



# Victoria Government Gazette

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## Public Health and Wellbeing Act 2008 Section 200

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

#### Hospital Visitor Directions (No. 39)

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

#### 1 Preamble

- (1) The purpose of these directions is to prohibit non-essential visits and access to **hospitals** in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) within a particularly vulnerable population.
- (2) These directions replace the **Hospital Visitor Directions (No. 38)**.

#### 2 Citation

- (1) These directions may be referred to as the **Hospital Visitor Directions (No. 39)**.
- (2) A reference in any other direction to the **Hospital Visitor Directions (No. 38)** is taken to be a reference to these directions.

#### 3 Revocation

The **Hospital Visitor Directions (No. 38)** are revoked at 6:00:00 pm on 5 November 2021.

#### 3A Commencement

The **Hospital Visitor Directions (No. 39)** commence at 6:00:00 pm on 5 November 2021 and end at 11:59:00 pm on 18 November 2021.

#### 4 Prohibition on entry

- (1) A person must not enter, or remain at, a hospital in Victoria between (and including) 6:00:00 pm on 5 November 2021 and 11:59:00 pm on 18 November 2021 unless:
  - (a) the person is a **patient** of the hospital; or
  - (b) the person is a **worker** in relation to the hospital, as defined in clause 5; or
  - (c) the person is a visitor of a patient of the hospital; or
  - (d) the person is present in an area of the hospital in respect of which an exemption under clause 6 is in force.

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

#### *Excluded persons*

- (2) Despite subclause (1), a worker or a visitor to a patient, or a person referred to in subclause (1)(d) must not enter or remain at a hospital in Victoria between (and including) 6:00:00 pm on 5 November 2021 and 11:59:00 pm on 18 November 2021 if:
  - (a) the person has been diagnosed with SARS-CoV-2, and has not yet been given, or taken to have been given, clearance from self-isolation under the **Diagnosed Persons and Close Contacts Directions**; or
  - (b) 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 Permit Directions** and they are not prohibited from attending a

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- hospital under the **Victorian Border Crossing Permit Directions**; or
- (c) the person had known contact with a person who has been diagnosed with SARS-CoV-2 in the:
- (i) 7 days immediately preceding entry if the person is **fully vaccinated** and is not a **household close contact**; or
  - (ii) 14 days immediately preceding entry if the person is not fully vaccinated or is a household close contact; or

*Note: a person who has had known contact with a person who has been diagnosed with SARS-CoV-2 may also be required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions**.*

- (d) the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection; or
- (e) the person is aged under 16 years, other than in circumstances where:
- (i) the person's presence at the hospital is for the purposes of **end of life** support for a patient; or
  - (ii) a patient has a life-threatening medical condition; and
  - (iii) the person aged under 16 years is a child, grandchild or sibling of the patient, or has a kinship relation to the patient; or
  - (iv) subclauses (9), (10), (13) or (14) apply; or
- (f) in the case of a visitor – the person has been tested for SARS-CoV-2 and has not yet received the results of that test.

*Note: subclause (2)(f) does not include a person who is required to be tested for SARS-CoV-2 in accordance with the requirements of the **Surveillance Testing Industry List and Requirements**.*

*Hospital may permit certain excluded persons to visit*

- (3) Despite subclause (2), a person referred to in subclauses (2)(a) or (2)(e) 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 SARS-CoV-2 and has not yet been given, or taken to have been given, clearance from self-isolation under the **Diagnosed Persons and Close Contacts Directions** 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 (6).*

- (4) Despite subclause (2), a person referred to in subclauses (2)(b), (c) or (d) 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 SARS-CoV-2, who has recently arrived from overseas or who has been tested for SARS-CoV-2 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.*

- (5) A person permitted to enter or remain at a hospital under subclause (4) 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 (4)(b).
- (6) 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 either or both of:
- (a) the officer of the hospital who authorised their visit under subclause (3)(b)(i); and
  - (b) the Chief Health Officer or the Deputy Chief Health Officer.
- (7) An officer of the hospital referred to in subclause (3)(b)(i) or subclause (4)(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, for at least 28 days from the day the authorisation is given.

*Restrictions on visitors of patients (end of life support including life-threatening conditions)*

- (8) Where a visitor under subclause (1)(c) is visiting for the purposes of providing end of life support to a patient, the **operator** of a hospital in Victoria 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.
- (9) Where a visitor under subclause (1)(c) is visiting for the purposes of providing end of life support to a patient, and is a carer, parent or guardian of a child or dependant, and they cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependent unattended so that they can attend the hospital without the child or dependent, then the child or dependent may accompany that person when attending the hospital, and the cap in subclause (8) will not include that child or dependent.
- (10) Where a child or dependent visitor under subclause (1)(c) is visiting and the patient is the carer, parent or guardian of that child or dependent visitor, and the patient cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependent visitor unattended so that they can be present at the hospital without their child or dependent visitor, then their child or dependent visitor may be present at the hospital, and the cap in subclause (8) will not include that child or dependent visitor.

*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).*

*Restrictions on visitors of patients (other)*

- (11) 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 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 workers at the hospital; 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.
- (12) Where a visitor under subclause (1)(c) is visiting for a purpose specified in subclause (11), the operator of a hospital in Victoria 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.
- (13) Where a visitor under subclause (1)(c) is visiting for a purpose specified in subclause (11), and is a carer, parent or guardian of a child or dependant, and they cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependent unattended so that they can attend the hospital without the child or dependent, then the child or dependent may accompany that person when attending the hospital, and the caps in subclauses (12)(a) and (12)(b) will not include that child or dependent.
- (14) Where a child or dependent visitor under subclause (1)(c) is visiting for a purpose specified in subclause (11), and the patient is the carer, parent or guardian of that child or dependant visitor, and the patient cannot access alternative care arrangements (whether on a paid or voluntary basis) or leave their child or dependent visitor unattended so that they can be present at the hospital without their child or dependent visitor, then their child visitor or dependent visitor may be present at the hospital, and the caps in subclauses (12)(a) and (12)(b) will not include that child or dependent visitor.

*Transitional provision – excluded persons exemption*

- (15) An authorisation granted to an excluded person to enter or remain at a hospital under any **Revoked Hospital Visitor Directions** continues to have effect, until the validity period expires under the authorisation.
- (16) A request for exemption to authorise an excluded person to enter or remain at a hospital made under any **Revoked Hospital Visitor Directions** continues to have effect.

## 5 Definition of worker

- (1) A person is a **worker** in relation to a hospital if:

- (a) 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
- (b) the person's presence at the hospital:
  - (i) 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
  - (ii) has been arranged by appointment in advance; and
  - (iii) is approved by an officer of the hospital with the position of Chief Medical Officer, Chief Operating Officer, or equivalent; or
- (c) 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
- (d) 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 (d).*
- (e) 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.

## 6 Exemption power

- (1) The Chief Health Officer or the Deputy Chief Health Officer may, in writing, grant an exemption from these directions 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 SARS-CoV-2, that an exemption is appropriate due to:
  - (a) the nature of the area; or
  - (b) the existing limits on the number of people that may be present in the area (whether because of the operation of a direction under the PHW Act, or otherwise).

### *Transitional provision – area exemption*

- (2) Any **area exemption** granted under any Revoked Hospital Visitor Directions continues to have effect.
- (3) Any application for an area exemption under any Revoked Hospital Visitor Directions continues to have effect.

## 7 Operator obligations

### *Operator to take all reasonable steps*

- (1) The operator of a hospital in Victoria 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 clause 4; and
  - (b) a record is kept, in relation to each person who enters or remains at the hospital as a visitor under these directions of:
    - (i) the contact details of the person; and
    - (ii) the date and time at which that person entered and left the hospital, for at least 28 days from the day of the entry; and
  - (c) the hospital facilitates telephone, video or other means of electronic communication with the parents, guardians, partners, carers and support

persons of patients to support the physical, emotional and social wellbeing (including mental health) of patients.

## 8 Definitions

For the purposes of these directions:

- (1) **area exemption** means an exemption granted by the Chief Health Officer or the Deputy Chief Health Officer under clause 6(1) of these directions or the equivalent provision in any **Revoked Hospital Visitor Directions**;
- (2) **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.*
- (3) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 32)** as amended or replaced from time to time;
- (4) **end of life** in relation to a **patient**:
  - (a) means a situation where the patient's death is expected within days (including periods of 28 days or less), or where the patient, with or without existing conditions, is at risk of dying from a sudden acute event;
  - (b) does not mean a situation where a patient has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the patient is expected to die within 12 months (except where the situation also falls within subclause (a));
- (5) **fully vaccinated** has the same meaning as in the **Open Premises Directions**;
- (6) **hospital** means:
  - (a) a **public hospital**;
  - (b) a **denominational hospital**;
  - (c) a **multi-purpose service**;
  - (d) a **private hospital**;
  - (e) a **day procedure centre**;
- (7) **household close contact** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (8) **nominated person** in relation to a **patient** has the same meaning as in the **Mental Health Act 2014**;
- (9) **Open Premises Directions** means the **Open Premises Directions (No. 4)** as amended or replaced from time to time;
- (10) **operator** of a **hospital** means a person who owns, controls or operates the hospital;
- (11) **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;
- (12) **patient** of a **hospital** means a person who requests or is being provided with health, medical or pharmaceutical services by the hospital;
- (13) **Revoked Hospital Visitor Directions** means any of the previous Hospital Visitor Directions, as amended or replaced from time to time, which are no longer in force;
- (14) **Surveillance Testing Industry List and Requirements** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions**;
- (15) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 37)** as amended or replaced from time to time;
- (16) **worker** in relation to a hospital has the meaning given to it in clause 5;

- (17) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 55)** as amended or replaced from time to time;
- (18) the following expressions have the same meaning that they have in the **Disability Service Safeguards Act 2018**:
- (a) **disability**;
  - (b) **disability service**;
  - (c) **disability worker**;
- (19) the following expressions have the same meanings as they have in the **Health Services Act 1988**:
- (a) **day procedure centre**;
  - (b) **denominational hospital**;
  - (c) **multi-purpose service**;
  - (d) **public hospital**;
  - (e) **private hospital**.

## 9 Penalties

Section 203 of the PHW Act provides:

### **Compliance with direction or other requirement**

- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.
- Penalty: In the case of a natural person, 120 penalty units;  
In the case of a body corporate, 600 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.

*Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has refused or failed to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.*

Dated 5 November 2021

ADJUNCT CLINICAL PROFESSOR BRETT SUTTON  
Chief Health Officer,  
as authorised to exercise emergency powers  
under sections 20A and 199(2)(a) of the PHW Act

**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH  
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Care Facilities Directions (No. 49)**

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

**1 Preamble**

- (1) The purpose of these directions is to make provision for restricted access to care facilities in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) within a particularly vulnerable population, balancing the need to limit the spread of SARS-CoV-2 against the broader responsibilities of care facilities to the physical, emotional and psychological wellbeing of their clients.
- (2) These directions replace the **Care Facilities Directions (No. 48)**.

**2 Citation**

- (1) These directions may be referred to as the **Care Facilities Directions (No. 49)**.
- (2) A reference in any other direction to the **Care Facilities Directions (No. 48)** is taken to be a reference to these directions.

**3 Revocation**

The **Care Facilities Directions (No. 48)** are revoked at 6:00:00 pm on 5 November 2021.

**4 Commencement**

The **Care Facilities Directions (No. 49)** commence at 6:00:00 pm on 5 November 2021 and end at 11:59:00 pm on 18 November 2021.

**5 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**.

**6 Prohibition on entry**

- (1) A person must not enter, or remain on, the premises of a care facility between (and including) 6:00:00 pm on 5 November 2021 and 11:59:00 pm on 18 November 2021 unless:
  - (a) the person is a **resident** of the facility; or
  - (b) the person is a **worker** in relation to the facility, as defined in clause 7; or
  - (c) the person is a visitor of a resident of the facility; or
  - (d) the person is visiting as a prospective resident of the facility.

*Excluded persons*

- (2) Despite subclause (1), a person who is a worker in relation to the care facility 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 between (and including) 6:00:00 pm on 5 November 2021 and 11:59:00 pm on 18 November 2021 if:
- (a) the person is required to self-isolate under the **Diagnosed Persons and Close Contacts Directions**; or
  - (b) the person is required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions**; or
  - (c) the person 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:
    - (i) 7 days immediately preceding entry if the person is **fully vaccinated** and is not a **household close contact**; or
    - (ii) 14 days immediately preceding entry if the person is not fully vaccinated or is a household close contact; or

*Note: a person who has had known contact with a person who has been diagnosed with SARS-CoV-2 may also be required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions**.*

- (d) the person has **SARS-CoV-2 Symptoms**; or
- Note: for the purposes of these directions, SARS-CoV-2 Symptoms, including but not limited to acute respiratory infection (such as cough, shortness of breath, sore throat), loss of smell, and loss of taste do not include those symptoms where caused by an underlying health condition or medication.*
- (e) in the case of a visitor – the person has been tested for SARS-CoV-2, and has not yet received the results of that test.

*Note: subclause (e) does not include a person who is required to be tested for SARS-CoV-2 in accordance with the requirements of the **Surveillance Testing Industry List and Requirements**.*

*Certain excluded persons may be permitted to visit a care facility*

- (3) Despite subclause (2), a person referred to in subclause (2)(c) 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.
- (4) A person authorised to enter or remain at the care facility under subclause (3) must comply with any directions or conditions to which that authorisation is subject.
- (5) An officer of a care facility referred to in subclause (3)(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, for at least 28 days from the day the authorisation is given.

*Restrictions on visitors of residents (end of life support including life-threatening conditions)*

- (6) Where a visitor under subclause (1)(c) 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).*

*Restrictions on visitors of residents (other)*

- (7) Where a visitor under subclause (1)(c) is visiting a resident at a care facility, the operator of the care facility in Victoria must not permit:
- (a) more than five visitors of a resident to enter or remain on the premises at any one time in relation to that resident; and
  - (b) more than five visitors of a resident to enter or remain on the premises per day in relation to that resident.

*Restrictions on visitors as prospective residents*

- (8) In respect of a visitor under subclause (1)(d) who is visiting the facility as a prospective resident of the facility, the operator of the care facility must not permit:
- (a) more than four other persons to accompany the prospective resident to enter or remain on the premises; and
  - (b) more than one visit at the facility for this purpose at any one time.

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

*Transitional provision – excluded persons exemption*

- (9) An authorisation granted to an excluded person to enter or remain at a care facility under any **Revoked Care Facilities Directions** continues to have effect, until the validity period expires under the authorisation.
- (10) A request for exemption to authorise an excluded person to enter or remain at a care facility made under any Revoked Care Facilities Directions continues to have effect.

**7 Definition of worker**

- (1) A person is a worker in relation to a care facility if:
- (a) the person is the operator of a care facility or an **employee or contractor** in relation to the care facility; or
  - (b) the person is a student under the supervision of an employee or contractor in relation to the care facility; or
  - (c) 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
  - (d) 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:
    - (i) health, medical, or pharmaceutical goods or services; or
    - (ii) behavioural support services; or
    - (iii) functional and well-being support services; or
    - (iv) other support services; or
  - (e) 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
  - (f) 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

- (g) 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.*

## 8 Operator obligations

*Operator to take all reasonable steps*

- (1) The operator of a care facility in Victoria must take all reasonable steps to ensure that:
  - (a) a person does not enter or remain on the premises of the care facility if the person is prohibited from doing so by clause 6; and
  - (b) 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.

*Visitor declarations*

- (2) The operator of a care facility in Victoria 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 SARS-CoV-2 Symptoms; and
    - Note: for the purposes of these directions, SARS-CoV-2 Symptoms, including but not limited to acute respiratory infection (such as cough, shortness of breath, sore throat), loss of smell, and loss of taste do not include those symptoms where caused by an underlying health condition or medication.*
  - (b) has 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 household close contact; or
    - (ii) preceding 14 days if the person is not fully vaccinated or is a household close contact; and
  - (c) is currently required to self-isolate or self-quarantine in accordance with the **Diagnosed Persons and Close Contacts Directions**.

*Note: operators of care facilities are subject to additional obligations under the **Workplace (Additional Industry Obligations) Directions**.*
- (3) Where a visitor of a resident of a care facility is aged under 18 years, a parent or guardian of the visitor may make the declaration required of the visitor by the operator of a care facility under subclause (2) on the visitor's behalf.

## 9 Relationship with other Directions

- (1) Where the premises of a care facility are located within the premises of a hospital subject to the **Hospital Visitor Directions**, these directions apply, to the exclusion of the **Hospital Visitor Directions**, in relation to the premises of the care facility and to matters that relate to the care facility.
- (2) These directions operate alongside, and are not intended to derogate from, obligations imposed on operators of care facilities under the **Workplace Directions** and **Workplace (Additional Industry Obligations) Directions**.

## 10 Definitions

For the purposes of these directions:

- (1) **alcohol and drug residential service** means any of the following:
  - (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 facility** has the meaning in clause 5;
- (3) **confirmed case** means a person who has been diagnosed with **SARS-CoV-2** 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 SARS-CoV-2 Symptoms, however, alternative infectious periods may be determined at the discretion of an officer or nominated representative of the Department (for instance, in high-risk settings or if the confirmed case is asymptomatic).*
- (4) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 32)** as amended or replaced from time to time;
- (5) **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'.*
- (6) **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**;
- (7) **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;
- (8) **end of life**, in relation to a **resident**:
- (a) means a situation where the resident's death is expected within days (including periods of 28 days or less), or where the resident, with or without existing conditions, is at risk of dying from a sudden acute event; and
  - (b) does not mean a situation where a resident has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the resident is expected to die within 12 months (except where the situation also falls within subclause (a));
- (9) **flexible care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (10) **fully vaccinated** has the same meaning as in the **Open Premises Directions**;
- (11) **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;
- (12) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 39)** as amended or replaced from time to time;
- (13) **household close contact** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (14) **nominated person** in relation to a **resident** has the same meaning as in the **Mental Health Act 2014**;
- (15) **Open Premises Directions** means the **Open Premises Directions (No. 4)** as amended or replaced from time to time;

- (16) **operator of a care facility** means:
- (a) for an **alcohol and drug treatment facility** – the operator of the facility;
  - (b) for a **homelessness residential service** – the entity that receives government funding to provide the service;
  - (c) for a **residential aged care facility** – the operator of the facility;
  - (d) for a **disability residential service** – the **disability service provider** that operates the service;
  - (e) for an **eligible SDA enrolled dwelling** – the disability service provider or the **registered NDIS provider** that operates the service;
  - (f) for a **short-term accommodation and assistance dwelling** – the **registered NDIS provider** or the disability service provider that operates the service;
  - (g) for a **secure welfare service** – the Secretary to the Department of Families, Fairness and Housing;
  - (h) for a **supported residential service** – the **proprietor** of the supported residential service;
  - (i) for the **Thomas Embling Hospital** – the **Victorian Institute of Forensic Mental Health**;
- (17) **proprietor** of a **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (18) **provides labour hire services** has the same meaning as in the **Labour Hire Licensing Act 2018**;
- (19) **registered NDIS provider** has the same meaning as in the **National Disability Insurance Scheme Act 2013** of the Commonwealth;
- (20) **resident** of a **care facility** includes a patient of the care facility;
- (21) **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;
- (22) **residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;
- (23) **Revoked Care Facilities Directions** means any of the previous Care Facilities Directions, as amended or replaced from time to time, which are no longer in force;
- (24) **SARS-CoV-2 Symptoms** means symptoms consistent with **SARS-CoV-2**, including but not limited to the following:
- (a) a fever ( $\geq 37.5^{\circ}\text{C}$ ) or consistent fever of less than  $37.5^{\circ}\text{C}$  (such as night sweats or chills);
  - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
  - (c) loss of smell;
  - (d) loss of taste;
- (25) **secure welfare service** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (26) **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;
- (27) **Surveillance Testing Industry List and Requirements** has the same meaning as in the **Workplace (Additional Industry Obligations) Directions**;

- (28) the following expressions have the same meaning as they have in the **Disability Act 2006**:
- (a) **disability service provider**;
  - (b) **SDA enrolled dwelling**;
  - (c) **SDA provider**;
  - (d) **short-term accommodation and assistance dwelling**;
  - (e) **treatment plan**;
- (29) **Thomas Embling Hospital** means the hospital of that name operated by the **Victorian Institute of Forensic Mental Health**;
- (30) **Victorian Border Crossing Permit Directions** means the **Victorian Border Crossing Permit Directions (No. 37)** as amended or replaced from time to time;
- (31) **Victorian Institute of Forensic Mental Health** has the same meaning as in the **Mental Health Act 2014**;
- (32) **worker** has the meaning in clause 7(1);
- (33) **Workplace (Additional Industry Obligations) Directions** means the **Workplace (Additional Industry Obligations) Directions (No. 55)** as amended or replaced from time to time;
- (34) **Workplace Directions** means the **Workplace Directions (No. 54)** as amended or replaced from time to time.

## 11 Penalties

Section 203 of the PHW Act provides:

### Compliance with direction or other requirement

- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.
- Penalty: In the case of a natural person, 120 penalty units;  
In the case of a body corporate, 600 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.

*Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has refused or failed to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.*

Dated 5 November 2021

ADJUNCT CLINICAL PROFESSOR BRETT SUTTON  
Chief Health Officer,  
as authorised to exercise emergency powers  
under sections 20A and 199(2)(a) of the PHW Act

**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH  
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Open Premises Directions (No. 4)**

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, consider it reasonably necessary to protect public health to give the following directions pursuant to section 200(1)(d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

**PART 1 – PRELIMINARY****1 Preamble**

- (1) The purpose of these directions is to impose obligations upon:
  - (a) operators of certain **open premises** in the State of Victoria; and
  - (b) patrons that attend those premises,in relation to vaccination against COVID-19 and other requirements, in order to address the serious public health risk posed to Victoria by severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) Parts 2, 3 and 4 govern open premises, which are specified in Schedule 1:
  - (a) Part 2 contains vaccination requirements;
  - (b) Part 3 contains additional requirements and exceptions;
  - (c) Part 4 contains further requirements and exceptions for specific open premises.
- (3) Part 5 contains definitions:
  - (a) key definitions are contained in clause 34;
  - (b) premises-specific definitions are contained in clause 35;
  - (c) other definitions are contained in clause 36;
- (4) These directions must be read together with the **Directions currently in force**.
- (5) These directions replace the **Open Premises Directions (No. 3)**.

**2 Citation**

These directions may be referred to as the **Open Premises Directions (No. 4)**.

**3 Commencement and revocation**

- (1) These directions commence at 6:00:00 pm on 5 November 2021 and end at 11:59:00 pm on 18 November 2021.
- (2) The **Open Premises Directions (No. 3)** are revoked at 6:00:00 pm on 5 November 2021.

**PART 2 – OPEN PREMISES – VACCINATION REQUIREMENTS****4 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.

**5 Provision of vaccination information**

*Operator obligations – maintenance of system*

- (1) The operator of an open premises must maintain a system that requires a **patron** (except a patron under 16 years or 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 Directions**.*

- (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.

*Patron obligation – patrons must use system*

- (4) A patron (except a patron under 16 years of age) who attends an open premises must comply with the requirements of the system maintained under subclause (1).
- (5) A patron who is a dependant of another patron is deemed to have complied with subclause (4) if the other patron, on behalf of the dependant, complies with the requirements of the system maintained under subclause (1).

## 6 No entry of patrons who are not fully vaccinated or excepted persons

*Operator obligation – exclusion of persons*

- (1) The operator of an open premises must take all reasonable steps to ensure that a patron who:
  - (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 5(1),
 does not enter, or remain on, the premises.

*Note: this obligation does not apply in relation to patrons who are fully vaccinated or excepted persons (which includes children under 16 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 5.

*Patron obligation – no entry unless fully vaccinated or an excepted person*

- (3) A patron who is not:
  - (a) fully vaccinated; or
  - (b) an excepted person;
 must not enter, or remain on, an open premises.

## 7 Worker requirements

*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; or
  - (b) an excepted person; or
  - (c) if the worker is at the open premises when no patrons are or may be present at the same time, **partially vaccinated**.
- (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).

*Information held under Mandatory Vaccination (Workers) Directions*

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

*Disclosure to employer or contractor*

- (5) If the operator is obliged to comply with subclause 6(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 premises;
- the operator is authorised to disclose to the employer or person who engaged the worker that the operator is obliged to comply with subclause 6(1) in relation to the worker.

*Exceptional circumstances*

- (6) An operator of an open premises is not required to comply with this clause 7 if one or more of the exceptional circumstances specified in subclause (7) applies.
- (7) 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.*
- (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.
- (8) If a circumstance specified in subclause (7) 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.

**8 Patron limits**

- (1) The operator of an open premises must not permit the number of patrons:
- (a) in all **indoor spaces** combined – to exceed the number specified for the

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

*Note: 'patron' is defined in clause 34(1) and does not include a person under 1 year of age.*

- (2) Despite subclause (1), if Column 2 or 3 of Schedule 1 specifies that the patron limits for an open premises apply to each indoor space or each outdoor space, the operator of that premises must not permit the number of patrons to exceed the number specified in Schedule 1 for each space.

## **PART 3 – OTHER REQUIREMENTS AND EXCEPTIONS FOR OPEN PREMISES**

### ***Division 1 – Other requirements***

#### **9 No dancefloors indoors**

The operator of an open premises must not permit any indoor space at that premises to be used as a dancefloor.

#### **10 Separate entrance at private residences**

If an open premises is located at a private residence, the operator must have an entrance accessible to patrons that is separate to the entrance used by the residents of, or visitors to, the private residence.

#### **11 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 Directions**.

### ***Division 2 – Exceptions***

#### **12 Access to bathrooms**

The patron limits specified in clause 8 and the requirements in Part 4 do not prevent an operator from permitting a patron to access a bathroom.

#### **13 Severe weather**

The patron limits specified in clause 8 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.

#### **14 Exclusive use by one school**

If an open premises is being operated only for the purpose of one school using the premises exclusively, the obligations in Part 2 and the patron limits in Part 4 do not apply.

#### **15 Weddings**

- (1) If an open premises is being operated for the purpose of conducting a wedding, the operator of the relevant open premises:
  - (a) instead of complying with the patron limits specified in Schedule 1 for the relevant open premises, must not permit the number of patrons:
    - (i) in all indoor spaces combined to exceed the **density quotient (4 sq metres)**; or
    - (ii) in all outdoor spaces combined to exceed the lesser of:
      - (A) the **density quotient (2 sq metres)**; and
      - (B) 500; and
  - (b) must only permit patrons to use at one time either:
    - (i) one or more indoor spaces; or
    - (ii) one or more outdoor spaces.

*Note: operators are not permitted to operate for a primary purpose outdoor spaces at the same time as indoor spaces and vice versa. Patrons that are using the indoor space for a primary*

*purpose may use the outdoor space provided that the indoor patron limit is complied with for the whole venue at all times.*

- (2) The obligations in Part 2 do not apply in relation to an open premises being operated for the purpose of conducting a wedding in an indoor space or outdoor space if the operator does not permit the number of patrons at the whole of the premises to exceed the lesser of:
  - (a) 30; and
  - (b) density quotient (4 sq metres).
- (3) If an open premises is being operated for the purpose of conducting a wedding, the following patrons are not to be counted for the purpose of any patron limits specified in clause 8 or this clause 15:
  - (a) the two persons being married;
  - (b) the authorised celebrant;
  - (c) a photographer.

## 16 Funerals

- (1) If an open premises is being operated for the purpose of conducting a funeral, the operator of the relevant open premises:
  - (a) instead of complying with the patron limits specified in Schedule 1 for the relevant open premises, must not permit the number of patrons:
    - (i) in all indoor spaces combined to exceed the density quotient (4 sq metres); or
    - (ii) in all outdoor spaces combined to exceed the lesser of:
      - (A) the density quotient (2 sq metres); and
      - (B) 500; and
  - (b) must only permit patrons to use at one time either:
    - (i) one or more indoor spaces; or
    - (ii) one or more outdoor spaces.

*Note: operators are not permitted to operate for a primary purpose outdoor spaces at the same time as indoor spaces and vice versa. Patrons that are using the indoor space for a primary purpose may use the outdoor space provided that the indoor patron limit is complied with for the whole venue at all times.*
- (2) The obligations in Part 2 do not apply in relation to an open premises being operated for the purpose of conducting a funeral in an indoor space or outdoor space if the operator does not permit the number of patrons at the whole of the premises to exceed the lesser of:
  - (a) 30; and
  - (b) density quotient (4 sq metres).
- (3) If an open premises is being operated for the purpose of conducting a funeral, the minimum number of persons reasonably necessary to conduct the funeral are not to be counted for the purpose of the patron limits specified in clause 8 or this clause 16.
- (4) An operator of an open premises that is being operated for the purpose of conducting a funeral must ensure that food, drink, crockery, utensils, vessels and other equipment are not shared between patrons.

## 17 Senior Secondary examinations

If an open premises is being operated only for the purpose of conducting **Senior Secondary examinations**, the obligations in Part 2, clause 11 (COVID Check-in Marshal) and any patron limits in Part 4 do not apply.

## 18 Public Event Framework

- (1) If an open premises is being operated only for the purpose of conducting an **exempt public event**, the obligations 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 these directions to conduct one or more **eligible public events** (or class of eligible public events) from any requirement of the Directions currently 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 **PHW Act**, as appropriate.
- (3) An exemption:
  - (a) must be given in writing; and
  - (b) must be published at [www.coronavirus.vic.gov.au/public-events](http://www.coronavirus.vic.gov.au/public-events) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer; and
  - (c) must specify each requirement in the Directions currently in force to which, subject to subclause (d), an exemption is granted; and
  - (d) 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 **PHW Act**; or
  - (b) an **Authorised Officer** from exercising any power the Authorised Officer is authorised to exercise under the **PHW Act**, including ensuring compliance with:
    - (i) the extent of an exemption (including any conditions on an exemption); or
    - (ii) the requirements of all other Directions currently in force.

*Transitional provisions*

- (5) Any exemption granted for an exempt public event under any **revoked Restricted Activity Directions** continues to have effect.
- (6) Any application for an exemption for an eligible public event made under any revoked Restricted Activity Directions continues to have effect.

*Note: a person who has made an application for an exemption under previous directions will be contacted to confirm whether or not the application for exemption is still required.*

## 19 Emergency use and operations

Nothing in these directions 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

### 20 Accommodation premises

- (1) The obligations in Part 2 and clause 11 (COVID Check-in Marshal) do not apply to an **accommodation premises**.
- (2) An operator of an accommodation premises may operate that premises for the purpose of providing accommodation only if:
  - (a) the operator does not permit the number of patrons in any:
    - (i) communal indoor space to exceed the density quotient (4 sq metres); or

- (ii) communal outdoor space to exceed the density quotient (2 sq metres); and
- (b) patrons under different bookings do not share any bedrooms; and
- (c) all surfaces in the premises that are used exclusively by a particular group, including a hotel room or cabin, are cleaned between each booking; and
- (d) the operator operates any **food and drink premises** within the accommodation premises in accordance with the requirements of these directions applicable to a food and drink premises; and
- (e) the operator operates any **entertainment and function premises** within the accommodation premises in accordance with the requirements of these directions applicable to an entertainment and function premises; and
- (f) the operator takes reasonable steps to ensure that each non-communal indoor or outdoor space is used by patrons in accordance with the requirements that apply in relation to private gatherings as specified in the **Stay Safe Directions (Victoria)**.

*Exception for school use*

- (3) Subclause (2) does not apply if an accommodation premises is being operated only for the purpose of one or more schools using the premises exclusively.

## 21 Adult education or higher education premises

- (1) Clauses 8 (Patron limits) and 11 (COVID Check-in Marshal) do not apply to an **adult education or higher education premises**.
- (2) The obligations in Part 2 do not apply to the operator of an adult education or higher education premises in relation to patrons and workers 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.

## 22 Community premises

*Exception for contactless collection or delivery*

- (1) The obligations in Part 2 and clause 11 (COVID Check-in Marshal) 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.*

*Exception for essential public support group services*

- (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 11 (COVID Check-In Marshal) 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:
  - (i) density quotient (4 sq metres); and
  - (ii) 30.

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

*Exception for essential public support services and essential public health services*

- (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 11 (COVID Check-In Marshal) 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.*

*Exception for essential local government services*

- (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 11 (COVID Check-In Marshal) 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.

*Exception for use by mandatory vaccination workers*

- (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.

*Exception for playgrounds, skateparks and outdoor communal exercise equipment*

- (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 11 (COVID Check-in Marshal) do not apply to those parts of the premises.

## 23 Creative arts premises

*Requirement to clean equipment*

- (1) The operator of a **creative arts premises** must ensure that any equipment used in an activity is cleaned between users.

## 24 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 these directions applicable to a food and

drink premises; and

the operator does not permit patrons to be seated outside of their vehicles.

## 25 Entertainment and function premises

*Casino, nightclubs and karaoke premises – additional requirements*

(1) An operator of a:

(a) casino – may only operate the premises if the operator:

(i) ensures each **gaming machine** is either spaced at least 1.5 metres apart or every second gaming machine is closed; and

(ii) takes all reasonable steps to ensure that a patron remains seated at all times in indoor spaces except when the patron is:

(A) entering or leaving the premises;

(B) making an order; or

(C) accessing a bathroom; and

(b) **nightclub** or karaoke premises – may only operate the premises as a food and drink premises.

(2) An operator referred to in subclause (1) must operate the premises in accordance with the requirements of these directions applicable to a food and drink premises or an accommodation premises.

*Exception for broadcasting*

(3) The obligations in Part 2 do not apply in relation to an entertainment and function premises, if the operator:

(a) only operates the entertainment and function premises for the purposes of broadcasting a performance;

(b) only permits the minimum number of persons required to conduct and broadcast the performance to be present at the premises; and

(c) does not permit the number of persons in an indoor space or an outdoor space to exceed 5.

## 26 Food and drink premises

*Seated patrons indoors*

(1) The operator of a food and drink premises must take all reasonable steps to ensure that a patron in any indoor space remains seated except when the patron is:

(a) entering or leaving the indoor space;

(b) making an order; or

(c) accessing a bathroom.

*Exception for food courts*

(2) The obligations in Part 2 and clause 11 (COVID Check-in Marshal) do not apply to a food and drink premises if it is part of a **food court**.

(3) An operator of a food court must not permit the number of patrons in the whole of the food court to exceed the density quotient (4 sq metres).

*Exception for take-away only*

(4) 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, clause 11 (COVID Check-in Marshal) and subclause (1) do not apply.

(5) Patrons who attend a food and drink premises only to purchase or collect take-away

or pre-ordered goods do not count for the purposes of the patron limits specified in Schedule 1.

*Exception for take-away and dine-in service*

- (6) 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) seated indoor service in accordance with subclause (1) or outdoor service,
- the obligations in Part 2 and subclause (1) 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 seated 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 seated service and to staff at the premises.*

- (7) Patrons who attend a food and drink premises only to purchase or collect take-away or pre-ordered goods do not count for the purposes of the patron limits specified in Schedule 1.

## 27 Funeral parlours and crematoriums

*Lower patron limits for unvaccinated operations*

The obligations in Part 2 and clause 11 (COVID Check-in Marshal) do not apply in relation to a funeral parlour or crematorium, if the operator of the premises:

- (1) does not permit the number of patrons in an indoor space or outdoor to exceed the density quotient (4 sq metres); and
- (2) does not permit the total number of patrons at the whole of the premises at any time to exceed the lesser of:
  - (a) the density quotient (4 sq metres); or
  - (b) 30.

## 28 Gaming machine premises

*Spacing of gaming machines*

- (1) The operator of a **gaming machine premises** must ensure that each gaming machine is either spaced at least 1.5 metres apart or every second gaming machine is closed.

*Seated service only*

- (2) The operator of a gaming machine premises must take all reasonable steps to ensure that a patron remains seated at all times in indoor spaces where there are gaming machines except when the patron is:
- (a) entering or leaving the premises;
  - (b) making an order; or
  - (c) accessing a bathroom.

## 29 Physical recreation premises

*Shared equipment*

- (1) The operator of a **physical recreation premises** must ensure that any shared equipment is cleaned between users.

*Exception for community sport*

- (2) The obligations in Part 2 do not apply in relation to any indoor space or outdoor space in a physical recreation premises if:
- (a) that space is being operated only for the purpose of conducting a community sport activity; and
  - (b) the operator ensures that any spectators of the community sport activity comply with the relevant limits on public gatherings in accordance with the **Stay Safe Directions (Victoria)**; and

- (c) the operator otherwise only permits the participants and the minimum number of persons required to conduct the community sport activity to attend that indoor space or outdoor space at the premises.

*Exception for professional or high performance sport*

- (3) 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.

*Exception for broadcasting*

- (4) The obligations in Part 2 do not apply in relation to a physical recreation premises if the operator:
  - (a) uses the premises only for the purpose of broadcasting an online class from the physical recreation premises; and
  - (b) does not permit the total number of persons at the premises for the purpose of broadcasting the online class to exceed 5.

*Exception for unstaffed gymnasiums and fitness centres*

- (5) Clauses 5(2) and 11 (COVID Check-in Marshal) do not apply to unstaffed gymnasiums or fitness centres.

*Exception for use by mandatory vaccination workers*

- (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.

*Exception for hydrotherapy services*

- (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:
    - (i) 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.

### 30 Places of worship

*Use of indoor space or outdoor space*

- (1) The operator of a place of worship may only permit patrons to use for a primary purpose, at any one time, either:
  - (a) one or more indoor spaces; or
  - (b) one or more outdoor spaces.

*Note: operators are not permitted to operate for a primary purpose outdoor spaces at the same time as indoor spaces and vice versa. Patrons that are using the indoor space for a primary purpose may use the outdoor space provided that the indoor patron limit is complied with for the whole venue at all times.*

*No shared equipment*

- (2) The operator of a place of worship must not permit food, drink, crockery, utensils, vessels or other equipment to be shared between patrons.

*Exception for broadcasting*

- (3) The obligations in Part 2 do not apply in relation to a place of worship, if the operator of the place of worship:
  - (a) only operates the place of worship for the purposes of broadcasting (live or otherwise) a religious ceremony via electronic means; and
  - (b) only permits the minimum number of persons required to conduct and broadcast the religious ceremony to be present at the premises; and
  - (c) does not permit the number of persons in an indoor space or an outdoor space to exceed 5.

*Lower patron limits for unvaccinated operations*

- (4) The obligations in Part 2 do not apply in relation to a place of worship if the operator of the place of worship does not permit the number of patrons in an indoor space or an outdoor space to exceed the lesser of:
  - (a) the density quotient (4 sq metres); or
  - (b) 30.

*Exception for small places of worship*

- (5) Clause 8 (Patron limits) does not apply to a place of worship with a total area of all spaces accessible to members of the public of less than 100 square metres, if the operator does not permit the number of patrons in the whole of the premises to exceed 25.

### 31 Real estate

*Inspections*

- (1) The obligations in Part 2 do not apply in relation to an inspection of a real estate premises if:
  - (a) the inspection by patrons is arranged by private appointment; and
  - (b) the patrons who attend the inspection are from a single household and the estate agent does not enter the premises during the inspection.

### 32 Retail betting premises

- (1) The obligations in Part 2 and clause 11 (COVID Check-in Marshal) do not apply to a **retail betting premises**.

*Patron limits*

- (2) The operator of a retail betting premises must not permit the number of patrons any indoor space or outdoor space to exceed to the density quotient (4 sq metres).
- (3) If a retail betting premises is within a larger premises that is subject to patron limits under these directions, the number of patrons within the retail betting premises are to be counted for the purposes of any patron limits that apply to the larger premises.

### 33 Tours and transport

*No shared equipment*

- (1) An operator of a premises used for **tourism services** must ensure:
  - (a) any shared equipment used is cleaned between users and is not shared between patrons in a tour group; and
  - (b) they are conducted by the minimum number of persons reasonably necessary to conduct the tourism services.

*Exception – tour transport*

- (2) Clause 8 (Patron limits) does not apply to an operator of a premises used for **tourism services** if the tourism services are provided in:
  - (a) a vehicle or aircraft; or
  - (b) a cruise ship, if the operator does not permit the total number of patrons on the vessel to exceed 99.

## PART 5 – DEFINITIONS

### 34 Key definitions

*Patrons and workers*

- (1) For the purpose of these directions:
  - (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;
    - (xii) 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;
    - (xiii) 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;
    - (xiv) 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;
    - (xv) the Governor and the Lieutenant Governor;
  - (b) **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;
- (c) **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 a **place of worship**, a patron that is prohibited for religious reasons from complying with the obligation to provide **acceptable evidence** that they are **fully vaccinated** or an **excepted person** to the operator on each occasion that they attend the place of worship; or
  - (iii) in relation to an unstaffed gymnasium or fitness centre, any **patron**;
- (d) **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**.

*Types of premises*

- (2) For the purpose of these directions:
  - (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) a **place of worship** to the extent, and only during the periods of time during which, that place of worship conducts religious ceremonies; or
    - (iii) an unstaffed gymnasium or fitness centre;
  - (c) **specified facility** has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
  - (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.

*Indoor and outdoor spaces*

- (3) For the purpose of these directions:
  - (a) **communal or shared space** means an **indoor space** or an **outdoor space** that may be shared or accessed by more than one distinct group of patrons;
  - (b) **density quotient (2 sq metres)** in relation to an **indoor space** or an **outdoor space** that is accessible to **patrons** is the number calculated by dividing the total area of the space (measured in square metres) by 2, rounded down to the nearest whole number;
  - (c) **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;
  - (d) **discrete outdoor space** means an **outdoor space** (whether a seated space, non-seated space or a combination of seated and non-seated) where crowding or congregation of people may occur and where either:
    - (i) people are attending to participate in a shared purpose or activity; or  
*Example: an area for participating in a competition.*
    - (ii) people are attending as the audience of the same performance, activity or entertainment;  
*Example: an area where an audience views a performance on an outdoor stage or watches an outdoor cinema screen.*

- (e) **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;
- (f) **non-seated indoor space** means an indoor space that is not a seated indoor space;
- (g) **non-seated outdoor space** means an **outdoor space** that is not a **seated outdoor space**;
- (h) **outdoor space** means an area, room or **premises** that is not an **indoor space**;
- (i) **seated indoor space** means an **indoor space** with fixed seating;
- (j) **seated outdoor space** means an **outdoor space** with fixed seating.

*Vaccination status*

- (4) A person's **vaccination status** is one of the following:
  - (a) **fully vaccinated**;
  - (b) **partially vaccinated**; or
  - (c) **excepted person**.
- (5) 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.
- (6) 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**.
- (7) A person is an **excepted person** if:
  - (a) the person holds **acceptable certification** from a **medical practitioner** that the person is unable to receive a dose, or a further dose, of a **COVID-19 vaccine** due to:
    - (i) a **medical contraindication**; or
    - (ii) an acute medical illness (including where the person has been diagnosed with SARS-CoV-2); or
  - (b) the person is under 16 years of age.
- (8) An **acceptable certification** for the purpose of subclause (7):
  - (a) for the period ending 6:00:00 pm on 12 November 2021 –
    - (i) a certificate issued by the person's medical practitioner that states that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine for one or more of the reasons in subclause (7); or
    - (ii) an Australian Immunisation Register immunisation medical exemption form that:
      - (A) is completed and signed by the person's medical practitioner;
      - (B) states that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine for one or more of the reasons in subclause (7); and
  - (b) for the period commencing 6:00:00 pm on 12 November 2021 and ending 11:59:00 pm on 18 November 2021 – an Australian Immunisation Register immunisation medical exemption form that:
    - (i) is completed and signed by the person's medical practitioner;
    - (ii) states that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine for one or more of the reasons in subclause (7).
- (9) An acceptable certification for the purpose of subclause (8) is effective until the earlier

of:

- (a) the date specified by the medical practitioner; or
- (b) the date 6 months from the date the certification was given by the medical practitioner.

*Vaccination information and acceptable evidence*

(10) For the purposes of these directions:

(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, but does not include a copy of the COVID-19 digital certificate that is printed by the person;
- (D) in relation to an **excepted person**, an **acceptable certification** from a **medical practitioner** that the person is unable to receive a dose, or a further dose, of a **COVID-19 vaccine** due to:
  1. a **medical contraindication**; or
  2. an acute medical illness (including where the person has been diagnosed with SARS-CoV-2); or

(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.*

### Public events

(11) For the purpose of these directions:

(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 State-critical public event (or a series of events),

*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 these directions and the **Stay Safe Directions (Victoria)** 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 the Directions currently in force in accordance with clause 18 or the equivalent subclause in any **revoked Restricted Activity Directions**; and

(c) **Public Event Framework** means the Public Event Framework available at [www.coronavirus.vic.gov.au/public-events](http://www.coronavirus.vic.gov.au/public-events) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer.

## 35 Premises-specific definitions

### Accommodation premises

(1) For the purposes of these directions:

(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).

*Adult education or higher education premises*

- (2) For the purposes of these directions:
- (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.

*Community premises*

- (3) For the purposes of these directions:
- (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**.

*Creative arts premises*

- (4) For the purposes of these directions:
- (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**.

*Entertainment and function premises*

(5) For the purposes of these directions:

- (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 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 **retail betting premises**;
  - (x) a **gaming machine premises**;
  - (xi) a brothel, sex on premises venue or sexually explicit entertainment venue;
  - (xii) a bingo centre;
  - (xiii) a karaoke premises;
  - (xiv) a **nightclub**;
  - (xv) an **animal premises**;
  - (xvi) a **function premises**;
  - (xvii) a convention centre;
  - (xviii) a **licensed premises** to the extent that it is operated as a premises specified in paragraphs (i) to (xvii); and
- (c) **function premises** a building, room or space that is used for the purpose of holding events, functions, conferences or receptions; and
- (d) **large rehearsal theatre** means a theatre:
  - (i) at which rehearsals are conducted by a **National Performing Arts Company**; or
  - (ii) that has a seated capacity of over 1000 people and ordinarily conducts performances on a commercial basis; and
- (e) **National Performing Arts Company** means an organisation funded through the National Performing Arts Partnership Framework; and

- (f) **nightclub** means a **premises**:
  - (i) to which a **late night licence** applies; and
  - (ii) with a dancefloor; and
  - (iii) which does not serve food prepared at the premises for consumption on the premises; and
- (g) **State Library** means the State Library Victoria; and
- (h) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

*Food and drink premises*

- (6) For the purposes of these directions:
  - (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 paragraphs (i) to (vii); 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.

*Gaming machine premises*

- (7) For the purposes of these directions:
  - (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.***Physical recreation premises*

- (8) For the purposes of these directions:
- (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.*
    - (i) 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.*
    - (ii) 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).*
    - (iii) a skatepark in an indoor space;
    - (iv) a trampolining centre;
    - (v) a premises that has a swimming pool, **hydrotherapy pool**, spa, sauna, steam room or **spring**,  
but does not include:
      - (vi) a premises that has a skatepark in an outdoor space;
      - (vii) 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.

*Places of worship*

- (9) For the purposes of these directions:
- (a) **place of worship** has the same meaning as in the **Heritage Act 2017**.

*Real estate*

- (10) For the purposes of these directions:
- (a) **estate agent** has the same meaning as in the **Estate Agents Act 1980**; and
  - (b) **real estate** has the same meaning as in the **Estate Agents Act 1980**.

*Retail betting premises*

- (11) For the purposes of these directions:
- (a) **keno licensee** has the same meaning as in the **Gambling Regulation Act 2003**; and
  - (b) **retail betting premises** means a **premises**, or part of a premises, operated by the **wagering and betting licensee**, the **keno licensee** or an agent of the wagering and betting licensee or keno licensee; and
  - (c) **wagering and betting licensee** has the same meaning as in the **Gambling**

**Regulation Act 2003.***Restricted retail premises*

- (12) For the purposes of these directions:
- (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 **PHW Act**; and
  - (c) **hairdressing premises** means a premises at which hairdressing services are provided; and
  - (d) **hairdressing** has the same meaning as in the **PHW Act**; and
  - (e) **restricted retail premises** means:
    - (i) a **beauty therapy premises**; or
    - (ii) a **hairdressing premises**.

*Tours and tourism*

- (13) For the purposes of these directions:
- (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.

**35 Other definitions**

For the purposes of these directions:

- (1) **ATAGI** means the Australian Technical Advisory Group on Immunisation;
- (2) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (3) **Commonwealth employee** has the same meaning as in the **Sex Discrimination Act 1984** of the Commonwealth;
- (4) **court** means:
  - (a) the Supreme Court;
  - (b) the County Court;
  - (c) the Magistrates' Court;
  - (d) the Children's Court;
  - (e) any Federal Court;
- (5) **COVID-19 Mandatory Vaccination (Specified Facilities) Directions** means the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 12)** as amended or replaced from time to time;
- (6) **COVID-19 Mandatory Vaccination (Workers) Directions** means the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 7)** as amended or replaced from

- time to time;
- (7) **COVID-19 vaccine** means a vaccine to protect a person against SARS-CoV-2 that:
    - (a) has been registered, provisionally registered or recognised by the Therapeutic Goods Administration; or
    - (b) has been approved by a comparable overseas regulator, as determined by the Therapeutic Goods Administration under regulation 16DA(3) of the **Therapeutic Goods Regulation 1990** of the Commonwealth;
  - (8) **COVID Check-in Marshal** means a person designated to perform the duty specified in clause 5(2)(a)(ii) and in clause 11;
  - (9) **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;
  - (10) **Directions currently in force** has the same meaning as in the **Workplace Directions** as amended or replaced from time to time;
  - (11) **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;
  - (12) **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);
  - (13) **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;
  - (14) **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**;
  - (15) **mandatory vaccination worker** means:
    - (a) a person who is a **worker** within the meaning of the **COVID-19 Mandatory Vaccination (Workers) Directions**;
    - (b) a person who is a **worker** in relation to a **specified facility** within the meaning of the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**; and
    - (c) an **excluded worker**;
  - (16) **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;
- (17) **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;
- (18) **one dose COVID-19 vaccine** means a **COVID-19 vaccine** called ‘COVID-19 Vaccine Janssen’ (Jansen-Cilag);
- (19) **premises** has the same meaning as in the **PHW Act**;
- (20) **revoked Restricted Activity Directions** means any of the **Restricted Activity Directions (Victoria)**, the **Restricted Activity Directions (Regional Victoria)**, the **Restricted Activity Directions (Metropolitan Melbourne)** or **Open Premises Directions** that came into effect on or after 27 May 2021 and are no longer in force;
- (21) **Senior Secondary examination** means an examination relating to a senior secondary certificate;
- (22) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No. 28)** as amended or replaced from time to time;
- (23) **two dose COVID-19 vaccine** means any of the following **COVID-19 vaccines**:
- (a) Vaxzevria (AstraZeneca);
  - (b) Comirnaty (Pfizer);
  - (c) Spikevax (Moderna);
  - (d) Coronvac (Sinovac);
  - (e) Covishield (Astrazeneca/Serum Institute of India);
  - (f) Covaxin (Bharat Biotech); or
  - (g) BBIP-CorV (Sinopharm);
- (24) **Workplace Directions** means the **Workplace Directions (No. 54)** as amended or replaced from time to time.

## PART 7 – MISCELLANEOUS

### 37 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 these directions.
- (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 PHW Act to require the provision of any information needed to investigate, eliminate or reduce the risk to public health.

### 38 Penalties

- (1) Section 203 of the PHW Act provides:

#### **Compliance with direction or other requirement**

- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.

Penalty: In the case of a natural person, 120 penalty units;  
In the case of a body corporate, 600 penalty units.

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

*Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has refused or failed to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal.*

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

#### **False or misleading information**

- (1) A person must not –

- (a) give information that is false or misleading in a material particular; or
- (b) make a statement that is false or misleading in a material particular; or
- (c) produce a document that is false or misleading in a material particular – to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

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

- (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading.

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

- (3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the charge for the accused to prove that at the time at which the offence is alleged to have been committed, the accused believed on reasonable grounds that the information, statement or document was true or was not misleading.

Dated 5 November 2021

ADJUNCT CLINICAL PROFESSOR BRETT SUTTON  
Chief Health Officer,  
as authorised to exercise emergency powers  
under sections 20A and 199(2)(a) of the PHW Act

## 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.	accommodation premises	Not applicable	Not applicable	Clause 20	Clause 35(1)
2.	adult education or higher education premises	Not applicable	Not applicable	Clause 21	Clause 35(2)
3.	amusement parks	The density quotient (4 sq m)	In each <b>outdoor space</b> , the lesser of (a) the density quotient (2 sq m); or (b) 500.	Not applicable	Not applicable
4.	arcades, escape rooms, bingo centres	The density quotient (4 sq m)	In each <b>outdoor space</b> , the lesser of: (a) the density quotient (2 sq m); or (b) 500.	Not applicable	Not applicable
5.	casino	The density quotient (4 sq m)	The lesser of: (a) the density quotient (2 sq m); or (b) 500.	Clause 25(1)(a)	Not applicable
6.	community premises	The density quotient (4 sq m)	The lesser of: (a) the density quotient (2 sq m); or (b) 500.	Clause 22	Clause 35(3)
7.	creative arts premises	The density quotient (4 sq m)	The lesser of: (a) the density quotient (2 sq m); or (b) 500.	Clause 23	Clause 35(4)
8.	drive-in cinemas	Not applicable	Not applicable	Clause 24	Clause 35(5)

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
9.	entertainment and function premises that are not specified elsewhere in this Column 1	In each <b>indoor seated space</b> , the greater of: (a) the density quotient (4 sq m); or (b) 75% capacity, up to 1000. In each <b>indoor non-seated space</b> : (a) the density quotient (4 sq m)	The lesser of: (a) the density quotient (2 sq m); or (b) 5000.	Clause 25	Clause 35(5)
10.	food and drink premises	The density quotient (4 sq m)	The lesser of: (a) the density quotient (2 sq m); or (b) 500.	Clause 26	Clause 35(6)
11.	food and drink premises (small venues)	(a) 25; or (b) the density quotient (4 sq m) if more than 25	(a) 25; or (b) the density quotient (4 sq m) if more than 25	Not applicable	Not applicable
12.	funeral parlours and crematoriums	The density quotient (4 sq m)	The lesser of: (a) the density quotient (2 sq m); or (b) 500.	Clause 27	Not applicable
13.	gaming machine premises	The density quotient (4 sq m)	Not applicable	Clause 28	Clause 35(7)
14.	karaoke and nightclubs operating as food and drink premises	The density quotient (4 sq m)	The lesser of: (a) the density quotient (2 sq m); or (b) 500.	Clause 25(1) (b)	Clause 35(5)
15.	physical recreation premises	The density quotient (4 sq m).	The lesser of: (a) the density quotient (2 sq m); or (b) 500.	Clause 29	Clause 35(8)

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
16.	places of worship	The density quotient (4 sq m)	The lesser of: (a) the density quotient (2 sq m); or (b) 500.	Clause 30	Clause 35(9)
17.	real estate premises (inspections)	The density quotient (4 sq m)	The lesser of: (a) the density quotient (2 sq m); or (b) 500.	Clause 31	Clause 35(10)
18.	real estate premises (auctions)	The density quotient (4 sq m)	The lesser of: (a) the density quotient (2 sq m); or (b) 500.	Clause 31	Clause 35(10)
19.	restricted retail premises	The density quotient (4 sq m)	The density quotient (4 sq m)	Not applicable	Clause 35(12)
20.	retail betting premises	Not applicable	Not applicable	Clause 32	Clause 35(11)
21.	sex on premises, brothels and sexually explicit venues	The density quotient (4 sq m)	Not applicable	Not applicable	Clause 35(5)
22.	swimming pools, spas, saunas, steam rooms and springs	The density quotient (4 sq m)	The lesser of: (a) the density quotient (2 sq m); or (b) 500.	Clause 29	Clause 35(8)
23.	tours	The density quotient (4 sq m)	The lesser of: (a) the density quotient (2 sq m); or (b) 500.	Clause 33	Clause 35(13)
24.	premises used for tourism services	The density quotient (4 sq m)	The lesser of: (a) the density quotient (2 sq m); or (b) 500.	Clause 33	Clause 35(13)

**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH  
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 12)**

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, consider it reasonably necessary to protect public health to give the following directions pursuant to section 200(1)(d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

**PART 1 – PRELIMINARY****1 Preamble**

- (1) The purpose of these directions is to impose obligations upon operators of **specified facilities** in relation to the vaccination of **workers**, in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) within the population in these settings.
- (2) These directions impose obligations on operators of:
  - (a) **residential aged care facilities**;
  - (b) **construction sites**;
  - (c) **healthcare facilities**; and
  - (d) **education facilities**.
- (3) Key definitions are contained in clause 9.
- (4) Facility-specific definitions are contained in clause 10.
- (5) Other definitions are contained in clause 11.
- (6) These directions must be read together with the **Directions currently in force**.
- (7) These directions replace the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 11)**.

**2 Citation**

These directions may be referred to as the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 12)**.

**3 Commencement and revocation**

- (1) These directions commence at 6:00:00 pm on 5 November 2021 and end at 11:59:00 pm on 18 November 2021.
- (2) The **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 11)** are revoked at 6:00:00 pm on 5 November 2021.

**PART 2 – OPERATOR OBLIGATIONS****4 Operator must collect, record and hold vaccination information***Vaccination information*

- (1) If a worker is, or may be, scheduled to work at a specified facility after the commencement of these directions, the operator must collect, record and hold **vaccination information** about the worker.

*Booking information – partially vaccinated workers*

- (2) If the operator collects information that a worker is **partially vaccinated**, the operator must also collect, record and hold information about whether that worker has a booking to receive, by the **full dose deadline**, a dose of a **COVID-19 vaccine** that will cause the worker to become **fully vaccinated**.

*Timing*

- (3) An operator must comply with the obligations in sub-clauses (1) and (2) as soon as reasonably practicable after the commencement of these directions.

*Exception – fully vaccinated and excepted persons*

- (4) Subclauses (1) to (3) do not apply in relation to a worker if the operator already holds information that the worker is:
- (a) fully vaccinated; or
  - (b) an **excepted person**.

**5 Operator must take reasonable steps to prevent entry of unvaccinated workers***Prevention of entry to premises*

- (1) An operator of a specified facility must take all reasonable steps to ensure that a worker who is **unvaccinated** does not enter, or remain on, the **premises** of a specified facility for the purposes of working at the facility.
- (2) An operator of a **residential aged care facility** or a **construction site** must take all reasonable steps to ensure that, on or after the full dose deadline, a worker who:
  - (a) is unvaccinated; or
  - (b) partially vaccinated
 does not enter, or remain on, the premises of a residential aged care facility or a construction site for the purposes of working at the residential aged care facility or construction site.
- (3) For the purposes of subclause (1) and (2), if an operator does not hold vaccination information about a worker, the operator must treat the worker as if the worker is unvaccinated.

*Exception – self-quarantine*

- (4) Despite subclause (1), a **healthcare operator** or an **education operator** may, after the **first dose deadline**, permit a **healthcare worker** or an **education worker** who:
- (a) is unvaccinated; and
  - (b) was unable to become partially vaccinated before the first dose deadline because they were in self-quarantine under the **Diagnosed Persons and Close Contacts Directions**; and
  - (c) has a booking to receive, within 7 days of the end of the period of self-quarantine as determined under the **Diagnosed Persons and Close Contacts Directions**, a dose of a COVID-19 vaccine that will cause the worker to become partially vaccinated,
- to enter, and remain on, the premises of the specified facility.

*Authorisation to use vaccination information*

- (5) For the purposes of complying with this clause, an operator is authorised to use any information about a worker that it holds under clause 4.

*Disclosure to employer or contractor*

- (6) If the operator is obliged to comply with subclause (1) and (2) 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 subclause (1) and (2) in relation to the worker.

*Notification to current workers*

- (7) Subject to subclause (8), an operator of a specified facility must, as soon as reasonably practicable after the commencement of these directions, inform each worker who is, or may be, scheduled to work at the facility that:
- (a) clause 4 obliges the operator to collect, record and hold vaccination information about the worker;

- (b) subclause (1) obliges the operator to take all reasonable steps to ensure that a worker who is unvaccinated does not enter, or remain on, the premises of a specified facility for the purposes of working at the facility;
  - (c) subclause (2) obliges the operator of a residential aged care facility and a construction site to take all reasonable steps to ensure that, on or after the second dose deadline, a worker who is unvaccinated or partially vaccinated does not enter, or remain on, the premises of a residential aged care facility or a construction site for the purposes of working at the residential aged care facility or construction site,
- unless an exception applies under these directions.
- (8) Subclause (7) 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 these directions.

#### *Notification to new workers*

- (9) If an operator of a specified facility engages a worker who is, or may be, scheduled to work at the facility, the employer must inform the worker, as soon as reasonably practicable after engaging the worker, that:
- (a) clause 4 obliges the employer to collect, record and hold vaccination information about the worker; and
  - (b) subclause (1) obliges the operator to take all reasonable steps to ensure that a worker who is unvaccinated does not enter, or remain on, the premises of a specified facility for the purposes of working at the facility;
  - (c) subclause (2) obliges the operator of a residential aged care facility or a construction site to take all reasonable steps to ensure that, on or after the second dose deadline, a worker who is unvaccinated or partially vaccinated does not enter, or remain on, the premises of a residential aged care facility or a construction site for the purposes of working at the residential aged care facility or construction site.

## **6 Limits on work outside ordinary place of residence**

- (1) If:
- (a) a person is a worker; and
  - (b) it is reasonably practicable for the person to work at the person's ordinary place of residence,
- an operator of a specified facility must take all reasonable steps to ensure that the person does not enter, or remain on, the premises of a specified facility for the purposes of working at the facility, unless:
- (c) the operator 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 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).

## **7 Exception – exceptional circumstances**

- (1) An operator of a specified facility is not required to comply with clauses 4 and 5 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; or  
*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.*
  - (e) an education worker is required to:
    - (i) carry out assessments of an oral or performance examination as part of the Victorian Certificate of Education or International Baccalaureate; or
    - (ii) work as a venue coordinator for those examinations.
- (3) If a circumstance specified in subclause (2)(b), (2)(c), (2)(d) or (2)(e) 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.

*Additional obligation*

- (4) If the circumstances specified in subclause (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.

## 8 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 4.
- (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 PHW Act to require the provision of any information needed to investigate, eliminate or reduce the risk to public health.*

## PART 3 – DEFINITIONS

### 9 Key definitions

*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 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** from a **medical practitioner** that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine due to:
  - (a) a medical contraindication; or
  - (b) an acute medical illness (including where the person has been diagnosed with SARS-CoV-2).
- (6) An **acceptable certification**:
  - (a) for the purpose of subclause (5):
    - (i) for the period ending 6:00:00 pm on 12 November 2021 is:
      - (A) a certificate issued by the person's medical practitioner that states that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine for one or more of the reasons in subclause (5); or
      - (B) the Australian Immunisation Register immunisation medical exemption form that:
        1. is completed and signed by the person's medical practitioner; and
        2. states that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine for one or more of the reasons in subclause (5); or
    - (ii) for the period commencing 6:00:00 pm on 12 November 2021 and ending 11:59:00 pm on 18 November 2021, an Australian Immunisation Register immunisation medical exemption form that:
      - (A) is completed and signed by the person's medical practitioner; and
      - (B) states that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine for one or more of the reasons in subclause (5).
- (7) An acceptable certification for the purpose of subclause (5) is effective until the earlier of:
  - (a) the date specified by the medical practitioner; or
  - (b) the date 6 months from the date the acceptable certification was given by the medical practitioner.

#### *Vaccination information*

- (8) For the purposes of these directions, **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.*

*Schedule 1 definitions*

- (9) For the purposes of these directions:
- (a) **first dose deadline** in relation to a **specified facility** means the date identified in Column 4 of Schedule 1 for that facility;
  - (b) **full dose deadline** in relation to a **specified facility** means the date identified in Column 5 of Schedule 1 for that facility;
  - (c) **operator** in relation to a **specified facility** means a person identified in Column 2 of Schedule 1 for that facility;
  - (d) **specified facility** means a facility identified in Column 1 of Schedule 1;
  - (e) **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 of age.

**10 Facility-specific definitions***Residential aged care facilities*

- (1) For the purposes of these directions:
- (a) **approved provider** has the same meaning as in the **Aged Care Quality and Safety Commission Act 2018** of the Commonwealth;
  - (b) **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;
  - (c) **residential aged care facility worker** means a person (including a volunteer) that is:
    - (i) 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:
      - (A) direct care workforce including nurses, personal care workers, allied health professionals, and allied health assistants;
      - (B) administration staff including reception and management staff;
      - (C) ancillary staff including food preparation, cleaning, laundry, gardening and general maintenance staff;
      - (D) dental practitioners;
      - (E) phlebotomists (pathology nurses);
      - (F) lifestyle and social staff, such as those delivering music or art therapy;
      - (G) transport drivers who are responsible for collecting and transporting residents to and from the residential aged care facility for outings;
      - (H) volunteers engaged by the residential aged care facility to undertake duties at the facility;
      - (I) students on placement;
      - (J) **medical practitioners** and allied health professionals who attend the residential aged care facility to provide care to residents of the facility; and
    - (ii) 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;
  - (d) **residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth.

*Construction sites*

(2) For the purposes of these directions:

- (a) **construction site** means a premises at which civil works, building or construction activities are taking place (the primary premises) and includes:
- (i) premises that are nearby to the primary premises at which work relating to the operation of the primary premises is undertaken (secondary premises);
  - (ii) 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.*

- (b) **principal contractor** means the owner of a **construction site** unless the owner:
- (i) appoints a principal contractor for the construction work performed for or on behalf of the owner; and
  - (ii) 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**;
- (c) **vehicle** has the same meaning as in the **PHW Act**.

*Healthcare facilities*

(3) For the purposes of these directions:

- (a) **healthcare facility** means each of the following premises:
- (i) hospitals, including outpatient settings and in reach services;
  - (ii) ambulance and patient transport services vehicles;
  - (iii) community health centres including mental health, child and maternity, and drug and alcohol counselling services centres;
  - (iv) general practices;
  - (v) COVID-19 related healthcare sites, including testing sites, vaccination centres and hotel quarantine premises;
  - (vi) dental surgeries and practices;
  - (vii) day procedure centres;
  - (viii) health clinics, including medical specialist and allied health professional operated clinics;
  - (ix) pharmacies;
  - (x) diagnostic and medical imaging centres;
  - (xi) premises at which mobile health services are provided;
  - (xii) premises at which blood donation services are provided;
  - (xiii) premises at which healthcare students undertake placement, registration or internships;
  - (xiv) premises at which health services within government agencies are provided, including the Victorian Department of Justice and Community Services – Victorian Institute of Forensic Medicine;
  - (xv) Coroner’s Court;
  - (xvi) any retail or other premises operating within a healthcare facility, including cafes, newsagents and florists;
- (b) **healthcare operator** means a person who operates a **healthcare facility** whether public, private or denominational;

- (c) **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:
- (i) healthcare services including:
    - (A) **medical practitioners**, dental professionals, nurses and midwives;
    - (B) 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*);
    - (C) palliative care workers;
    - (D) personal care attendants;
    - (E) phlebotomists and pathology workers;
    - (F) coroners;
    - (G) lifestyle and social therapists;
    - (H) formal language and interpretation services;
    - (I) students;
    - (J) volunteers;
  - (ii) administrative or ancillary roles, including:
    - (A) an administrative, clerical and managerial worker, and each of their assistants delegates;
    - (B) food preparation, cleaning and laundry services;
    - (C) patient service assistants and porters;
    - (D) operating theatre technicians;
    - (E) security, maintenance and repair and information technology, gardening and landscaping;
  - (iii) ambulance and patient transport services;
  - (iv) work at a retail business operating within a healthcare facility, including cafes, restaurants, newsagents and florists.

*Education facilities*

- (4) For the purposes of these directions:
- (a) **childcare or early childhood service** means onsite early childhood education and care services or children's services provided under the:
    - (i) **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
    - (ii) **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;
  - (b) **education facility** means:
    - (i) premises at which a **childcare or early childhood service** is provided;
    - (ii) premises at which an outside school hours care service is provided;
    - (iii) a **school**;
    - (iv) **school boarding premises**;

- (c) **education operator** means a person who operates an **education facility**, whether public, private or denominational;
- (d) **education worker** means:
  - (i) any person who is employed by an **education operator** to work in an **education facility** (including teachers, early childhood educators and educational support staff);
  - (ii) 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);
  - (iii) staff of the Department of Education and Training who attend an **education facility** (such as allied health personnel or Authorised Officers);
  - (iv) staff of any other entity who attends an **education facility**;
  - (v) volunteers that attend an **education facility** and that work in close proximity to children, students or staff (including parent helpers);
  - (vi) students on placements at an **education facility**;
- (e) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (f) **school boarding premises** means a registered school boarding premises, as defined in the **Education and Training Reform Act 2006**.

## 11 Other definitions

For the purposes of these directions:

- (1) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (2) **COVID-19 vaccine** means a vaccine to protect a person against SARS-CoV-2 that:
  - (a) has been registered, provisionally registered or recognised by the Therapeutic Goods Administration; or
  - (b) has been approved by a comparable overseas regulator, as determined by the Therapeutic Goods Administration under regulation 16DA(3) of the **Therapeutic Goods Regulation 1990** of the Commonwealth;
- (3) **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;
- (4) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 32)** as amended or replaced from time to time;
- (5) **Directions currently in force** has the same meaning as in the **Workplace Directions** as amended or replaced from time to time;
- (6) **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;
- (7) **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;
- (8) **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;
- (9) **one dose COVID-19 vaccine** means the **COVID-19 vaccine** called ‘COVID-19 Vaccine Janssen’ (Jansen-Cilag);
- (10) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (11) **PPE** means personal protective equipment;
- (12) **premises** has the same meaning as in the **PHW Act** but does not include a worker’s ordinary place of residence;
- (13) **two dose COVID-19 vaccine** means any of the following **COVID-19 vaccines** called:
- (a) Vaxzevria (AstraZeneca);
  - (b) Comirnaty (Pfizer);
  - (c) Spikevax (Moderna);
  - (d) Coronvac (Sinovac);
  - (e) Covishield (Astrazeneca/Serum Institute of India);
  - (f) Covaxin (Bharat Biotech); or
  - (g) BBIP-CorV (Sinopharm).

## 12 Penalties

- (1) Section 203 of the PHW Act provides:

### **Compliance with direction or other requirement**

- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.

Penalty: In the case of a natural person, 120 penalty units;  
In the case of a body corporate, 600 penalty units.

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

*Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has refused or failed to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal.*

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

**False or misleading information**

- (1) A person must not –
- (a) give information that is false or misleading in a material particular; or
  - (b) make a statement that is false or misleading in a material particular; or
  - (c) produce a document that is false or misleading in a material particular –
- to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

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

- (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading.

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

- (3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the charge for the accused to prove that at the time at which the offence is alleged to have been committed, the accused believed on reasonable grounds that the information, statement or document was true or was not misleading.

Dated 5 November 2021

ADJUNCT CLINICAL PROFESSOR BRETT SUTTON  
Chief Health Officer,  
as authorised to exercise emergency powers  
under sections 20A and 199(2)(a) of the PHW Act

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## SCHEDULE 1 – SPECIFIED FACILITIES

Specified facility (Column 1)	Operator (Column 2)	Worker (Column 3)	First dose deadline (Column 4)	Full dose deadline (Column 5)	Facility-specific definitions
residential aged care facility	approved provider with responsibility for that residential aged care facility	residential aged care facility worker	1 October 2021	15 November 2021	Clause 10(1)
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.	2 October 2021	13 November 2021	Clause 10(2)
healthcare facility	healthcare operator	healthcare worker	29 October 2021	15 December 2021	Clause 10(3)
education facility	education operator	education worker	25 October 2021	29 November 2021	Clause 10(4)

**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH  
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****COVID-19 Mandatory Vaccination (Workers) Directions (No 7)**

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, consider it reasonably necessary to protect public health to give the following directions pursuant to section 200(1)(d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

**PART 1 – PRELIMINARY****1 Preamble**

- (1) The purpose of these directions is to impose obligations upon employers in relation to the vaccination of **workers**, in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) within the population of those workers.
- (2) Key definitions are contained in clause 9.
- (3) Worker-specific definitions are contained in clause 10.
- (4) Other definitions are contained in clause 11.
- (5) These directions must be read together with the **Directions currently in force**.
- (6) These directions replace the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 6)**.

**2 Citation**

These directions may be referred to as the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 7)**.

**3 Commencement and revocation**

- (1) These directions commence at 6:00:00 pm on 5 November 2021 and end at 11:59:00 pm on 18 November 2021.
- (2) The **COVID-19 Mandatory Vaccination (Workers) Directions (No. 6)** are revoked at 6:00:00 pm on 5 November 2021.

**PART 2 – EMPLOYER OBLIGATIONS****4 Employer must collect, record and hold vaccination information***Vaccination information*

- (1) If a worker is, or may be, scheduled to work outside the worker's ordinary place of residence after the commencement of these directions, the employer of the worker must collect, record and hold **vaccination information** about the worker.

*Booking information – partially vaccinated workers*

- (2) If the employer collects information that a worker is **partially vaccinated**, the employer must also collect, record and hold information about whether that worker has a booking to receive, by the **full dose deadline**, a dose of a **COVID-19 vaccine** that will cause the worker to become **fully vaccinated**.

*Timing*

- (3) An employer must comply with the obligations in subclauses (1) and (2) as soon as reasonably practicable after the commencement of these directions.

*Exception – fully vaccinated and excepted persons*

- (4) Subclauses (1) to (3) do not apply in relation to a worker if the employer already holds vaccination information that the worker is:
  - (a) fully vaccinated; or
  - (b) an **excepted person**.

## 5 Employer must ensure unvaccinated workers do not work outside ordinary place of residence

### *No work outside ordinary place of residence*

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

### *Exception – self-quarantine*

- (3) Despite subclause (1), an employer of a worker may, after the commencement of these directions, permit a worker who:
  - (a) is unvaccinated; and
  - (b) was unable to become partially vaccinated before 22 October 2021 because they were in self-quarantine under the **Diagnosed Persons and Close Contacts Directions**; and
  - (c) has a booking to receive, within 7 days of the end of the period of self-quarantine as determined under the **Diagnosed Persons and Close Contacts Directions**, a dose of a COVID-19 vaccine that will cause the worker to become partially vaccinated,to work for that employer outside the worker's ordinary place of residence.

### *Exception – agricultural and forestry workers*

- (4) Despite subclause (1), an employer of an **agricultural and forestry worker** may permit an agricultural and forestry worker who is:
  - (a) unvaccinated; and
  - (b) 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,to work for that employer outside the worker's ordinary place of residence.

### *Authorisation to use vaccination information*

- (5) For the purposes of complying with this clause, an employer is authorised to use any information about a worker that it holds under clause 4.

### *Notification to current workers*

- (6) An employer of a worker must, as soon as reasonably practicable after the commencement of these directions, inform each worker who is, or may be, scheduled to work outside the worker's ordinary place of residence that:
  - (a) clause 4 obliges the employer to collect, record and hold vaccination information about the worker; and
  - (b) subclause (1) obliges the employer not to permit a worker who is unvaccinated to work for that employer outside the worker's ordinary place of residence unless an exception applies under these directions.
- (7) Subclause (6) does not apply if the employer has previously notified the worker of the matters specified in that subclause under a previous version of these directions.

### *Notification to new workers*

- (8) 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 4 obliges the employer to collect, record and hold vaccination information about the worker; and

- (b) subclause (1) obliges the employer not to permit a worker who is unvaccinated to work for that employer outside the worker's ordinary place of residence unless an exception applies under these directions.

## 6 Limits on work outside ordinary place of residence

- (1) If:
  - (a) a person is a 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 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).

## 7 Exception – exceptional circumstances

- (1) An employer of a worker is not required to comply with clauses 4 and 5 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; or
  - (e) an education worker that is required to:
    - (i) carry out assessments of an oral or performance examination as part of the Victorian Certificate of Education or International Baccalaureate; or
    - (ii) work as a venue coordinator for those examinations.
- (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.

## 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 4.

- (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 PHW Act to require the provision of any information needed to investigate, eliminate or reduce the risk to public health.*

### PART 3 – DEFINITIONS

#### 9 Key definitions

##### *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 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** from a **medical practitioner** that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine due to:
- (a) a medical contraindication; or
  - (b) an acute medical illness (including where the person has been diagnosed with SARS-CoV-2).
- (6) An **acceptable certification**:
- (a) for the purpose of subclause (5):
    - (i) for the period ending 6:00:00 pm on 12 November 2021 is:
      - (A) a certificate issued by the person's medical practitioner that states that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine for one or more of the reasons in subclause (5); or
      - (B) the Australian Immunisation Register immunisation medical exemption form that:
        1. is completed and signed by the person's medical practitioner; and
        2. states that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine for one or more of the reasons in subclause (5); or
    - (ii) for the period commencing 6:00:00 pm on 12 November 2021 and ending 11:59:00 pm on 18 November 2021, an Australian Immunisation Register immunisation medical exemption form that:
      - (A) is completed and signed by the person's medical practitioner; and
      - (B) states that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine for one or more of the reasons in subclause (5).

- (7) An acceptable certification for the purpose of subclause (5) is effective until the earlier of:
- (a) the date specified by the medical practitioner; or
  - (b) the date 6 months from the date the certification was given by the medical practitioner.

*Vaccination information*

- (8) For the purposes of these directions, **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.*

*Employers and workers*

- (9) For the purpose of these directions:
- (a) **employer** in relation to a **worker** means:
    - (i) the person who employs or engages the worker; or
    - (ii) if the worker is self-employed – the worker;
  - (b) **worker** means a person identified in Column 1 of Schedule 1, whether paid or unpaid, but does not include:
    - (i) a **Commonwealth employee**;
    - (ii) 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;
    - (iii) a person under 12 years of age.

*Dates*

- (10) For the purposes of these directions, **full dose deadline** in relation to a **worker** means the date identified in Column 2 of Schedule 1 for that worker.

## 10 Worker-specific definitions

*Accommodation worker*

- (1) For the purposes of these directions:
- (a) **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:
    - (i) camping ground;
    - (ii) caravan park;
    - (iii) hotel;
    - (iv) hostel;
    - (v) bed and breakfast;
    - (vi) private holiday rental facility, including Airbnbs;
    - (vii) motel;
    - (viii) serviced apartment.

*Agricultural and forestry worker*

- (2) For the purposes of these directions:
- (a) **agricultural and forestry worker** means a person who works in connection with:

- (i) food safety and verification, inspection or associated laboratory services and biosecurity functions;
- (ii) animal saleyards, knackeries and animal transportation services (including livestock and pets);
- (iii) services connected with animal health, husbandry or welfare;
- (iv) 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;
- (v) 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).

*Airport worker*

- (3) For the purposes of these directions:
- (a) **airport** has the same meaning as in the **Airports Act 1996** of the Commonwealth;
  - (b) **airport worker** means a person who works at or in connection with an airport.

*Ancillary, support and welfare worker*

- (4) For the purposes of these directions:
- (a) **ancillary, support and welfare worker** means:
    - (i) 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 from the Chief Health Officer 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;
    - (ii) 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;

- (iii) maritime crew.

*Authorised Officer*

(5) For the purposes of these directions:

- (a) **Authorised Officer** has the same meaning as in the **PHW Act**.

*Care worker*

(6) For the purposes of these directions:

- (a) **alcohol and drug residential service** means:

- (i) a treatment centre within the meaning of the **Severe Substance Dependence Treatment Act 2010**;
- (ii) 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;
- (iii) 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);

- (b) **care worker** means a person who works in connection with:

- (i) an **alcohol and drug residential service**;
- (ii) a **disability residential service**;
- (iii) services provided to an **NDIS participant** in any setting;
- (iv) a **homelessness residential service**;
- (v) a **secure welfare service**;
- (vi) a **supported residential service**;
- (vii) essential relief activities including the activities provided at Neighbourhood Houses;
- (viii) an **eligible SDA enrolled dwelling**;
- (ix) a **short-term accommodation and assistance dwelling**;
- (x) a **mental health residential service** including the service provided at a Community Care Unit or a Prevention and Recovery Centre;
- (xi) a **retirement village**;

- (c) **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';

- (d) **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**;

- (e) **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;

- (f) **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;

- (g) **retirement village** has the same meaning as in the **Retirement Villages Act 1986**;

- (h) **secure welfare service** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (i) **short-term accommodation and assistance dwelling** has the same meaning as in the **Disability Act 2006**;
- (j) **supported residential service** has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**.

*Community worker*

(7) For the purposes of these directions:

- (a) **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:
  - (i) a facility at which services are provided by an Aboriginal Community Controlled Organisation;
  - (ii) a community centre or community hall;
  - (iii) a public library;
  - (iv) a youth centre;
  - (v) a skatepark in an outdoor space.

*Creative arts worker*

(8) For the purposes of these directions:

- (a) **creative arts worker** means a person who works at or in connection with:
  - (i) an art studio;
  - (ii) a ceramics studio;
  - (iii) a music room or studio;
  - (iv) a rehearsal room or studio;
  - (v) any other facility that is used for creative art.

*Custodial worker*

(9) For the purposes of these directions:

- (a) **custodial worker** means a person who works at or in connection with a:
  - (i) custodial facility that is a facility used for the detention of persons, including but not limited to a:
    - (A) **prison**;
    - (B) **remand centre**;
    - (C) **youth residential centre**;
    - (D) **youth justice centre**;
    - (E) **residential facilities**;
    - (F) **residential treatment facilities**;
- (b) **prison** has the same meaning as in the **Corrections Act 1986**;
- (c) **remand centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (d) **residential facility** has the same meaning as **Serious Offenders Act 2018**, and includes the Maribyrnong Community Residential Facility;
- (e) **residential treatment facility** has the same meaning as **Serious Offenders Act 2018**;
- (f) **youth residential centre** has the same meaning as in the **Children, Youth and Families Act 2005**;
- (g) **youth justice centre** has the same meaning as in the **Children, Youth and Families Act 2005**.

*Emergency service worker*

(10) For the purposes of these directions:

- (a) **emergency service worker** means a person who works in connection with emergency services including but not limited to:
- (i) the Victoria State Emergency Services;
  - (ii) Fire Rescue Victoria, the Country Fire Authority or any other firefighting services;
  - (iii) the Emergency Services Telecommunications Authority;
  - (iv) aquatic safety services, including life saving services and marine search and rescue services;
  - (v) paramedical services;
  - (vi) ambulance and paramedics services;
  - (vii) air ambulance and medical retrieval services (including Royal Flying Doctor Service);
  - (viii) Victoria Police, protective services and police custody services;
  - (ix) 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.

*Entertainment and function worker*

(11) For the purposes of these directions:

- (a) **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.

*Funeral worker*

(12) For the purposes of these directions:

- (a) **funeral worker** means a person who works in connection with funerary or mortuary services.

*Higher education worker*

(13) For the purposes of these directions:

- (a) **higher education worker** means a person who works at or in connection with:
- (i) a university;
  - (ii) a vocational education and training institute;
  - (iii) a technical and further education institute;
  - (iv) an adult community and further education institute;
  - (v) a registered training organisation;
  - (vi) any other facility undertaking post-compulsory education or training.

*Justice worker*

(14) For the purposes of these directions:

- (a) **honorary justice** has the same meaning as in the **Honorary Justices Act 2014**;
- (b) **justice service centre** means:
- (i) 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

- (ii) the Wulgunggo Ngalu Learning Place;
- (c) **justice worker** means:
  - (i) a person who works at or in connection with a **justice service centre**; or
  - (ii) an **honorary justice** or a person who works in connection with an honorary justice.

*Manufacturing worker*

- (15) For the purposes of these directions:
- (a) **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:
    - (i) food (excluding meat, seafood or poultry);
    - (ii) beverages including brewed and bottled drinks;
    - (iii) textiles, leather, clothing, footwear and accessories;
    - (iv) wood products;
    - (v) pulp and paper products;
    - (vi) printing including small and large production runs;
    - (vii) chemicals, including fertilisers, pesticides, pharmaceutical, medicinal, cleaning products, toiletries, cosmetics, photographic and explosives;
    - (viii) metal and plastics;
    - (ix) machinery and equipment manufacturing including parts;
    - (x) furniture;
    - (xi) household goods;
    - (xii) whole or partial products;
    - (xiii) software, essential marketing or product installation.

*Marriage celebrant*

- (16) For the purposes of these directions:
- (a) **marriage celebrant** has the same meaning as **authorised celebrant** in the **Marriage Act 1961** of the Commonwealth.

*Meat and seafood processing worker*

- (17) For the purposes of these directions:
- (a) **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.

*Media and film production worker*

- (18) For the purposes of these directions:
- (a) **media and film production worker** means a person who works:
    - (i) in connection with:
      - (A) journalism;
      - (B) media services;
      - (C) the production of feature films, theatre, television shows and documentaries (excluding television commercials, student and corporate productions);
      - (D) broadcasting performances from an entertainment facility;
      - (E) a rehearsal conducted in a theatre that has a seated capacity of more than 1000 people and ordinarily conducts performances on a commercial basis;

- (F) a rehearsal conducted by a National Performing Arts Partnership Company.

*Mining worker*

(19) For the purposes of these directions:

- (a) **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.

*Physical recreation worker*

(20) For the purposes of these directions:

- (a) **physical recreation worker** means a person:
- (i) who works at or in connection with:
    - (A) a facility used or partly used for sport, sport racing or physical recreation;
    - (B) a **play centre**;
    - (C) a trampolining centre;
    - (D) a swimming pool, **hydrotherapy pool**, spa, sauna, steam room or **spring facility**; or
  - (ii) who provides personal training services;
- (b) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (c) **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;
- (d) **spring facility** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer.

*Port or freight worker*

(21) For the purposes of these directions:

- (a) **port or freight worker** means a person works in connection with:
- (i) air transport services;
  - (ii) port operations;
  - (iii) freight services (including postal and courier services);
  - (iv) services provided by a transport, freight or logistics driver;
  - (v) monitoring compliance with the **Heavy Vehicle National Law**.

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

(22) For the purposes of these directions:

- (a) **professional sports, high-performance sports, or racing person** means a person who:
- (i) performs a sporting activity in an open-aged national or international competition (at the highest level as identified by the recognised national body);
  - (ii) is employed to perform a sporting activity as their primary source of income (for example, employed by a professional club or recognised national body);
  - (iii) is a National Institute Network Scholarship holder or equivalent level national categorised athlete;

- (iv) supports the safe conduct of another person's professional sport;
- (v) publicly broadcasts professional sport;
- (vi) participates in thoroughbred, harness and greyhound racing.

*Professional services worker*

(23) For the purposes of these directions:

- (a) **Australian legal practitioner** has the same meaning as in the **Legal Profession Uniform Law Application Act 2014**;
- (b) **legal worker** means:
  - (i) 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 audiovisual link facility; or
  - (ii) a person who works in connection with a person specified in subclause (i).
- (c) **professional services worker** means:
  - (i) a person who **provides a financial service** within the meaning of section 766A of the **Corporations Act 2001** of Commonwealth, or works in connection with the provision of such a service; or
  - (ii) a **legal worker**.

*Public sector worker*

(24) For the purposes of these directions:

- (a) **local government worker** means:
  - (i) a Chief Executive Officer within the meaning of the **Local Government Act 2020**;
  - (ii) a member of Council staff appointed under section 48 of the **Local Government Act 2020**;
- (b) **public sector worker** means:
  - (i) a Ministerial officer employed under section 98 of the **Public Administration Act 2004**;
  - (ii) a local government worker;
  - (iii) a person who is a public sector employee within the meaning of the **Public Administration Act 2004**, except:
    - (A) a person who is a member of the staff of Court Services Victoria within the meaning of the **Court Services Victoria Act 2014**;
    - (B) a parliamentary officer within the meaning of the **Parliamentary Administration Act 2004**;
    - (C) a person employed or engaged by the Chief Executive Officer of the Victorian Civil and Administrative Tribunal.

*Real estate worker*

(25) For the purposes of these directions:

- (a) **estate agent** has the same meaning as in the **Estate Agents Act 1980**;
- (a) **real estate worker** means an **estate agent** or any person who works in connection with the provision of services by an estate agent.

*Religious worker*

(26) For the purposes of these directions:

- (a) **religious worker** means a person who works at or in connection with a **place of worship**, but does not include a person who:
  - (i) conducts services of public worship and acknowledgments of faith;

- (ii) performs marriages, funerals and special memorial services according to tradition and ecclesiastical and civil law;
  - (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;
- (b) **place of worship** has the same meaning as in the **Heritage Act 2017**.

*Repair and maintenance worker*

(27) For the purposes of these directions:

- (a) **repair and maintenance worker** means a person who works in connection with:
- (i) laundry services;
  - (ii) dry cleaning services;
  - (iii) car washing services;
  - (iv) commercial cleaning service;
  - (v) locksmith services;
  - (vi) roadside assistance services;
  - (vii) pool and spa maintenance services for commercial pools and spas;
  - (viii) vehicle and mechanical repair services;
  - (ix) outdoor maintenance, repairs, and cleaning, including at occupied premises;
  - (x) outdoor home installations;
  - (xi) home solar panel installations that involve outdoor work or in roof cavities with external access;
  - (xii) critical repairs to any premises where required for emergency or safety.

*Retail worker*

(28) For the purposes of these directions:

- (a) **bottle shop** means an area that is physically attached to a **licensed premises** where packaged alcohol is sold to be consumed off the premises;
- (b) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (c) **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.*

- (d) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (e) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (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**, a **packaged liquor licence**, or a **restaurant and café licence**;
- (g) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;
- (h) **nightclub** means a facility:
- (i) to which a **late night licence** applies; and
  - (ii) with a dancefloor; and
  - (iii) which does not serve food prepared at the facility for consumption on the premises;

- (i) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (j) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (k) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (l) **restaurant and café licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (m) **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:
  - (i) **market**, but only to obtain groceries or fresh food;
  - (ii) **retail shopping centre**;
  - (iii) supermarket, grocery store, bakery, butcher, fruit and vegetable store or fishmonger;
  - (iv) **food and drink facility**;
  - (v) post office;
  - (vi) news agent;
  - (vii) petrol station (including a petrol station that sells groceries);
  - (viii) **bottle shop**;
  - (ix) pet store;
  - (x) a facility that provides 'click and collect' services;
- (n) **retail worker** means a person who works at or in connection with a **retail facility** or a wholesale or distribution facility;
- (o) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**.

*Science and technology worker*

- (29) For the purposes of these directions:
  - (a) **science and technology worker** means a person who works in connection with scientific and technical research or activities, but only in relation to:
    - (i) COVID-19 (e.g. MedTech research regarding vaccines);
    - (ii) hazard monitoring and resilience;
    - (iii) biosecurity and public health;
    - (iv) medical or other research, which is ongoing and requires on site attendance;
    - (v) critical scientific experiments, labs, and collections.

*Social and community service worker*

- (30) For the purposes of these directions:
  - (a) **social and community service worker** means a person who works in connection with:
    - (i) disability services;
    - (ii) services provided to an NDIS participant in any setting;
    - (iii) child protection services;
    - (iv) family violence and sexual assault support services;
    - (v) homelessness support services;

- (vi) public housing support services;
- (vii) mental health services;
- (viii) aged care services;
- (ix) 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;
- (x) interpreter, cultural, or support services.

*Transport worker*

- (31) For the purposes of these directions:
- (a) **transport worker** means a person who performs work in connection with:
    - (i) a **bus company**;
    - (ii) a **commercial passenger vehicle service**;
    - (iii) a **public transport service**;
  - (b) **bus company** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
  - (c) **commercial passenger vehicle service** has the same meaning as in the **Commercial Passenger Vehicle Industry Act 2017**;
  - (d) **public transport service** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**.

*Utility and urban worker*

- (32) For the purposes of these directions:
- (a) **utility and urban worker** means a person who works in connection with:
    - (i) specialist services at telecommunications stores to support telecommunications as a critical service during the COVID-19 pandemic;
    - (ii) services to support the ongoing provision and regulation of electricity, gas, water, sewage and waste and recycling services and their maintenance;
    - (iii) 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;
    - (iv) the operation of primary clinical waste incinerators by specialised clinical waste workers;
    - (v) the operation of carpark for the purposes of supporting workers.

*Veterinary and pet/animal care worker*

- (33) For the purposes of these directions:
- (a) **veterinary and pet/animal care worker** means a person who works:
    - (i) in connection with:
      - (A) pet grooming services;

- (B) veterinary services;
- (C) animal rescue services;
- (D) animal health, husbandry or welfare services; or
- (ii) at the premises of or in connection with:
  - (A) a nature reserve at which animals are treated and cared for;
  - (B) a zoo.

## 11 Other definitions

For the purposes of these directions:

- (1) **Commonwealth employee** has the same meaning as in the **Sex Discrimination Act 1984** of the Commonwealth;
- (2) **court** means:
  - (a) the Supreme Court;
  - (b) the County Court;
  - (c) the Magistrates' Court;
  - (d) the Children's Court;
  - (e) any Federal Court;
- (3) **COVID-19 Mandatory Vaccination (Specified Facilities) Directions** means the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 12)** as amended or replaced from time to time;
- (4) **COVID-19 vaccine** means a vaccine to protect a person against SARS-CoV-2 that:
  - (a) has been registered, provisionally registered or recognised by the Therapeutic Goods Administration; or
  - (b) has been approved by a comparable overseas regulator, as determined by the Therapeutic Goods Administration under regulation 16DA(3) of the **Therapeutic Goods Regulation 1990** of the Commonwealth;
- (5) **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;
- (6) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 32)** as amended or replaced from time to time;
- (7) **Directions currently in force** has the same meaning as in the **Workplace Directions** as amended or replaced from time to time;
- (8) **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;
- (9) **medical contraindication** means one of the following contraindications to the administration of a **COVID-19 vaccine**:
  - (a) anaphylaxis after a previous dose;
  - (b) anaphylaxis to any component of the vaccine, including polysorbate or polyethylene glycol;
  - (c) in relation to AstraZeneca:
    - (i) history of capillary leak syndrome; or
    - (ii) thrombosis with thrombocytopenia occurring after a previous dose;
  - (d) in relation to Comirnaty or Spikevax:

- (i) myocarditis or pericarditis attributed to a previous dose of either Comirnaty or Spikevax;
  - (e) 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;
- (10) **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;
- (11) **NDIS participant** has the meaning given to ‘participant’ under the **National Disability Insurance Scheme Act 2013** of the Commonwealth;
- (12) **one dose COVID-19 vaccine** means the **COVID-19 vaccine** called ‘COVID-19 Vaccine Janssen’ (Jansen-Cilag);
- (13) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (14) **premises** has the same meaning as in the **PHW Act** but does not include a worker’s ordinary place of residence;
- (15) **two dose COVID-19 vaccine** means any of the following **COVID-19 vaccines** called:
- (a) Vaxzevria (AstraZeneca);
  - (b) Comirnaty (Pfizer);
  - (c) Spikevax (Moderna);
  - (d) Coronvac (Sinovac);
  - (e) Covishield (Astrazeneca/Serum Institute of India);
  - (f) Covaxin (Bharat Biotech); or
  - (g) BBIP-CorV (Sinopharm).

## 12 Penalties

- (1) Section 203 of the PHW Act provides:

### **Compliance with direction or other requirement**

- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.

Penalty:           In the case of a natural person, 120 penalty units;  
                          In the case of a body corporate, 600 penalty units.

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

*Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has refused or failed to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal.*

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

**False or misleading information**

- (1) A person must not –
  - (a) give information that is false or misleading in a material particular; or
  - (b) make a statement that is false or misleading in a material particular; or
  - (c) produce a document that is false or misleading in a material particular – to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

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

- (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading.

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

- (3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the charge for the accused to prove that at the time at which the offence is alleged to have been committed, the accused believed on reasonable grounds that the information, statement or document was true or was not misleading.

Dated 5 November 2021

ADJUNCT CLINICAL PROFESSOR BRETT SUTTON  
 Chief Health Officer,  
 as authorised to exercise emergency powers  
 under sections 20A and 199(2)(a) of the PHW Act

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**SCHEDULE 1 –WORKERS**

<b>Row</b>	<b>Worker (Column 1)</b>	<b>Full dose deadline (Column 2)</b>	<b>Worker- specific definitions</b>
1.	accommodation worker	26 November 2021	10(1)
2.	agricultural and forestry worker	26 November 2021	10(2)
3.	airport worker	26 November 2021	10(3)
4.	ancillary, support and welfare worker	26 November 2021	10(4)
5.	Authorised Officer	26 November 2021	10(5)
6.	care worker	26 November 2021	10(6)
7.	community worker	26 November 2021	10(7)
8.	creative arts worker	26 November 2021	10(8)
9.	custodial worker	26 November 2021	10(9)
10.	emergency service worker	26 November 2021	10(10)
11.	entertainment and function worker	26 November 2021	10(11)
12.	funeral worker	26 November 2021	10(12)
13.	higher education worker	26 November 2021	10(13)
14.	justice worker	26 November 2021	10(14)
15.	manufacturing worker	26 November 2021	10(15)
16.	marriage celebrant	26 November 2021	10(16)
17.	meat and seafood processing worker	26 November 2021	10(17)
18.	media and film production worker	26 November 2021	10(18)

19.	<b>mining worker</b>	26 November 2021	10(19)
20.	<b>physical recreation worker</b>	26 November 2021	10(20)
21.	<b>port or freight worker</b>	26 November 2021	10(21)
22.	<b>professional sports, high-performance sports or racing person</b>	26 November 2021	10(22)
23.	<b>professional services worker</b>	26 November 2021	10(23)
24.	<b>public sector worker</b>	26 November 2021	10(24)
25.	<b>real estate worker</b>	26 November 2021	10(25)
26.	<b>religious worker</b>	26 November 2021	10(26)
27.	<b>repair and maintenance worker</b>	26 November 2021	10(27)
28.	<b>retail worker</b>	26 November 2021	10(28)
29.	<b>science and technology worker</b>	26 November 2021	10(29)
30.	<b>social and community service worker</b>	26 November 2021	10(30)
31.	<b>transport worker</b>	26 November 2021	10(31)
32.	<b>utility and urban worker</b>	26 November 2021	10(32)
33.	<b>veterinary and pet/animal care worker</b>	26 November 2021	10(33)

**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH  
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****COVID-19 Mandatory Vaccination (General Workers) Directions (No. 2)**

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, consider it reasonably necessary to protect public health to give the following directions pursuant to section 200(1)(d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

**1 Preamble**

- (1) The purpose of these directions is to impose obligations upon employers in relation to the vaccination of **general workers**, in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) within the population of those workers.
- (2) These directions must be read together with the **Directions currently in force**.
- (3) These directions replace the **COVID-19 Mandatory Vaccination (General Workers) Directions**.

**2 Citation**

These directions may be referred to as the **COVID-19 Mandatory Vaccination (General Workers) Directions (No. 2)**.

**3 Commencement and revocation**

- (1) These directions commence at 6:00:00 pm on 5 November 2021 and end at 11:59:00 pm on 18 November 2021.
- (2) The **COVID-19 Mandatory Vaccination (General Workers) Directions** are revoked at 6:00:00 pm on 5 November 2021.

**4 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).

**5 Key definitions***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 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 an **excepted person** if the person holds **acceptable certification** from a **medical practitioner** that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine due to:
- (a) a **medical contraindication**; or
  - (b) an acute medical illness (including where the person has been diagnosed with SARS-CoV-2).
- (4) An **acceptable certification**:
- (a) for the purpose of subclause (3):
    - (i) for the period ending 6:00:00 pm on 12 November 2021 is:
      - (A) a certificate issued by the person's medical practitioner that states that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine for one or more of the reasons in subclause (3); or
      - (B) the Australian Immunisation Register immunisation medical exemption form that:
        1. is completed and signed by the person's medical practitioner; and
        2. states that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine for one or more of the reasons in subclause (3); or
    - (ii) for the period commencing 6:00:00 pm on 12 November 2021 and ending 11:59:00 pm on 18 November 2021, an Australian Immunisation Register immunisation medical exemption form that:
      - (A) is completed and signed by the person's medical practitioner; and
      - (B) states that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine for one or more of the reasons in subclause (3).
- (5) An acceptable certification for the purpose of subclause (3) is effective until the earlier of:
- (a) the date specified by the medical practitioner; or
  - (b) the date 6 months from the date the certification was given by the medical practitioner.

#### *Vaccination information*

- (6) For the purposes of these directions, **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.*

#### *Employers and workers*

- (7) For the purpose of these directions:
- (a) **employer** in relation to a **general worker** means:
    - (i) the person who employs or engages the worker; or
    - (ii) if the worker is self-employed – the worker;

- (b) **general worker** means a person who does work, but does not include:
- (i) a person under 12 years of age;
  - (ii) a person who is a **worker** within the meaning of the **COVID-19 Mandatory Vaccination (Workers) Directions**;
  - (iii) a person who is a **worker** in relation to a **specified facility** within the meaning of the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
  - (iv) a person who is a **worker** within the meaning of the **Open Premises Directions**;
  - (v) a **Commonwealth employee**;
  - (vi) a **judge** or **judicial registrar**;
  - (vii) 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;
  - (viii) a person who is a member of the staff of Court Services Victoria within the meaning of the **Court Services Victoria Act 2014**;
  - (ix) a person employed or engaged by the Chief Executive Officer of the Victorian Civil and Administrative Tribunal;
  - (x) a member of State Parliament;
  - (xi) the Clerk of the Legislative Assembly;
  - (xii) the Clerk of the Legislative Council;
  - (xiii) an electorate officer within the meaning of the **Parliamentary Administration Act 2004**;
  - (xiv) a parliamentary officer within the meaning of the **Parliamentary Administration Act 2004**;
  - (xv) 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;
  - (xvi) 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;
  - (xvii) 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;
  - (xviii) the Governor and the Lieutenant Governor.

## 6 Other definitions

For the purposes of these directions:

- (1) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (2) **Commonwealth employee** has the same meaning as in the **Sex Discrimination Act 1984** of the Commonwealth;
- (3) **court** means:
  - (a) the Supreme Court;
  - (b) the County Court;

- (c) the Magistrates' Court;
  - (d) the Children's Court;
  - (e) any Federal Court;
- (4) **COVID-19 Mandatory Vaccination (Specified Facilities) Directions** means the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 12)** as amended or replaced from time to time;
- (5) **COVID-19 Mandatory Vaccination (Workers) Directions** means the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 7)** as amended or replaced from time to time;
- (6) **COVID-19 vaccine** means a vaccine to protect a person against SARS-CoV-2 that:
- (a) has been registered, provisionally registered or recognised by the Therapeutic Goods Administration; or
  - (b) has been approved by a comparable overseas regulator, as determined by the Therapeutic Goods Administration under regulation 16DA(3) of the **Therapeutic Goods Regulation 1990** of the Commonwealth;
- (7) **Directions currently in force** has the same meaning as in the **Workplace Directions** as amended or replaced from time to time;
- (8) **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;
- (9) **medical contraindication** means one of the following contraindications to the administration of a **COVID-19 vaccine**:
- (a) anaphylaxis after a previous dose;
  - (b) anaphylaxis to any component of the vaccine, including polysorbate or polyethylene glycol;
  - (c) in relation to AstraZeneca:
    - (i) history of capillary leak syndrome; or
    - (ii) thrombosis with thrombocytopenia occurring after a previous dose;
  - (d) in relation to Comirnaty or Spikevax:
    - (i) myocarditis or pericarditis attributed to a previous dose of either Comirnaty or Spikevax;
  - (e) 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;
- (10) **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;
- (11) **one dose COVID-19 vaccine** means the **COVID-19 vaccine** called ‘COVID-19 Vaccine Janssen’ (Jansen-Cilag);
- (12) **Open Premises Directions** means the **Open Premises Directions (No. 4)** as amended or replaced from time to time;
- (13) **PHW Act** means the **Public Health and Wellbeing Act 2008**;
- (14) **specified facility** has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
- (15) **two dose COVID-19 vaccine** means any of the following **COVID-19 vaccines** called:
  - (a) Vaxzevria (AstraZeneca);
  - (b) Comirnaty (Pfizer);
  - (c) Spikevax (Moderna);
  - (d) Coronvac (Sinovac);
  - (e) Covishield (Astrazeneca/Serum Institute of India);
  - (f) Covaxin (Bharat Biotech); or
  - (g) BBIP-CorV (Sinopharm).

## 7 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 4.
- (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 PHW Act to require the provision of any information needed to investigate, eliminate or reduce the risk to public health.*

## 8 Penalties

- (1) Section 203 of the PHW Act provides:

### **Compliance with direction or other requirement**

- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.

Penalty: In the case of a natural person, 120 penalty units;

In the case of a body corporate, 600 penalty units.

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

*Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has refused or failed to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal.*

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

### **False or misleading information**

- (1) A person must not –
  - (a) give information that is false or misleading in a material particular; or
  - (b) make a statement that is false or misleading in a material particular; or

- (c) produce a document that is false or misleading in a material particular – to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information.  
Penalty: In the case of a natural person, 60 penalty units;  
In the case of a body corporate, 300 penalty units.
- (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading.  
Penalty: In the case of a natural person, 60 penalty units;  
In the case of a body corporate, 300 penalty units.
- (3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the charge for the accused to prove that at the time at which the offence is alleged to have been committed, the accused believed on reasonable grounds that the information, statement or document was true or was not misleading.

Dated 5 November 2021

ADJUNCT CLINICAL PROFESSOR BRETT SUTTON  
Chief Health Officer,  
as authorised to exercise emergency powers  
under sections 20A and 199(2)(a) of the PHW Act

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**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH  
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Workplace (Additional Industry Obligations) Directions (No 55)**

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

**1 Preamble**

- (1) The presence of a person with a positive diagnosis of Novel Coronavirus 2019 (**SARS-CoV-2**) at a **Work Premises** is considered to pose an immediate risk of transmission to persons who attend, or may attend, the Work Premises.
- (2) The purpose of these directions is to establish additional specific obligations on **employers** and **workers** in specific industries in relation to managing the risk associated with SARS-CoV-2.
- (3) These directions must be read together with the **Directions currently in force**.
- (4) These directions are intended to supplement any obligations an employer may have under the **OHS Act** and the **Workplace Directions** and are not intended to derogate from any such obligations.
- (5) These directions replace the **Workplace (Additional Industry Obligations) Directions (No. 54)**.

**2 Citation**

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

**3 Revocation**

The **Workplace (Additional Industry Obligations) Directions (No. 54)** are revoked at 6:00:00 pm on 5 November 2021.

**4 Commencement**

These directions commence at 6:00:00 pm on 5 November 2021 and end at 11:59:00 pm on 18 November 2021.

**5 Application of directions to certain employers and roles**

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

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

## 6 General Obligations

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

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

### Compliance

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

### Consultation

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

## 7 Additional Industry Obligations

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

seafood processing, seasonal horticulture, care facilities, hospitals and ports of entry); and

*Note: the exception of meat, poultry and seafood processing, seasonal horticulture, care facilities, hospitals and/or ports of entry from the requirements in subclause (1)(a) does not exempt meat, poultry and seafood processing, seasonal horticulture, care facilities, hospitals and/or ports of entry from satisfying equivalent requirements imposed under other regulatory arrangements.*

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

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

- (2) An employer is not required to carry out surveillance testing for SARS-CoV-2 pursuant to subclause (1)(b)(i) in relation to a worker who is a **confirmed case** for period of 8 weeks commencing from the date the diagnosis of SARS-CoV-2 is confirmed through a polymerase chain reaction test.

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

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

- (iii) where applicable, compliance with the requirements of subclause (3); and
- (b) for a Work Premises in Metropolitan Melbourne, designate an employee or employees as a **COVID Marshal**:
  - (i) whose role is to monitor compliance with these directions, including (but not limited to) physical distancing requirements; and
  - (ii) who has successfully completed training provided by the employer that is in accordance with guidance from the Department; and
  - (iii) who is at the Work Premises whenever workers are on site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Horticulture Work Premises using seasonal workers for seasonal horticultural work*

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

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

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

*Care facilities*

- (12) Subject to subclause (13), an employer in relation to a Work Premises that is a care facility in Victoria must not require or permit a care facility worker to perform work at more than one Work Premises of the employer.

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

*Example: rosters.*

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

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

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

- (16) If a care facility worker is working at more than one Work Premises for two or more different employers:

- (a) the care facility worker must provide a written declaration to each employer to advise them that the worker is working at more than one Work Premises and must provide details of the other Work Premises to each employer; and
- (b) each employer must maintain a record of all care facility workers who have disclosed to the employer under subclause (16)(a) that they are working across more than one Work Premises.

- (17) An employer in relation to a Work Premises that is a care facility in Victoria must require care facility workers in relation to the care facility to declare in writing at the start of each shift that the worker:

- (a) is free of **SARS-CoV-2 Symptoms**; and

*Note: for the purposes of these directions, SARS-CoV-2 Symptoms, including but not limited to acute respiratory infection (such as cough, shortness of breath, sore throat); loss of smell; and loss of taste do not include those symptoms where caused by an underlying health condition or medication.*

- (b) has not been in contact with a confirmed case (except in the course of their duties while wearing appropriate personal protective equipment) in the:
- (i) preceding 7 days if the person is **fully vaccinated** and is not a **household close contact**; or
- (ii) preceding 14 days if the person is not fully vaccinated or is a household close contact; and
- (c) is not currently required to **self-isolate** or **self-quarantine** under the **Diagnosed Persons and Close Contacts Directions**.

- (18) Despite the **Care Facilities Directions**, an employer in relation to a Work Premises that is a care facility in Victoria must not permit an employee or contractor to enter the care facility where:

- (a) the employee or contractor has, on or after 4 October 2020, worked at another care facility; and
- (b) at the time the employee or contractor worked at that other care facility, a confirmed case was present at that other facility,

unless:

- (c) if the employee or contractor is fully vaccinated:

- (i) at least 7 days have elapsed since the last time the employee or contractor worked at that other facility while a confirmed case was present; and
- (ii) the employee or contractor:
  - (A) has undertaken a test for SARS-CoV-2 on or after 6 days from the day that the employee or contractor last worked at that other facility while a confirmed case was present; and
  - (B) received confirmation that the results of the test undertaken pursuant to subclause (A) were negative; or
- (d) if the employee or contractor is not fully vaccinated:
  - (i) at least 14 days have elapsed since the last time the employee or contractor worked at that other facility while a confirmed case was present; and
  - (ii) the employee or contractor:
    - (A) has undertaken a test for SARS-CoV-2 on or after 13 days from the day that the employee or contractor last worked at that other facility while a confirmed case was present; and
    - (B) received confirmation that the results of the test undertaken pursuant to subclause (A) were negative; and
- (e) the employee or contractor has provided evidence of the negative test result pursuant to subclause (c) or (d) to the employer prior to commencing work at that care facility.

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

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

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

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

#### *Ports of entry*

- (21) Subject to subclause (22), a **port of entry worker** means:
  - (a) any **airport** or maritime **port** worker who has direct contact (including occasional contact or interactions) with international passengers or crew, at the international **port of entry**; or
  - (b) a worker or person who interacts with the environment within the international port of entry (including any worker or person who boards a vessel, ship or **aircraft**) where international passengers and crew are or have been.

*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.*

- (22) Despite subclause (21), a port of entry worker does not include any worker who works in an international departures area of an airport.
- (23) In relation to a Work Premises that is a port of entry Work Premises servicing international arrivals, an employer must:

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

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

- (f) ensure that all port of entry workers wear appropriate personal protective equipment in accordance with the requirements of the Department; and
  - (g) if they are an employer of an international aircrew service worker, keep, and provide to the Department upon request by the Department, records of:
    - (i) the date and time each SARS-CoV-2 rapid antigen test is administered to an international aircrew service worker; and
    - (ii) the result of each SARS-CoV-2 rapid antigen test administered to an international aircrew service worker; and
    - (iii) in the event that the result of the SARS-CoV-2 rapid antigen test is positive for an international aircrew service worker, the date, time and result of a polymerase chain reaction test undertaken on that worker.
- (24) Subclauses (23)(b) and (23)(c) do not apply to the following port of entry workers:
- (a) administrative support service workers;
  - (b) truck drivers;
  - (c) tugboat crew;
  - (d) stevedores;
  - (e) office workers at freight terminals;
  - (f) airport baggage handlers and airport cargo handlers;
  - (g) aircraft engineers.

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

#### *Hotel quarantine*

- (25) Any worker in relation to a hotel quarantine Work Premises should provide the Department with the following details:
- (a) of the worker:
    - (i) the worker's name, contact number and address; and
  - (b) of any person with whom they ordinarily reside:
    - (i) the person's first name;
    - (ii) a contact phone number;
    - (iii) the person's workplace(s), including address;
    - (iv) if the person attends school, the name and address of the school.
- (26) In relation to a Work Premises that is a hotel quarantine Work Premises, an employer must:
- (a) require workers to declare in writing at the start of each shift that the worker:
    - (i) is free of SARS-CoV-2 Symptoms; and
    - (ii) has not been in contact with a confirmed case (except in the course of their duties while wearing appropriate personal protective equipment, where relevant) in the:
      - (A) preceding 7 days if the person is fully vaccinated and is not a household close contact; or
      - (B) preceding 14 days if the person is not fully vaccinated or is a household close contact; and
    - (iii) is not currently required to self-isolate or self-quarantine under the **Diagnosed Persons and Close Contacts Directions**; and
  - (b) designate an employee or employees as a COVID Marshal:
    - (i) whose role is to monitor compliance with these directions, including (but not limited to) physical distancing requirements; and

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

*Hospitals*

- (31) In relation to a Work Premises that is a hospital, an employer must require workers to declare in writing at the start of each shift that the worker:
- (a) is free of SARS-CoV-2 Symptoms; and
  - (b) has not been in contact with a confirmed case (except in the course of their duties while wearing appropriate personal protective equipment, where relevant) in the:
    - (A) preceding 7 days if the person is fully vaccinated and is not a household close contact; or
    - (B) preceding 14 days if the person is not fully vaccinated or is a household close contact; and
  - (c) is not currently required to self-isolate or self-quarantine under the **Diagnosed Persons and Close Contacts Directions**.
- (32) In relation to those parts of a hospital that are a high-risk hospital Work Premises, an employer must:
- (a) designate a **high-risk hospital Work Premises worker** as a COVID Marshal:
    - (i) whose role is to monitor compliance with these directions, including (but not limited to) physical distancing requirements; and
    - (ii) who has successfully completed training provided by the employer that is in accordance with guidance from the Department; and
    - (iii) who is at the Work Premises whenever workers are on site; and
  - (b) arrange operations at the Work Premises so as to have high-risk hospital Work Premises workers working consistently with the same group of other high-risk hospital Work Premises workers where reasonably practicable, including (but not limited to):
    - (i) developing separate shifts in a way that minimises physical interactions between groups of high-risk hospital Work Premises workers attending different shifts;
    - (ii) separating high-risk hospital Work Premises workers into work areas;
    - (iii) dividing work areas up further into separate teams;
    - (iv) providing separate break areas for the separate teams;
    - (v) requiring teams to use separate entrances and exits from other teams;
    - (vi) where high-risk hospital Work Premises workers are from the same household, ensuring they work in the same shift and work area.
- (33) Subject to subclause (34), an employer in relation to a high-risk hospital Work Premises must not require or permit a high-risk hospital Work Premises worker to perform work at more than one Work Premises of the employer.
- (34) Subclause (33) does not apply where it is not practicable to limit a high-risk hospital Work Premises worker to only one Work Premises.
- (35) Where subclause (34) applies, the employer must be able to demonstrate the systems of work which it has put in place to minimise the number of high-risk hospital Work Premises workers working across multiple Work Premises.
- Example: rosters.*
- (36) If a high-risk hospital Work Premises worker working in a high-risk hospital Work Premises is working at more than one Work Premises for two or more different employers:
- (a) the high-risk hospital Work Premises worker must provide a written declaration to each employer to advise them that the high-risk hospital Work Premises

- worker is working at more than one Work Premises and must provide details of the other Work Premises to each employer; and
- (b) each employer must maintain a record of all high-risk hospital Work Premises workers who have disclosed to the employer under subclause (36)(a) that they are working across more than one Work Premises.
- (37) In relation to a Work Premises that is a hospital, an employer must require workers to declare in writing at the start of each shift:
- (a) whether the worker has completed a shift or shifts at another hospital in a high-risk hospital Work Premises in the 14 days prior to making the declaration; and
- (b) if the worker declares that they have completed a shift or shifts at another hospital in a high-risk hospital Work Premises in the 14 days prior to making the declaration:
- (i) the name of the relevant hospital; and
- (ii) whether a shift, or any shifts, declared under subclause (a) were on the roster of a **COVID streaming area**.

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

- (38) In relation to a Work Premises identified in Column 1 of Schedule 1, an employer must comply with the restrictions and requirements outlined in Column 2 of Schedule 1 except in relation to:
- (a) an in vitro fertilisation (**IVF**) procedure performed at a Work Premises that is:
- (i) a registered facility; or
- (ii) at a **theatre complex** within a public hospital only if:
- (A) the employer has reduced the volume of IVF procedures performed per week by at least 50 per cent compared to the usual volume of allocated list time for IVF procedures prior to the introduction of any restrictions on IVF procedures under a revoked Workplace (Additional Industry Obligations) Directions or Restricted Activity Directions; or
- (B) the IVF procedure is for the preservation of eggs for a future IVF procedure that is required due to health treatment that a patient will be receiving which will render their eggs non-viable; or
- (b) a procedure for the surgical termination of pregnancy.

*Australian Air Transport Services (Passenger)*

- (39) In relation to a Work Premises that is an Australian air transport operator's Work Premises, an employer must:
- (a) include in its **COVIDSafe Plan** the processes it will put in place to ensure compliance with requirements to wear a face covering, where any other Directions currently in force require a face covering to be worn in its Work Premises or part of its Work Premises; and
- (b) provide appropriate facilities for the disposal of face coverings at its Work Premises covered under subclause (39)(a).

*Construction sites*

- (40) In relation to a Work Premises that is a construction site an employer must:
- (a) comply with the requirements in the **Workplace Directions** including:
- (i) the density quotient; and
- (ii) the face coverings and cleaning requirements; and

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

## 8 Relationship with other directions

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

## 9 Other definitions

For the purposes of these directions:

- (1) **abattoir** has the meaning under the PrimeSafe licence categories ‘abattoirs (domestic)’ and ‘abattoirs (exports)’;
- (2) **Additional Obligation Industries** has the meaning in clause 5(1);
- (3) **aircraft** means an aircraft that is mainly used for the purpose of, or is engaged, or is intended or likely to be engaged, in a flight wholly within Australia;
- (4) **airport** means a facility that receives scheduled international passenger air transport services and / or passenger charter air services from international markets;
- (5) **Australian air transport operator** has the same meaning as in the **Civil Aviation Safety Amendment (Part 119) Regulations 2018** of the Commonwealth;
- (6) **Authorised Officer** has the same meaning as in the **PHW Act**;
- (7) **Border Directions** means the **Victorian Border Crossing Permit Directions (No. 37)** as amended or replaced from time to time;
- (8) **Care Facilities Directions** means the **Care Facilities Directions (No. 49)** as amended or replaced from time to time;

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

- (29) **employee** includes a person who is self-employed;
- (30) **employer** means a person who owns, operates or controls a **Work Premises** and includes a person who is self-employed or a sole-trader;
- (31) **face covering** has the same meaning as in the **Workplace Directions**;
- (32) **fully vaccinated** has the same meaning as in the **Open Premises Directions**;
- (33) **high-risk hospital Work Premises** means any **hospital** ward treating a **confirmed case** or cases of **SARS-CoV-2**;
- (34) **high-risk hospital Work Premises worker** means any **worker** involved in the direct care of patients, and those who interact with a **high-risk hospital Work Premises**;
- (35) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (36) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No 39)** as amended or replaced from time to time;
- (37) **hotel quarantine** means a place (being a hotel or other facility or class of facility), designated by the Attorney-General and published in the Government Gazette, where people are detained in or directed to remain in, or are staying in, quarantine, isolation or emergency accommodation at, for the purpose of eliminating or reducing the serious risk to public health posed by the COVID-19 pandemic;
- (38) **household close contact** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (39) **inspector** has the same meaning as in the **OHS Act**;
- (40) **large-scale construction site** means, a construction site if:
- (a) it is for construction of a building where a planning permit has been issued in relation to the site for a building that is greater than three storeys tall (excluding basement level(s)); or
  - (b) the site size is more than 1,500 m<sup>2</sup> floor size (inclusive of all floors); or
  - (c) it is for construction of a premises that is predominantly for office use, or that is the internal fit-out of a large-format retail **premises**; or
  - (d) it is for construction of a premises that is predominantly for industrial or large format retail use;
- Note: the project lifecycle commences from the date of on-site mobilisation and ends at handover.*
- (41) **meat processing facility** has the meaning under the PrimeSafe licence category ‘further meat processing facilities’;
- (42) **Metropolitan Melbourne** means the area within the municipal districts under the local government of the municipal councils set out in Schedule 2 of the **Planning and Environment Act 1987**;
- (43) **non-urgent non-ESIS procedure** means a non-time critical procedure that is not reported via the Elective Surgery Information System where the **patient’s** condition is unlikely to deteriorate quickly;
- (44) **OHS Act** means the **Occupational Health and Safety Act 2004**;
- (45) **Open Premises Directions** means the **Open Premises Directions (No. 4)** as amended or replaced from time to time;
- (46) **operator** in relation to a construction site has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
- (47) **outbreak** means:
- (a) a single **confirmed case** of **SARS-CoV-2** in a resident, staff member or frequent attendee of a residential aged **care facility**; or

- (b) two or more epidemiologically linked cases outside of a household with symptom onset within 14 days;

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

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

- (70) **small-scale construction site** means a construction site other than a large-scale construction site or an early stage land development site;
- (71) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No. 28)** as amended or replaced from time to time;
- (72) **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;
- (73) **supermarket Work Premises** means the total of all **supermarket** distribution facilities;
- (74) **Surveillance Testing Industry List and Requirements** means the **Department** document that lists the industries (as amended from time to time on the advice of the Chief Health Officer) that are required to carry out surveillance testing on their **workers**, and also sets out the surveillance testing requirements for those listed industries;  
*Note: the Surveillance Testing Industry List and Requirements are available at [www.dhhs.vic.gov.au/surveillance-testing-industry-list-covid-19](http://www.dhhs.vic.gov.au/surveillance-testing-industry-list-covid-19) as amended from time to time by the Victorian Government.*
- (75) **theatre complex** means the suite of rooms at a hospital where medical procedures are performed and ancillary services are conducted;
- (76) **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**;
- (77) **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;
- (78) **vehicle** has the same meaning as in the **PHW Act**;  
*Note: under the PHW Act, vehicle includes any means of transport, whether used on land, sea or in the air.*
- (79) **Workplace Directions** means the **Workplace Directions (No. 54)** as amended or replaced from time to time;
- (80) **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.*
- (81) **worker** includes **employees**, labour hire, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work.

## 10 Penalties

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

### **False or misleading information**

- (1) A person must not –
- (a) give information that is false or misleading in a material particular; or
  - (b) make a statement that is false or misleading in a material particular; or
  - (c) produce a document that is false or misleading in a material particular – to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

- Penalty: In the case of a natural person, 60 penalty units;  
In the case of a body corporate, 300 penalty units.
- (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading.
- Penalty: In the case of a natural person, 60 penalty units;  
In the case of a body corporate, 300 penalty units.
- (3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the charge for the accused to prove that at the time at which the offence is alleged to have been committed, the accused believed on reasonable grounds that the information, statement or document was true or was not misleading.
- (2) Section 203 of the **PHW Act** provides:
- Compliance with direction or other requirement**
- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.
- Penalty: In the case of a natural person, 120 penalty units;  
In the case of a body corporate, 600 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.
- (3) A person who fails to comply with these directions is liable for an on-the-spot fine of:
- (a) in the case of a natural person:
- (i) aged 18 years or older – 10 penalty units;
- (ii) aged 15 years or older but under the age of 18 years – 4 penalty units;
- (iii) aged under 15 years – 1 penalty unit; or
- (b) in the case of a body corporate – 60 penalty units.
- Note: section 209 of the PHW Act provides for infringement notices to be served on any person who has refused or failed to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal.*
- (4) Additionally, a person who fails to comply with these directions may in certain circumstances be liable to prosecution under the PHW Act for the maximum penalties outlined in subclause (2).

Dated 5 November 2021

**ADJUNCT CLINICAL PROFESSOR BRETT SUTTON**

Chief Health Officer,

as authorised to exercise emergency powers  
under sections 20A and 199(2)(a) of the PHW Act

## SCHEDULE 1 – RESTRICTIONS ON ELECTIVE SURGERY

Work Premises (Column 1)	Restriction on elective surgery (Column 2)
<p><b>Private hospitals in Metropolitan Melbourne</b> and in the local government area of the City of Greater Geelong</p> <p><b>Day procedure centres in Metropolitan Melbourne</b></p>	<p>(a) An <b>employer</b> may only permit an <b>elective surgery procedure</b> to be performed that is an <b>urgent elective surgery procedure</b>.</p> <p>(b) An employer must ensure that all <b>elective surgery procedures</b> that are not <b>urgent elective surgery procedures</b> are temporarily postponed.</p> <p>(c) An employer must not permit cosmetic surgery or other procedures not addressing significant medical conditions to be performed.</p> <p>(d) The restrictions in paragraphs (a) to (b) do not apply to the following services completed by <b>private hospitals</b> and <b>day procedure centres</b>:</p> <p>(i) all activity undertaken on behalf of a public health service or <b>public hospital</b>; and</p> <p>(ii) emergency surgery.</p>
<p><b>Private hospitals</b> in the local government areas of the City of Ballarat and the City of Greater Shepparton</p>	<p>(a) An employer must reduce 50 per cent of allocated elective surgery procedure lists per week at each registered facility.</p> <p>(b) An employer must ensure patients requiring elective surgery procedures are prioritised based on clinical need. An employer must accommodate time critical elective surgery patients within the 50 per cent cap specified in paragraph (a).</p> <p>(c) An employer must not permit cosmetic surgery or other procedures not addressing significant medical conditions to be performed.</p> <p>(d) The following services completed by private hospitals do not count towards the 50 per cent cap in place at each registered facility in accordance with paragraph (a):</p> <p>(i) all activity undertaken on behalf of public health services or public hospitals; and</p> <p>(ii) emergency surgery.</p>
<p><b>Private hospitals</b> in the local government areas of the City of Greater Bendigo and the City of LaTrobe</p>	<p>(a) An employer may only permit an elective surgery procedure to be performed that is an urgent elective surgery procedure.</p> <p>(b) An employer must ensure all elective surgery procedures that are not urgent elective surgery procedures are temporarily postponed.</p>
<p>All public health services located in <b>Metropolitan Melbourne</b> and that are part of Barwon Health</p>	<p>(a) An employer may only permit an elective surgery procedure to be performed that is an urgent elective surgery procedure.</p> <p>(b) An employer must ensure all elective surgery procedures that are not urgent elective surgery procedures are temporarily postponed.</p>
<p>All public health services that are part of Ballarat Health and Goulburn Valley Health</p>	
<p>All public health services that are part of Bendigo Health and the Latrobe Regional Hospital</p>	

**Public Health and Wellbeing Act 2008**

## Section 200

**DIRECTIONS FROM CHIEF HEALTH OFFICER IN ACCORDANCE WITH  
EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY****Victorian Border Crossing Permit Directions (No. 37)**

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, consider it reasonably necessary to eliminate or reduce the serious risk to public health – and reasonably necessary to protect public health – to give the following directions pursuant to sections 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

**1 Preamble**

- (1) These directions replace the **Victorian Border Crossing Permit Directions (No. 36)** and continue to provide a ‘traffic light’ border crossing scheme for persons seeking to enter Victoria from any other **State** or **Territory** in Australia and also provides a scheme for persons entering Australia as an **international passenger arrival** or **international aircrew service worker**, in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.

**2 Citation**

These directions may be referred to as the **Victorian Border Crossing Permit Directions (No. 37)**.

**3 Commencement and revocation**

- (1) The **Victorian Border Crossing Permit Directions (No. 36)** are revoked at 6:00:00 pm on 5 November 2021.
- (2) These directions commence at 6:00:00 pm on 5 November 2021 and end at 11:59:00 pm on 18 November 2021.
- (3) Any **permit** issued under a **revoked Border Crossing Permit Scheme Direction** continues to have effect until the validity period expires under the revoked Border Crossing Permit Scheme Direction.

*Note: a person who has a permit under previous directions may continue to enter Victoria under that permit.*

**4 Restrictions on persons entering Victoria**

- (1) A person must not enter Victoria from any other State or Territory in Australia, unless the person:
  - (a) is a **green zone person** under clause 5; or
  - (b) is an **orange zone person** under clause 6; or
  - (c) is a **red zone person** under clause 7; or
  - (d) is a **cross border community member** who is permitted to enter Victoria under clause 8; or
  - (e) is an **aircrew services worker** under clause 9; or
  - (f) is a **specified worker (single entry)** under clause 10(1) to 10(6); or
  - (g) is a **specified worker (multiple entry)** under clause 10(7) to 10(12) and clause 11; or
  - (h) is an **excepted person** under clause 14; or
  - (i) has a valid **exemption** under clause 15.
- (2) A person may enter Victoria under these directions from another Country, if the person:
  - (a) is an international passenger arrival under clause 12; or
  - (b) is an **international aircrew services worker** under subclauses 9(5) and 9(7).

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

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

#### 4A Definition of zones

- (1) For the purposes of these directions:
- (a) a **green zone** means an area in a State or Territory that is not a **red zone** or an **orange zone**; and
  - (b) an **orange zone** means an area in a State or Territory that is determined by the Chief Health Officer to be an ‘orange zone’ from the **zone commencement time** until the **zone end time** for that area; and
  - (c) a **red zone** means an area in a State or a Territory that is determined by the Chief Health Officer to be a ‘red zone’ from the zone commencement time until the zone end time for that area.

- (2) A **zone commencement time** in relation to an area, means the time from which the Chief Health Officer has determined that the area is an ‘orange zone’ or a ‘red zone’ (as applicable) as amended from time to time by the Chief Health Officer and detailed on the Department’s website available at [www.coronavirus.vic.gov.au/victorian-border-crossing-permit](http://www.coronavirus.vic.gov.au/victorian-border-crossing-permit)

*Note: the zone commencement time is not the date of the announcement by the Chief Health Officer or the Department that an area has been designated as a green zone, orange zone or red zone.*

- (3) A **zone end time** in relation to an area, means the time from which the Chief Health Officer has determined that the area ceases to be a ‘red zone’ or an ‘orange zone’ (as applicable) as amended from time to time by the Chief Health Officer and detailed on the Department’s website available at [www.coronavirus.vic.gov.au/victorian-border-crossing-permit](http://www.coronavirus.vic.gov.au/victorian-border-crossing-permit)

#### 5 Green zone person

##### *Eligibility*

- (1) Subject to the requirements in subclause (2), a person may enter Victoria from any other State or Territory in Australia as a green zone person if the person, at the time they enter Victoria:

- (a) meets the **general eligibility requirements**; and
- (b) either:
  - (i) has not been in an area that is a red zone or an orange zone in a State or Territory at any time after the relevant zone commencement time in the previous 14 days; or

*Note 1: a person that is in a red zone or orange zone some of the time during the 14 day period and in a green zone at other times (including entering Victoria from a green zone) will not be permitted to enter Victoria under this subclause.*

*Note 2: if a person has been in an area that is a green zone and one day prior to entering Victoria, the Chief Health Officer determines the area is a red zone or orange zone effective from a date 14 days prior to the announcement, the person cannot enter Victoria as a green zone person.*

*Note 3: if a person leaves an area before the zone commencement time for a red zone or an orange zone and travels to Victoria, that person is deemed to be a green zone person pursuant to subclause (1) (provided they have not been in any other area that is a red zone or orange zone 14 days prior to entry to Victoria).*

- (ii) has been in an area that is a red zone or an orange zone in a State or Territory at any time after the relevant zone commencement time

in the previous 14 days but only for the purpose of undertaking **hotel quarantine** or **direct and short term transit** through a red zone or orange zone in a State or Territory to Victoria, and at all times complied with the **direct and short-term transit conditions**.

*Note: short term transit means a transit time of less than 24 hours. If a person spends more than 24 hours in any red zone or orange zone, they will not be a green zone person and will instead need to enter Victoria as an orange zone person or red zone person, unless any other exception applies or an exemption has been granted.*

*Requirements for entry*

(2) A green zone person may enter Victoria from any other State or Territory in Australia if the person:

(a) is either:

(i) 12 years of age or above; or

(ii) younger than 12 years of age and is travelling unaccompanied,

they must obtain a valid **green zone permit** which includes:

(iii) the person's **personal details**; and

(iv) an attestation by the person stating that (as at the date of attestation) the person and each dependant under 12 years of age entering Victoria with that person:

(A) meets all the eligibility requirements in subclause (1); and

(B) has provided information in the permit that is true and correct; and

(C) will not re-enter Victoria using a green zone permit if they have entered a red zone or an orange zone in a State or Territory at any time after the relevant zone commencement time in the 14 days prior to the attempted re-entry and acknowledges that any green zone permit they have will be revoked if they enter a red or orange zone after receiving the green zone permit and the person will not re-enter Victoria with a revoked green zone permit; and

(D) subject to subclause (E), will comply with the **green zone general conditions**; and

(E) acknowledges that any zone in a State or Territory may change from time to time and the person may be required to comply with different conditions in these directions (as amended from time to time); and

(v) a QR code capable of being scanned by an **authorised officer**, a Victoria Police member or a Protective Services Officer (or other person under such person's direction); and

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

(b) has been in hotel quarantine (including for the purpose of completing the required period of hotel quarantine or for any other purpose, including work) in Victoria or in any other State or Territory in the 14 days prior to entry to Victoria, provides:

(i) the name of the facility attended; and

(ii) the name of the State or Territory of the facility attended.

*Green zone general conditions after entry*

(3) A green zone person who enters Victoria under subclause (1) must, for 14 days after entering Victoria (or, if clause 6(5)(b) or clause 7(5)(b) applies, for the relevant validity period in clause 6(4)(a) or clause 7(4)(a) respectively):

- (a) comply with all **general post-entry conditions**; and
- (b) carry and present on request to an authorised officer, Victoria Police Officer or a Protective Services officer (or other person under such person's direction);
  - (i) their valid green zone permit (or, if clause 6(5)(b) applies, a valid **orange zone permit** or if clause 7(5)(b) applies a valid **red zone permit**); and
  - (ii) an **acceptable form of identification**.

*Permit validity and revocation*

- (4) A green zone permit:
  - (a) is valid for 14 days from the date the person first enters Victoria (unless revoked earlier); and
  - (b) may be used by the person to enter Victoria multiple times during the validity period in subclause (a); and
  - (c) is revoked immediately if the person:
    - (i) enters a red zone or orange zone in a State or Territory after the delivery of the green zone permit; or
    - (ii) a determination is made by the Chief Health Officer prior to the person's first entry to Victoria that results in the person having been in a red zone or orange zone in a State or Territory after the relevant zone commencement time in the 14 days prior to entry into Victoria; or
    - (iii) has been at a **very high risk exposure site** in a State or Territory during the **very high risk period**:
      - (A) prior to delivery of the green zone permit; or
      - (B) after delivery of the green zone permit and during the period referred to in subclause (a); or
    - (iv) becomes a diagnosed person or a close contact of a diagnosed person (or equivalent) and/or required to self-isolate or self-quarantine in any State or Territory within Australia.

*Note: a person who has entered Victoria with a valid green zone permit and remains in Victoria does not need to apply for nor produce a new green zone permit after the initial green zone permit's validity period has expired.*

*Change to obligations after entry by a green zone person*

- (5) If a green zone person has entered Victoria from any other State or Territory in Australia and during the green zone permit validity period in subclause (4)(a), the Chief Health Officer determines that any **relevant green zone** is:
  - (a) a red zone and the person was in the red zone after the relevant zone commencement time, at a time within the 14 days prior to the person's entry to Victoria, then the higher **red zone general conditions** other than the requirement to carry the result of a pre-arrival test under clause 7(3)(a)(ii)(C) and:
    - (i) if the person is either:
      - (A) 12 years of age or above and is **fully vaccinated**; or
      - (B) younger than 12 years of age and is either travelling with parents or guardians who are all fully vaccinated or is unaccompanied, the **red zone (fully vaccinated) conditions** will apply; or
    - (ii) if the person is either:
      - (A) 12 years of age or above and is not fully vaccinated; or
      - (B) younger than 12 years of age and is travelling with a parent or guardian who is not fully vaccinated,

- the **red zone (not fully vaccinated) conditions** will apply, to that person from the time of notification by the Department for the remainder of the green zone permit validity period in subclause (4)(a); or
- (b) an orange zone and the person was in the orange zone after the relevant zone commencement time at any time within the 14 days prior to the person's entry to Victoria, then the higher **orange zone general conditions** and:
- (i) if the person is either:
- (A) 12 years of age or above and is fully vaccinated; or
- (B) younger than 12 years of age and is either travelling with parents or guardians who are all fully vaccinated or is unaccompanied,
- the **orange zone (fully vaccinated) conditions** will apply; or
- (ii) if the person is either:
- (A) 12 years of age or above and is not fully vaccinated; or
- (B) the person is younger than 12 years of age and is travelling with a parent or guardian who is not fully vaccinated,
- the **orange zone (not fully vaccinated) conditions** will apply,
- to that person from the time of notification by the Department for the remainder of the green zone permit validity period in subclause (4)(a).

*Example: a person arrives in Victoria with a green zone permit which is valid for 14 days from their arrival date. Two days after entering Victoria, an area the person was in is determined to be a red zone and the person was in the red zone at a time after the relevant zone commencement time. The Department notifies the person that the green zone permit obligations which applied after entering Victoria have changed to align with the higher, red zone general conditions for the remaining 12 days of the green zone permit's validity period. This includes requirements for the person to self-quarantine for the remaining 12 days and get tested at certain times.*

## 6 Orange zone person

### Eligibility

- (1) Subject to the requirements in subclause (2), a person may enter Victoria from any other State or Territory as an orange zone person if the person, at the time they enter Victoria:
- (a) meets all of the general eligibility requirements; and
- (b) either:
- (i) has not been in an area that is a red zone in a State or Territory at any time after the relevant zone commencement time in the previous 14 days; or
- Note 1: a person that is in a red zone some of the time during the 14 day period and in an orange zone or green zone at other times (including entering Victoria from an orange zone or green zone), will not be permitted to enter Victoria under this subclause.*
- Note 2: if a person has been in an area that is an orange zone and one day prior to entering Victoria, the Chief Health Officer determines the area is a red zone effective from a date 14 days prior to the announcement, the person cannot enter Victoria as an orange zone person.*
- Note 3: if a person leaves an area before the zone commencement time for a red zone and travels to Victoria, that person is deemed to be an orange zone person pursuant to subclause (1) (provided they have not been in any other area that is a red zone 14 days prior to entry to Victoria).*
- (ii) has been in an area that is a red zone in a State or Territory at any time after the relevant zone commencement time in the previous 14 days but only for the purpose of direct and short term transit through the red zone in that State or Territory and at all times complied with the direct and short-term transit conditions.

*Note: short term transit means a transit time of less than 24 hours. If a person spends more than 24 hours in any red zone, they will be required to enter as a red zone person.*

*Requirements for entry*

- (2) An orange zone person may enter Victoria from any other State or Territory in Australia if the person:
- (a) is either:
- (i) 12 years of age or above; or
  - (ii) younger than 12 years of age and is travelling unaccompanied, they must obtain a valid **orange zone permit** which includes:
    - (iii) the person's personal details; and
    - (iv) an attestation by the person stating that (as at the date of attestation) the person and each dependant under 12 years of age entering Victoria with the person:
      - (A) meet all the eligibility requirements in subclause (1); and
      - (B) have provided information in the permit that is true and correct; and
      - (C) subject to subclause (E), will comply with the orange zone general conditions and either the orange zone (fully vaccinated) conditions or orange zone (not fully vaccinated) conditions, as applicable; and
      - (D) acknowledges that any child or dependant that is travelling separately with another parent or guardian that is not fully vaccinated, will be subject to the orange zone (not fully vaccinated) conditions; and
      - (E) acknowledges that any zone in a State or Territory may change from time to time and the person may be required to comply with different conditions in these directions (as amended from time to time); and
  - (v) a QR code capable of being scanned by an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction); and
- (b) has been in hotel quarantine (including for the purpose of completing the required period of hotel quarantine or for any other purpose, including work) in Victoria or in other State or Territory in the 14 days prior to entry to Victoria, provides (at the time of applying for the orange zone permit):
- (i) the name of the facility attended; and
  - (ii) the name of the State or Territory of the facility attended.

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

*Orange zone conditions after entry*

- (3) An orange zone person who enters Victoria must, for a period of 14 days after the date of their first entry into Victoria (or, if clause 5(5)(b) or clause 7(5)(a) applies, for the relevant validity period in clause 5(4)(a) or clause 7(4)(a) respectively):
- (a) comply with the general post-entry conditions; and
  - (b) carry and present on request to an authorised officer, a Victoria Police member or Protective Services Officer (or other person under such a person's direction):
    - (i) their valid orange zone permit (or, if clause 5(5)(b) applies, a valid green zone permit or if clause 7(5)(a) applies a valid red zone permit); and
    - (ii) an **acceptable form of identification**; and

- (c) if the person is:
- (i) 12 years of age or above and is fully vaccinated; or
  - (ii) younger than 12 years of age and is either travelling with parents or guardians who are all fully vaccinated or is travelling unaccompanied: carry and present on request to an authorised officer, Victoria Police Officer or Protective Services Officer (or other person under such a person's direction) **vaccination information** to show that they, or if younger than 12 years of age, their parents or guardians, are fully vaccinated; or
- (d) if the person is not fully vaccinated or, if under 12 years of age is travelling with a parent or guardian who is not fully vaccinated:
- (i) travel immediately and directly to the residence where they will self-quarantine; and
  - (ii) whilst in direct transit to their place of self-quarantine in Victoria, they may only leave their vehicle for the purposes of:
    - (A) obtaining medical care or medical supplies; or
    - (B) accessing toilet and bathroom facilities; or
    - (C) paying for fuel; or
    - (D) purchasing essential items; or
    - (E) purchasing takeaway food or drink; and
  - (iii) if leaving their vehicle for a permitted reason in subclause (ii), they must:
    - (A) wear a **face covering** at all times unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person; and
    - (B) practise **physical distancing**; and
    - (C) keep detailed records of each place they stop; and
  - (iv) get tested for **SARS-CoV-2** within 72 hours of:
    - (A) the time the person enters Victoria; or
    - (B) if clause 5(5)(b)(ii) applies, the time of notification by the Department; or
    - (C) if clause 7(5)(a)(ii) applies and the person has not been tested in accordance with clause 7(3)(d)(iv) since entering Victoria, the time the person enter Victoria; and
  - (v) carry and present on request to an authorised officer, a Victoria Police member or Protective Services Officer (or other person under such a person's direction) evidence to show that they have obtained a SARS-CoV-2 test in accordance with subclause (iv); and
- Note: if a person has been tested in accordance with clause 7(3)(d)(iv) since entering Victoria under red zone obligations, the Department has notified the person that they are now subject to orange zone obligations and the person has already received a negative SARS-CoV-2 test result, they may cease self-quarantining immediately.*
- (vi) remain in self-quarantine, unless while undertaking **essential activities**, until the person has been notified that they have received a negative COVID-19 test result from the test taken in accordance with subclause (ii), and
  - (vii) wear a face covering if leaving self-quarantine when undertaking essential activities in:
    - (A) indoor public places; and
    - (B) outdoor public spaces; and

- (C) vehicles, if the person is in a vehicle with any other person (unless the other person ordinarily resides with the person), unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person.

*Permit validity and revocation*

- (4) An orange zone permit:
- (a) is valid for 14 days from the date the person enters Victoria (unless revoked earlier); and
  - (b) may only be used once by a person to enter Victoria during the validity period in subclause (a); and
  - (c) is revoked immediately if the person is outside Victoria and:
    - (i) enters a red zone in a State or Territory after the delivery of the orange zone permit but prior to entry to Victoria; or
    - (ii) a determination is made by the Chief Health Officer prior to the person's first entry to Victoria that results in the person having been in a very high risk exposure site or a red zone in a State or Territory after the relevant zone commencement time in the 14 days prior to entry into Victoria; or
    - (iii) is or becomes a diagnosed person or a close contact of a diagnosed person (or equivalent) and/or required to self-isolate or self-quarantine in any State or Territory within Australia.

*Note: a person who has entered Victoria with a valid orange zone permit and remains in Victoria does not need to apply for nor produce a new orange zone permit after the initial orange zone permit's validity period has expired.*

*Change to obligations after entry as an orange zone person*

- (5) If an orange zone person has entered Victoria from any other State or Territory in Australia, during the orange zone permit validity period in subclause (4)(a), the Chief Health Officer determines that:
- (a) any **relevant orange zone** is a red zone and the person was in the red zone after the relevant zone commencement time, at a time within the 14 days prior to the person's entry to Victoria, then the higher red zone general conditions (other than the requirement to carry the result of a pre-arrival test under clause 7(3)(a)(ii)(C)) and:
    - (i) if the person is either:
      - (A) 12 years of age or above and is fully vaccinated: or
      - (B) younger than 12 years of age and is either travelling with parents or guardians who are all fully vaccinated, or is travelling unaccompanied,the **red zone (fully vaccinated) conditions** will apply; or
    - (ii) if the person is either:
      - (A) 12 years of age or above and is not fully vaccinated; or
      - (B) younger than 12 years of age and is travelling with a parent or guardian who is not fully vaccinated,the **red zone (not fully vaccinated) conditions** will apply,to that person from the time of notification by the Department for the remainder of the 14 day period following their date of first entry into Victoria; or
  - (b) all relevant orange zones are green zones and the person was in only those, or other, green zones after the relevant zone commencement time, at a time within

the 14 days prior to the person's entry to Victoria, then the lesser, green zone general conditions will apply to that person from the time of notification by the Department for the remainder of the orange zone permit validity period in subclause (4)(a).

*Example: a person arrives in Victoria with an orange zone permit which is valid for 14 days from their arrival date. Two days after entering Victoria, an area the person was in is determined to be a red zone and the person was in the red zone at a time after the relevant zone commencement time. The Department notifies the person that the orange zone permit obligations which applied after entering Victoria have changed to align with the higher, red zone permit obligations in clause 7(3) for the remaining 12 days of the orange zone permit's validity period. This includes requirements for the person to continue or recommence self-quarantining and get tested at certain times, including just prior to the end of the self-quarantine period.*

## 7 Red zone person

### *Eligibility*

- (1) Subject to the requirements in subclause (2), a person who has been in an area that is a red zone in a State or Territory at any time after the relevant zone commencement time in the previous 14 days may enter Victoria from any other State or Territory as a red zone person if the person, at the time the person enters Victoria:
- (a) meets the general eligibility requirements; and
  - (b) has obtained a negative test result from a COVID-19 test that was undertaken less than 72 hours before entering Victoria.

### *Requirements for entry*

- (2) A red zone person may enter Victoria from any other State or Territory in Australia if the person:
- (a) is either:
    - (i) 12 years of age or above; or
    - (ii) younger than 12 years of age and is travelling unaccompanied, they must obtain a valid **red zone permit** which includes:
      - (iii) the person's personal details; and
      - (iv) an attestation by the person stating that (as at the date of attestation) the person and each dependant under 12 years of age entering Victoria with the person:
        - (A) meets all the eligibility requirements in subclause (1); and
        - (A) have provided information in the permit that is true and correct; and
        - (C) subject to subclause (E), will comply with the red zone general conditions and the red zone (fully vaccinated) conditions or red zone (not fully vaccinated) conditions, as applicable; and
        - (D) acknowledges that any child or dependant that is travelling separately with another parent or guardian that is not fully vaccinated, that child or dependant will be subject to the red zone (not fully vaccinated) conditions; and
        - (E) acknowledges that any zone in a State or Territory may change from time to time and the person may be required to comply with different conditions in these directions (as amended from time to time); and
  - (b) if applicable, wear a face covering at all times during any flight to Victoria unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person; and

- (c) a QR code capable of being scanned by an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction); and
- (d) has been in hotel quarantine (including for the purpose of completing the required period of hotel quarantine or for any other purpose, including work) in Victoria or in other State, Territory in the 14 days prior to entry to Victoria, provides (at the time of applying for the red zone permit):
  - (i) the name of the facility attended; and
  - (ii) the name of the State, Territory or of the facility attended.

*Note: dependants under the age of 12 do not need to obtain their own permit but must instead be listed on the permit obtained by their parent or guardian.*

*Red zone conditions after entry*

- (3) A red zone person who enters under subclause (1) for the 14 days after entry, (or, if clause 5(5)(a) or clause 6(5)(a) applies, for the relevant validity period in clause 5(4)(a) or clause 6(4)(a) respectively), must:
  - (a) for 14 days from the date of entry into Victoria:
    - (i) comply with the general post-entry conditions; and
    - (ii) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
      - (A) their valid red zone permit (or if clause 5(5)(a) applies, a valid green zone permit, or if clause 6(5)(a) applies, a valid red zone permit); and
      - (B) an acceptable form of identification; and
      - (C) evidence of their negative COVID-19 test result that was carried out less than 72 hours before entering Victoria; and
  - (b) for the period of time the person is required to self-quarantine under subclause (c) and (d):
    - (i) limit contact with any other person, except in an emergency; and
    - (ii) practise **physical distancing**; and
    - (iii) wear a face covering when undertaking essential activities unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person; and
  - (c) if the person is either:
    - (i) 12 years of age or above and is fully vaccinated; or
    - (ii) younger than 12 years of age and is either travelling with parents or guardians who are all fully vaccinated or is travelling unaccompanied, they must:
      - (iii) travel immediately and directly to the residence where they will self-quarantine; and
      - (iv) whilst in direct transit to their place of self-quarantine in Victoria, they may leave their vehicle for the purposes of:
        - (A) obtaining medical care or medical supplies; or
        - (B) accessing toilet and bathroom facilities; or
        - (C) paying for fuel; or
        - (D) purchasing essential items; or
        - (E) purchasing takeaway food or drink; and

- (v) if leaving their vehicle for a permitted reason in subclause (iv), they must:
    - (A) wear a face covering at all times unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person; and
    - (B) practise physical distancing; and
    - (C) keep detailed records of each place they stop; and
  - (vi) get tested for SARS-CoV-2 within 72 hours of entering Victoria; and
  - (vii) carry and present on request to an authorised officer, a Victoria Police member or Protective Services Officer (or other person under such a person's direction):
    - (A) evidence to show that they have obtained a SARS-CoV-2 test in accordance with subclause (vi); and
    - (B) vaccination information to show that they are fully vaccinated or, if younger than 12 years of age, their parents or guardians are fully vaccinated; and
  - (viii) remain in self-quarantine unless undertaking essential activities, until the person has been notified that they have received a negative COVID-19 test result, and
- (d) if the person is either:
- (i) 12 years of age or above and is not fully vaccinated; or
  - (ii) younger than 12 years of age and is travelling with a parent or guardian who is not fully vaccinated,
- they must:
- (iii) travel immediately and directly to the residence where they will self-quarantine for 14 days;
  - (iv) whilst in direct transit to their place of self-quarantine in Victoria, they may leave their vehicle for the purposes of:
    - (A) obtaining medical care or medical supplies; or
    - (B) accessing toilet and bathroom facilities; or
    - (C) paying for fuel; or
    - (D) purchasing essential items; or
    - (E) purchasing takeaway food or drink; and
  - (v) if leaving their vehicle for a permitted reason in subclause (iv), they must:
    - (A) wear a face covering at all times unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person; and
    - (B) practise physical distancing; and
    - (C) keep detailed records of each place they stop; and
  - (vi) get tested for SARS-CoV-2 within 72 hours of the time:
    - (A) the person enters Victoria;
    - (B) if clause 5(5)(a) applies, the time of notification by the Department;
    - (C) if clause 6(5)(a) applies and the person has not been tested in accordance with clause 6(3)(d)(v) since entry to Victoria, the time the person enters Victoria; and

- (vii) carry and present on request to an authorised officer, a Victoria Police member or Protective Services Officer (or other person under such a person's direction) evidence that they have undertaken a COVID-19 test; in accordance with subclause (viii); and
- (viii) get tested for SARS-CoV-2:
  - (A) on the thirteenth day after entering Victoria, or
  - (B) if notified by the Department that an area has been rezoned as a red zone in accordance with either clause 5(5)(a) or clause 6(5)(a), on or about the thirteenth day before their quarantine period under subclause (iii) ends; and
- (ix) remain in self-quarantine;
  - (A) unless undertaking essential activities; and
  - (B) until the person has been notified that they have received a negative COVID-19 test result from the COVID-19 test they took in accordance with subclause (viii); and
- (x) if, during the period of self-quarantine, the person refuses or otherwise fails to take a test for SARS-CoV-2 in accordance with subclause (viii), the 14 day period of self-quarantine is extended for an additional period being the earlier of:
  - (A) an additional 14 days; or
  - (B) until the person gets tested for SARS-CoV-2 and receives a negative test result; and

*Note: any test undertaken in accordance with subclause (vi) will not satisfy the requirement in subclause (viii). Note: a red zone person who is not fully vaccinated entering Victoria will be required to test for SARS-CoV-2 on or around day 13 of their self-quarantine (or the day before the end of self-quarantine), as testing at this time is likely to detect the presence of SARS-CoV-2, even if a person has not yet developed symptoms. As a person may be infectious for up to 14 days after the 14 day incubation period, if this test does not occur, an additional 14 days of quarantine is required to prevent a person who develops SARS-CoV-2 towards the end of the 14 day incubation period, even if not symptomatic, transmitting SARS-CoV-2 to the broader community.*

- (xi) if, during the period of self-quarantine:
  - (A) the person is tested for SARS-CoV-2; and
  - (B) subject to subclause (C), the period for which the person is required to self-quarantine under subclause (iii) expires during the period in which the person is awaiting the result of that test, the period of self-quarantine is extended until the person receives a negative SARS-CoV-2 test result; and
  - (C) if the person receives a negative SARS-CoV-2 test result and:
    1. the period for which the person is required to self-quarantine under subclause (iii) has not expired, the person must continue to self-quarantine under subclause (c) for the remainder of that period; or
    2. the period for which the person is required to self-quarantine under subclause (iii) (as extended under either or both of subclauses (ix) or (x)) has expired, the person may cease self-quarantining immediately.

#### *Permit validity and revocation*

- (4) A red zone permit:
  - (a) is valid for 14 days from the date the person first enters Victoria (unless revoked earlier); and

- (b) may only be used once by a person to enter Victoria; and
- (c) is revoked immediately if the person is outside Victoria and:
  - (i) has been at a very high risk exposure site in a State or Territory during the very high risk period:
    - (A) prior to delivery of the red zone permit; or
    - (B) after delivery of the red zone permit in subclause (a); or
  - (ii) the person is or becomes a diagnosed person or a close contact of a diagnosed person (or equivalent) in any State or Territory and/or required to self-isolate or self-quarantine (or equivalent) in any State or Territory:
    - (A) prior to delivery of the red zone permit; or
    - (B) after delivery of the red zone permit.

*Note: a red zone person who has entered Victoria with a valid red zone permit and remains in Victoria does not need to apply for nor produce a new red zone permit after the initial red zone permit's validity period has expired.*

#### *Change to obligations after entry as a red zone person*

- (5) If a red zone person has entered Victoria and during the red zone permit validity period in subclause (4)(a), the Chief Health Officer determines that:
- (a) all **relevant red zones** are orange zones (or a combination of orange zones and green zones) and the person was in only those, or other orange zones or green zones after the relevant zone commencement time, at a time within the 14 days prior to the person's entry to Victoria, then:
    - (i) if the person is fully vaccinated (or under the age of 12 years), the orange zone (fully vaccinated) conditions will apply to the person; or
    - (ii) if the person is not fully vaccinated and 12 years or over, the orange zone (not fully vaccinated) conditions will apply,
 in addition to the lesser, orange zone general conditions will apply to the person from the time of notification by the Department for the remainder of the 14 day period; or
  - (b) all relevant red zones are green zones and the person was in only those, or other, green zones after the relevant zone commencement time, at a time within the 14 days prior to the person's entry to Victoria, then the lesser green zone general conditions will apply to the person from the time of notification by the Department for the remainder of the 14 day period.

*Example: a person arrives in Victoria with a red zone permit which is valid for 14 days from their arrival date. Two days after entering Victoria, all areas that the person was in are determined to be orange zones (or a combination of orange and green zones) and the person was in all of those orange zones or green zones at a time after the relevant zone commencement time. The Department notifies the person that the red zone general conditions which applied after entering Victoria have changed to align with the lesser, orange zone general conditions for the remaining 12 days of the red zone permit's validity period. This includes requirements for the person to continue self-quarantining until they are tested for SARS-CoV-2 and receive a negative SARS-CoV-2 test result. If the person is a red zone person who is not fully vaccinated and has already been tested for SARS-CoV-2 on day 13 of their self-quarantine period and has received a negative SARS-CoV-2 test result, the person may cease self-quarantining immediately.*

## 8 Cross border community members

### *Cross border community*

- (1) Despite clauses 5, 6 and 7, a cross border community member may enter Victoria from a **cross border community area** without needing to obtain a **permit** if the person:
- (a) meets the general eligibility requirements; and
  - (b) has not been in a red zone outside the cross border community area at any time after the relevant zone commencement time in the previous 14 days; and

- (c) at the time they enter Victoria, has been in an orange zone outside of the cross border community area at any time after the relevant zone commencement time in the previous 14 days, the person has been tested for SARS-CoV-2 since they last left the orange zone and has received a negative SARS-CoV-2 test result.

*Obligations after entry*

- (2) A person who enters Victoria as a cross border community member under subclause (1) must:

- (a) comply with the general post-entry conditions; and
- (b) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
  - (i) proof that the person is a cross border community member (unless the person is under the age of 18); and
  - (ii) subject to subclause (iii), photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and

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

- (iii) if the person is unable to provide proof that the person is a cross border community member or photographic personal identification and evidence of the current address where the person ordinarily resides in accordance with subclause (i) or (ii), other documentary evidence satisfactory to the authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) that the person is a cross border community member (unless the person is under the age of 18).

*Example: a letter from an Indigenous community leader or community services provider from the cross border community area confirming that the person is a cross border community member; confirming the person's identity and confirming the person's address or other place of residence arrangements.*

## 9 Aircrew

*Domestic aircrew*

- (1) Despite clauses 5, 6 and 7, a person who is an **aircrew services worker** may enter Victoria from any other State or Territory in Australia, if the person:
  - (a) meets the general eligibility requirements; and
  - (b) is not a Victorian resident and is required to enter and be physically present in Victoria for the purpose of providing aircrew services; or
  - (c) is a Victorian resident and has been providing aircrew services in another State or Territory and is entering Victoria for the purpose of returning to their ordinary place of residence in Victoria.

*Domestic aircrew – Obligations after entry*

- (2) A person who enters Victoria as an aircrew services worker under subclause (1)(b):
  - (a) must comply with the general post-entry conditions; and
  - (b) if entering Victoria to provide aircrew services and within the 14 days prior to entry to Victoria the person has been:
    - (i) in an orange zone and the aircrew services worker is not fully vaccinated; or

- (ii) in a red zone irrespective of whether the aircrew services worker is fully vaccinated or not fully vaccinated,
  - must:
    - (iii) travel directly by private transport between the designated crew hotel and any airport of arrival or departure; and
    - (iv) not leave the designated crew hotel other than:
      - (A) to undertake essential activities;
      - (B) to travel to the airport of departure; or
      - (C) to undertake required simulator training or emergency procedures training; and
  - (c) must wear a face covering during each flight to and from Victoria and when travelling between the designated crew hotel and the airport (unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person); and
  - (d) must otherwise comply with relevant airline requirements and **COVIDSafe Plan** whilst in Victoria and in any other State or Territory in Australia.
- (3) A person who enters Victoria as an aircrew services worker under subclause (1)(c) must:
  - (a) comply with the general post-entry conditions; and
  - (b) when in an orange zone and the aircrew services worker is not fully vaccinated or in a red zone irrespective of whether the aircrew services worker is fully vaccinated or not fully vaccinated:
    - (i) travel directly by private transport between the designated crew hotel and any airport of arrival or departure; and
    - (ii) not leave the designated crew hotel other than:
      - (A) to undertake essential activities;
      - (B) to travel to the airport of departure; or
      - (C) to undertake required simulator training or emergency procedures training; and
    - (c) otherwise comply with relevant airline requirements and **COVIDSafe Plan** whilst in Victoria and in any other State or Territory in Australia.
  - (4) An aircrew services worker who enters Victoria under subclause (1) and whose ordinary place of residence, at the time they enter Victoria, is outside of Victoria and within a green zone, must comply with their respective airline's COVIDSafe Plan while travelling to and from a red zone or orange zone in the 14 days prior to entry to Victoria.

*International aircrew*

- (5) Despite clauses 5, 6 and 7 but subject to subclause (6), a person who is an international aircrew services worker may enter Victoria from another Country if the person:
  - (a) is fully vaccinated; or
  - (b) is a **medically exempt person**.
- (6) A person who enters Victoria as an international aircrew services worker under subclause (5) and is completing a layover of 48 hours or longer in Victoria must have completed a pre-departure **SARS-CoV-2 rapid antigen test** within 24 hours of scheduled departure for Victoria and if the person received:
  - (a) a negative test result from the SARS-CoV-2 rapid antigen test, the person is not required to undertake further testing; or

- (b) a positive test result from the SARS-CoV-2 rapid antigen test, the person must complete a **SARS-CoV-2 PCR test** and isolate until receiving a negative test result.

*International aircrew – Obligations after entry*

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

## 10 Specified workers

*Specified worker (single entry) permit – eligibility*

- (1) Despite clause 7, a person who has been in a red zone in the 14 days prior to entry may enter Victoria from any other State or Territory in Australia as a **specified worker (single entry)** rather than as a red zone person if they:

*Note: a person on the Specified Worker List – Single Entry who has been in an orange zone but no red zones in the last 14 days may obtain an orange zone permit and enter Victoria as an orange zone person in accordance with clause 6.*

- (a) meet the general eligibility requirements;
- (b) have obtained a negative test result from a COVID-19 test that was undertaken less than 72 hours before entering Victoria; and
- (c) are either:
  - (i) required to enter and be physically present in Victoria for the purpose of providing **specified work** in an occupation included in the **Specified Worker List – Single Entry** where that specified work is urgent, essential to the operations of the person's employer or customer, and cannot practically be carried out in a timely manner by workers who ordinarily reside in Victoria or in an area that is a green zone; or
  - (ii) a Victorian resident who is:
    - (A) required to enter and be physically present in another State or Territory for the purpose of providing specified work in an occupation included in the Specified Worker List – Single Entry; and
    - (B) is entering Victoria for the purpose of returning to their ordinary place of residence in Victoria.

*Specified worker (single entry) permit – requirements for entry*

- (2) A person who is a specified worker (single entry) and who enters Victoria under subclause (1) must:
  - (a) have a valid specified worker (single entry) permit which includes:
    - (i) the person's personal details; and

- (ii) an attestation by the person stating that (as at the date of attestation) the person (and each dependent under 12 years of age entering Victoria with the person):
  - (A) meets all the eligibility requirements in subclause (1); and
  - (B) has provided information in the permit that is true and correct; and
  - (C) will comply with the **specified worker (single entry) conditions**; and
- (iii) a QR code capable of being scanned by an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction); and
- (b) if the person has been in hotel quarantine (including for the purpose of completing the required period of hotel quarantine or for any other purpose, including work) in Victoria or in another State or Territory in the 14 days prior to entry to Victoria, provide (at the time of applying for the specified worker (single entry) permit):
  - (i) the name of the facility attended; and
  - (ii) the name of the State or Territory of the facility attended.

*Note: dependants under the age of 12 do not need to obtain their own permit but must instead be listed on the permit obtained by their parent or guardian.*

*Specified worker (single entry) permit – general conditions after entry*

- (3) A specified worker (single entry) who enters Victoria under subclause (1) must:
  - (a) comply with the general post-entry requirements;
  - (b) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
    - (i) a valid specified worker (single entry) permit; and
    - (ii) an acceptable form of identification; and
    - (iii) evidence of the SARS-CoV-2 test that they have undertaken in accordance with subclause (1)(b); and
    - (iv) evidence from their employer that the specified work that they are required to enter and be physically present in Victoria to perform is in an occupation included in the **Specified Worker List – Single Entry** and is urgent, essential to the operations of the person's employer or customer, and cannot practically be carried out in a timely manner by workers who ordinarily reside in Victoria or in an area that is a green zone; and

*Note: a letter from an employer or customer on company letterhead that confirms that the work undertaken by the person meets the requirements in subclause (ii) would be sufficient evidence.*

- (c) unless the person is a Victorian resident, only remain in Victoria for the period reasonably necessary to provide the specified work; and
- (d) otherwise comply with the relevant COVIDSafe Plan while in Victoria and in any other State or Territory (including while travelling to and from a red zone or orange zone in the other State or Territory in the 14 days prior to entry to Victoria); and
- (e) if the person is providing specified work for the purpose of a Tier 1 or Tier 2 event under the **Public Event Framework**, comply with the relevant COVIDSafe Plan for the Tier 1 or Tier 2 Event.

*Note: a specified worker (single entry) may be accompanied by a dependent child under the age of 18 years or other dependent person, such as an adult with a disability, if the dependent is to receive emergency or essential medical care or other urgent care, provided the dependent complies with the requirements under subclause (3) whilst in Victoria.*

*Specified worker (single entry – fully vaccinated) conditions*

- (4) If a person enters Victoria who is a specified worker (single entry) and is also fully vaccinated:
- (a) that person must, in addition to the obligations specified in subclause (3):
    - (i) get tested for SARS-CoV-2 within 72 hours of entering Victoria; and
    - (ii) carry and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
      - (A) evidence of the SARS-CoV-2 test that they have undertaken in accordance with subclause (i); and
      - (B) vaccination information that they are fully vaccinated;
    - (iii) travel immediately and directly to the residence where they will self-quarantine; and
    - (iv) remain in self-quarantine, unless:
      - (A) undertaking their specified work; or
      - (B) undertaking essential activities; or
      - (C) obtaining takeaway food and drink; or
      - (D) accessing toilet and bathroom facilities,and until the person has been notified that they have received a negative COVID-19 test result from the test they took within 72 hours after entering Victoria under subclause (i), and
    - (v) wear a face covering whenever leaving the premises for the purposes permitted in subclause (iv) in:
      - (A) indoor public spaces; and
      - (B) outdoor public spaces; and
      - (C) vehicles, if the person is in a vehicle with any other person (unless the other person ordinarily resides with the person),unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person.

*Specified worker (single entry – not fully vaccinated) conditions*

- (5) If a person enters Victoria who is a specified worker (single entry) and is not fully vaccinated:
- (a) that person must, in addition to the obligations specified in subclause (3):
    - (i) subject to subclause (b), get tested for SARS-CoV-2:
      - (A) within 72 hours of entering Victoria; and
      - (B) on the thirteenth day after the person enters Victoria; and
    - (ii) travel immediately and directly to, and self-quarantine at, the premises at which the person will reside for the purposes of self-quarantine for a period of 14 days; and
    - (iii) remain in self-quarantine unless:
      - (A) undertaking essential activities; or
      - (B) obtaining takeaway food and drink; or
      - (C) accessing toilet and bathroom facilities; or
      - (D) undertaking relevant specified work, subject to having received their first negative COVID-19 test result from the test taken in accordance with subclause (i)(A),

- for 14 days and until the person has been notified that they have received a negative COVID-19 test result from the test undertaken on their thirteenth day of quarantine; and
- (iv) wear a face covering whenever leaving the premises for the purposes permitted in subclause (iii) (unless, in accordance with the Directions currently in force, an exception applies), and:
    - (A) indoor public places; and
    - (B) outdoor public places; and
    - (C) vehicles, if the person was in a vehicle with any other person (unless the other person ordinarily resides with the person); and
  - (v) carry and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) evidence of each COVID-19 test that they have undertaken in accordance with subclause (i); and
  - (vi) if, during the period of self-quarantine, the person refuses or otherwise fails to take a test for SARS-CoV-2 in accordance with subclause (i)(B), remain in self-quarantine for an additional period being the earlier of:
    - (A) an additional 14 days; or
    - (B) until the person gets tested for SARS-CoV-2 and receives a negative test result; and

*Note 1: any tests undertaken pursuant to subclauses (i)(A) do not satisfy the requirement in subclause (B).*

*Note 2: persons entering Victoria pursuant to subclause (5) will be required to test for SARS-CoV-2 on or around day 13 of their self-quarantine (or the day before the end of self-quarantine), as testing at this time is likely to detect the presence of SARS-CoV-2, even if a person has not yet developed symptoms. As a person may be infectious for up to 14 days after the 14 day incubation period, if this test does not occur, an additional 14 days of quarantine is required to prevent a person who develops SARS-CoV-2 towards the end of the 14 day incubation period, even if not symptomatic, transmitting SARS-CoV-2 to the broader community.*
- (b) if, during the period of self-quarantine:
    - (i) the period for which the person is required to self-quarantine under subclause (a)(ii) expires during the period in which the person is awaiting the result of a test required by subclause (a)(i)(B), the period of self-quarantine is extended until the person receives a negative SARS-CoV-2 test result; and
    - (ii) if the person receives a negative SARS-CoV-2 test result and the period for which the person is required to self-quarantine under subclause (a)(ii):
      - (A) has not expired, the person must continue to self-quarantine under subclause (a)(ii) for the remainder of that period; and
      - (B) (as extended under either or both of subclauses (b) and (c)(i) has expired, the person may cease self-quarantining immediately; and
  - (c) If the person is a worker at an offshore petroleum or gas storage facility who cannot reasonably get tested for SARS-CoV-2 while working, get tested for SARS-CoV-2 within 72 hours of the time the person first enters Victoria during each specified worker (single entry) permit validity period.
- (6) A specified worker (single entry) permit:
    - (a) is valid for 14 days from the date the person first enters Victoria (unless revoked earlier); and

- (b) may be used by a person to enter Victoria on a single occasion during the validity period in subclause (a).

*Specified worker (multiple entry) permit – eligibility*

- (7) Despite clauses 6 and 7 and subject to the requirements in subclause (8), a person who has been in a red zone or an orange zone within the last 14 days may enter Victoria from any other State or Territory in Australia as a **specified worker (multiple entry)** if:
  - (a) they meet the general eligibility requirements; and
  - (b) they have not obtained a **specified worker (multiple entry) permit** within the last 14 days, unless it has been revoked; and
  - (c) they are either:
    - (i) required to enter and be physically present in Victoria for the purpose of providing specified work in an occupation included in the **Specified Worker List – Multiple Entry** where that specified work is urgent, essential to the operations of the person’s employer or customer, and cannot be carried out in a timely manner by workers who ordinarily reside in Victoria or in an area that is a green zone; or
    - (ii) a Victorian resident who is:
      - (A) required to enter and be physically present in any other State or Territory in Australia for the purpose of providing specified work in an occupation included in the Specified Worker List – Multiple Entry; and
      - (B) entering Victoria from any other State or Territory in Australia for the purpose of returning to their ordinary place of residence in Victoria.
  - (d) during all times the person was in a red zone in which they do not ordinarily reside, in the 14 days prior to entry to Victoria, the person:
    - (i) only remained in that red zone for as long as necessary to provide the relevant specified work;
    - (ii) has not carried any person as a passenger in the driver’s cabin of a vehicle, other than for the purpose of providing specified work in an occupation listed in the Specified Worker List – Multiple Entry;
    - (iii) kept detailed records of all travel and each place they stopped (including accommodation);
    - (iv) wore a face covering at all times in all:
      - (A) indoor public places; and
      - (B) outdoor public places; and
      - (C) vehicles, if the person was in a vehicle with any other person (unless the other person ordinarily resides with the person); and
    - (v) minimised contact with other persons (except in cases of emergency); and
    - (vi) did not enter or stay in any indoor space or vehicle except when reasonably necessary for:
      - (A) providing specified work; or
      - (B) accessing toilet or bathroom facilities; or
      - (C) obtaining medical care or medical supplies; or
      - (D) paying for fuel; or
      - (E) purchasing takeaway food and drink; or

- (F) accessing accommodation; or
  - (G) travelling to Victoria from an airport, seaport, railway station, bus station or other transport facility; or
  - (H) travelling to Victoria on an aircraft, train, sea vessel, bus or other transport vehicle; and
- (vii) has complied with the relevant COVIDSafe Plan while in Victoria and in any other State or Territory (including while travelling to and from a red zone or an orange zone in the other State or Territory) and any other requirements applicable to specified worker (multiple entry) permit holders in clause 11.

*Specified worker (multiple entry) – requirements for entry*

- (8) A person who is a specified worker (multiple entry) and who enters Victoria must:
- (a) have a valid specified worker (multiple entry) permit which includes:
    - (i) the person’s personal details; and
    - (ii) an attestation by the person stating that (as at the date of attestation) the person (and any person under the age of 18 or other dependant entering Victoria with the person):
      - (A) meets all the eligibility requirements in subclause (7) and the pre-entry obligations specified in subclause (7)(c); and
      - (B) has provided information in the permit that is true and correct; and
      - (C) will comply with the specified worker (multiple entry) conditions; and
    - (iii) a QR code capable of being scanned by an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person’s direction); and
  - (b) if the person has been in hotel quarantine (including for the purpose of completing the required period of hotel quarantine or for any other purpose, including work) in Victoria or in other State or Territory in the 14 days prior to entry to Victoria, provide (at the time of applying for the specified worker (multiple entry) permit):
    - (i) the name of the facility attended; and
    - (ii) the name of the State or Territory of the facility attended.

*Specified worker (multiple entry) permit – general conditions*

- (9) A specified worker (multiple entry) must for a period of 14 days after entering Victoria for the purpose of providing specified work:
- (a) comply with the general post-entry conditions;
  - (b) not work if experiencing any SARS-CoV-2 symptoms;
  - (c) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person’s direction):
    - (i) a valid specified worker (multiple entry) permit; and
    - (ii) an acceptable form of identification; and
    - (iii) evidence from their employer that the specified work that they are required to enter and be physically present in Victoria to perform is in an occupation included in the **Specified Worker List – Multiple Entry** and is urgent, essential to the operations of the person’s employer or customer, and cannot practically be carried out in a timely manner by

workers who ordinarily reside in Victoria or in an area that is a green zone; and

*Note: a letter from an employer or customer on company letterhead that confirms that the work undertaken by the person meets the requirements in subclause (iii) would be sufficient evidence .*

- (d) if the person is not a returning Victorian resident and has been in a red zone during the 14 days prior to entering Victoria:
- (i) only remain in Victoria for the minimum period necessary to provide the specified work;
  - (ii) keep detailed records of each place they stop (including accommodation) in Victoria;
  - (iii) wear a face covering in indoor public places, outdoor public places and vehicles if the person is in the vehicle with any other person which who the person does not ordinarily reside;
  - (iv) not carry a passenger in the driver's cabin other than for specified work;
  - (v) not enter or stay in any vehicle or indoor space except when reasonably necessary for the purposes of:
    - (A) providing the specified work in an occupation listed in the Specified Worker – Multiple Entry List, that they have entered Victoria to perform;
    - (B) accessing toilet or bathroom facilities;
    - (C) purchasing fuel;
    - (D) undertaking essential activities;
    - (E) purchasing takeaway food or drink;
- Note: the person is permitted to purchase takeaway food or drink only and must eat or drink in that person's vehicle or the room at their accommodation and not in any other vehicle or indoor space while in transit through Victoria.*
- (F) entering and residing in accommodation;
  - (G) travelling from Victoria on an aircraft, train, sea vessel, bus or other transport vehicle; or
  - (H) obtaining medical care or medical supplies.
- (e) has taken, kept and maintained detailed records of travel and stops for a period of 14 days;

*Specified worker (multiple entry – fully vaccinated) conditions*

- (10) A specified worker (multiple entry) who is fully vaccinated must, in addition to the conditions specified in subclause (9):
- (a) if the person has been in a red zone at any time during the 14 days prior to entering Victoria, get tested for SARS-CoV-2:
    - (i) within 72 hours after the person enters Victoria; and
    - (ii) every seven days after the first test undertaken after entering Victoria;
  - (b) carry and present on request to authorised officer, a Victoria Police member or Protective Services Officer (or other person under such a person's direction) evidence of each COVID-19 test that they have undertaken in accordance with subclause (a) and vaccination information showing that they are fully vaccinated.

*Specified worker (multiple entry – not fully vaccinated) conditions*

- (11) If a person enters Victoria who is a specified worker (multiple entry) and is not fully vaccinated, that person must, in addition to the obligations specified in subclause (9):
- (a) get tested for SARS-CoV-2:
    - (i) within 72 hours of entering Victoria; and

- (ii) if that person has been in an orange zone within 14 days prior to entering Victoria, every seven days after the first test undertaken after entering Victoria; or
- (iii) if that person has been in a red zone within 14 days prior to entering Victoria, every three days after the first test undertaken after entering Victoria;
- (b) carry and present on request to an authorised officer, a Victoria Police member or Protective Services Officer (or other person under such a person's direction), evidence of each COVID-19 test that they have undertaken in accordance with subclause (a).

*Note 1: the person is permitted to purchase takeaway food or drink only and must eat or drink in that person's vehicle or the room at their.*

*Note 2: a specified worker (multiple entry) may be accompanied by a dependent child under the age of 18 years or other dependent person, such as an adult with a disability, if the dependent is to receive emergency or essential medical care or other urgent care, provided the dependent complies with the requirements under subclause (9) whilst in Victoria.*

- (12) A specified worker (multiple entry) permit:
  - (a) is valid for 14 days from the date the person first enters Victoria from any other State or Territory in Australia (unless revoked earlier); and
  - (b) may be used by a person to enter Victoria from any other State or Territory in Australia multiple times during the validity period in subclause (a); and
  - (c) can only be obtained once in any 14 day period, unless their current permit has been revoked or an application is made within the last 24 hours of a current permit's validity period.

## 11 **Mandatory vaccination requirement – specified worker (multiple entry) permit obligations**

- (1) A person who enters Victoria under a specified worker (multiple entry) permit and who is a:
  - (a) **commercial freight worker**; or
  - (b) **health care worker**,
 must comply with the requirements in subclause (2).

*Note: specified worker (multiple entry) permit holders who are not listed in subclause (1) do not need to comply with subclause (2).*

- (2) A person referred to in subclause (1) must carry and provide documentary evidence that:
  - (a) they are fully vaccinated; or
  - (b) they have received a **partial COVID-19 vaccination**; or
  - (c) they hold **acceptable certification** that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine due to:
    - (i) a **medical contraindication**; or
    - (ii) an acute medical illness (including where the person has been diagnosed with SARS-CoV-2).

## 12 **International passenger arrivals**

### *Eligibility*

- (1) Subject to the requirements in subclause (2), a person may enter Victoria from another Country as an **international passenger arrival** if the person, at the time they enter Victoria, is:
  - (a) 12 years of age or above and is fully vaccinated or a medically exempt person; or

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

*Requirements for entry*

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

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

*International passenger arrival conditions after entry*

- (3) An international passenger arrival who enters Victoria under subclause (1) must, for 14 days after entering Victoria:
  - (a) comply with all **general post-entry conditions**; and
  - (b) complete a SARS-CoV-2 PCR test within 24 hours of arrival in Victoria and again between the fifth and seventh day of arrival in Victoria; and
  - (c) carry and present on request to an authorised officer, Victoria Police Officer or a Protective Services officer (or other person under such person's direction):
    - (i) their valid vaccinated international passenger arrival permit (unless they are a child under 12 years of age and travelling with a person who holds a valid permit); and
    - (ii) an acceptable form of identification; and
    - (iii) evidence of their SARS-CoV-2 PCR test results that were carried out less than 24 hours and between the fifth and seventh day after arriving in Victoria in accordance with subclause (b); and
    - (iv) **international acceptable evidence** or **international acceptable certification** to show that:

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

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

*Permit validity and revocation*

- (9) An international passenger arrival permit:
  - (a) is valid for 14 days from the date the person first enters Victoria (unless revoked earlier); and
  - (b) may only be used once by a person to enter Victoria during the validity period in subclause (a).

### 13 Applications for a permit

- (1) A person may apply for a permit using a digital system provided by the **Service Victoria CEO** and other parts of the Victorian Government.
- (2) An application for a permit must contain all information reasonably required by the Department from time to time, for the purpose of protecting public health.
- (3) The Service Victoria CEO:
  - (a) may deliver a permit to a person if clause:
    - (i) 5 (*green zone person*); or
    - (ii) 6 (*orange zone person*); or
    - (iii) 7 (*red zone person*); or
    - (iv) 10(1) (*specified worker (single entry)*); or
    - (v) 10(7) (*specified worker (multiple entry)*); or
    - (vi) 12 (*international passenger arrival permit*);applies, the person makes an application under subclause (1) and the application complies with the requirements under subclause (2); and
  - (b) may provide a copy of the permit to the Department; and

- (c) will provide any information contained in an application to the Department on behalf of the person.
- (4) A person must not give information, or make a statement, in an application for a permit that is false or misleading in a material particular.

#### 14 Excepted persons

- (1) Despite clause 5, 6 and 7, a person may enter Victoria from any other State or Territory in Australia, without a permit:
  - (a) if the person is entering Victoria to provide emergency or time-critical essential medical care or other urgent care as a **worker**; or
 

*Note: people that provide routine medical care or other routine care are not included in subclause (a).*
  - (b) to receive or accompany a dependant who is to receive, emergency or essential medical care or other urgent care; or
 

*Note: for the purposes of subclauses (b) and (c), a dependant includes a person who is dependent on another to facilitate attendances to receive essential medical care, or is dependent on others for the provision of essential medical care.*

*Example 1: a person is a dependant of their intimate partner where they require essential medical care in Victoria and rely on their intimate partner to transport and support them to receive that essential medical care.*

*Example 2: essential medical care includes medical care requiring continuity of treatment, such as chemotherapy or dialysis treatment.*

*Example 3: other urgent care may include essential care for a person with a disability or a dependant of a person, if there are no alternate care arrangements available, but does not include ordinary child-minding services.*
  - (c) if the person is a transplant surgeon, to provide medical care including care that is not urgent or time-critical; or
  - (d) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria to:
    - (i) provide emergency or time-critical essential medical care or other urgent care as a worker; or
    - (ii) receive or accompany a dependant who received, emergency or essential medical care or other urgent care; or
  - (e) if the person is an **emergency worker** and they are providing emergency services to prevent or respond to an emergency; or
  - (f) to provide essential public services to prevent or respond to an emergency; or
  - (g) to ensure the provision of telecommunications, critical infrastructure, or essential services where the worker is acting to prevent or respond to an emergency; or
  - (h) to receive emergency services or essential public services (including services provided by emergency workers and child protection workers); or
  - (i) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria to receive emergency services or essential public services (including services provided by emergency workers and child protection workers); or
  - (j) to escape harm or the risk of harm, including harm relating to family violence or violence of another person and is only required to self-quarantine to the extent it is reasonably practicable to do so in all the circumstances; or
  - (k) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or

- (l) if the person is a **school** student travelling on a bus undertaking a usual or regular route to or from the school that the student is enrolled at; or
  - (m) if the person remains on the same premises where that premises is both in the State of Victoria and either:
    - (i) the State of New South Wales; or
    - (ii) the State of South Australia; or
  - (n) for purposes related to the administration of justice in Victoria, any other State or Territory in Australia or the Commonwealth of Australia; or  
*Example: State, Territory or Commonwealth judicial officers and essential court or tribunal staff entering Victoria for the purpose of necessary, in-person court or tribunal hearings in Victoria, and prison transfers.*
  - (o) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria for purposes related to the administration of justice in Victoria, any other State or Territory in Australia or the Commonwealth of Australia; or  
*Example: State, Territory or Commonwealth judicial officers and essential court or tribunal staff returning to Victoria after necessary in-person court or tribunal hearing in any other State or Territory in Australia, and prison transfers.*
  - (p) for purposes related to shared custody arrangements (court ordered or non-court ordered); or
  - (q) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria for purposes related to shared custody arrangements (court ordered or non-court ordered); or
  - (r) as required or authorised by law; or
  - (s) if the person is a Victorian resident and the person is returning to Victoria after leaving Victoria as required or authorised by law; or
  - (t) for the purposes of **national security**; or
  - (u) if the person leaves Victoria to travel along the Murray River but only if the person:
    - (i) does not set foot on the banks of the Murray River on the New South Wales side or South Australian side of the Murray River (unless the person is from a cross border community area); and
    - (ii) prohibits or prevents any person who has been in a red zone at any time after the relevant zone commencement time in the previous 14 days from travelling on the Murray River with them or entering Victoria with them;
  - (v) if the person is a passenger or **public transport** worker travelling on a public transport service which leaves and re-enters Victoria without stopping at a place outside of Victoria during the course of its usual and regular route and operations.  
*Note: a person who boards a public transport service in Victoria where the route goes through New South Wales or South Australia and back into Victoria without stopping before disembarking in is not required to apply for a permit.*
- (2) A person who enters Victoria as an excepted person under subclause (1) (except where the person enters Victoria as an excepted person in accordance with subclause (1)(k) or (1)(l)) must:
- (a) if the person is entering Victoria and has been in a green zone but has not been in a Red Zone or Orange Zone in a State or Territory for the 14 days prior to entry, comply with the green zone general conditions other than the requirement in subclause 5(3)(b)(i); or

- (b) if the person entering Victoria has been in an orange zone but not a red zone at any time after the relevant zone commencement time in the previous 14 days, comply with:
- (i) the orange zone general conditions, except for subclause 6(3)(b)(i) (the requirement to have an orange zone permit); and
  - (ii) if the person is either:
    - (A) 12 years of age or above and is fully vaccinated; or
    - (B) younger than 12 years of age and is either travelling with parents or guardians who are all fully vaccinated or is unaccompanied, the orange zone (fully vaccinated) conditions, except for subclause 6(3)(c) (the requirement to carry vaccination information); or
  - (iii) if the person is either:
    - (A) 12 years of age or above and is not fully vaccinated; or
    - (B) the person is younger than 12 years of age and is travelling with a parent or guardian who is not fully vaccinated, the **orange zone (not fully vaccinated) conditions**, except the person may leave their self-quarantine premises to fulfil the purpose of their entry as an excepted person;
- (c) if the person entering Victoria has been in a red zone at any time after the relevant zone commencement time in the previous 14 days, comply with:
- (i) the red zone general conditions, other than the requirement to obtain a red zone permit as excepted in clause 7(3)(a)(ii)(A) from (c)(i); and
  - (ii) if the person is either:
    - (A) 12 years of age or above and is fully vaccinated; or
    - (B) younger than 12 years of age and is either travelling with parents or guardians who are all fully vaccinated or is unaccompanied, the red zone (fully vaccinated) conditions, except for subclause 7(3)(c)(vii)(B) (the requirement to carry vaccination information); or
  - (iii) if the person is either:
    - (A) 12 years of age or above and is not fully vaccinated; or
    - (B) the person is younger than 12 years of age and is travelling with a parent or guardian who is not fully vaccinated, the red zone (not fully vaccinated) conditions, except the requirement to self-quarantine when in Victoria to fulfil the purpose of entry and the requirement to obtain a red zone permit.

## 15 Exemption power

### *Request for exemption*

- (1) A person is not required to comply with a requirement of these directions if the person is granted an exemption from that requirement under:
- (a) subclause (6) (specific circumstances); or
  - (b) subclause (11).
- (2) A person may request an exemption by:
- (a) using a digital system provided by the Service Victoria CEO and other parts of the Victorian Government; or
  - (b) contacting the Department by phone (or other method determined by the Department from time to time).

- (3) A request for exemption must contain all information reasonably required by the Department from time to time, for the purpose of protecting public health.
- (4) The Service Victoria CEO will provide any information contained in a request for exemption under subclause (2)(a) to the Department.

*Exemptions for specific circumstances*

- (5) A person may request an exemption from any or all requirements contained in these directions:
  - (a) to attend a funeral or end of life event; or
  - (b) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal; or
  - (c) to return to the person's ordinary place of residence for health, wellbeing, care or compassionate reasons; or
  - (d) to return to the person's ordinary place of residence in Victoria from a cross border community area; or
  - (e) to effect an emergency relocation; or
  - (f) to receive or accompany a dependant who is attending boarding school.
- (6) The Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) may exempt a person from any or all requirements contained in these directions, if satisfied that an exemption is appropriate, having regard to the:
  - (a) need to protect public health; and
  - (b) principles in sections 5 to 10 of the PHW Act, as appropriate.
- (7) Before granting any exemption under subclause (6) the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) must consider:
  - (a) if the person is:
    - (i) a diagnosed person or close contact of a diagnosed person (or equivalent), lawfully permitted to leave a State or Territory in accordance with the laws in force in that jurisdiction; and
    - (ii) seeking to enter Victoria:
      - (A) to attend a funeral or end of life event; or
      - (B) as a person who owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal; or
      - (C) to return to the person's ordinary place of residence for health, wellbeing, care or compassionate reasons; or
      - (D) as a person who is a Victorian resident in a cross border community area; or
      - (E) to effect an emergency relocation; or
      - (F) to receive or accompany a dependant who is attending boarding school; and
  - (b) documentary evidence provided by the person of:
    - (i) the circumstances described in subclause (a); or
    - (ii) test results or other medical information in relation to the person, including any negative SARS-CoV-2 test result received by the person

within 72 hours prior to the person's proposed or actual entry to Victoria;  
or

*Note: a Victorian resident may not need to be tested for SARS-CoV-2 in any other State or Territory before entering Victoria but if not tested within 72 hours prior to the person's proposed or actual entry to Victoria, must be tested for SARS-CoV-2 within 72 hours of returning to Victoria (unless the exemption specifically provides otherwise).*

- (iii) directions or permissions given to that person from a State or Territory not to self-isolate or self-quarantine (or equivalent); and
  - (c) any further documentary evidence requested by the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) and provided by the person.
- (8) An exemption granted under subclause (6):
- (a) must:
    - (i) be given by the Department, in writing, to the person who is the subject of the exemption; and
    - (ii) specify the requirement or requirements that the person need not comply with; and
  - (b) may be subject to additional or different conditions approved by the Chief Health Officer or Deputy Chief Health Officer.
- (9) An exemption granted under subclause (6) does not prevent an authorised officer from exercising an emergency power to give the person a different direction or impose a different requirement or condition of exemption on the person.

*Exemptions, generally*

- (10) A person may request an exemption from any or all requirements contained in these directions.
- (11) The Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) may exempt a person or group of persons from any or all requirements contained in these directions, if satisfied that an exemption is appropriate, having regard to the:
- (a) need to protect public health; and
  - (b) principles in sections 5 to 10 of the PHW Act, as appropriate.
- (12) Before granting any exemption under subclause (11) the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) must consider:
- (a) the circumstances set out in any request; and
  - (b) any documentary evidence provided by the person, including test results or other medical information in relation to the person; and
  - (c) any further documentary evidence requested by the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) and provided by the person.
- (13) An exemption under subclause (11):
- (a) must:
    - (i) be given by the Department, in writing, to the person who is the subject of the exemption; or

- (ii) be published by the Department, in writing, for the purpose of any group of persons who are the subject of the exemption; and
    - (iii) specify the requirement or requirements that the person or group of persons need not comply with; and
  - (b) may be subject to additional or different conditions approved by the Chief Health Officer or Deputy Chief Health Officer.
- (14) An exemption granted under subclause (11) does not prevent an authorised officer from exercising an emergency power to give the person or group of persons a different direction or impose a different requirement on the person or group of persons.

*Conditions of exemption*

- (15) A person who has not been in a red zone at any time after the relevant zone commencement time in the previous 14 days must:
- (a) enter Victoria within 72 hours of the time set out in the exemption; and  
*Note 1: an exemption will expire if the person does not enter Victoria within 72 hours of the time set out in the exemption and the person will need to re-apply for a new exemption.*  
*Note 2: an exemption may be subject to a condition to enter at a particular point of entry into Victoria under subclause (13)(b).*
  - (b) comply with any conditions imposed on the exemption.
- (16) A person who has been in a red zone at any time after the relevant zone commencement time in the previous 14 days enters Victoria under an exemption granted under subclauses (6) or (11) must:
- (a) enter Victoria within 72 hours of the time set out in the exemption; and  
*Note 1: an exemption will expire if the person does not enter Victoria within 72 hours of the time set out in the exemption and the person will need to re-apply for a new exemption.*  
*Note 2: an exemption may be subject to a condition to enter at a particular point of entry into Victoria under subclause (13)(b).*
  - (b) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under their direction):
    - (i) the exemption; and
    - (ii) documentary evidence supporting the grounds for the exemption, if applicable; and
    - (iii) an acceptable form of identification; and
  - (c) travel directly from their place of departure to Victoria; and
  - (d) whilst in direct and short term transit to Victoria, minimise contact with other persons; and
  - (e) comply with any conditions imposed on the exemption.

*Additional conditions for fully vaccinated persons*

- (17) In addition to the obligations imposed on a person entering Victoria under subclause (16), a person who is granted an exemption and is:
- (a) aged 12 years and above and is fully vaccinated; or
  - (b) under 12 years of age and is either travelling with parents or guardians who are all fully vaccinated or is unaccompanied,
- must:
- (c) travel directly to the premises at which the person ordinarily resides or such other premises suitable for the person to reside in for the purpose of self-quarantine in accordance with subclause (d); and
  - (d) self-quarantine at the premises at which the person ordinarily resides or another premises that is suitable for the person to reside in for the purpose

of self-quarantine until the person has received a negative SARS-CoV-2 test result from the COVID-19 test they received within 72 hours of entering Victoria (subject to subclause (f)), and only leave that premises:

- (i) to attend a specified event or place, subject to additional requirements set out in the exemption in relation to:
  - (A) the period the person may spend at the specified event or place; and
  - (B) whether other persons with whom the person does not ordinarily reside are permitted to be present at the specified event or place; and
  - (C) if the person is permitted to attend a worksite, record keeping requirements of any worksite the person attends; or
- (ii) to carry out essential activities; and
- (e) carry and present on request to an authorised officer, Victoria Police Officer or Protective Services Officer (or other person under such a person's direction) vaccination information to show that they, or if younger than 12 years of age, their parents or guardians, are fully vaccinated; and
- (f) unless the specific conditions of the exemption granted to the person provide that the person is not required to be tested for SARS-CoV-2 or the person has received a negative SARS-CoV-2 test result within 72 hours prior to entry to Victoria, obtain a SARS-CoV-2 test within 72 hours of the time the person enters Victoria.

*Additional conditions for not fully vaccinated persons*

- (18) In addition to the obligations imposed on a person entering Victoria under subclause (16), a person who is granted an exemption and is:
- (a) aged 12 years and above and is not fully vaccinated; or
  - (b) under 12 years of age and travelling with at least one parent or guardian who is not fully vaccinated,

must:

- (c) unless the specific conditions of the exemption granted to the person provide that the person is not required to be tested for SARS-CoV-2, get tested for SARS-CoV-2;
  - (i) within 72 hours of the time the person enters Victoria, unless the person has received a negative SARS-CoV-2 test result no more than 72 hours before entering Victoria; and
  - (ii) on the thirteenth day of self-quarantine; and
- (d) travel directly to the premises at which the person ordinarily resides or such other premises suitable for the person to reside in for the purpose of self-quarantine for 14 days, and only leave those premises:
  - (i) to attend a specified event or place, subject to additional requirements set out in the exemption in relation to:
    - (A) the period the person may spend at the specified event or place; and
    - (B) whether other persons with whom the person does not ordinarily reside are permitted to be present at the specified event or place; and
    - (C) if the person is permitted to attend a worksite, record keeping requirements of any worksite the person attends; or
  - (ii) to carry out essential activities; and

- (e) unless the specific conditions of the exemption granted to the person provide that the person is not required to be tested for SARS-CoV-2, if, during the period of self-quarantine:
    - (i) the person is tested for SARS-CoV-2; and
    - (ii) subject to subclause (iii), the period for which the person is required to self-quarantine under subclause (d) expires during the period in which the person is awaiting the result of that test, the period of self-quarantine is extended until the person receives a negative SARS-CoV-2 test result; and
    - (iii) if the person receives a negative SARS-CoV-2 test result and:
      - (A) the period for which the person is required to self-quarantine under subclause (d) has not expired, the person must continue to self-quarantine under subclause (d) for the remainder of that period; or
      - (B) the period for which the person is required to self-quarantine under subclause (d) (as extended under subclause (ii)) has expired, the person may cease self-quarantining immediately; and
  - (f) unless the specific conditions of the exemption granted to the person provide that the person is not required to be tested for SARS-CoV-2, provide documentary evidence:
    - (i) of any negative SARS-CoV-2 test result received by the person within 72 hours prior to the person's proposed or actual entry to Victoria; and
    - (ii) that the person has been tested in accordance with subclause (c) (including evidence of the person's most recent test) to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) when requested to do so; and
  - (g) wear a face covering when in public (over and above the Directions currently in force), unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person.
- (19) Nothing in subclauses (17) and (18) prevents an authorised officer from exercising an emergency power to give a person a different direction or impose a different requirement or condition of exemption on the person.

## 16 Definitions

In these directions:

- (1) **acceptable certification** has the same meaning as in the **Open Premises Directions**;
- (2) **acceptable form of identification** means:
  - (a) subject to subclauses (b) and (c), photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and  
*Example: photographic personal identification includes a driver's licence issued by any State or Territory or a passport issued by Australia. Evidence of the current address where the person ordinarily resides includes a driver's licence or any other document issued by any State or Territory or any **municipal district**, local government area, unincorporated local government area (not including Lord Howe Island) or local authority, including a rates notice.*
  - (b) if the person is unable to provide photographic personal identification in accordance with subclause (a), two forms of documentary evidence satisfactory to the authorised officer, Victoria Police member or Protective Services Officer

(or other person under such person's direction) to prove the person's identity (unless the person is under the age of 18); and

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

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

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

- (3) **aircrew services worker** means a pilot or a member of cabin crew who:
- (a) is undertaking operational flying duties or proficiency training on an aircraft that is not an aircraft of any part of the Australian Defence Force (including any aircraft that is commanded by a member of that Force in the course of duties as such a member); or
- (b) is required by their employer to attend facilities in Victoria for the purpose of undertaking simulator training or emergency procedures training;
- (4) **authorised officer** has the same meaning as in the **PHW Act**;
- (5) **childcare or early childhood services** means onsite early childhood education and care services or children's services provided under the:
- (a) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs; or
- (b) **Education and Care Services National Law Act 2010** and the **Education and Care Services National Regulations 2011** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services;
- (6) **commercial freight worker** means a freight worker who crosses State or Territory borders for their work including:
- (a) drivers of any heavy vehicles over 4.5 GVM;
- (b) rail crew; and
- (c) support workers essential to the supply chain but not travelling in a heavy vehicle or train, including workers carrying out repairs or repositioning empty trailers and prime movers to carry freight and rail track workers;
- (7) **COVID-19 Mandatory Vaccination (Specified Facilities) Directions** means the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 12)** as amended or replaced from time to time;
- (8) **COVID-19 Mandatory Vaccination (Workers) Directions** means the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 7)** as amended or replaced from time to time;
- (9) **COVID-19 vaccine** means a vaccine to protect a person against SARS-CoV-2 that:
- (a) has been registered, provisionally registered or recognised by the Therapeutic Goods Administration; or
- (b) has been approved by a comparable overseas regulator, as determined by the Therapeutic Goods Administration under regulation 16DA(3) of the **Therapeutic Goods Regulation 1990** of the Commonwealth;
- (10) **COVIDSafe Plan** has the same meaning as in the **Workplace Directions**;

- (11) **cross border community area** means a **municipal district**, local government area or unincorporated local government area adjacent to or in close proximity to the border between the **State** of New South Wales and Victoria, or the border between the **State** of South Australia and Victoria, as detailed on the **Department's** website available at: [www.coronavirus.vic.gov.au/information-cross-border-communities](http://www.coronavirus.vic.gov.au/information-cross-border-communities) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer;
- (12) **cross border community member** means a person whose ordinary place of residence is in the **cross border community area**;
- (13) **Department** means the Victorian Department of Health;
- (14) **diagnosed person** has the same meaning as in the **Diagnosed Persons and Close Contacts Directions**;
- (15) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No. 32)** as amended or replaced from time to time;
- (16) **disability residential service** means a residential service within the meaning of the **Disability Act 2006** and to avoid doubt, includes the facility called the Intensive Residential Treatment Program of the Statewide Forensic Service;
- Note: the Intensive Residential Treatment Program of the Statewide Forensic Service is often referred to as 'DFATS'.*
- (17) **direct and short-term transit** means when in a **red zone** or **orange zone** and:
- (a) if travelling from a **green zone**, spend no more than 24 hours in total within an **orange zone** or a **red zone**; or
  - (b) if travelling from an **orange zone**, spend no more than 24 hours within a **red zone**;
- (18) **direct and short-term transit conditions** means:
- (a) practise **physical distancing** (except in cases of emergency);
  - (b) not enter or stay in any **vehicle** (other than the vehicle used for transit) or indoor space, except to the extent that such entry and stay was reasonable and necessary for the purpose of:
    - (i) departing for Victoria from an airport, seaport, railway station, bus station or other transport facility; or
    - (ii) travelling to Victoria on an aircraft, train, sea vessel, bus or other transport vehicle; or
    - (iii) accessing essential medical care;
    - (iv) accessing toilet and bathroom facilities; or
    - (v) paying for fuel; or
    - (vi) purchasing essential items; or
    - (vii) purchasing takeaway food or drink, which must only be consumed in the **vehicle** used for transit and not in any other **vehicle** or indoor space whilst in transit; or
    - (viii) accessing accommodation; and
  - (c) keep detailed records, including QR codes, of each place they stop (including accommodation); and
  - (d) wear a **face covering** at all times in all:
    - (i) indoor public spaces; and
    - (ii) outdoor public spaces; and

- (iii) flights to and from Victoria, if applicable (unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person); and
  - (iv) vehicles, if the person is in a vehicle with any other person (unless the other person ordinarily resides with the person),  
unless, in accordance with the Directions currently in force, an exception from the requirement to wear a face covering applies to the person;
- (19) **Directions currently in force** has the same meaning as in the **Workplace Directions**;
- (20) **educational facility** has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
- (21) **emergency** means a situation related to an **excepted person** where the delay caused by using the permit or exemption systems would create an unacceptable risk to human or animal life, including injury, or create an unacceptable risk of severe damage to essential infrastructure or significant disruption to an essential service;
- (22) **emergency worker** has the same meaning as in the **Sentencing Act 1991**, but does not include a person employed or engaged to provide, or support the provision of, emergency treatment to patients in a hospital;
- (23) **essential activities** means;
- (a) obtaining medical care or medical supplies; or
  - (b) obtaining a **SARS-CoV-2** test; or
  - (c) responding to an emergency situation; or
  - (d) activities required to comply with any law; or
  - (e) departing the State of Victoria;
- (24) **excepted person** has the meaning in clause 14(1);
- (25) **face covering** means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection (but does not include a face shield);
- (26) **fully vaccinated** means a person who has received either one dose of a **one dose COVID-19 vaccine** or two doses of a **two dose COVID-19 vaccine**, including a dose of two different types of a **two dose COVID-19 vaccine**;
- (27) **general eligibility requirements** means that a person:
- (a) has not been at a **very high risk exposure site** in any State or Territory in Australia at any time during a **very high risk period**; and
  - (b) is not experiencing **SARS-CoV-2 symptoms**; and
  - (c) is not a diagnosed person or a close contact of a diagnosed person (or equivalent) and/or required to self-isolate or self-quarantine in any State or Territory within Australia;
- (28) **general post-entry conditions** means that a person must:
- (a) comply with all of the **Directions currently in force**; and
  - (b) monitor for **SARS-CoV-2 symptoms**; and
  - (c) obtain a test for **SARS-CoV-2** as soon as possible after experiencing any **SARS-CoV-2 symptoms**;
- (29) **green zone** has the meaning in clause 4A(1)(a);
- (30) **green zone general conditions** means all of the conditions set out in clause 5(2);
- (31) **green zone permit** is a permit held by a **green zone person** that meets all of the requirements specified in clause 5(2)(a)
- (32) **green zone person** means a person who meets all of the requirements specified in clause 5(1);

- (33) **healthcare worker** means:
- (a) healthcare workers, including patient or clinical facing ancillary staff, who reside on the Victorian side of a **cross border community area** and work in:
    - (i) City of Broken Hill;
    - (ii) City of Wagga Wagga;
    - (iii) Hay Shire;
    - (iv) Lockhart Shire; or
    - (v) Murrumbidgee Council; and
  - (b) healthcare workers, including patient or clinical facing ancillary staff, who reside in Victoria outside of a **cross border community area** and work on the New South Wales side of a **cross border community area** and in:
    - (i) City of Broken Hill;
    - (ii) City of Wagga Wagga;
    - (iii) Hay Shire;
    - (iv) Lockhart Shire; or
    - (v) Murrumbidgee Council; and
  - (c) healthcare workers, including patient or clinical facing ancillary staff, who reside on the New South Wales side of a **cross border community area**, if they work in Victoria and have been in a red zone outside of the cross border community area in the 14 days prior to entering Victoria; and
  - (d) a healthcare worker, including patient or clinical facing ancillary staff, who resides in;
    - (i) City of Broken Hill;
    - (ii) City of Wagga Wagga;
    - (iii) Hay Shire;
    - (iv) Lockhart Shire; or
    - (v) Murrumbidgee Council,if they work in a healthcare service located on the Victorian side of a cross border community area or a healthcare services located in:
    - (vi) City of Greater Bendigo;
    - (vii) City of Greater Shepparton;
    - (viii) Rural City of Benalla;
    - (ix) Shire of Buloke;
    - (x) Shire of Loddon; or
    - (xi) Shire of Yarriambiack;
- (34) **hotel quarantine** means a program requiring a person to quarantine at a hotel in accordance with a public health order, public health directions, regulations or any other law of any **State, Territory** or the Commonwealth of Australia made in order to limit the spread **SARS-CoV-2**;
- (35) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (36) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No. 39)** as amended from time to time;
- (37) **international acceptable certification** means the person has a certificate issued by an overseas government authority or an accredited vaccination provider (a vaccination provider that is accredited in or by the overseas government authority in the country

which the person received the vaccination), that is written in English or accompanied by a certified translation and contains:

- (i) the person's name as it appears on their passport; and
  - (ii) the person's date of birth or passport number; and
  - (iii) a certification from a medical practitioner that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine due to:
    - (A) a **medical contraindication**; or
    - (B) an acute medical illness (including where the person has been diagnosed with SARS-CoV-2).
- (38) **international acceptable evidence** means information about a person's vaccination status:
- (a) information that is derived from a record of information that was made under, or in accordance with, the Australian Immunisation Register Act 2015 of the Commonwealth; or
  - (b) in relation to a person who is **fully vaccinated** and ordinarily resides outside Australia, is a copy of a paper or digital certificate issued by an overseas government authority or an accredited overseas government vaccination provider that shows the person is fully vaccinated with a vaccine approved or recognised by the Therapeutic Goods Administration, is written in English or accompanied by a certified translation, and contains:
    - (i) the person's name as it appears in their passport;
    - (ii) the person's date of birth or passport number;
    - (iii) the vaccine brand name, and
    - (iv) the date of each dose or the date on which a full course of immunisation was completed; or
  - (c) an Australian International COVID-19 Vaccination Certificate.
- (39) **international aircrew services worker** means an **aircrew services worker** who is arriving or departing Victoria on a flight to or from an international port;
- (40) **international passenger arrival** means a person who meets all of the requirements specified in clause 12(1);
- (41) **international passenger arrival conditions** means all of the conditions set out in clause 12(3);
- (42) **international passenger arrival permit** has the meaning in clause 12;
- (43) **medically exempt person** means a person who holds **international acceptable certification** from a **medical practitioner** that the person is unable to receive a dose, or a further dose, of a **COVID-19 vaccine** due to:
- (a) a **medical contraindication**; or
  - (b) an acute medical illness (including where the person has been diagnosed with SARS-CoV-2).
- (44) **medical practitioner** has the meaning in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
- (45) **medical contraindication** has the meaning in the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions**;
- (46) **municipal district** has the same meaning as in the **Local Government Act 1989**;
- (47) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (48) **offshore petroleum or gas storage facility** has the meaning that facility has in Schedule 3 to the **Offshore Petroleum and Greenhouse Gas Storage Act 2010**;

- (49) **one dose COVID-19 vaccine** means the **COVID-19 vaccine** called ‘COVID-19 Vaccine Janssen’ (Jansen-Cilag);
- (50) **Open Premises Directions** means the **Open Premises Directions (No. 4)** as amended from time to time;
- (51) **orange zone** has the meaning in clause 4A(1)(b);
- (52) **orange zone (fully vaccinated) conditions** means the conditions set out in clause 6(3)(c);
- (53) **orange zone (not fully vaccinated) conditions** means the conditions set out in clause 6(3)(d);
- (54) **orange zone general conditions** means the conditions set out in clauses 6(3)(a) and 6(3)(b);
- (55) **orange zone permit** has the meaning in clause 6;
- (56) **orange zone person** means a person who meets all of the requirements specified in clause 6(1);
- (57) **permit** means the written notice (digital or otherwise) provided under clause 13 and includes:
- (a) **green zone permit**; and
  - (b) **orange zone permit**; and
  - (c) **red zone permit**; and
  - (d) **specified worker (single entry) permit**; and
  - (e) **specified worker (multiple entry) permit**; and
  - (f) **international passenger arrival permit**; and
- (58) **personal details** means:
- (a) the person’s full name; and
  - (b) the person’s contact phone number; and
  - (c) the full names of any dependants under the age of 12 for whom the person is a parent, guardian or carer, entering Victoria with the person; and
  - (d) the address from which the person is departing when entering Victoria; and
  - (e) where applicable, the current address where the person ordinarily resides; and
  - (f) the address where the person will reside after entering Victoria; and
- Note: if the person is in Victoria temporarily, they can provide details of the accommodation at which they are staying.*
- (g) the date of entry to Victoria; and
  - (h) if applicable, any planned date of departure from Victoria;
  - (i) the person’s **vaccination status**;
- (59) **physical distancing** means the practice of physically maintaining a distance, where it is reasonably practicable to do so, of at least 1.5 metres from any other person except those persons with whom a person ordinarily resides;
- (60) **Public Event Framework** means the Public Event Framework available at [www.coronavirus.vic.gov.au/public-events](http://www.coronavirus.vic.gov.au/public-events) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer or Deputy Chief Health Officer;
- (61) **public transport** means a **vehicle** operated by a **passenger transport company** or by a **bus company** in the provision of a **public transport service**;
- (62) **red zone** has the meaning in clause 4A(1)(c);
- (63) **red zone (fully vaccinated) conditions** means the conditions set out in clause 7(3)(c);

- (64) **red zone general conditions** means the conditions specified in clauses 7(3)(a) and 7(3)(b)(i);
- (65) **red zone (not fully vaccinated) conditions** means the conditions set out in clause 7(3)(d);
- (66) **red zone permit** has the meaning in clause 7;
- (67) **red zone person** means a person who meets all of the requirements specified in clause 7(1);
- (68) **red zone requirements for entry** means the requirements specified in clause 7(2);
- (69) **relevant green zone** means, in relation to a person who entered Victoria, any **green zone** in a **State** or **Territory** that the person had been in after the zone commencement time in the 14 days prior to the person's entry to Victoria;
- (70) **relevant orange zone** means, in relation to a person who entered Victoria, any **orange zone** in a **State** or **Territory** that the person had been in after the zone commencement time in the 14 days prior to the person's entry to Victoria;
- (71) **relevant red zone** means, in relation to a person who entered Victoria, any **red zone** in a **State** or **Territory** that the person had been in after the zone commencement time in the 14 days prior to the person's entry to Victoria;
- (72) **relevant zone** means, in relation to a person who entered Victoria from a **cross border community area**, any **relevant green zone**, **relevant orange zone** or **relevant red zone** that is outside the **cross border community area**;
- (73) **residential aged care facility** means premises at which accommodation and personal care or nursing care or both are provided to a person in respect of whom a **residential care subsidy** or a **flexible care subsidy** is payable under the **Aged Care Act 1997** of the Commonwealth;
- (74) **returning Victorian resident** means a person who:
- (a) ordinarily resides in Victoria;
  - (b) enters Victoria from any other **State** or **Territory** in Australia where they performed **specified work** to return to their ordinary place of residence in Victoria; and
  - (c) is not performing any work or travelling to work in Victoria;
- (75) **revoked Border Crossing Permit Scheme Directions** means any of the **New South Wales Border Crossing Permit Scheme Directions**, **New South Wales and Queensland Border Crossing Scheme Directions** or the **Victorian Border Crossing Permit Directions**;
- (76) **SARS-CoV-2 PCR test** means a SARS-CoV-2 polymerase chain reaction test;
- (77) **SARS-CoV-2 rapid antigen test** means a SARS-CoV-2 rapid antigen test;
- (78) **SARS-CoV-2 symptoms** means symptoms consistent with **SARS-CoV-2**, including but not limited to the following:
- (a) a fever ( $\geq 37.5^{\circ}\text{C}$ ) or consistent fever of less than  $37.5^{\circ}\text{C}$  (such as night sweats, chills);
  - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
  - (c) loss of smell;
  - (d) loss of taste;
- (79) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (80) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;
- (81) **short term transit** means a transit period of less than 24 hours, except in an emergency;

- (82) **specified work** has the same meaning as in the Department’s document titled ‘Travellers eligible to apply for a permit under specified workers categories’ ([www.coronavirus.vic.gov.au/travellers-eligible-to-apply-for-specified-worker-permit](http://www.coronavirus.vic.gov.au/travellers-eligible-to-apply-for-specified-worker-permit)), as amended from time to time by the Victorian Government with the approval of the Chief Health Officer;
- (83) **Specified Worker List – Multiple Entry** means the list on the Department’s website at [www.coronavirus.vic.gov.au/travellers-eligible-to-apply-for-specified-worker-permit](http://www.coronavirus.vic.gov.au/travellers-eligible-to-apply-for-specified-worker-permit) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer;
- (84) **Specified Worker List – Single Entry** means the list on the Department’s website at [www.coronavirus.vic.gov.au/travellers-eligible-to-apply-for-specified-worker-permit](http://www.coronavirus.vic.gov.au/travellers-eligible-to-apply-for-specified-worker-permit) as amended from time to time by the Victorian Government with the approval of the Chief Health Officer;
- (85) **specified worker (multiple entry)** means a person employed or engaged to provide **specified work** in an occupation included in the **Specified Worker List – Multiple Entry** and who meets the requirements specified in clause 10(7);
- (86) **specified worker (multiple entry) conditions** means the conditions specified for a **specified worker (multiple entry)** in clauses 10(9) and 10(10) (fully vaccinated) or 10(11) (not fully vaccinated);
- (87) **specified worker (multiple entry) permit** means a permit that may be granted to a person who is a **specified worker (multiple entry)**;
- (88) **specified worker (single entry)** means a person employed or engaged to provide **specified work** in an occupation included in the **Specified Worker List – Single Entry** and who meets the requirements specified in clause 10(1);
- (89) **specified worker (single entry) conditions** means the conditions specified for a **specified worker (single entry)** in clauses 10(3) and 10(4) (fully vaccinated) or 10(5) (not fully vaccinated);
- (90) **specified worker (single entry) permit** means a permit that may be granted to a person who is a **specified worker (single entry)**;
- (91) **State** means a State in Australia (and otherwise has the meaning in the Australian Constitution);
- (92) **Territory** means a territory in Australia (and otherwise has the meaning in the Australian Constitution);
- (93) **two dose COVID-19 vaccine** means any of the following **COVID-19 vaccines** called:
- (a) Vaxzevria (AstraZeneca);
  - (b) Comirnaty (Pfizer);
  - (c) Spikevax (Moderna);
  - (d) Coronvac (Sinovac);
  - (e) Covishield (Astrazeneca/Serum Institute of India);
  - (f) Covaxin (Bharat Biotech); or
  - (g) BBIP-CorV (Sinopharm);
- (94) **vaccination information** has the same meaning as in the **COVID-19 Mandatory Vaccination (Workers) Directions**;
- (95) **vaccination status** means whether a person is **fully vaccinated**, received one dose of a **two dose COVID-19 vaccine** or has not received any dose of a **COVID-19 vaccine**;
- (96) **vehicle** has the same meaning as in the **PHW Act**;

- (97) **very high risk exposure site** means a site in a **State** or a **Territory**:
- (a) assessed as very high risk for **SARS-CoV-2** transmission described:
    - (i) by a State, Territory or the Commonwealth of Australia on the relevant government website, as amended from time to time; or
    - (ii) on the **Department's** website available at [www.coronavirus.vic.gov.au/victorian-border-crossing-permit](http://www.coronavirus.vic.gov.au/victorian-border-crossing-permit) as amended from time to time with the approval of the Chief Health Officer; and
  - (b) which is subject to:
    - (i) any public health order, public health directions, regulations or any other law made in order to limit the spread **SARS-CoV-2** currently in force in a State, Territory or the Commonwealth of Australia; or
    - (ii) any **Directions currently in force**, requiring any persons who have been at the site at any time during the **very high risk period** to self-isolate or to self-quarantine (or equivalent) until a period of 14 days (or such longer period as may be directed) has elapsed from the time the persons had been at the site during the very high risk period;
- (98) **very high risk period** means the period of time in which a **very high risk exposure site** in a **State** or a **Territory** is assessed as very high risk for **SARS-CoV-2** transmission, as specified:
- (a) by a State, Territory or the Commonwealth of Australia on the relevant government website, as amended from time to time; or
  - (b) on the **Department's** website available at [www.coronavirus.vic.gov.au/victorian-border-crossing-permit](http://www.coronavirus.vic.gov.au/victorian-border-crossing-permit) as amended from time to time with the approval of the Chief Health Officer;
- (99) **Victorian resident** means a person who ordinarily resides in Victoria;
- (100) **worker** has the meaning in the **Workplace Directions**;
- (101) **Workplace Directions** means the **Workplace Directions (No. 55)** as amended from time to time;
- (102) the following expressions have the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**:
- (a) **bus company**;
  - (b) **passenger transport company**;
  - (c) **public transport service**;
- (103) **zone commencement time** has the meaning in clause 4A(2).

## 17 Penalties

- (1) Section 210 of the PHW Act provides:
- False or misleading information**
- (1) A person must not –
- (a) give information that is false or misleading in a material particular; or
  - (b) make a statement that is false or misleading in a material particular; or
  - (c) produce a document that is false or misleading in a material particular –
- to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information.
- Penalty:            In the case of a natural person, 60 penalty units;  
                           In the case of a body corporate, 300 penalty units.

- (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading.  
Penalty: In the case of a natural person, 60 penalty units;  
In the case of a body corporate, 300 penalty units.
- (3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the charge for the accused to prove that at the time at which the offence is alleged to have been committed, the accused believed on reasonable grounds that the information, statement or document was true or was not misleading.
- (2) Section 203 of the PHW Act provides:

**Compliance with direction or other requirement**

- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.  
Penalty: In the case of a natural person, 120 penalty units;  
In the case of a body corporate, 600 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.
- (3) A person who fails to comply with these directions is liable for an on-the-spot fine of:
- (a) in the case of a natural person:
- (i) aged 18 years or older – 10 penalty units
  - (ii) aged 15 years or older but under the age of 18 years – 4 penalty units;
  - (iii) aged under 15 years – 1 penalty unit; or
- (b) in the case of a body corporate – 60 penalty units; or

*Note: it is intended that subclauses (a) and (b) are a reference to Item 74 of Table 2 of Schedule 8 of the **Public Health and Wellbeing Regulations 2019**. Item 74 establishes the infringement offence constituted by refusing or failing to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199 of the PHW Act. This includes a direction or requirement in relation to travelling from a green zone or orange zone and seeking to enter Victoria.*

- (c) if the contravention of these directions is constituted by refusing or failing to comply with a requirement to self-isolate or self-quarantine:
- (i) in the case of a person aged 18 years or older – 30 penalty units;
  - (ii) in the case of a child aged 15 years or older but under the age of 18 years – 5 penalty units;
  - (iii) in the case of a child under the age of 15 years – 1 penalty unit; or
- Note: it is intended that subclause (c) is a reference to Item 76 of Table 2 of Schedule 8 of the **Public Health and Wellbeing Regulations 2019**. Item 76 establishes the infringement offence constituted by a contravention of directions given under section 200(1) of the PHW Act by refusing or failing to comply with a requirement to self-isolate or self-quarantine.*
- (d) if the contravention of these directions is constituted by refusing or failing to comply with a requirement in relation to a person travelling from a restricted area and seeking to enter Victoria without a reasonable excuse or other valid reason or excuse, in the case of a natural person:
- (i) aged 15 years or older but under the age of 18 years – 5 penalty units;
  - (ii) under the age of 15 years – 1 penalty unit;
  - (iii) in any other case – 30 penalty units.

*Note: it is intended that subclause (d) is a reference to Item 79 of Table 2 of Schedule 8 of the **Public Health and Wellbeing Regulations 2019**. Item 79 establishes the infringement offence*

*constituted by a contravention of directions given under section 200(1) of the PHW Act by refusing or failing to comply with a requirement in relation to a person travelling from a restricted area (however described) and seeking to enter Victoria without a reasonable excuse or other valid reason or excuse. For the purposes of Item 79, a red zone is a restricted area, and any Country outside of Australia is a restricted area.*

- (4) Additionally, a person who fails to comply with these directions may in certain circumstances be liable to prosecution under the PHW Act for the maximum penalties outlined in subclause (2).

Dated 5 November 2021

ADJUNCT CLINICAL PROFESSOR BRETT SUTTON  
Chief Health Officer,  
as authorised to exercise emergency powers  
under sections 20A and 199(2)(a) of the PHW Act

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