international passenger arrival permit:

- (a) 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
- (b) may be used on multiple occasions by a person to enter Victoria during the validity period in paragraph (a); and
- (c) is immediately revoked if the person departs Australia within the validity period in paragraph (a).

18. Applications for a permit

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

19. Request for exemption

- (1) A person is not required to comply with a requirement of this Order if the person is granted an exemption from that requirement under clause 20(2).
- (2) A person may request an exemption by:
 - (a) using the Service Victoria Platform; or
 - (b) contacting the Department by phone (or other method determined by the Department from time to time).
- (3) A request for exemption must contain all information reasonably required by the Department from time to time, for the purpose of protecting public health.
- (4) The Service Victoria CEO will provide any information contained in a request for exemption under subclause (2)(a) to the Department.

20. Power to grant exemptions

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

- (b) principles in sections 5 to 10 of the **Public Health and Wellbeing Act 2008**, as appropriate.
- (3) Before granting any exemption under subclause (2) the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) must consider:
 - (a) the circumstances set out in any request; and
 - (b) any documentary evidence provided by the person, including test results or other medical information in relation to the person; and
 - (c) any further documentary evidence requested by the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) and provided by the person.
- (4) An exemption under subclause (2):
 - (a) must:
 - (i) be given by the Department, in writing, to the person who is the subject of the exemption; or
 - (ii) be published by the Department, in writing, for the purpose of any group of persons who are the subject of the exemption; and
 - (iii) specify the requirement or requirements that the person or group of persons need not comply with; and
 - (b) may be subject to additional or different conditions approved by the Chief Health Officer or Deputy Chief Health Officer.
- (5) An exemption granted under subclause (2) does not prevent an authorised officer from exercising an emergency power or a pandemic management power to give the person or group of persons a different direction or impose a different requirement on the person or group of persons.

21. Conditions of exemption

- (1) A person who receives an exemption under clause 20(2) must:
 - (a) enter Victoria within 72 hours of the time set out in the exemption, if applicable; and
 - Note 1: an exemption will expire if the person does not enter Victoria within 72 hours of the time set out in the exemption and the person will need to re-apply for a new exemption.*
 - Note 2: an exemption may be subject to a condition to enter a particular point of entry into Victoria under clause 20(4)(b).*
 - (b) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under their direction):
 - (i) the exemption; and
 - (ii) documentary evidence supporting the grounds for the exemption, if applicable; and
 - (iii) an acceptable form of identification; and
 - (c) comply with any conditions imposed on the exemption.
- (2) Nothing in clauses 19(1) to 21(1) prevents an authorised officer from exercising an emergency power or a pandemic management power to give a person a different direction or impose a different requirement or condition of exemption on the person.

PART 4 – GENERAL PROVISIONS**22. Severability**

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

23. Transitional provisions

- (1) A reference in any pandemic order in force (other than a revoked direction) to the **Pandemic (Victorian Border Crossing) Order 2021 (No. 1)** is taken on and after the revocation of the **Pandemic (Victorian Border Crossing) Order 2021 (No. 1)** to be a reference to this Order.
- (2) Any act matter or thing, including a permit, that had effect under the **Pandemic (Victorian Border Crossing) Order 2021 (No. 1)** or the **Victorian Border Crossing Permit Directions (No. 44)** immediately before they were revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which the **Pandemic (Victorian Border Crossing) Order 2021 (No. 1)** or the **Victorian Border Crossing Permit Directions (No. 44)** were subject immediately before they were revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.
- (5) In this clause:

revoked direction means a direction that is:

- (a) made by the Chief Health Officer or Acting Chief Health Officer under section 200(1) of the **Public Health and Wellbeing Act 2008**; and
- (b) continued by section 165CJ of that Act as if it were a pandemic order in the same terms made under section 165AI(1); and
- (c) revoked by a pandemic order.

PART 5 – PENALTIES**24. Penalties**

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

Failure to comply with pandemic order, direction or other requirement

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

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

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 2021 (No. 1)** as amended or replaced from time to time;

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

COVID-19 Mandatory Vaccination (Specified Workers) Order means the **Pandemic**

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

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

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

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

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

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

- (1) a fever ($\geq 37.5^{\circ}\text{C}$) or consistent fever of less than 37.5°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
 - (c) a documented diagnosed **COVID-19** infection confirmed by a **COVID-19 PCR test** within the previous 6 months.

*Note: a person who enters Victoria on an international passenger arrival permit has a temporary medical exemption pursuant to paragraph (c) 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 (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**);

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

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

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

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

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

personal details means:

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

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

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

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

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

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

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

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

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

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

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

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

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

Workplace Order means the **Pandemic (Workplace) Order 2021 (No. 1)** as amended or replaced from time to time.

Dated 20 December 2021

MARTIN FOLEY MP
Minister for Health

Safety on Public Land Act 2004

DECLARATION OF PUBLIC SAFETY ZONE

I, Geoffrey Conway, Deputy Chief Fire Officer, Gippsland Region, Department of Environment, Land Water and Planning, as delegate of the Secretary to the Department of Environment, Land Water and Planning, make the following declaration of a public safety zone under section 4(1) of the **Safety on Public Land Act 2004**.

1. Definitions

In this declaration:

- (a) ‘the Act’ means the **Safety on Public Land Act 2004**;
- (b) ‘the declared public safety zone’ means the area declared under Clause 2 of this declaration;
- (c) ‘the Schedule’ means the Schedule to this declaration.

2. Declaration of Public Safety Zone

- (a) The declared public safety zone is the area of State forest contained within the location coordinates in the Schedule.
- (b) The extent of the public safety zone is described by the minimum planimetric extent using a polygon that encloses the area bound by:
 - a. the north-west limit described by the first two metric coordinates (Easting and Northing); and
 - b. the north east limit described by the first two metric coordinates (Easting and Northing); and
 - c. the south-east limit described by the first two metric coordinates (Easting and Northing); and
 - d. the south-west limit described by the next two metric coordinates (Easting and Northing).
- (c) The public safety zone is limited to all areas that contain State forest within an area identified by the coordinates in the Schedule.
- (d) The coordinates in Schedule 1 are provided in Map Grid of Australia (MGA) Universal Transverse Mercator (UTM) Zone number 55. These use the Geodetic Reference System 1980 (GRS80) spheroid.

3. Purpose for which the area has been declared

The purpose for which the declared public safety zone has been declared is for the maintenance of public safety.

4. Period of the declaration

The period for which the declared public safety zone is declared is the period commencing midnight on the day of publication of this notice in the Victoria Government Gazette and ending on 28 February 2022 (inclusive).

5. Activities prohibited

The activities that are prohibited in the declared public safety zone are:

- (a) knowingly entering a declared public safety zone during a period when access is prohibited; and
- (b) knowingly remaining in or being present in a declared public safety zone during a period when access is prohibited.

6. Periods when access is prohibited

Access is prohibited to the declared public safety zone throughout the period of the declaration.

7. Exempt persons or classes of person

Pursuant to section 5(2) of the Act, the following persons or classes of person are exempt from the operation of this declaration:

- (a) employees, agents and contractors of the Department of Environment, Land Water and Planning engaged in carrying out their functions;
- (b) employees, agents, volunteers and contractors of the Country Fire Authority engaged in carrying out their functions;
- (c) employees, agents and contractors of Fire Rescue Victoria, Ambulance Victoria, WorkSafe Victoria and Environment Protection Authority Victoria engaged in carrying out their functions;
- (d) members of the police force of Victoria engaged in carrying out their functions;
- (e) employees, agents and contractors of the Local Government Areas engaged in carrying out their functions;
- (f) employees, agents and contractors of the Department of Health engaged in carrying out their functions;
- (g) employees, agents, volunteers and contractors of an Emergency Management Service engaged by the Department of Environment, Land, Water and Planning or the Country Fire Authority to carry out emergency management functions;
- (h) employees, agents, volunteers and contractors of Networked Emergency Organisation partners engaged by the Department of Environment, Land, Water and Planning or the Country Fire Authority to carry out their functions;
- (i) employees, agents and contractors of Water Authorities engaged in carrying out their functions;
- (j) employees, agents and contractors of VicForests engaged in carrying out their functions;
- (k) members of the public using State forest roads as the most practical access to and from private properties surrounding State forest;
- (l) employees, agents and contractors engaged in accessing and carrying out functions within a prescribed mine, as defined by regulation 5.3.3 of the Occupational Health and Safety Regulations 2007, where both an approved work plan, as defined by section 40 of the **Mineral Resources (Sustainable Development Act 1990)**, and an Emergency plan, prepared in accordance with regulation 5.3.34 of the Occupational Health and Safety Regulations 2007, are in place which address the risk of bushfires.

Dated 22 December 2021

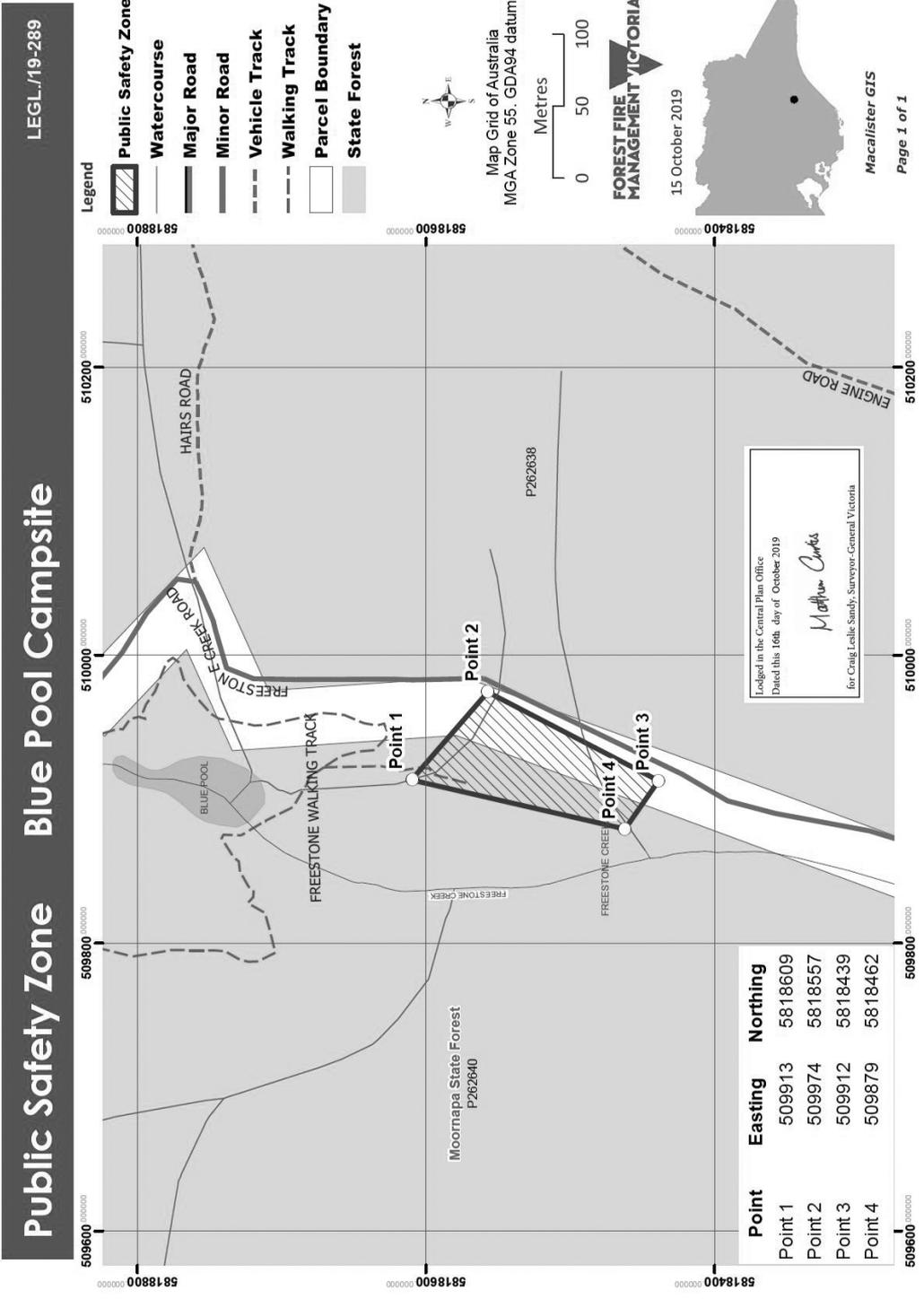
GEOFFREY CONWAY
Deputy Chief Fire Officer, Gippsland Region
Department of Environment, Land, Water and Planning
as delegate of the Secretary of the
Department of Environment, Land, Water and Planning

Notes:

1. A map showing the public safety zone is held at the Heyfield office and at the Department's head office at 8 Nicholson Street, East Melbourne, Victoria 3002. The map is also available on the following web site: www.ffm.vic.gov.au/permits-and-regulations/closures-of-parks-and-forests
2. In addition to the above persons or classes of person exempted under section 5(2), section 9 of the **Safety on Public Land Act 2004** provides that a public safety zone declaration does not apply to the following:
 - the Secretary;
 - an authorised officer;
 - a utility engaged in the carrying out of its functions in a State forest;
 - a transport authority engaged in the carrying out of its functions in a State forest;
 - a person or class of person authorised under section 10 of the **Safety on Public Land Act 2004** to be in the public safety zone.

Schedule: Public Safety Zone

Extent of Public Safety Zone				
North-west limit		North-east limit		MGA Zone
509913	5818609	509974	5818557	55
South-west limit		South-east limit		MGA Zone
509912	5818439	509879	5818462	55



**State Trustees (State Owned Company) Act 1994
Trustee Companies Act 1984**

STATE TRUSTEES FEES AND CHARGES

All fees are inclusive of GST

Effective 1 January 2022

The new fees and charges, and new rates for existing fees and charges, as set out in this Scale will (unless otherwise stated) be charged by State Trustees on and from 1 January 2022.

1. PREPARATION OF WILLS, ENDURING POWERS OF ATTORNEY, AND TRUSTS

1.1 WILL PREPARATION

	If State Trustees is appointed sole executor	All other executor appointments
Individuals under 60 years of age	\$200 per person*	\$330 per person*
Individuals 60 years of age and over	\$97 per person*	\$200 per person*
* Fees are based on an appointment time of 1 hour. Couples will be booked for two appointments (2 hours). Any additional time required will be charged at \$300 per hour (pro-rata).		

1.2 ENDURING POWERS OF ATTORNEY and APPOINTMENT OF MEDICAL TREATMENT DECISION MAKER PREPARATION

1.2(i) Preparation of enduring power of attorney for financial matters*

	If State Trustees is appointed sole attorney	All other attorney appointments
Individual	\$123 per document	\$155 per document

* 'Financial matter' is defined in the **Powers of Attorney Act 2014**, section 3.

1.2(ii) Preparation of enduring power of attorney for personal matters*, appointment of supportive attorney, or appointment of medical treatment decision maker

Individual	\$155 per document
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* 'Personal matter' is defined in the **Powers of Attorney Act 2014**, section 3.

Note: State Trustees will not act or accept appointment as a medical treatment decision maker, nor act or accept appointment under an enduring power of attorney for personal matters or an appointment of supportive attorney.

1.2(iii) Preparation of enduring power of attorney for financial matters (where State Trustees is appointed as sole attorney), appointment of medical treatment decision maker, and enduring power of attorney for personal matters – package pricing

	Preparation of: <ul style="list-style-type: none"> ● Enduring power of attorney for financial matters, where State Trustees is appointed sole attorney; ● Appointment of medical treatment decision maker; and ● Enduring power of attorney for personal matters
Individual	\$363

1.3 TRAVEL FEE

Travel involved in visiting the client*	
<ul style="list-style-type: none"> ● Travel within 30 km of a State Trustees office: ● Travel further than 30 km of the closest State Trustees office: 	<p>\$224</p> <p>\$446</p>

* Travel fee is waived if State Trustees is appointed as sole executor, or as sole attorney for financial matters. Client visits are available only within Victoria.

1.4 TRUST DOCUMENTATION

Fees for provision of legal services (including preparation of trust documents, such as trust deeds)		
Charged according to hourly Legal Services rates:	Senior Lawyer	\$563 per hour
	Lawyer	\$455 per hour
	Junior Lawyer	\$358 per hour
	Para-Legal/Law Clerk	\$271 per hour
	Legal Secretary/Administrative Support	\$228 per hour

1.5 OTHER RELATED WILL AND POWER OF ATTORNEY PREPARATION SERVICES, AND WILL BANK / EPA BANK SERVICES

Certifying a copy of a document* as a true copy of the original:	
<ul style="list-style-type: none"> ● For the first document that is certified ● For any subsequent document that is certified in the same appointment 	<p>\$4.95 per document</p> <p>\$2.95 per document</p>
* The documents for which this service is available are limited to Wills, powers of attorney, appointments of supportive attorney, and associated documents, that are prepared by State Trustees, or lodged in State Trustees' Will Bank or EPA Bank.	

2. ADMINISTRATION OF WILLS & ESTATES, ENDURING POWERS OF ATTORNEY, AND TRUSTS

Fees other than those set out in this Section, such as fees in relation to amounts invested in a Common Fund, or for the provision of Legal, Taxation, and Financial Planning services, may apply depending on the circumstances of the particular trust or estate. These fees are detailed in Section 4 – Additional Services.

2.1 ESTATE ADMINISTRATION

Capital Commission	
The amount of capital commission is the lesser of:	
(a) the aggregate of the Asset-based and Estate Service components; and	
(b) 5.5% of the gross value of the estate.	
1. Asset-based component	
(a) Principal place of residence (where it is an asset of the estate)	1.65%*
(b) Any assets of the estate other than the principal place of residence	3.85%*
* Applied to the gross value of the relevant asset.	
2. Estate Service component	\$11,000
Income Commission	
Income commission is charged on the gross estate income received.	6.6%

Where the administration of an estate commenced before the introduction of GST on 1 July 2000, and where there was no agreement or other restriction in place, the relevant capital and income commission shall be at the rate of the published scale at the time the administration commenced, plus 10%.

2.2 INFORMAL ADMINISTRATION AND SURVIVORSHIP

The administration of a deceased estate where formal Court authorisation is not required and no capital commission is taken.	\$216 per hour
Administration fee is charged for the transfer of jointly owned assets to survivor.	\$880
Assisting with a survivorship application where no deceased estate is administered.	\$216 per hour

2.2A ADMINISTRATION OF INTESTATE ESTATES VESTING PURSUANT TO THE ADMINISTRATION AND PROBATE ACT 1958, SECTION 19

Services provided in respect of an estate that has vested in State Trustees Limited pursuant to section 19 of the Administration and Probate Act 1958 , including, but not limited to, holding, managing and distributing any monies.	Senior Lawyer	\$563 per hour
	Lawyer	\$455 per hour
	Junior Lawyer	\$358 per hour
	Para-Legal/Law Clerk	\$271 per hour
	Legal Secretary/Administrative Support	\$228 per hour

2.3 ENDURING POWER OF ATTORNEY ADMINISTRATION*

Capital Commission	
Gross value of asset:	Commission:
Up to \$500,000	3.3%
Greater than \$500,000 but less than \$1,000,000	\$16,500 plus 1.5% of the amount over \$500,000
Greater than \$1,000,000 but less than \$3,000,000	\$24,000 plus 0.55% of the amount over \$1,000,000
Greater than \$3,000,000	\$35,000 plus 0.44% of the amount over \$3,000,000
Income Commission	
On Centrelink or Department of Veterans Affairs pensions and allowances received:	3.3%
On all other gross income received:	6.6%

Where the administration of an estate commenced before the introduction of GST on 1 July 2000, and where there was no agreement or other restriction in place, the relevant capital and income commission shall be at the rate of the published scale at the time the administration commenced, plus 10%.

* Administration of an enduring power of attorney made before 1 September 2015, or administration of financial matters under an enduring power of attorney made on or after 1 September 2015.

2.4 TRUST ADMINISTRATION

Capital Commission	
Capital commission is charged on the gross value of any assets of the trust.	5.5%
Income Commission	
Income commission is charged on the gross trust income received.	6.6%

Note: The same rates of commission and fees as set out above also apply to Agencies, Court-appointed Administrations, Statutory Administrations and Other Administrations.

3. ADMINISTRATION SERVICES FOR PEOPLE WITH A DISABILITY AND MISSING PERSONS (VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (VCAT) ORDERS)

Fees other than those set out in this Section, such as fees in relation to amounts invested in a Common Fund, or for the provision of Legal, Taxation, and Financial Planning services, may apply depending on the circumstances of the particular trust or estate. These fees are detailed in Section 4 – Additional Services.

(i) Appointed Administrations (including Limited Orders)

Income Commission	
On Centrelink or Department of Veterans Affairs pensions and allowances received.	3.3%
On all other gross income received.	6.6%
Capital Commission	
<p>Realised assets: Commission on the gross value of any asset realised in the course of the administration:</p> <p>Up to \$500,000 Greater than \$500,000 but less than \$1,000,000 Greater than \$1,000,000 but less than \$3,000,000 Greater than \$3,000,000</p> <p>Unrealised assets: Commission on the gross value of any unrealised assets, if State Trustees has not otherwise received reasonable payment for its work, and subject to VCAT order (except no order is needed where the administration ends at the death of the represented person):</p>	<p>Commission:</p> <p>3.3% \$16,500 plus 1.5% of the amount over \$500,000 \$24,000 plus 0.55% of the amount over \$1,000,000 \$35,000 plus 0.44% of the amount over \$3,000,000</p> <p>2.2%</p>
For VCAT administration appointments for persons with a disability, the following method and definitions apply in relation to the capital commission on realised and unrealised assets:	
<ol style="list-style-type: none"> 1. The method of calculating the value of an asset is: <ol style="list-style-type: none"> (a) for a realised asset, to apply the asset's gross value upon realisation; and (b) for an unrealised asset, to apply: <ol style="list-style-type: none"> (i) for real property, the capital improved value as recorded on the most recent local government rates notice; and (ii) for personal property, the market value. 2. The term 'gross value' means: <ol style="list-style-type: none"> (a) in relation to a realised asset, the asset's full sale or redemption price upon realisation, without deduction of any liabilities; and (b) in relation to an unrealised asset, the asset's value immediately prior to the end of the administration, without deduction of any liabilities. 	
Under exceptional circumstances an hourly rate may be charged instead of commissions.	\$216 per hour

(ii) Temporary Order Administration

Temporary Order Administration.	\$216 per hour
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(iii) Administrations for Missing Persons

Administrations for Missing Persons.	\$216 per hour
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Note: For administrations of uncared for property under the **Administration and Probate Act 1958**, the same rates of commission and fees apply as for Trust administration (as set out above).

4. ADDITIONAL SERVICES**4.1 LEGAL SERVICES**

Legal fees, for services such as document preparation, legal advice and litigation, grants of probate	Senior Lawyer Lawyer Junior Lawyer Para-Legal/Law Clerk Legal Secretary/ Administrative Support	\$563 per hour \$455 per hour \$358 per hour \$271 per hour \$228 per hour
Probate Fees	Charged in accordance with current Supreme Court (Administration and Probate) Rules 2014 (Rules). For work it performs in obtaining a grant of representation, or the resealing in Victoria of a grant obtained in another jurisdiction, State Trustees will not charge a fee under the Rules in respect of: (a) Rule 9.01 (basic charges); or (b) Rule 9.03 for work done by a Probate clerk in the preparation, and the swearing or affirmation, of any affidavit.	
Outcome-dependent fee where insufficient funds (for litigious matters)	Additional fee not exceeding 25% of the total amount of the legal fees otherwise payable. Where, in relation to a claim brought by State Trustees on behalf of and for the benefit of an estate (including the estate of a represented person): (a) legal services are reasonably required; and (b) the estate has insufficient funds to pay for those legal services; State Trustees may opt to provide those legal services on the basis that: (a) subject to (c), if the bringing of the claim does not result in a successful outcome for the estate, State Trustees will not charge for the provision of those legal services; and (b) if the bringing of the claim results in a successful outcome for the estate, the fees that State Trustees will charge for the provision of those legal services will consist of: (i) the fees otherwise payable for those legal services (determined on the basis set out in respect of 'Legal fees' above); and (ii) an additional fee not exceeding 25% of the total amount of the fees payable under (i) above. (c) if State Trustees' appointment by VCAT to administer a person's legal and financial affairs ends or is discharged prior to an outcome being reached, the fees set out in (i) above will become payable, but not the additional fee in (ii), unless a new arrangement is made to continue the claim.	
Photocopying for the legal services of document preparation, legal advice and litigation	\$0.50 per page	

4.2 CONVEYANCING FEES

Sale of residential real estate.	\$1.185* per sale/purchase
Purchase of residential real estate.	\$1,185* per sale/purchase
Sale of commercial real estate.	\$1,333* per sale/purchase
Purchase of commercial real estate.	\$1,333* per sale/purchase
Sale of retirement village property.	\$1,474* per sale/purchase
Purchase of retirement village property.	\$1,474* per sale/purchase
* Fee includes one Transfer of Land and one Discharge of Mortgage (but does not include the Sundries fee below).	
Transfer of Land – Where the property concerned needs to be transferred to the beneficiaries or a third party.	\$455
Caveat or withdrawal of caveat over property – Caveats are registered on certificates of title to protect an interest in the property, e.g. as a life tenant in accordance with the terms of the Will a caveat prevents the registered owner from dealing with the property without first obtaining the caveator's consent.	\$184
Arranging the discharge of the mortgage with the lender – A discharge of mortgage is obtained from the lender when the loan is discharged.	\$272
Application by personal representative or survivorship application – When State Trustees is the executor in order for the property to be sold or subsequently transferred to a beneficiary. In the case of a property owned by joint tenants a survivorship application may be required.	\$321
Supporting statutory declaration – Statutory declarations may be required to support a property transaction, e.g. the owner's name differs on the certificate of the title and on the Will and therefore a statutory declaration is required to clarify the client's true and correct name.	\$119
Lost title application – Obtaining a replacement certificate of title where the original has been lost, stolen or misplaced. This fee includes the provision for three statutory declarations ordinarily required for these applications.	\$1,263
Notice of rescission – State Trustees may be required to formally issue a notice of rescission where the sale or purchase of real estate is cancelled during the period of the contract of sale.	\$446
Sundries – State Trustees charges a once-off flat fee for all sundries, e.g. photocopying, faxing, binding of contracts, postage, etc.	\$33 per matter (flat fee)
Production of certificate of title or other documentation for a third party – Where State Trustees is required to provide a certificate of title and/or miscellaneous document to a third party to facilitate a property transaction. (This fee is paid by the party requesting the documents.)	\$202 per document
Release of deposit for sale of real estate	\$90
Preparation of pension exemptions form	\$90
Preparation of principal place of residence form	\$90

Off-site settlement fee Where the location selected for a settlement is in the Melbourne CBD (not at State Trustees Head Office):	Mortgaged title: Nil Unmortgaged title: \$126.50 per settlement
Ancillary Services Fee	\$143
Any other conveyancing service not listed above	\$223 per hour or as otherwise agreed

4.3 TAXATION SERVICES

Tax returns:	
● Individual tax return (including for the beneficiary of a trust)	\$385 per standard return (1.1 hours)*
● Deceased estate or trust tax return (other than for a life interest trust)	\$495 per standard return (1.3 hours)*
● Life interest trust tax return	\$611 per standard return (2 hours)*
● Date of death tax return	\$726 per standard return (2 hours)*
● Deceased estate or trust final tax return	\$907.50 per standard return (3 hours)*
* The time stated is the threshold for the given category of standard return. Any additional time required will be charged at \$363 per hour (pro-rata).	
Tax reviews:	
● Final tax review for a deceased estate or trust	\$726 per standard review (2 hours)*
● Automated tax review for an estate or client† with assets valued at:	
– less than \$10,000	Free
– between \$10,000 and \$20,000 inclusive	\$69 per review
– greater than \$20,000	\$116 per review
● Tax review (other than those stated above)	\$286 per review
* The time stated is the threshold for the standard review. Any additional time required will be charged at \$363 per hour (pro-rata).	
† For deceased estates, trusts, powers of attorney, and represented persons' affairs administered by State Trustees.	
General tax and accounting services:	
● IAS return fee	\$217.80 per instalment activity statement
● Franking credits refund	\$69 per application
● BAS return fee	\$616 per business activity statement
Specialised taxation and accounting services:	
● Capital gains reconstruction	\$363 per hour (minimum one hour, and pro-rata thereafter at half-hour intervals)
● Taxation preliminary advice service	
– Financial Administration clients and Deceased Estate Administration*	\$275 per advice
– All other clients/estates	\$217.80 per advice
● Tax advice hourly fee	\$363 per hour
● Account by administrator preparation	\$726 per document
* The taxation preliminary advice service fee for these clients/estates includes a lost superannuation search and a request for the provision, followed by a review, of all available information held by the Australian Taxation Office.	

Other taxation services:

- Automated imputation credit refund application* \$69 per application
- Taxation services not otherwise stated \$363 per hour

* For deceased estates, trusts, powers of attorney, and represented persons' affairs administered by State Trustees.

4.4 FINANCIAL PLANNING SERVICES

Financial planning services for powers of attorney, agencies, court-appointed administrations, statutory administrations, other administrations, trusts and deceased estates.

Financial Planning Fees

Plan preparation and plan review fees:	
Paraplanner, Planning Assistant	\$253 per hour
Financial Planner	\$362 per hour
Financial planning reviews:*	
● Automated standard plan annual review (for clients with assets valued between \$30,000 and \$100,000 inclusive)	\$111 per review
● Review for clients with assets valued between \$30,000 and \$100,000 inclusive:	
1. where all investment assets are solely invested in one or more of State Trustees' common funds:	\$268 per review
2. where one or more investment assets are invested outside State Trustees' common funds:	\$584 per review
● Review for clients where all investment assets are solely invested in one or more of State Trustees' common funds; and the total value of the investment assets is:	
1. greater than \$100,000 but less than \$250,000:	0.5777% of the value of the investment assets, per review
2. greater than \$250,000 but less than \$2,000,000:	\$1,444, plus 0.0315% of the amount by which the value of the investment assets exceeds \$250,000, per review
3. \$2,000,000 or more:	\$1,995 per review
● Review for clients where one or more investment assets are invested other than in State Trustees' common funds, and the total value of the investment assets is:	
1. greater than \$100,000 but less than \$250,000:	0.666% of the value of the investment assets, per review
2. \$250,000 or more, but less than \$2,000,000:	\$1,665, plus 0.126% of the amount by which the value of the investment assets exceeds \$250,000, per review
3. \$2,000,000 or more	\$3,870 per review
* For the purposes of the review fee calculations above, 'investment assets' includes any superannuation account(s) held by the client.	
Any investment entry fees received by State Trustees are rebated to the client. External fund managers may pay State Trustees a trail commission of up to 1.1% per annum of the amount of the funds invested (generally no more than 0.4%). Trail commission is rebated wherever possible.	

4.5 STATE TRUSTEES FUNERAL FUND

The State Trustees Funeral Fund ('the Fund') is issued and administered by the Ancient Order of Foresters in Victoria Friendly Society Limited ABN 27 087 648 842 ('Foresters'). Before making an investment decision and for any further information in relation to the Fund, including fees and charges, please refer to the Fund's Product Disclosure Statement (**PDS**). To obtain a copy of the PDS, call 03 9667 6444 or free call 1800 636 203 or visit our website at www.statetrustees.com.au

Foresters may pay State Trustees the following commissions:

- a) up to 2% of the initial amount invested and any subsequent contributions; and
- b) 0.7% per annum of the Fund's total assets.

4.6 CHARITABLE TRUSTS

4.6(i) State Trustees Australia Foundation

Management fee on funds held in Common Funds. Other direct fund expenses incurred, such as audit and legal fees, are also paid from the fund.	0.88% per annum
Administration fee	1.056% per annum

4.6(ii) Private Charitable Trusts

Management Fee on funds held in Common Funds. Other direct fund expenses incurred, such as audit and legal fees, are also paid from the fund.	0.88% per annum
Plus, either an: (a) Administration Fee: or (b) Income Commission;* and Capital Commission*	1.056% per annum 6.6% 5.5%
* Applicable to some charitable trusts established prior to 1 July 2001.	

4.7 COMMERCIAL TRUSTS

State Trustees acts as custodial trustee for a number of public companies and government bodies. As custodian, State Trustees holds funds or other assets of the trust and manages them according to the provisions of the trust deed.	Fees will be charged in accordance with the amounts set out in the Trust Deed (or other governing document) as agreed with the client.
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4.8 COMMON FUNDS

Management fee on funds held in Common Funds. Other direct fund expenses incurred, such as audit and legal fees, are also paid from the fund.	0.88% per annum
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4.9 GENEALOGICAL SERVICES

Senior Genealogy Researcher	\$265 per hour
Genealogy Researcher	\$223 per hour
Other commercial research tasks, e.g. locating unidentified Fund members, biographical research for external commercial trusts, etc.	Fees will be charged as agreed with the client.

4.10 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (VCAT) EXAMINATIONS – GUARDIANSHIP LIST

Examination of account by administrator	
Where client assets valued between \$0 and \$25,000	\$0
Where client assets valued between \$25,001 and \$50,000	\$86.70 per hour (minimum charge is one hour)
Where client assets are valued between \$50,001 or more:	\$213.70 per hour (minimum charge is one hour)

5 OTHER SERVICES

<p>1. Travel (servicing Victoria only)</p>	<p>Travel involved in providing any other service may be subject to a fee:</p> <ul style="list-style-type: none"> ● Travel within 30 km of a State Trustees office: \$224 per appointment ● Travel further than 30 km of the closest State Trustees office: \$446 per appointment <p><i>Travel involved in visiting a represented person for whom State Trustees acts as administrator will not incur this fee.</i></p> <p><i>For the rates applicable to travel for Will and/or power of attorney preparation appointments, see section 1.3 above.</i></p>
<p>2. Interpreter Services</p>	<p>Where an interpreter service is required, a qualified interpreter (not a family member or friend) will need to attend the Will, enduring power of attorney (EPA) or appointment of medical treatment decision maker appointment. This will ensure that the Will and/or enduring and/or appointment of medical treatment decision maker document accurately expresses the client's wishes. An interpreter may also be required at an appointment to discuss estate, trust, attorneyship or VCAT-appointed administration issues, or to obtain financial planning or taxation advice. State Trustees can provide details of recommended professional interpreting services on request. The interpreter service will need to be arranged prior to the appointment. The interpreter service is arranged at the client's cost and, for Will or enduring power of attorney document preparation appointments, will be reimbursed on presentation of a receipt if State Trustees is appointed sole executor, or sole attorney for financial matters. State Trustees may charge any interpreter costs for ongoing administration services (including estate, attorneyship, trust or VCAT-appointed administration issues, or for financial planning or taxation advice) to the relevant estate, trust or client.</p>
<p>3. Payment for Wills, Enduring Powers of Attorney, Appointment of Medical Treatment Decision Maker and Executor Advice</p>	<p>Payment is required for Will and enduring power of attorney or appointment of medical treatment decision maker document preparation, and executor advice, at the initial appointment time.</p>

4. Disbursements	State Trustees is generally entitled to reimbursement from the client/estate for disbursements it incurs in providing its services. Disbursement charges include the cost of GST where applicable.
5. Reduction or Waiver	State Trustees may reduce or waive its fees, commissions and charges at its discretion.
6. Hourly Fee	State Trustees has the discretion to negotiate an hourly fee for the provision of any of its services. Except where stated otherwise, all hourly fees are taken on a pro-rata basis.
7. Advances	The interest charged for advances is no greater than the interest rate fixed under section 2 of the Penalty Interest Rates Act 1983 , less 2.5%.
8. GST	If a service is provided under an existing agreement and the service is GST-free, the agreed charges for the service will remain unaffected by GST-related tax reform until the agreement is able to be reviewed by the parties, or until legislation or other regulatory change permits the adjustment of the charges.

Note: The provisions of the **Trustee Companies Act 1984** apply to State Trustees Limited in the form preserved by section 20A of the **State Trustees (State Owned Company) Act 1994**.

Water Act 1989

YARRA VALLEY WATER – DECLARATION OF SERVICED PROPERTIES

Pursuant to section 144 of the **Water Act 1989**, Yarra Valley Water declares the following land to be serviced property for the listed services from 23 December 2021.

Development Address/ Estate Name	Stage/s	Plan of Subdivision Number	Suburb	Drinking Water	Recycled Water	Sewerage Services
Ooranya Estate	2	PS831547R	Beveridge	Y	Y	Y
Katalia Estate	104	PS840575K	Donnybrook	Y	Y	Y
Katalia Estate	3	PS840551A	Donnybrook	Y	Y	Y
Peppercorn Hill	1	PS830862N	Donnybrook	Y	Y	Y
Kallo Estate	18B	PS825843W	Kalkallo	Y	N	Y
13–19 Old Aqueduct Road	1	PS843091S	Diamond Creek	Y	N	Y
Eden Gardens	1B	PS823246C	Wollert	Y	Y	Y
True North	21	PS837876N	Greenvale	Y	N	Y

Water Act 1989
WANNON WATER
Multiple Services

Declaration of Properties Provided with Water or Sewerage Services

Notice is hereby given pursuant to section 144 of the **Water Act 1989** that each property listed below has been declared a Serviced Property. The services available, locality and date from which the service was made available is shown under the relevant heading for the listed property.

Water and Sewer Services

Lots 1 and 2, PS 845333J
Allansford
3 November 2021

Lots 1 and 2, PS 842667T
Warrnambool
10 November 2021

Lots 103–116, Lots 134–140, Lots 147–148, PS 839983B
Warrnambool
16 November 2021

Lots 1 and A, PS 901632N
Port Campbell
17 November 2021

Lots 1–13, PS 821018C
Warrnambool
29 November 2021

Lots 1 and 2, PS 831352H
Timboon
29 November 2021

Lots 1 and 2, PS 904520J
Warrnambool
30 November 2021

ANDREW JEFFERS
Managing Director

ORDERS IN COUNCIL

Drugs, Poisons and Controlled Substances Act 1981

**ORDER EXTENDING THE PERIOD OF RESTRICTION ON THE SALE OR SUPPLY OR
USE OF THE POISON OR CONTROLLED SUBSTANCE IVERMECTIN**

Order in Council

The Governor in Council under section 55(3)(a) of the **Drugs, Poisons and Controlled Substances Act 1981** extends the period during which the restriction on the sale or supply or use of the poison or controlled substance Ivermectin in Victoria set out in the Order dated 19 October 2021 is in force, and in accordance with terms and conditions attached in the Schedule to the Order, for a period of twelve weeks from 13 January 2022 until 6 April 2022 (dates inclusive).

Dated: 21 December 2021

Responsible Minister:

HON MARTIN FOLEY

Minister for Health

ALEXANDRA DEBELJAKOVIC
Clerk of the Executive Council

Drugs, Poisons and Controlled Substances Act 1981**RESTRICTING THE SALE OR SUPPLY OR USE OF THE POISON OR CONTROLLED
SUBSTANCE IVERMECTIN****SCHEDULE TO THE ORDER IN COUNCIL**

A product containing IVERMECTIN for oral administration for human use is currently registered on the Australian Register of Therapeutic Goods (ARTG) for the treatment of:

- a) Onchocerciasis and intestinal strongyloidiasis (anguillulosis).
- b) Crusted scabies in conjunction with topical therapy.
- c) Human sarcoptic scabies when prior topical treatment has failed or is contraindicated.

Treatment is only justified when the diagnosis of scabies has been established clinically and/or by parasitological examination. Without formal diagnosis, treatment is not justified in case of pruritus alone.¹

The sale or supply or use of IVERMECTIN, including the writing of a prescription, by a health practitioner authorised under section 13(1) of the **Drugs, Poisons, and Controlled Substances Act 1981** is restricted to the circumstances listed below:

1. IVERMECTIN is in preparations for oral administration for human use.
2. Treatment by sale, supply or use of IVERMECTIN is restricted to:
 - a) an indication that is accepted by the Secretary of the Australian Government Department of Health in relation to the inclusion of IVERMECTIN in tablet dosage form in the Australian Register of Therapeutic Goods (an **approved indication**);
OR
 - b) an indication that is not an **approved indication**, when the preparation is prescribed or authorised by a medical practitioner registered under State or Territory legislation that forms part of the Health Practitioner Regulation National Law, as a specialist in any of the following specialties or fields of specialty practices:
 - i. dermatology;
 - ii. gastroenterology and hepatology;
 - iii. infectious diseases;
 - iv. paediatric gastroenterology and hepatology;
 - v. paediatric infectious diseases;OR
 - c) use in a clinical trial that is approved by, or notified to, the Secretary of the Australian Government Department of Health under the **Therapeutic Goods Act 1989** (Cth).
3. A health practitioner means a person registered under the **Health Practitioner Regulation National Law** (other than as a student).
4. Treatment means for the health practitioner to sell or supply or use, including issuing a prescription to, a person under their care and for whom the practitioner has taken all reasonable steps to ensure a therapeutic need exists for that treatment.
5. The Order applies to health practitioners who treat with IVERMECTIN in Victoria.

¹ Specific Indications as shown on the public ARTG summary of ARTG ID 181338 at www.tga.gov.au

Education and Training Reform Act 2006
APPOINTMENTS OF MEMBERS TO THE
ADULT, COMMUNITY AND FURTHER EDUCATION BOARD

Order in Council

The Governor in Council, under section 3.3.10(1) of the **Education and Training Reform Act 2006**, appoints to the Adult, Community and Further Education Board:

- Deborah Ann Sansom as a member, from 21 December 2021 to 20 December 2024 (both dates inclusive)
- Ekrem Ozyurek as a member, from 21 December 2021 to 20 December 2024 (both dates inclusive)

The terms and conditions of the appointments are contained in the attached Schedule.

Dated: 21 December 2021

Responsible Minister:

THE HON GAYLE TIERNEY MP
Minister for Training and Skills
Minister for Higher Education

ALEXANDRA DEBELJAKOVIC
Clerk of the Executive Council

Education and Training Reform Act 2006
APPOINTMENTS OF MEMBERS TO THE
ADULT, COMMUNITY AND FURTHER EDUCATION BOARD
SCHEDULE TO THE ORDER IN COUNCIL

1. Appointment Arrangements

Members are appointed on a part-time basis.

2. Period of Appointment

The period of appointment for the following members is for the below terms:

- Deborah Ann Sansom as a member, from 21 December 2021 to 20 December 2024 (both dates inclusive)
- Ekrem Ozyurek as a member, from 21 December 2021 to 20 December 2024 (both dates inclusive)

3. Duties and responsibilities of the position

The functions and powers of the Adult, Community and Further Education Board (ACFE) are provided under Division 2 of Part 3.3 of the **Education and Training Reform Act 2006** (the Act). The functions of the ACFE Board include inquiring into and making reports on the development of policies, programs and services regarding providing adult, community and further education; planning, developing, evaluating and funding policies, programs and services for the co-ordination, provision and support of adult, community and further education; providing for the delivery of adult, community and further education; and advising the Minister on any matter relating to adult, community and further education. The ACFE Board also has certain financial powers, including the ability to make payments by way of grants, subsidies or loans in relation to adult, community and further education.

4. Termination Arrangements

Clause 2(3) of Schedule 2 to the Act, stipulates that the office of a member becomes vacant if the member becomes bankrupt, is found guilty of an offence which is, or which would if committed in Victoria be, an indictable offence or is absent from three consecutive meetings of the Board without the leave of the Chairperson or in the case of the Chairperson without the Minister's leave.

5. Payment Provisions

Pursuant to clause 3(1) of Schedule 2 to the Act, remuneration for members is fixed at \$439 per day.

6. Superannuation Obligations

Superannuation will be paid in accordance with the **Superannuation Guarantee (Administration) Act 1992** (Cth).

7. Travel and Personal Expenses arrangements

All members of the ACFE Board are entitled to reimbursement of reasonable travelling and personal expenses.

8. Leave Arrangements

There are no leave entitlements for these part-time statutory positions.

9. Prior Service

Long service and other leave entitlements are not available. Prior service is therefore not applicable for the calculation of long service or leave entitlements.

Education and Training Reform Act 2006
APPOINTMENT OF MEMBER TO THE BOARD OF THE
VICTORIAN ACADEMY OF TEACHING AND LEADERSHIP

Order in Council

The Governor in Council, under section 13 of the **Interpretation of Legislation Act 1984** and section 2.6A.7(3)(e) of the **Education and Training Reform Act 2006** as amended by the **Education and Training Reform Amendment (Victorian Academy of Teaching and Leadership) Act 2021** appoints Ms Judith Downes to the Victorian Academy of Teaching and Leadership Board from 1 January 2022 until 31 March 2022 (both dates inclusive).

The terms and conditions of the appointment are contained in the attached Schedule.

Dated: 21 December 2021

Responsible Minister:

THE HON JAMES MERLINO

Minister for Education

ALEXANDRA DEBELJAKOVIC
Clerk of the Executive Council

Education and Training Reform Act 2006
APPOINTMENT OF MEMBER TO THE BOARD OF THE
VICTORIAN ACADEMY OF TEACHING AND LEADERSHIP
SCHEDULE TO THE ORDER IN COUNCIL

1. Appointment Arrangements

Part time.

2. Period of Appointment

1 January 2022 to 31 March 2022.

3. Duties and responsibilities of the position

- Perform the duties of a member of the Board, which under section 2.6A.7(2) of the Act as amended is responsible for the management of the affairs of the Academy; and
- may exercise any of the powers or functions of the Academy.

4. Termination Arrangements

In accordance with section 2.6A.7(5) of the Act as amended, a member of the Board of the Academy may resign from office by delivering to the Governor in Council a signed letter of resignation. In accordance with section 2.6A.7(6) of the Act as amended, the Governor in Council may at any time remove a member from office.

5. Payment Provisions

The remuneration for the term of appointment is \$16,583 per annum.

6. Superannuation Obligations

Not applicable.

7. Travel and Personal Expenses arrangements

The appointee is entitled to be reimbursed for all reasonable expenses incurred in accordance with the Victorian Public Service Executive Employment Handbook.

8. Leave Arrangements

Not applicable.

9. Prior Service

Not applicable.

Education and Training Reform Act 2006APPOINTMENT OF MEMBER TO THE BOARD OF THE
VICTORIAN ACADEMY OF TEACHING AND LEADERSHIP

Order in Council

The Governor in Council, under section 13 of the **Interpretation of Legislation Act 1984** and section 2.6A.7(3)(e) of the **Education and Training Reform Act 2006** as amended by the **Education and Training Reform Amendment (Victorian Academy of Teaching and Leadership) Act 2021** appoints Professor Vivian Ellis to the Victorian Academy of Teaching and Leadership Board from 1 January 2022 until 31 March 2022 (both dates inclusive).

The terms and conditions of the appointment are contained in the attached Schedule.

Dated: 21 December 2021

Responsible Minister:

THE HON JAMES MERLINO

Minister for Education

ALEXANDRA DEBELJAKOVIC
Clerk of the Executive Council

Education and Training Reform Act 2006APPOINTMENT OF MEMBER TO THE BOARD OF THE
VICTORIAN ACADEMY OF TEACHING AND LEADERSHIP

SCHEDULE TO THE ORDER IN COUNCIL

1. Appointment Arrangements

Part time.

2. Period of Appointment

1 January 2022 to 31 March 2022.

3. Duties and responsibilities of the position

- Perform the duties of a member of the Board, which under section 2.6A.7(2) of the Act as amended is responsible for the management of the affairs of the Academy; and
- may exercise any of the powers or functions of the Academy.

4. Termination Arrangements

In accordance with section 2.6A.7(5) of the Act as amended, a member of the Board of the Academy may resign from office by delivering to the Governor in Council a signed letter of resignation. In accordance with section 2.6A.7(6) of the Act as amended, the Governor in Council may at any time remove a member from office.

5. Payment Provisions

The remuneration for the term of appointment is \$16,583 per annum.

6. Superannuation Obligations

Not applicable.

7. Travel and Personal Expenses arrangements

The appointee is entitled to be reimbursed for all reasonable expenses incurred in accordance with the Victorian Public Service Executive Employment Handbook.

8. Leave Arrangements

Not applicable.

9. Prior Service

Not applicable.

Education and Training Reform Act 2006
APPOINTMENT OF MEMBER TO THE BOARD OF THE
VICTORIAN ACADEMY OF TEACHING AND LEADERSHIP
Order in Council

The Governor in Council, under section 13 of the **Interpretation of Legislation Act 1984** and section 2.6A.7(3)(d) of the **Education and Training Reform Act 2006** as amended by the **Education and Training Reform Amendment (Victorian Academy of Teaching and Leadership) Act 2021** (Act as amended) appoints Dr Simon Lindsay as the representative of Catholic Education Commission Victoria to the Victorian Academy of Teaching and Leadership Board from 1 January 2022 until 31 March 2022 (both dates inclusive).

The terms and conditions of the appointment are contained in the attached Schedule.

Dated: 21 December 2021

Responsible Minister:

THE HON JAMES MERLINO

Minister for Education

ALEXANDRA DEBELJAKOVIC
Clerk of the Executive Council

Education and Training Reform Act 2006
APPOINTMENT OF MEMBER TO THE BOARD OF THE
VICTORIAN ACADEMY OF TEACHING AND LEADERSHIP
SCHEDULE TO THE ORDER IN COUNCIL

1. Appointment Arrangements

Part time.

2. Period of Appointment

1 January 2022 to 31 March 2022.

3. Duties and responsibilities of the position

Perform the duties of a member of the Board, which under section 2.6A.7(2) of the Act as amended:

- is responsible for the management of the affairs of the Academy; and
- may exercise any of the powers or functions of the Academy.

4. Termination Arrangements

In accordance with section 2.6A.7(5) of the Act as amended, a member of the Board of the Academy may resign from office by delivering to the Governor in Council a signed letter of resignation. In accordance with section 2.6A.7(6) of the Act as amended, the Governor in Council may at any time remove a member from office.

5. Payment Provisions

There will be no remuneration to Dr Lindsay for this role.

6. Superannuation Obligations

Not applicable.

7. Travel and Personal Expenses arrangements

The appointee is entitled to be reimbursed for all reasonable expenses incurred in accordance with the Victorian Public Service Executive Employment Handbook.

8. Leave Arrangements

Not applicable.

9. Prior Service

Not applicable.

Education and Training Reform Act 2006
APPOINTMENT OF CHAIRPERSON TO THE
VICTORIAN ACADEMY OF TEACHING AND LEADERSHIP

Order in Council

The Governor in Council, under section 13 of the **Interpretation of Legislation Act 1984** and section 2.6A.7(3)(a) of the **Education and Training Reform Act 2006** as amended by the **Education and Training Reform Amendment (Victorian Academy of Teaching and Leadership) Act 2021** (Act as amended) appoints Dr Toni Meath as chairperson of the Victorian Academy of Teaching and Leadership Board from 1 January 2022 until 31 March 2022 (both dates inclusive).

The terms and conditions of the appointment are contained in the attached Schedule.

Dated: 21 December 2021

Responsible Minister:

THE HON JAMES MERLINO

Minister for Education

ALEXANDRA DEBELJAKOVIC
Clerk of the Executive Council

Education and Training Reform Act 2006
APPOINTMENT OF CHAIRPERSON TO THE VICTORIAN
ACADEMY OF TEACHING AND LEADERSHIP
SCHEDULE TO THE ORDER IN COUNCIL

1. Appointment Arrangements

Part time.

2. Period of Appointment

1 January 2022 to 31 March 2022.

3. Duties and responsibilities of the position

Perform the duties of a member of the Board, which under section 2.6A.7(2) of the Act as amended:

- is responsible for the management of the affairs of the Academy; and
- may exercise any of the powers or functions of the Academy.

4. Termination Arrangements

In accordance with section 2.6A.7(5) of the Act as amended, a member of the Board of the Academy may resign from office by delivering to the Governor in Council a signed letter of resignation. In accordance with section 2.6A.7(6) of the Act as amended, the Governor in Council may at any time remove a member from office.

5. Payment Provisions

The remuneration for the term of appointment is \$33,126 per annum.

6. Superannuation Obligations

Not applicable.

7. Travel and Personal Expenses arrangements

The appointee is entitled to be reimbursed for all reasonable expenses incurred in accordance with the Victorian Public Service Executive Employment Handbook.

8. Leave Arrangements

Not applicable.

9. Prior Service

Not applicable.

Education and Training Reform Act 2006
APPOINTMENT OF MEMBERS TO THE BOARD OF THE
VICTORIAN ACADEMY OF TEACHING AND LEADERSHIP

Order in Council

The Governor in Council, under section 13 of the **Interpretation of Legislation Act 1984** and section 2.6A.7(3)(c) of the **Education and Training Reform Act 2006** as amended by the **Education and Training Reform Amendment (Victorian Academy of Teaching and Leadership) Act 2021** (Act as amended) appoints Mr Kieren Noonan as the representative of Independent Schools Victoria to the Victorian Academy of Teaching and Leadership Board from 1 January 2022 until 31 March 2022 (both dates inclusive).

The terms and conditions of the appointment are contained in the attached Schedule.

Dated: 21 December 2021

Responsible Minister:

THE HON JAMES MERLINO

Minister for Education

ALEXANDRA DEBELJAKOVIC
Clerk of the Executive Council

Education and Training Reform Act 2006
APPOINTMENT OF MEMBER TO THE BOARD OF THE
VICTORIAN ACADEMY OF TEACHING AND LEADERSHIP
SCHEDULE TO THE ORDER IN COUNCIL

1. Appointment Arrangements

Part time.

2. Period of Appointment

1 January 2022 to 31 March 2022.

3. Duties and responsibilities of the position

Perform the duties of a member of the Board, which under section 2.6A.7(2) of the Act as amended:

- is responsible for the management of the affairs of the Academy; and
- may exercise any of the powers or functions of the Academy.

4. Termination Arrangements

In accordance with section 2.6A.7(5) of the Act as amended, a member of the Board of the Academy may resign from office by delivering to the Governor in Council a signed letter of resignation. In accordance with section 2.6A.7(6) of the Act as amended, the Governor in Council may at any time remove a member from office.

5. Payment Provisions

The remuneration for the term of appointment is \$16,583 per annum.

6. Superannuation Obligations

Not applicable.

7. Travel and Personal Expenses arrangements

The appointee is entitled to be reimbursed for all reasonable expenses incurred in accordance with the Victorian Public Service Executive Employment Handbook.

8. Leave Arrangements

Not applicable.

9. Prior Service

Not applicable.

Education and Training Reform Act 2006APPOINTMENT OF MEMBER TO THE BOARD OF THE
VICTORIAN ACADEMY OF TEACHING AND LEADERSHIP

Order in Council

The Governor in Council, under section 13 of the **Interpretation of Legislation Act 1984** and section 2.6A.7(3)(e) of the **Education and Training Reform Act 2006** as amended by the **Education and Training Reform Amendment (Victorian Academy of Teaching and Leadership) Act 2021** appoints Mr Allan Shaw to the Victorian Academy of Teaching and Leadership Board from 1 January 2022 until 31 March 2022 (both dates inclusive).

The terms and conditions of the appointment are contained in the attached Schedule.

Dated: 21 December 2021

Responsible Minister:

THE HON JAMES MERLINO

Minister for Education

ALEXANDRA DEBELJAKOVIC
Clerk of the Executive Council

Education and Training Reform Act 2006APPOINTMENT OF MEMBER TO THE BOARD OF THE
VICTORIAN ACADEMY OF TEACHING AND LEADERSHIP

SCHEDULE TO THE ORDER IN COUNCIL

1. Appointment Arrangements

Part time.

2. Period of Appointment

1 January 2022 to 31 March 2022.

3. Duties and responsibilities of the position

- Perform the duties of a member of the Board, which under section 2.6A.7(2) of the Act as amended is responsible for the management of the affairs of the Academy; and
- may exercise any of the powers or functions of the Academy.

4. Termination Arrangements

In accordance with section 2.6A.7(5) of the Act as amended, a member of the Board of the Academy may resign from office by delivering to the Governor in Council a signed letter of resignation. In accordance with section 2.6A.7(6) of the Act as amended, the Governor in Council may at any time remove a member from office.

5. Payment Provisions

The remuneration for the term of appointment is \$16,583 per annum.

6. Superannuation Obligations

Not applicable.

7. Travel and Personal Expenses arrangements

The appointee is entitled to be reimbursed for all reasonable expenses incurred in accordance with the Victorian Public Service Executive Employment Handbook.

8. Leave Arrangements

Not applicable.

9. Prior Service

Not applicable.

Kardinia Park Stadium Act 2016

EVENT MANAGEMENT DECLARATION FOR KARDINIA PARK EVENTS

Order in Council

The Governor in Council, under section 34 of the **Kardinia Park Stadium Act 2016** makes the event management declaration in the attached Schedule.

Dated: 21 December 2021

Responsible Minister:

THE HON MARTIN PAKULA MP

Minister for Tourism, Sport and Major Events

ALEXANDRA DEBELJAKOVIC
Clerk of the Executive Council

Kardinia Park Stadium Act 2016

EVENT MANAGEMENT DECLARATION FOR KARDINIA PARK EVENTS

SCHEDULE TO THE ORDER IN COUNCIL

The events specified in Table 1 and 2 are declared to be Kardinia Park events.

Table 1: Australian Football League Women's Competition matches	
Section and Description	Matter Specified
35(1)(c) Title of the Kardinia Park event and a short description of it:	<p>Geelong Football Club and Western Bulldogs Football Club Australian Football League Women's (AFLW) match.</p> <p>Geelong Football Club and Collingwood Football Club AFLW match.</p> <p>Geelong Football Club and West Coast Eagles Football Club AFLW match.</p> <p>Geelong Football Club and Fremantle Football Club AFLW match.</p>
35(1)(d) The times and dates during which the Kardinia Park event is to take place:	<p>Geelong Football Club and Western Bulldogs Football Club – 12.01 am on 14 January 2022 to 11.59 pm 16 January 2022.</p> <p>Geelong Football Club and Collingwood Football Club – 12.01 am on 20 January 2022 to 11.59 pm 22 January 2022.</p> <p>Geelong Football Club and West Coast Eagles Football Club – 12.01 am on 3 February 2022 to 11.59 pm 5 February 2022.</p> <p>Geelong Football Club and Fremantle Football Club – 12.01 am on 19 February 2022 to 11.59 pm 21 February 2022.</p>
35(1)(g) Any functions, duties and powers conferred on the Trust during the Kardinia Park event in accordance with section 36:	<p>The Trust may enter into agreements and arrangements with the event organiser.</p> <p>The Trust may organise, facilitate or undertake an event.</p> <p>The Trust may fix opening and closing times for public access to any area to which the declaration applies.</p> <p>The Trust may impose, collect and retain fees for parking of motor vehicles in Kardinia Park. The maximum fee will be \$20 per vehicle.</p>
35(1)(h) The provision of any car parking on land at Kardinia Park during a Kardinia Park event in accordance with section 36:	<p>The Trust may provide car parking on land at Kardinia Park on the following dates:</p> <p>Geelong Football Club and Western Bulldogs Football Club AFLW match on Saturday 15 January 2022.</p> <p>Geelong Football Club and Collingwood Football Club AFLW match on Friday 21 January 2022.</p> <p>Geelong Football Club and West Coast Eagles Football Club AFLW match on Friday 4 February 2022.</p> <p>Geelong Football Club and Fremantle Football Club AFLW match on Sunday 20 February 2022.</p>

35(1)(i)	Any functions, duties and powers of the Council suspended during the Kardinia Park event in accordance with section 37:	The functions, duties and powers of the Council to hold or allow any events, or take bookings for any space or events, within Kardinia Park (including venues within Kardinia Park) are suspended during the specified times and dates.
35(1)(j)	Any powers conferred on the Trust to enter into agreements or arrangements with an event organiser in accordance with section 36 and 38:	The functions, duties and powers to book any space or hold events or bookings in Kardinia Park and its venues during the specified times and dates are conferred on the Trust.

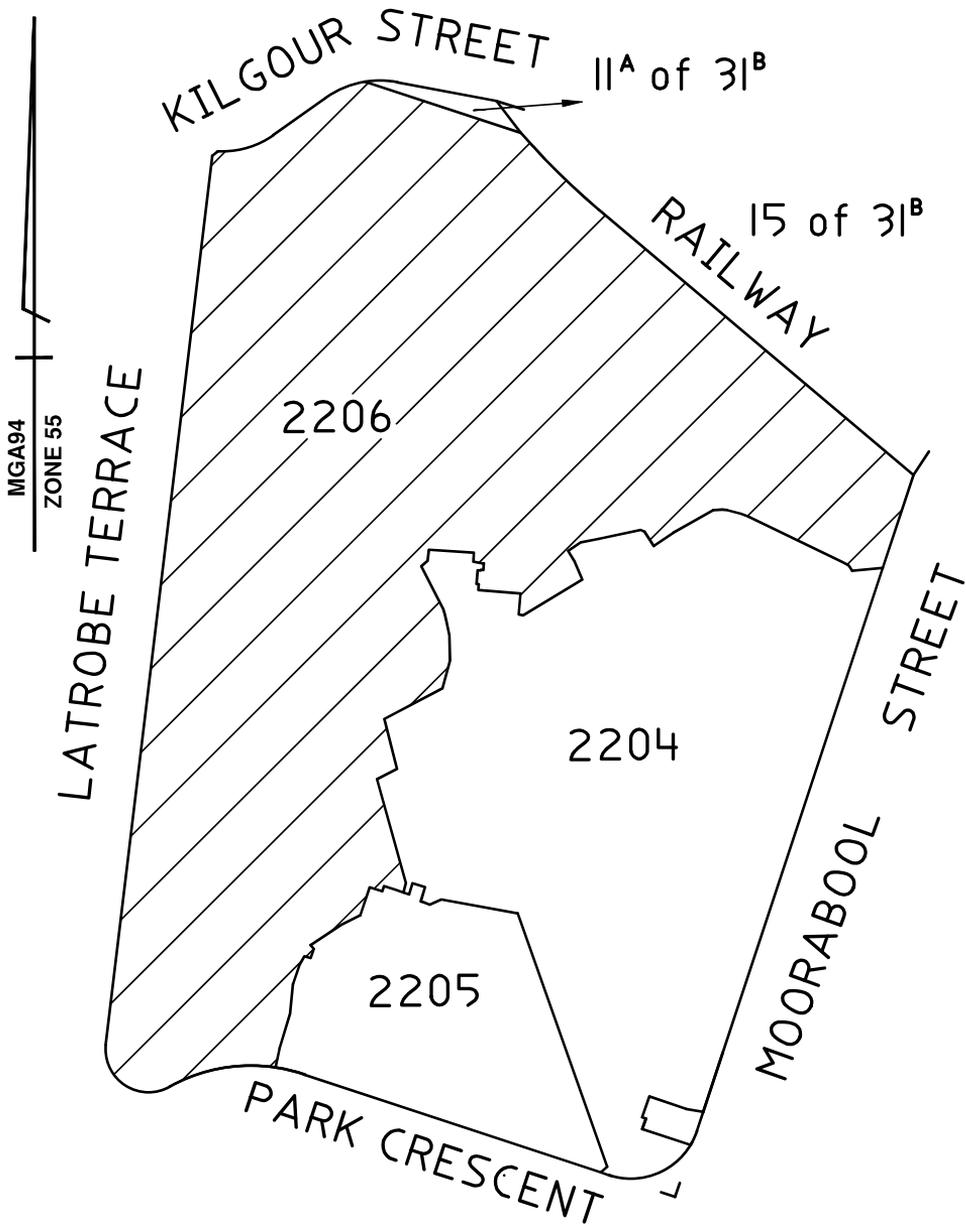
Table 2: Big Bash League match

Section and Description	Matter Specified
35(1)(c) Title of the Kardinia Park event and a short description of it:	Melbourne Renegades and Perth Scorchers, a 2021–22 Big Bash League (BBL) match.
35(1)(d) The times and dates during which the Kardinia Park event is to take place:	Melbourne Renegades and Perth Scorchers – 12.01 am on 25 December 2021 to 11.59 pm 27 December 2021.
35(1)(g) Any functions, duties and powers conferred on the Trust during the Kardinia Park event in accordance with section 36:	The Trust may enter into agreements and arrangements with the event organiser. The Trust may organise, facilitate or undertake an event. The Trust may fix opening and closing times for public access to any area to which the declaration applies. The Trust may impose, collect and retain fees for parking of motor vehicles in Kardinia Park. The maximum fee will be \$20 per vehicle.
35(1)(h) The provision of any car parking on land at Kardinia Park during a Kardinia Park event in accordance with section 36:	The Trust may provide car parking on land at Kardinia Park on the following dates: Melbourne Renegades and Perth Scorchers BBL match on Sunday 26 December 2021.
35(1)(i) Any functions, duties and powers of the Council suspended during the Kardinia Park event in accordance with section 37:	The functions, duties and powers of the Council to hold or allow any events, or take bookings for any space or events, within Kardinia Park (including venues within Kardinia Park) are suspended during the specified times and dates.
35(1)(j) Any powers conferred on the Trust to enter into agreements or arrangements with an event organiser in accordance with section 36 and 38:	The functions, duties and powers to book any space or hold events or bookings in Kardinia Park and its venues during the specified times and dates are conferred on the Trust.

The Kardinia Park Stadium Trust takes control of the area of Kardinia Park to which this declaration applies for the times and dates during which an event takes place as specified in Table 1 and 2.

This legislative instrument takes effect on the date it is published in the Government Gazette and applies until 21 February 2022.

The area of Kardinia Park to which this declaration applies is Crown Allotment 2206, City of Geelong, Parish of Corio as indicated by hatching on the plan hereunder.



Occupational Health and Safety Act 2004

ORDER APPROVING PERSONS OR BODIES FOR THE PURPOSE OF
SECTION 11 OF THE **OCCUPATIONAL HEALTH AND SAFETY ACT 2004**

Order in Council

The Governor in Council, under section 11(1)(d)(v) of the **Occupational Health and Safety Act 2004**, approves the following bodies for the purposes of section 11 of the **Occupational Health and Safety Act 2004** –

- The Victorian Energy Safety Commission (Energy Safe Victoria)

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

Dated: 21 December 2021

Responsible Minister:

INGRID STITT MP

Minister for Workplace Safety

ALEXANDRA DEBELJAKOVIC

Clerk of the Executive Council

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**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:

169. *Statutory Rule:* Surveillance Devices Amendment (Body-worn Cameras) Regulations 2021
Authorising Act: Surveillance Devices Act 1999
Date first obtainable: 21 December 2021
Code A
170. *Statutory Rule:* Sentencing Regulations 2021
Authorising Act: Sentencing Act 1991
Date first obtainable: 21 December 2021
Code B
171. *Statutory Rule:* Victorian Energy Efficiency Target Amendment (Commercial and Industrial Air Source Heat Pump Water Heater) Regulations 2021
Authorising Act: Victorian Energy Efficiency Target Act 2007
Date first obtainable: 21 December 2021
Code A
172. *Statutory Rule:* Wildlife Amendment (Noisy Pitta) Regulations 2021
Authorising Act: Wildlife Act 1975
Date first obtainable: 21 December 2021
Code A
173. *Statutory Rule:* Subordinate Legislation Amendment Regulations 2021
Authorising Act: Subordinate Legislation Act 1994
Date first obtainable: 21 December 2021
Code A
174. *Statutory Rule:* Drugs, Poisons and Controlled Substances Amendment (Non-Emergency Patient Transport and First Aid Services) Regulations 2021
Authorising Act: Drugs, Poisons and Controlled Substances Act 1981
Date first obtainable: 21 December 2021
Code A
175. *Statutory Rule:* Public Health and Wellbeing Amendment (Service Victoria) Regulations 2021
Authorising Act: Public Health and Wellbeing Act 2008
Date first obtainable: 21 December 2021
Code A
176. *Statutory Rule:* First Home Owner Grant and Home Buyer Schemes Regulations 2021
Authorising Act: First Home Owner Grant and Home Buyer Schemes Act 2000
Date first obtainable: 21 December 2021
Code A
177. *Statutory Rule:* Gender Equality Amendment Regulations 2021
Authorising Act: Gender Equality Act 2020
Date first obtainable: 21 December 2021
Code A

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#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
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