



Victoria Government Gazette

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As from 28 April 2022

The last Special Gazette was No. 208 dated 27 April 2022.

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

How To Submit Copy

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 - or contact our office on 8523 4601
between 8.30 am and 5.30 pm Monday to Friday
-

PRIVATE ADVERTISEMENTS

DISSOLUTION OF PARTNERSHIP

Pursuant to section 41 of the **Partnership Act 1958**, take notice that the partnership between Alexandra L. Heath, Ambrose J. Rehorek and Chanel R. Tang, trading as Mural Artists, ABN 58 478 892 109, has been dissolved by agreement with effect from 14 October 2021.

Creditors, next-of-kin and others having claims in respect of the estate of STEFANOS AMANATIDIS, deceased, late of 7/47 Yerrin Street, Balwyn, Victoria, electrician, who died between 5 September 2020 and 9 September 2020, are requested to send particulars of their claims to the administrator, Ian Redvers MacLaine Morrison, care of the undersigned solicitors, by 1 July 2022, after which date he will convey or distribute the assets, having regard only to the claims of which he then has notice.

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

CVETA BOSEVSKA, late of 33 Azalea Avenue, Mill Park, in the State of Victoria, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 19 November 2021, are required by the executrix, Gordana Petrovska, care of Arthur J. Dines & Co., solicitors, 2 Enterprise Drive, Bundoora, in the said State, to send particulars to her by 27 June 2022, after which date the executrix may convey or distribute the assets, having regards only to claims to which she has notice.

Dated 21 April 2022

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

MARY MARGARET MOORE, late of 9 Herald Street, Cheltenham, Victoria, deceased, home duties.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 August 2021, are required by Australian Unity Trustees Limited, ACN 162 061 556, of 15/271 Spring Street, Melbourne, Victoria, having been duly authorised by Michael Neilson of Slater & Gordon Ltd, ACN 097 297 400,

485 La Trobe Street, Melbourne, Victoria, being the Executive Director Legal and Governance/ General Counsel of Slater & Gordon Ltd, ACN 097 297 400, as the executor who authorised a trustee company to act, to send particulars to it by 28 July 2022, after which date it may convey or distribute the assets, having regard only to the claims of which it then has notice.

**AUSTRALIAN UNITY TRUSTEES
LEGAL SERVICES,**

15/271 Spring Street, Melbourne, Victoria 3000.

Estate WANDA EULALIE ATKINS, late of 2 Victoria Street, Pyramid Hill 3575, deceased.

Creditors, next-of-kin and others having claims in respect of the abovenamed deceased, who died on 28 November 2021, are required by the executors, Glenn Alexander Atkins and Jason Glenn Atkins, to send particulars of such claims to them, in care of the undermentioned solicitors, within two months from the date of publication of this notice, after which date they will distribute the assets, having regard only to the claims of which they then have notice.

Dated 14 April 2022

BASILE & CO. PTY LTD, legal practitioners, consultants and conveyancers (Vic. and NSW), 46 Wellington Street, Kerang, Victoria 3579.
RB:BD:21407.

Estate VALARIE OLIVE FENTON, late of Glenarm Nursing Home, 13–15 Burgoyne Street, Kerang, Victoria 3579, deceased.

Creditors, next-of-kin and others having claims in respect of the abovenamed deceased, who died on 12 February 1934, are required by the executor, Neale Francis Fenton, to send particulars of such claims to him, in care of the undermentioned solicitors, within two months from the date of publication of this notice after which date they will distribute the assets, having regard only to the claims of which they then have notice.

Dated 14 April 2022

BASILE & CO. PTY LTD, legal practitioners, consultants and conveyancers (Vic. and NSW), 46 Wellington Street, Kerang, Victoria 3579.
RB:BD:21419.

Estate FAYE MAREE GIBSON, late of Mercy Health Albury, 550 Poole Street, Albury, New South Wales, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the abovenamed deceased, who died on 29 December 2021, are required by the executor, Darcy William Gibson, to send particulars of such claims to him, in care of the undermentioned solicitors, within two months from the date of publication of this notice, after which date they will distribute the assets, having regard only to the claims of which they then have notice.

Dated 21 April 2022

BASILE & CO. PTY LTD, legal practitioners, consultants and conveyancers (Vic. and NSW), 46 Wellington Street, Kerang, Victoria 3579.
RB:BD:22009.

Estate VALMA LOUISA HORSFALL, late of 1/138 Wattle Avenue, Kerang, Victoria, nurse, deceased.

Creditors, next-of-kin and others having claims in respect of the abovenamed deceased, who died on 30 November 2021, are required by the executor, Sharon Elizabeth Mermbrey, to send particulars of such claims to her, in care of the undermentioned solicitors, within two months from the date of publication of this notice, after which date they will distribute the assets, having regard only to the claims of which they then have notice.

Dated 11 April 2022

BASILE & CO. PTY LTD, legal practitioners, consultants and conveyancers (Vic. and NSW), 46 Wellington Street, Kerang, Victoria 3579.
RB:BD:21417.

PHYLLIS MARGARET LEAVER, late of Opal Seahaven, 119 Cashin Street, Inverloch, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 22 August 2021, are required by the executor, Equity Trustees Wealth Services Limited, ACN 006 132 332, of Level 1, 575 Bourke Street, Melbourne, Victoria, to send particulars to it by 28 June 2022, after which date it may convey or distribute the assets, having regard only to the claims of which it then has notice.

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

Re: OURANIA FILOKOSTAS, late of Fronditha Anesi Aged Care, 335 Station Street, Thornbury, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 January 2022, are required by the trustees, Stephanie Alexandra Spiteri and Irene Sky Filokostas, to send particulars to the trustees, care of the undermentioned solicitors, within 60 days from the publication hereof, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

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

EILEEN PORTER, late of Room 13, Myrtle Court, Olivet Aged Persons Home, 7–9 Rupert Street, Ringwood, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 4 March 2022, are required by the executor, Bronwyn Eileen Porter, to send particulars of their claims to the undermentioned solicitors within 60 days from the date of publication of this notice, after which date the executor may convey or distribute the assets, having regard only to the claims of which the executor then has notice.

DEVENISH LAWYERS,
PO Box 4276, Ringwood, Victoria 3134.

AILEEN KERR, late of 34 Mulquiney Crescent, Highton, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 17 June 2021, are required by the trustees, Carolynne Anne Walsh and Darryl John Walsh, to send particulars of their claims to the trustees, care of the undermentioned legal practitioners, by 5 July 2022, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

INGPEN & BENT, legal practitioners,
69A Gheringhap Street, Geelong 3220.

Trustee Act 1958**SECTION 33 NOTICE****Notice to Claimants**

Re: Estate of MARK MAURO SANGALLI, also known as Mark Sangalli, late of 13 Neasham Drive, Dandenong North.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 29 June 2021, are required by the executors of the estate, Luke Sangalli and Mark Andrew Collier, to send particulars of their claims to them, care of the undermentioned solicitors, by 14 July 2022, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

J. NEWELL LEGAL,
21 Amery Street, Ashburton, Victoria 3147.

WILLIAM JOHN JEBB CASEY, late of 57 Latham Street, Bentleigh East, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of WILLIAM JOHN JEBB CASEY, who died at the above address on 14 May 2015, are required by Helen Frances Bruce, the executrix of the Will of the abovenamed deceased, to send particulars of their claims to her, care of Jansen Walsh & Grace, Suite 30, Wantirna Mall, 348 Mountain Highway, Wantirna, Victoria 3152, by 30 June 2022, after which date the executrix may convey or distribute the assets, having regard only to the claims of which she then has notice.

JANSEN WALSH & GRACE,
Suite 30, Wantirna Mall,
348 Mountain Highway, Wantirna, Victoria 3152.
Phone: 03 9720 2922.
info@jwglawyers.com.au

Re: Estate of MICHAEL WILLIAM HOGAN, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of MICHAEL WILLIAM HOGAN, late of Unit 2, 75 Annesley Street, Echuca, in the State of Victoria, pensioner, deceased, who died on 29 December 2021, are to send particulars of their claim to the executors, care of the undermentioned legal practitioners, by 11 July 2022, after which the executors will

distribute the assets, having regard only to the claims of which they then have notice.

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

GARRY LAKELAND DUMBRELL, late of 16 Harcourt Street, Hawthorn East, Victoria 3123, company director, deceased.

Creditors, next-of-kin and all others having claims in respect of the estate of the deceased, who died on 15 October 2021, are required by the executors, Lisa Michelle Dumbrell, Paul Dumbrell, and Christopher Sean Andrew Hingston, to send particulars of such claims to the executors, care of the undermentioned solicitors, within 60 days from the publication hereof, after which date the executors will distribute the assets, having regard only to the claims of which the executors have notice.

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

Creditors, next-of-kin and others having claims in respect to the estate of JANINA SUMMERS, deceased, late of 441 Waterfall Gully Road, Rosebud, pensioner, deceased, who died on 23 March 2022, are required by the executor to send particulars of such claims to them, care of the undermentioned solicitors, by 30 June 2022, after which date the executor will convey or distribute the assets, having regard only to the claims of which the executor then has notice.

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

MARIE GOLD, late of Mayflower Brighton Aged Care Home, 7 Centre Road, Brighton East, Victoria 3187, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 24 September 2018, are required by Sandra Lee Lewinsmith, the executor of the Will of the said deceased, to send particulars to her, care of the undermentioned solicitors, by 30 June 2022, after which date the executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

ROBERT JAMES LAWYERS,
Level 22, 140 William Street, Melbourne 3000.

Re: WILLIAM ROBERT CAULFIELD,
deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 7 November 2021, are required by the trustee, Mark Robert Caulfield, to send particulars of such claims to him, in care of the below mentioned lawyers, by 23 June 2022, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

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

JACQUELINE ANNE FERRIE, late of
18 Bucklands Road, Toora, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 November 2021, are required by the executor, Laura McGrath, to send particulars to her, care of the undermentioned solicitors, by 4 July 2022, after which date the executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

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

Re: AUDREY PATRICIA FERREIRA,
late of Fairway Hostel, 195 Bluff Road,
Sandringham, Victoria 3191, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died 27 November 2021, are required by the executor, George Kevin Pike, to send particulars to him, care of the undermentioned solicitors, by 4 July 2022, after which date the executor may convey and distribute the assets, having regard only to the claims of which he then has notice.

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

**GOVERNMENT AND OUTER BUDGET
SECTOR AGENCIES NOTICES**

SHIRE COUNCIL

**PUBLIC SUBMISSIONS SOUGHT FOR
DRAFT ASSET PLAN**

Notice is hereby given pursuant to section 92 of the **Local Government Act 2020**, Hepburn Shire Council intends to adopt an Asset Plan prior to 30 June 2022 and seeks public submissions to the draft proposal.

A copy of the proposed Asset Plan is available for inspection at Council offices in Daylesford, Clunes, Creswick and Trentham, the Daylesford Library, and the Participate Hepburn website at <https://participate.hepburn.vic.gov.au>

Submissions on the plan are due to Council by 5.00 pm on Tuesday 10 May 2022.

Address your submission to the Chief Executive Officer, Hepburn Shire Council, PO Box 21, Daylesford, Victoria 3460, emailed to shire@hepburn.vic.gov.au, or via the Participate Hepburn website.

Submissions will be considered prior to the draft Asset Plan being presented to the Ordinary Council meeting on 21 June 2022 for adoption.

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 23 June 2022, after which date State Trustees Limited may convey or distribute the assets, having regard only to the claims of which State Trustees Limited then has notice.

COOMBE, Kevin John, late of Leith Park, 339 St Helena Road, St Helena, Victoria 3088, deceased, who died on 24 December 2021.

DWYER, Leo Vincent, also known as, Vin Dwyer, late of Estia Leopold, 52–60 Ash Road, Leopold, Victoria 3224, deceased, who died on 22 February 2022.

JACKSON, Robert Leslie, late of Unit 2, 34 Main Street, Pakenham, Victoria 3810, deceased, who died on 25 December 2021.

KILNER, Brian, late of Lyrebird Village For The Aged, 8 Neerim Street, Drouin, Victoria 3818, deceased, who died on 29 November 2021.

MURPHY, Nicole Denise, late of 42A Duke Street, Myrtleford, Victoria 3737, deceased, who died on 2 May 2020.

O'ROURKE, Peter James, late of 12/2 Tom Hills Court, Port Melbourne, Victoria 3207, deceased, who died on 17 January 2022.

RUSHWORTH, Kim Mikael, late of 23 Olive Grove, Tecoma, Victoria 3160, deceased, who died on 28 March 2021.

RUUTZ, Ellen Jean, late of 63 Fortescue Avenue, Seaford, Victoria 3198, deceased, who died on 13 August 2021.

WHITLING, Ronald Charles, late of Clifton Views Aged Care, 217–241 Queens Parade, Fitzroy North, Victoria 3068, deceased, who died on 18 December 2021.

WILSON, Michael, late of Room 18, Doutta Galla Aged Care, 75 Moreland Street, Footscray, Victoria 3011, deceased, who died on 1 February 2022.

Dated 14 April 2022

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 29 June 2022, after which date State Trustees Limited may convey or distribute the assets, having regard only to the claims of which State Trustees Limited then has notice.

BOYLE, David Leslie, late of Unit 3, 28 Ormond Road, West Footscray, Victoria 3012, deceased, who died on 15 November 2021.

LYNN, Yvonne Carol Brenda, late of Lot 7, 1 Browning Walk, South Yarra, Victoria 3141, deceased, who died on 11 October 2021.

MELVILLE, Peter, late of Japara Trugo Place, 120 Mason Street, Newport, Victoria 3015, deceased, who died on 5 October 2021.

MURRAY, Dawn, also known as Dawn Yvonne Murray, late of Possability, 33 Pasley Street, Sunbury, Victoria 3429, deceased, who died on 13 December 2021.

SALIM, Shaheed Mohammed, late of No Fixed Address, Melbourne, Victoria 3000, deceased, who died on 24 September 2021.

VAN DEN HURK, Gysbertus, late of Unit 2, 120 Circle Drive, Cranbourne, Victoria 3977, deceased, who died on 21 October 2018.

WILKIE, Jack, late of Unit 114, 180 Mills Street, Albert Park, Victoria 3206, deceased, who died on 12 October 2021.

Dated 20 April 2022

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

DISLAKIS, Pandelis, also known as Peter Dislakis, late of Unit 6, 27 Martin Street, Thornbury, Victoria 3071, deceased, who died on 29 December 2021.

HUDSON, David William, late of 1 Devon Street, Kensington, Victoria 3031, deceased, who died on 19 October 2021.

HUGHES, Barbara Ilena, also known as Barbara Hughes, late of 64 Buckley Street, Footscray, Victoria 3011, deceased, who died on 25 December 2021.

LEESON, Edward, late of 4 Emily Court, Springvale South, Victoria 3172, deceased, who died on 26 September 2021.

LING, Anthony David, also known as Anthony Ling, late of 36B Johnston Street, Newport, Victoria 3015, deceased, who died on 6 April 2021.

MACRAE, Graeme, also known as Graeme Peter Macrae, late of Highton Gardens Community Care, 209 South Valley Road, Highton, Victoria 3216, deceased, who died on 14 August 2021.

PEARTON, Daniel, also known as Danny Pearton, late of Northern Gardens Aged Care, 867 Sydney Road, Coburg North, Victoria 3058, deceased, who died on 10 October 2021.

WESTWATER, John Fyfe, late of Unit 2, 58 Newmarket Street, Flemington, Victoria 3031, deceased, who died on 23 May 2021.

YOUNG, Nigel David, also known as Nigel Youd, late of Unit 25, 2 McIntyre Drive, Altona, Victoria 3018, deceased, who died on 28 September 2021.

Dated 22 April 2022

EXEMPTION

APPLICATION No. H69/2022

The Victorian Civil and Administrative Tribunal has considered an application pursuant to section 89 of the **Equal Opportunity Act 2010** (the Act) by International Women's Development Agency (the applicant). The application for exemption is to enable the applicant to advertise for and employ females in all roles within the applicant organisation (the exempt conduct).

Upon reading the material filed in support of this application, including the affidavit of Shelley Bourke, Manager of People and Culture dated 9 March 2022, and her oral evidence provided during the directions hearing on 14 April 2022, and having regard to the submissions made and material attached to the affidavit, the Tribunal is satisfied that it is appropriate to grant an exemption from sections 16, 18, 107 and 182 of the Act to enable the applicant to engage in the exempt conduct.

In granting this exemption I note:

- The applicant was founded in 1985 as a women's organisation dedicated to advancing women's rights and gender equality. It is a not-for-profit international development agency working towards the empowerment of women around the world. The applicant actively promotes projects and programs which demonstrate women's competence and effectiveness as agents of development in agriculture, marketing, manufacturing, health, education, water supply, housing and other fields. The applicant undertakes development in partnership with women of other countries, Aboriginal and migrant women in Australia, and gives priority to working with women who suffer poverty and oppression.
- The applicant's approach to development promotes women as drivers of change on their own behalf. The applicant partners

with numerous women-driven organisations throughout the Asia Pacific. Some of the programs and services the applicant supports and delivers with its partners include working with the Eastern Highlands Family Violence to change a culture of gender violence in the highlands of Papua New Guinea, assisting the Women's League of Burma to ensure women in the country's diverse ethnic groups no longer have to bear the burden of double discrimination, supporting the FemLINKPacific's Women Weather Watch program, assisting the Women's Rights Action movement in the Solomon Islands, supporting Gender and Development for Cambodia, and assisting Covalima Community Centre in Timor Leste. The applicant believes it is important that staff doing partner facing work should be female because of cultural sensitivities, and because women are far more likely to communicate openly about the issues they face in relation to gender equality with staff who are also women.

- The applicant considers it must act consistent with its vision by reserving all employment roles in its organisation for women and providing maximum career development opportunities for all its staff and women in the sector. The applicant also considers being a woman's organisation has played a critical role in partnering with other women's organisations and influencing and advancing gender equality and substantive equality for women through the programs they deliver.
- In support of the application, the applicant referred to the Australian Council for International Development 2020/21 Annual Report which indicted the number of women in leadership and Board roles in the sector were considerably lower than the number of women at staff levels. The applicant also referred to the Workplace Gender Equity Agency annual 'Scorecard' which indicated there was still a 22.8% gender pay gap, that males were twice as likely to be paid higher than women, and that while women make up over 50% of the workforce, they are less than 20% of CEOs. The applicant also referred to a number of studies and reports that indicate women's organisations have played a critical role in influencing the introduction

of policies which advance gender equality. One study found that autonomous feminist activism by women's organisations is the single most critical factor influencing policy improvements and the evolution of more equal gender norms¹.

- On the evidence before me, I accept that women-only organisations partnering with other women organisations to delivering services and programs to women, are likely to be more effective in regions where cultural and religious practices do not encourage mixing of the sexes. I accept some of the women targeted by the applicant for assistance are more likely to communicate more freely and engage with the applicant and its partners if the field workers are also women. I also accept that it is important that employment positions are made available to women to encourage professional development and career opportunities to women in this sector.
- Previous exemptions have been granted to the applicant in similar terms. The most current interim exemption expired on 20 March 2022. The applicant has recently completed a review on Board renewal and on their practice of employing women only. That review has confirmed their approach to being a women-only organisation seeking to employ only women, and their approach to how they work will not change.
- I have considered the submissions that the exempt conduct is a special measure as contemplated in section 12, or special needs as set out in section 88 of the Act. While I accept that if all the employment positions

¹ Womankind (2015) *Creating New Spaces: women's experiences of political participation in communities* Womankind (2017) *Standing with the Changemakers: lessons from supporting women's movements* Htun, M. and Weldon, S. L. (2012) *The Civic Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975– 2005*, *American Political Science Review*, Vol. 106, No. 3, p. 548–569 Sweetman, C. (2013) *Introduction: Working with men on gender equality*, *Gender & Development*, 21:1, 1–13 Pease, B. (2008) *Engaging men in men's violence prevention: Exploring the tensions, dilemmas and possibilities*, Australian Domestic and Family Violence Clearinghouse, Issue Paper 17 Institute of Development Studies, Promundo-US and Sonke Gender Justice (2015) *Lessons in good practice from work with men and boys for gender equality*, Practice Brief as part of EMERGE Quay, I. and Crawford, J., with Flood, M. and Kilby, P. (2012) *Towards transformation: Synchronising work with women and men for gender equality*, IWDA Gender Matters, Issue 1.

were all related to the provision of special measures and/or special services benefits or facilities, and if those special measures and special needs could be provided most effectively by people with the same attribute, then an exemption would not be necessary as sections 12, 28 and 88 of the Act would apply, this is not the case in this application.

- The conduct the applicant seeks to exempt from the operation of the Act is to enable the applicant to advertise for and employ females in all roles within the applicant organisation.
- On the evidence before me, I find there are a number of employment positions within the applicant's organisation that do not have any contact with partner organisation and do not relate to the provision of programs or services. These positions have been referred to in previous exemptions as administrative and other roles. Given the exempt conduct covers all employment roles within the applicant's organisation, including roles that do not relate to the provision of programs or services, I do not accept the exempt conduct is a special measure as set out in section 12 or special needs as set out in section 88. I do not accept the submissions that the applicant employing women only for the purpose of promoting substantive equality satisfies the requirements of those sections. I do not accept the submissions that the exempt conduct satisfies section 12(3)(b) and (c), or that the applicant has identified a special need as required in section 88. I am not satisfied an exception or exemption in the Act already applies to the exempt conduct.
- In the absence of an exemption, the exempt conduct would amount to prohibited discrimination.
- When making decisions about exemptions, the Tribunal is required to give proper consideration to relevant human rights as set out in the **Charter of Human Rights and Responsibilities Act 2006** (Charter). I have considered all the relevant factors including the nature of the right, the importance of the purpose of the limitation, the nature and extent of the limitation, and the relationship between the limitation and its purpose, and any less restrictive means reasonably available to achieve the purpose the limitation seeks to achieve.
- This exemption will limit the right to equality and in particular the right to equal and effective protection against discrimination on the basis of sex for people seeking employment with the applicant.
- The exemption will allow the applicant to discriminate on the basis of sex in relation to advertising and offering employment for all roles with the applicant. The exempt conduct will ensure the applicant remains a women-only organisation.
- I accept the evidence provided in relation to the effectiveness of women-only organisations providing programs and services to women, especially women suffering poverty and oppression. I accept the reasons provided in relation to the importance of developing and promoting women's competence and effectiveness as agents of development. I also accept there is a need for the services and programs delivered by the applicant, and the importance of employing women in the sector at all levels.
- I also accept the exempt conduct is focused and targeted. The exempt conduct is limited to employment with the applicant and would not prevent any prospective employees from seeking employment with other international development agencies.
- I also accept that given the nature of the exempt conduct, there is no less restrictive means for the applicant to achieve its purpose.
- I am satisfied that in all the circumstances, the limits imposed by this exemption on the right to equality are reasonable and justified under the Charter.
- I am satisfied it is appropriate to grant an exemption for five years as the organisation has recently completed a review of its working model and intends to continue to partner with agencies and continue to provide its services and programs as a women-only organisation.
- The Tribunal has considered the applicant's request for a declaration that the applicant's current practice of employing only women constitutes a special measure in accordance with section 12 of the Act, and a declaration that the applicant is entitled to limit its employment offering to women candidates under section 28 of the Act. This request was

explained during the directions hearing so the applicant will have certainty in relation to the application of the law and whether the applicant's activities are special measures as set out in section 12. As noted during the directions hearing, declarations do not bar or stop complaints of unlawful discrimination being made. As discussed in *Waite Group*², section 12 does not require recognition of a special measure by the Tribunal, and that it is preferable that organisations make their own assessment of that matter, and if the organisation is satisfied that the proposed conduct is a special measure, it is preferable that it simply gets on with engaging with the conduct. The Tribunal notes the decision *Waite Group*³ sets out suggested questions to assist with self-assessment of whether an activity is a special measure. Given the above, I have decided not to make a declaration.

The Tribunal hereby grants an exemption from the operation of sections 16, 18, 107 and 182 of the Act to enable the applicant to engage in the exempt conduct.

This exemption is to remain in force from the day on which the notice of the exemption is published in the Government Gazette until 28 April 2027.

Dated 28 April 2022

C. THWAITES
Member

² *Waite Group* (Human Rights) [2016] VCAT 1258 (28 July 2016), [26]–[29].

³ *Waite Group* (Human Rights) [2016] VCAT 1258 (28 July 2016).

Catchment and Land Protection Act 1994

NOTICE OF APPROVAL OF GLENELG HOPKINS REGIONAL CATCHMENT STRATEGY 2021–27 UNDER SCHEDULE 2

In accordance with Schedule 2 of the **Catchment and Land Protection Act 1994**, the Hon. Lisa Neville, Minister for Water, has consulted with the Minister for Energy, Environment and Climate Change Minister for Planning and Minister for Agriculture. Approval of the Glenelg Hopkins Regional Catchment Strategy 2021–27 was given on 14 April 2022. The Glenelg Hopkins Regional Catchment Strategy 2021–27 is operational from the date of this notice.

Catchment and Land Protection Act 1994

NOTICE OF APPROVAL OF GOULBURN BROKEN REGIONAL CATCHMENT STRATEGY 2021–27 UNDER SCHEDULE 2

In accordance with Schedule 2 of the **Catchment and Land Protection Act 1994**, the Hon. Lisa Neville, Minister for Water, has consulted with the Minister for Energy, Environment and Climate Change Minister for Planning and Minister for Agriculture. Approval of the Goulburn Broken Regional Catchment Strategy 2021–27 was given on 14 April 2022. The Goulburn Broken Regional Catchment Strategy 2021–27 is operational from the date of this notice.

Catchment and Land Protection Act 1994

NOTICE OF APPROVAL OF NORTH EAST REGIONAL CATCHMENT STRATEGY 2021–27 UNDER SCHEDULE 2

In accordance with Schedule 2 of the **Catchment and Land Protection Act 1994**, the Hon. Lisa Neville, Minister for Water, has consulted with the Minister for Energy, Environment and Climate Change Minister for Planning and Minister for Agriculture. Approval of the North East Regional Catchment Strategy 2021–27 was given on 14 April 2022. The North East Regional Catchment Strategy 2021–27 is operational from the date of this notice.

Education and Training Reform Act 2006**NOTICE OF REVISED GUIDELINES FOR APPLICANTS SEEKING TO
REGISTER A SCHOOL BOARDING PREMISES
AND FOR REGISTERED SCHOOL BOARDING PREMISES**

Section 4.3.8Z of the **Education and Training Reform Act 2006** (the Act) authorises the Victorian Registration and Qualifications Authority (the Authority) to issue guidelines.

Section 4.3.8Z(4) of the Act requires that any guidelines issued under subsection 4.3.8Z(1) be published as soon as practicable in the Government Gazette.

The revised guidelines apply to all applicants seeking registration from the Authority to operate a school boarding premises and to all VRQA registered school boarding premises from 1 July 2022.

JONATHAN KAPLAN

Chief Executive Officer (Director)

Victorian Registration and Qualifications Authority

**GUIDELINES TO THE MINIMUM STANDARDS
AND REQUIREMENTS FOR SCHOOL BOARDING PREMISES REGISTRATION**

In Victoria, all school boarding premises must meet the minimum standards for registration.

The minimum standards provide a foundation for ensuring school boarding premises are safe environments for children.

INTRODUCTION**About the Guidelines**

The **Education and Training Reform Act 2006** (the Act) and the Education and Training Reform Regulations 2017 (ETR Regulations) prescribe the minimum standards and other requirements that providers of school boarding services at school boarding premises must comply with to be registered and maintain registration. These regulations came into operation on 18 June 2021.

The **Guidelines to the Minimum Standards and Requirements for School Boarding Premises Registration** (the Guidelines) form part of the legal framework for the registration and regulation of school boarding premises. The Guidelines detail the requirements for demonstrating compliance with the minimum standards for registration of boarding school premises and other requirements under the Act.

The purpose of the school boarding premises regulatory framework is to increase the protection of children in school boarding premises by ensuring school boarding premises meet the Child Safe Standards and prescribed minimum standards.

These Guidelines assist school boarding premises to understand the requirements of the prescribed minimum standards and provide guidance on the evidence required to demonstrate compliance.

These Guidelines should be read in conjunction with other associated Victorian Registration and Qualifications Authority (VRQA) documents, namely:

- *Guidelines to the Minimum Standards and Requirements for School Registration*
- *School and School Boarding Premises Financial Capability Assessment Guideline*
- *Guidelines for the Enrolment of Overseas Students Aged Under 18 Years*
- *Guidelines on Bushfire Preparedness – Registered Schools and School Boarding Premises*

If a registered school and a registered school boarding premises have the same legal entity and/or proprietor, a school boarding premises does not need to create or maintain 2 separate sets of documents to meet the requirements in these Guidelines and the *Guidelines to the Minimum Standards and Requirements for School Registration*.

How to read the Guidelines document

For schools

These Guidelines seek to uphold the VRQA's commitment to ensuring schools and school boarding premises are child safe environments while minimising the regulatory burden for registered schools. There is significant alignment between the minimum standards and requirements for school registration and the minimum standards and requirements for school boarding premises registration.

To reflect this alignment, this Guidelines document has been designed to clearly show where schools may consider adapting existing policies and procedures to address the minimum standards and requirements for school boarding premises registration.

Requirements where registered schools may consider adapting existing policies and procedures are marked with an ▼ symbol throughout this document.

Levels of alignment between the minimum standards and requirements for school registration and the minimum standards and requirements for school boarding premises registration are also ranked. Alignment is categorised as **significant** or **moderate**.

These categories are offered to help schools understand and plan their compliance activity.

For organisations

Non-school organisations operating a school boarding premises can use this Guidelines document as a resource to understand and meet the requirements for registration and to ensure they have developed and implemented all required policies and procedures.

Who uses the Guidelines?

The Guidelines apply to:

- (a) registered schools and other organisations that provide school boarding services at a school boarding premises to local and/or international school students
- (b) organisations seeking to register a new boarding premises for local and/or international school students.

The Guidelines describe the information, documentation and other evidence the VRQA requires for it to be satisfied that the provider of school boarding services at a school boarding premises meets the minimum standards. The Guidelines should be used by:

- a registered school or organisation applying for registration of school boarding premises or a review body applying to register school boarding premises. Catholic and government schools should contact the Catholic Education Commission of Victoria Ltd (CECV) or the Department of Education and Training (DET) for advice, application forms and procedures
- 2 or more registered school boarding premises proposing to amalgamate
- a provider of school boarding services at a registered school boarding premises seeking to amend its registration
- a registered school boarding premises undergoing review.

The VRQA uses the Guidelines when conducting reviews to determine whether a provider of school boarding services and the school boarding premises continue to satisfy the minimum standards.

The Guidelines do not detail all the evidence a provider of school boarding services at a school boarding premises may need to demonstrate compliance with the minimum standards. The VRQA may request evidence of compliance that is in addition or different to that set out in the Guidelines.

References to regulations, Ministerial Orders or provisions of an Act are as at the date of the Guidelines. From time to time there may be amendments to the Act or ETR Regulations, or the issuing of new Ministerial Orders. It is the responsibility of providers of registered school boarding premises and those applying for registration to ensure they update practices, policies and procedures to reflect any of these changes.

School boarding premises registration

The ETR Regulations list the information that must be provided as part of an application to register a school boarding premises. The details are provided in *Appendix 1*.

As detailed in *Appendix 1*, school boarding premises must be registered as one or more of the following types:

- a non-government school boarding premises
- a government school boarding premises.

Applications to register a school boarding premises need to declare if there is an association with a registered school and if there is any religious or other affiliation or association.

Registering a new school boarding premises

An individual or organisation seeking to register a new school boarding premises applies to the VRQA for registration.

The Guidelines detail the evidence required and should be referred to when completing the application form. Schedule 5A of the ETR Regulations also details the information that must be provided to the VRQA in an application for school boarding premises registration.

Registration requirements

Organisations offering or applying to offer school boarding services at a school boarding premises are required to meet the minimum standards set out in Schedule 4A of the ETR Regulations.

More information and the guidelines for organisations seeking to offer boarding services and facilities to students is available at:

- www.vrqa.vic.gov.au/schools/Pages/About-school-boarding-premises-regulation.aspx

Review bodies

One of the ways the VRQA may satisfy itself that a school boarding premises continues to comply with the minimum standards is through a review conducted by a VRQA-approved review body.

The VRQA has approved CECV and DET as review bodies responsible for ensuring the ongoing quality assurance of their respective school boarding premises with the minimum standards and other requirements for registration.

Boarding school premises reviews

Once registered, a school boarding premises is reviewed every 4 to 5 years by the VRQA or the approved review body. The Act requires a registered school boarding premises to participate in the review and evaluation process, and to provide the VRQA with the necessary evidence required to demonstrate that it is complying with the minimum standards. Where possible, the VRQA will conduct concurrent reviews of registered schools and an associated registered school boarding premises.

The VRQA may also open a review of a school boarding premises at any time if it considers it appropriate to do so.

Outcomes of applications and reviews

The VRQA will advise all applicants and providers of school boarding services at school boarding premises of the outcome of their applications for registration or review.

Certain decisions made by the VRQA about registration may be reviewed by the Victorian Civil and Administrative Tribunal.

For more information, see:

- www.vrqa.vic.gov.au/schools/Pages/school-reviews.aspx

Complaints about compliance

The VRQA is required to investigate a complaint alleging that a provider of school boarding services at a registered school boarding premises (the provider) has failed to comply with the Act, the ETR Regulations, a Ministerial Order or a condition of its registration or approval.

A complaint must first be raised with the provider. In most cases, under the review body arrangements, complaints about:

- government school boarding premises will be referred to DET
- Catholic school boarding premises will be referred to CECV
- independent school boarding premises will be investigated by the VRQA.

Some complaints may result in the VRQA undertaking a general or specific review of the provider's compliance with the minimum standards.

For more information on the VRQA's policy and procedures on complaints, see:

- www.vrqa.vic.gov.au/complaints/Pages/complaints.aspx

THE MINIMUM STANDARDS

Compliance with the Worker Screening Act 2020

All people employed at a school boarding premises must meet the requirements of the **Worker Screening Act 2020**.

For schools ▼

There is **significant** alignment between this requirement and the requirement in the Guidelines to the Minimum Standards and Requirements for School Registration (see Compliance with the **Worker Screening Act 2020** in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises.

Evidence requirements

There must be evidence of:

- a policy and procedure to ensure that all employees and volunteers required to do so by the **Worker Screening Act 2020** have a current Working with Children clearance
- a register recording the details of each employee's, contractor's and volunteer's Working with Children clearance which includes:
 - o name
 - o card number
 - o expiry date
- procedures for maintaining the register.

Explanatory notes

The **Worker Screening Act 2020** requires all employees, contractors and volunteers to obtain a Working with Children clearance if they are engaged in child-related work.

Child-related work involves contact that is direct and a part of the person's duties.

Some workers may work at both the boarding premises and the affiliated school. If the proprietor of the boarding premises is not the same as that of the school, a person's Working with Children clearance details will need to be included on both the school's Working with Children register and the boarding premises' Working with Children register, since the worker has multiple places of work.

If the boarding premises and the school have the same proprietor, a single Working with Children register may be maintained that notes whether that person works in the school, the boarding premises or across both.

For a full list of what constitutes child-related work, providers of school boarding services at registered school boarding premises should refer to section 7 of the **Worker Screening Act 2020**.

Teachers currently registered with the Victorian Institute of Teaching (VIT) can use their VIT registration in lieu of obtaining a Working with Children clearance.

A currently registered teacher who is employed or contracted in a non-teaching capacity at a registered school boarding premises will need to comply with the requirements of the **Worker Screening Act 2020**, including notifying the screening unit of other employment.

For more information about who needs to hold a Working with Children clearance, see:

- www.workingwithchildren.vic.gov.au

Regulatory context

The provider of school boarding services at a registered school boarding premises must ensure that the requirements of the **Worker Screening Act 2020** are complied with in respect of all staff at the registered school boarding premises.

Schedule 4A clause 1 of the Education and Training Reform Regulations 2017

Acceptance policy

The provider of school boarding services at a registered school boarding premises must have a clearly defined school boarding acceptance policy that complies with all applicable State and Commonwealth laws.

The provider of school boarding services at a registered school boarding premises established by a particular religious denomination or by a group of religious denominations may give preference to adherents of that religious denomination or denominations or their children.

For schools ▼

There is **moderate** alignment between this requirement and requirements found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see *Enrolment policy* in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises or may choose to develop a stand-alone policy, procedure and acceptance agreement.

Evidence requirements

There must be evidence of:

- policy and procedures that make clear who is eligible for acceptance as a boarding student
- a written acceptance agreement with parents or guardians that complies with all State and Commonwealth laws, including the Australian Consumer Law. The agreement must be publicly available and cover, at a minimum:
 - o codes of conduct for students, and parents and guardians
 - o boarding services and facilities provided – for example, linen or a computer
 - o fees, with a clear explanation of the service(s) that fees are payable for and other incidental fees that may become payable
 - o the grounds on which the agreement may be terminated by the provider or the student.

Explanatory notes

Schools should consider how their boarding premises acceptance policy aligns to their scope of registration. This means your school boarding premises acceptance policy should state:

- which school or schools the school boarding premises provider is affiliated with (if any)
- religious affiliation (if any)
- the year levels the boarding premises will accept
- whether the boarding premises is single-sex or co-educational
- whether the school(s) using the premises are specialist or specific purpose.

A school or organisation's school boarding acceptance agreement should clearly explain the accommodation offered, and incidental or additional services that are available to a boarder, and the fees for these services. This means explaining if a boarder will have access to:

- a private or shared bedroom and/or bathroom
- the provision of meals
- laundry or cleaning services
- tutoring
- pastoral care
- communications services
- entertainment
- school holiday services.

A school or organisation's acceptance agreement should link with other relevant policies and procedures. For example:

- codes of conduct
- anti-bullying and harassment
- behaviour management
- the school's enrolment agreement (if applicable).

A school or organisation's school boarding acceptance agreement should also clearly identify the grounds on which an acceptance agreement will be terminated and how this may or may not impact on a student's enrolment at the school (if applicable where the school and boarding premises have the same proprietor or are a related entity).

If the provider of school boarding services is also registered under the **Education Services for Overseas Students Act 2000** (Cwth), the acceptance policy will also need to comply with the requirements of that Act (for example, disclosure of indicative fees for the boarding services, termination of boarding, or refund policies).

Regulatory context

- (1) The provider of school boarding services at a registered school boarding premises must have a clearly defined acceptance policy that complies with all applicable State and Commonwealth laws.
- (2) The provider of school boarding services at a registered school boarding premises established by a particular religious denomination or by a group of religious denominations may have an acceptance policy that gives preference to adherents of that religious denomination or denominations or their children.

Schedule 4A clause 2 of the Education and Training Reform Regulations 2017

Register of students

The provider of school boarding services at a registered school boarding premises must maintain a register of its accepted students that contains prescribed information in relation to each student boarding at the premises.

For schools

There is no alignment between this requirement and any requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration*. However, schools may have existing student management systems that can record this information.

Evidence requirements

There must be evidence of a register recording:

- the student's name, age, date of birth and residential address
- the name and contact details of any parent or legal guardian of the student

- any information relating to the health or wellbeing of the student that the provider should be aware of, including any health issues
- the date of acceptance of the student to board at the premises
- the date that the student ceases to be accepted to board at the premises (if applicable)
- the registered school at which the student is enrolled or attending.

There must be evidence of a policy and procedure for maintaining the currency of the register.

Explanatory notes

The register of boarding students needs to record key information about each accepted student, including personal and health information, contact information for the student's parent or guardian, and the registered school that the student has enrolled in or attends. Examples of health information may include student disabilities (if any), or other conditions affecting the student's physical or mental health including diabetes, asthma, anaphylaxis, allergies, or other health or wellbeing issues that are relevant to the provision of school boarding services to the student.

Regulatory context

The provider of school boarding services at a registered school boarding premises must maintain a register of students that contains the following information in relation to each student boarding at the premises –

- (a) the student's name, age, date of birth and residential address
- (b) the name and contact details of any parent or guardian of the student
- (c) any information relating to the health or wellbeing of the student that the provider should be aware of, including any health issues
- (d) the date of acceptance of the student to board at the premises
- (e) the date that the student ceases to be accepted to board at the premises (if applicable)
- (f) the registered school at which the student is enrolled or attending.

Schedule 4A clause 3 of the Education and Training Reform Regulations 2017

Record of location of students

The provider of school boarding services at a registered school boarding premises must know where each boarding student is located at specific times of the day or night. The provider must do this by maintaining a record of every boarding student's location at specific times, including any reason, given or apparent, for the absence of any student from the school boarding premises. This will be known as a location register.

For schools

There is no alignment between this requirement and any requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration*.

Evidence requirements

There must be evidence in the form of a record of each student's location at specific times of the day and night. For example, morning, afternoon, mealtimes, evening and when a student is absent. This record must be updated at provider-selected times within each 24-hour period to capture whether a student is:

- on site at the boarding premises
- absent from the boarding premises.

If the student is absent from the boarding premises, the record must show:

- the student's location outside the boarding premises
- the reasons for the absence
- the name and contact details of the person responsible for the student during the absence.

Providers must also have a procedure to make sure the location register is kept up to date.

Explanatory notes

Schools and organisations need to know where their boarding students are to keep them safe.

Absences can be school-related (to attend school or a school event or activity, such as a camp or sporting activities), or non-school related.

Non-school related absences may include when a student returns home over the weekend or school holidays, or a parent or guardian consents to their child visiting a friend or relative. This may also be when a student visits another location with friends on a daytrip.

When a student is staying with a relative or friend, record that the parent or guardian of the boarding student has provided their consent to the arrangement. The record should include details of the name and contact details of that relative or friend. If the relative or friend is under 18, the name and contact details of their parent or guardian are required.

A school has additional and differing responsibilities where it has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter to enable the enrolment of an overseas student aged under 18. In these circumstances, a provider must ensure it complies with its obligations under the **Education Services for Overseas Students Act 2000**, the National Code and the VRQA *Guidelines for the Enrolment of Overseas Students Aged Under 18 Years*.

This includes that a provider must ensure that all the arrangements to provide or approve appropriate accommodation, support and general welfare for the student, including any service provision by third parties, meet the Child Safe Standards.

Consistent with standard 5.3.2 of the National Code, the provider must ensure that any adults involved in or providing accommodation and welfare arrangements to the student hold a valid Working with Children clearance.

For further information and a copy of the *Guidelines for the Enrolment of Overseas Students Aged Under 18 Years*, see:

- www.vrqa.vic.gov.au/schools/Pages/guidelines-for-international-education.aspx

Regulatory context

For the purposes of section 4.3.8X of the Act, the provider of school boarding services at a registered school boarding premises must—

- (a) maintain the record required to be kept under that section at specified times throughout the day and night and
- (b) include in the record any reason given or apparent for the absence of any student from the school boarding premises.

Schedule 4A clause 4 of the Education and Training Reform Regulations 2017

Care, safety and welfare of students

A provider of school boarding services at a registered school boarding premises must have policies and procedures to provide students with a safe environment where the risk of harm is minimised and students feel safe.

The provider is responsible for ensuring all staff are aware of their legal obligations and are familiar with all relevant policies and procedures.

For schools ▼

There is **significant** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see Care, safety and welfare of students in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises.

Evidence requirements

There must be evidence of policies and procedures for:

- the duty of care owed to students including that:
 - it owes all students a duty of care to take reasonable measures to protect them from reasonably foreseeable risks of injury
 - it owes a duty to take reasonable care that any student (and other persons) on the premises will not be injured because of the state of the premises, including things done or omitted to be done to the premises
 - it owes a duty to take reasonable precautions to prevent the abuse of a child by an individual associated with the organisation while the child is under the care, supervision or authority of the organisation
 - different and sometimes greater measures may need to be taken for younger students or students with disabilities to discharge this duty of care
- when it may be necessary to use restrictive interventions to protect the safety of a student and members of the school boarding premises community. Note: government school boarding premises are required to follow DET's policy on Restraint of Students and are not required to have a local policy on restrictive interventions
- managing student wellbeing, including:
 - anti-bullying and harassment, including cyberbullying
 - appropriate arrangements for on-site supervision of students
 - appropriate arrangements for supervision of students when engaged in off-site activities and which include consideration of the risk of bushfire in the activity location (refer to *Emergency management, including bushfire management* in these Guidelines)
 - arrangements for ill students
 - accident and incident register
 - first aid
 - distributing medicine
 - internet use
- managing complaints and grievances, including how the provider's policies and procedures:
 - ensure procedural fairness
 - are accessible to the community of the school boarding premises and are consistent with its acceptance agreement.

There must be evidence of the provider's:

- current register of staff trained in first aid
- records of student medical conditions and management, or a pro forma for a school applying to register
- emergency management plan which must be updated as required, and reviewed at least annually and immediately after any significant incident (this plan must be site-specific and include local threats, hazards and corresponding response procedures).

There must also be evidence of how the provider communicates policies and procedures on the care, safety and welfare of students to staff, students, parents, guardians and the boarding premises' community.

Explanatory notes

An emergency management plan addresses emergency and critical incidents which include:

- circumstances that pose a critical risk to the health, safety or wellbeing of one or more students or staff
- incidents requiring closure, lockdown, or reduction in the number of students or staff attending
- death or serious injury of a student or staff member at the school boarding premises or at another location authorised by the provider (for example, with another provider such as a registered training organisation).

A provider of school boarding services should update the emergency management plan as required throughout the course of the year as activities such as school camps and excursions are approved by the governing body.

Regulatory context

The provider of school boarding services at a registered school boarding premises must ensure that –

- (a) the care, safety and welfare of all students boarding at the premises is in accordance with any applicable State and Commonwealth laws and
- (b) all staff employed by the provider are advised of their obligations under those laws.

Schedule 4A clause 5 of the Education and Training Reform Regulations 2017

Child safety

There must be evidence of the provider's policies and procedures for ensuring all staff understand:

- mandatory reporting
- the failure to disclose offence
- the failure to protect offence
- the grooming offence under the **Crimes Act 1958** which is included in the definition of child abuse in the **Child Wellbeing and Safety Act 2005**.

These offences are explained in *Appendix 2*. For more information about mandatory reporting, the failure to disclose and the failure to protect offence, see:

- www.vic.gov.au/departments/families-fairness-and-housing
- www.justice.vic.gov.au

For schools ▼

There is **significant** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see *Child safety* in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises.

Child Safe Standards

A provider of school boarding services at a registered school boarding premises must have developed policies, procedures, measures and practices in accordance with Ministerial Order No. 1359 – Implementing the Child Safe Standards – Managing the risk of child abuse in schools and school boarding premises (Ministerial Order No. 1359).

Meeting the requirements of the Ministerial Order No. 1359 is the direct responsibility of the provider of school boarding services and its governing authority.

The provider of school boarding services must have clear policies and procedures in place that are appropriate for its cohort of accepted students and consistent with the boarding school's philosophy (refer to *Philosophy of provider of school boarding services* in these Guidelines).

The VRQA has several resources to help boarding schools meet their compliance requirements.

For more information, see:

- www.vrqa.vic.gov.au/schools

For a copy of the Ministerial Order No. 1359, see:

- www.vrqa.vic.gov.au/aboutus/Pages/legal-framework.aspx

For schools ▼

There is **significant** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see *Child Safe Standards* in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises. For example, registered schools may consider updating their existing risk register to incorporate the boarding premises and its student cohort.

Regulatory context

The provider of school boarding services at the premises has developed policies, procedures, measures and practices in accordance with a Ministerial Order for managing the risk of child abuse including –

- (i) the implementation of minimum standards for a child safe environment and
- (ii) responding to allegations of child abuse committed against a child at the premises by an employee or contractor of the provider or a person boarding at the premises or a volunteer or other person connected with the premises.

Section 4.3.8C(1)(d) of the Education and Training Reform Act 2006

Reportable conduct scheme

The reportable conduct scheme in Part 5A of the **Child Wellbeing and Safety Act 2005** applies to the provider of school boarding services at a registered boarding premises. Under the reportable conduct scheme, the provider's chief executive officer (however described) is required as the head of organisation to notify the Commission for Children and Young People of all allegations of reportable conduct by workers including volunteers, and to investigate the allegation. If the allegation concerns suspected criminal behaviour, Victoria Police must be notified and consulted about the proposed investigation of the allegation.

More information is available at

- www.ccyp.vic.gov.au

For schools ▼

There is **significant** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see *reportable conduct scheme* in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises.

Anaphylaxis management policy

A provider of school boarding services must have developed a policy and have procedures in place for any student at risk of anaphylaxis.

The policy and procedures must be in accordance with Ministerial Order No. 706 – Anaphylaxis Management in Victorian schools and school boarding premises (Ministerial Order No. 706).

The VRQA has resources to help schools and organisations. For more information, see:

- www.vrqa.vic.gov.au/schools

For a copy of the Ministerial Order No. 706, see:

- www.vrqa.vic.gov.au/aboutus/Pages/legal-framework.aspx

For schools ▼

There is **significant** alignment between this requirement and a requirement found in the Guidelines to the Minimum Standards and Requirements for School Registration (see Anaphylaxis management policy in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises.

Regulatory context

If the provider of school boarding services at the premises has accepted a student to board at the premises and knows, or ought reasonably to know, that the student has been diagnosed as being at risk of anaphylaxis, the provider has developed an anaphylaxis management policy containing matters required by a Ministerial Order to be included in the policy.

Section 4.3.8C(1)(c) of the Education and Training Reform Act 2006

Section 58 of the **Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021** introduced compliance with the Child Safe Standards as an additional registration requirement for school boarding premises.

Coronavirus (COVID-19) safety

A school boarding premises must have policies and procedures in place to enable it to comply with pandemic orders made from time to time by the Minister for Health under the **Public Health and Wellbeing Act 2008** relating to coronavirus (COVID-19).

Evidence requirements

School boarding premises must have:

- a COVIDSafe Plan
- policies and procedures to enable it to comply with any mandatory vaccination requirements for education workers, including policies and procedures:
 - o to ensure all education workers are fully vaccinated against coronavirus (COVID-19) by the applicable deadline or hold a valid exemption
 - o for the collection, use or disclosure of vaccination information and maintaining records about vaccination status as required by the pandemic orders.

Explanatory notes

Consistent with the requirement for education workers to be vaccinated against coronavirus (COVID-19), the Guidelines require school boarding premises to have policies and procedures:

- to ensure their education workers are fully vaccinated by the specified dates or are an exempted person
- to collect, record and hold vaccination information about an education worker
- for maintaining the currency of records of the vaccination status of education workers.

The definition of 'education worker' typically used in the pandemic order is broad and includes:

- (i) any person who is employed by the proprietor of the school boarding premises to work at the premises
- (ii) a person contracted to work at a school boarding premises and who will or may be in close proximity to children, students or staff, whether or not engaged by the proprietor of the school boarding premises – this may include tutors, caterers, IT personnel, National Disability Insurance Scheme (NDIS) providers and auditors (but does not include delivery personnel)
- (iii) staff of DET who attend the school boarding premises (such as allied health professionals or authorised officers)
- (iv) staff of any other entity who attends a school boarding premises
- (v) volunteers that work in close proximity to children, students or staff (including parent helpers) at the school boarding premises

(vi) students on placements at the school boarding premises.

Note: the definition is found in the Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2022, as made from time to time.

All school boarding premises will already have in place a COVIDSafe Plan. The Guidelines require a school boarding premises to provide a copy of this to the VRQA at review or as requested by the VRQA.

School boarding premises should otherwise ensure they comply with all the requirements of the pandemic orders in force from time to time. The current pandemic orders register is found here:

- www.health.vic.gov.au/covid-19/pandemic-order-register

Regulatory context

The provider of school boarding services at a registered school boarding premises must ensure that –

- (a) the care, safety and welfare of all students boarding at the premises is in accordance with any applicable State and Commonwealth laws and
- (b) all staff employed by the provider are advised of their obligations under those laws.

Schedule 4A clause 5 of the Education and Training Reform Regulations 2017

Emergency management, including bushfire management

Providers of school boarding services should develop an emergency management plan to cover the care, safety and welfare of students boarding at the premises, including responses to missing or injured boarders, as well as managing emergencies at the premises (not limited to bushfires).

All registered providers of school boarding services are required to meet the *Guidelines on Bushfire Preparedness – Registered Schools and School Boarding Premises*.

These requirements are in addition to the obligations under the minimum standard for the care, safety and welfare of students and the minimum standard relating to buildings, facilities and grounds.

There are additional requirements for schools and school boarding premises listed on the DET's Bushfire At-Risk Register.

To find out if your school boarding premises is to be placed on the Bushfire At-Risk Register, contact:

- emergency.management@education.vic.gov.au
- For more information on bushfire preparedness, see:
- www.vrqa.vic.gov.au/schools

For schools ▼

There is **significant** alignment between this requirement and a requirement found in the Guidelines to the Minimum Standards and Requirements for School Registration (see Emergency bushfire management in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises. In particular, registered schools may consider adapting or expanding their existing emergency management plan to incorporate an emergency management plan for the school boarding premises.

Schools with a boarding premises located at a campus on the Bushfire-At-Risk Register must develop a separate management plan addressing risks to that premises.

Student behaviour management (discipline)

In accordance with section 4.3.8C(1)(a) of the Act, the policies for student discipline must be based upon principles of procedural fairness and not permit the use of corporal punishment.

The provider of school boarding services at the school boarding premises must have policies, procedures and practices in relation to student behaviour including policies for student discipline,

prohibition of corporal punishment and policies regarding the care, safety and welfare of students, and demonstrate how those policies are communicated to and upheld by staff employed at the premises.

For schools ▼

There is **significant** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see Student behaviour management (discipline) in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises. However, schools should note that greater measures may be required to discharge a school's duty of care because they are responsible for the 24-hour care, safety and welfare of the students.

Regulatory context

The Authority must not register a school boarding premises unless the Authority is satisfied that –

- (a) the policies of the provider of school boarding services at the premises relating to the discipline of students who are boarding at the premises are based on principles of procedural fairness and do not permit corporal punishment.

Section 4.3.8C(1)(a) of the **Education and Training Reform Act 2006**

Buildings, facilities and grounds

A registered school boarding premises' building, facilities, essential safety measures and grounds must comply with any laws that apply to the registered school boarding premises including local laws and building, planning and occupational health and safety laws.

For schools ▼

There is **moderate** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see Buildings, facilities and grounds in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises.

Evidence requirements

There must be evidence of:

- any required permit to operate a school boarding premises on the site
- building and facility compliance with applicable local planning regulations including with the Building Code of Australia, Class 3 or equivalent and the **Public Health and Wellbeing Act 2008**:
 - o all buildings having an Occupancy Permit or Certificate of Final Inspection, as applicable, including essential safety measures maintenance requirements, displayed in an approved location
 - o evacuation plans allowing for the safe evacuation of persons using the building in the event of an emergency
- a maintenance schedule for buildings, facilities and grounds
- policy and procedures to ensure the provider complies with the **Occupational Health and Safety Act 2004**.

Explanatory notes

A provider of school boarding services may choose to seek advice from an external agency such as:

- the Victorian WorkCover Authority to establish its compliance with occupational health and safety requirements
- a private or local municipal building surveyor to establish its compliance with relevant building legislation

- the relevant local government authority for matters relating to public health and hygiene.

A school boarding premises on the Bushfire At-Risk Register with an on-site ‘shelter-in-place’ must comply with the *Guidelines on Bushfire Preparedness – Registered Schools and School Boarding Premises*.

A building must comply with the building regulations in force at the time of construction or newer regulations if the building was updated or if a maintenance determination has been issued.

Regulatory context

A registered school boarding premises’ buildings, facilities and grounds must comply with any laws that apply to the registered school boarding premises including local laws and building, planning and occupational health and safety laws.

Schedule 4A clause 6 of the Education and Training Reform Regulations 2017

Governance

Schools and organisations must make sure the provider of school boarding services has a governance structure that allows the provider to discharge its duties to the school boarding premises, including:

- managing its finances
- developing its strategic direction
- fulfilling its legal obligations.

For schools ▼

There is **significant** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see *Governance and probity* in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises.

If a registered school and a registered school boarding premises are operated by the same legal entity, they should review their existing documents to ensure that they cover the governance and operation of the boarding premises and services. This means examining documents such as:

- constitution
- rules of association
- delegations
- risk register
- governance charter.

Where a school boarding premises is owned and/or operated by a related entity of the school (as that term is defined under the **Corporations Act 2001** (Cwth)) or an affiliated organisation of a school, evidence must include details of the relationship between the school and that entity.

Evidence requirements

The provider must provide:

- the governance structure of the provider of school boarding services at each school boarding premises, including its constitution or articles of association (however described)
- information about responsible persons (as that term is defined in the ETR Regulations) for the boarding premises (such as the ‘head of boarding’, ‘house master’ or equivalent role to the principal of a school).

For a non-government school, there must be evidence of:

- an outline of the governing body’s structure and membership, including details of the experience and expertise of the members of the board or governing body, the name of the proprietor of the school boarding premises and the legal entity type

- details of the member(s) of the company, if the school boarding premises is a company limited by guarantee or incorporated association (e.g. the register of members)
- copies of all delegations from the governing body. For example, financial or non-financial delegations made from the governing body for the school boarding premises to the school principal or person responsible for the operation of the school boarding premises
- the company or association's constitution or articles of association
- a conflict of interest register for all responsible persons as defined in the ETR Regulations and a plan detailing how any conflict of interest or duty will be managed
- the most recent financial statement for the company or association, which must be audited by a registered auditor
- the school boarding premises' governance charter, outlining the key functions and responsibilities of the school boarding premises board and any subcommittees
- the school boarding premises' strategic plan
- the school boarding premises' business plan* which is validated by an independent qualified accountant*, and which must include:
 - o enrolment estimates and assumptions
 - o 5-year financial forecasts.

*The business plan must be validated by an independent qualified accountant who is not employed by or associated with the school or a related entity. The accountant should provide a signed statement that confirms the reasonableness of the business plan and validates any underlying assumptions.

For a government school boarding premises, the Act defines the role and responsibilities of a government school including the role of the school council. DET monitors adherence to this standard by government schools.

Regulatory context

The provider of school boarding services at a registered school boarding premises must structure the governance of a registered school boarding premises to enable –

- (a) the effective development of the strategic direction of the school boarding premises and
- (b) the effective management of the finances of the provider and
- (c) the provider to fulfil its legal obligations.

Schedule 4A clause 7(1) of the Education and Training Reform Regulations 2017

Not-for-profit status

If a registered school and a registered school boarding premises have the same legal entity or proprietor, then the school will need to ensure that it doesn't compromise the school's compliance with the not-for-profit requirements under the ETR Regulations.

For schools ▼

There is **significant** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see *Not-for-profit status* in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises.

Explanatory notes

For a full explanation of not-for-profit and prohibited agreement arrangements, see:

- **not-for-profit** as per regulation 7 of the ETR Regulations
- **prohibited agreement or arrangement** as per regulation 7A of the ETR Regulations
- Not-for-profit status section of *Guidelines to the Minimum Standards and Requirements for School Registration*.

Regulatory context

- (1) A registered school must be a not-for-profit school.
- (2) The proprietor of a registered school must have sufficient controls in place to ensure that school property and assets are not distributed or used for the profit or gain of another person or entity.
- (3) Subclause (2) does not apply in relation to any money (other than government funding) or property of a registered school, which the proprietor of the school –
 - (a) uses to conduct an early learning centre that is a feeder for enrolments to the school or
 - (b) provides to a person or entity to conduct an early learning centre that is a feeder for enrolments to the school or
 - (c) uses to conduct a school boarding premises including providing school boarding services at the premises to students enrolled at or attending the registered school, and where those services are not provided for the purposes of profit or gain or
 - (d) provides to the provider of school boarding services at a school boarding premises to provide those services to students enrolled at or attending the registered school, and where those services are not provided for the purposes of profit or gain.

Schedule 4 clause 17 of the Education and Training Reform Regulations 2017

Probity

In a non-government school boarding premises, every responsible person must be a fit and proper person as outlined in the ETR Regulations.

For schools ▼

There is **significant** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see *Probity* in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises. In particular, registered schools that own or operate a boarding premises only need one Fit and Proper Person declaration per responsible person.

Evidence requirements

There must be evidence of a:

- completed Fit and Proper Person declaration from each responsible person
- list of each responsible person, their role and a summary of their qualifications and experience.

Explanatory notes

A responsible person must be a fit and proper person who:

- is able to carry out their responsibilities in relation to the operation of the school boarding premises in compliance with the laws of Victoria, the Commonwealth, another state or a territory relating to the provision of school education
- has not been found guilty of an offence which is (or which would if committed in Victoria be) an indictable offence
- has not been:
 - o in the case of an individual, insolvent under administration (for example, declared bankrupt)
 - o in the case of a body corporate, is not or has not been an externally administered body corporate
- is not a represented person under the **Guardianship and Administration Act 1986**
- is not in breach of any requirements of the **Worker Screening Act 2020** or has not had their approval revoked or suspended
- has not been the subject of, or associated with, an adverse finding or other action taken by a

court, tribunal, commission of inquiry, professional discipline body or regulatory authority (in Victoria or elsewhere) where the adverse finding relates to:

- o dishonest, misleading or deceptive conduct, or
- o non-compliance with a legal obligation relating to the provision of education, or
- o a breach of duty (including a duty of disclosure).

The VRQA may exempt a person from the requirement to comply with Schedule 4A clause 7(5) (b) or (5)(f) if in its opinion it would not be appropriate to exclude that person from being involved in the conduct of the school boarding premises.

When considering whether to grant an exemption, the VRQA must have regard to:

- the nature and gravity of the offence or misconduct and its relevance to conducting a school boarding premises
- the period of time since the person committed the offence or engaged in the misconduct
- the punishment imposed for the offence or misconduct
- whether or not the conduct that constituted the offence has been decriminalised or the standards of conduct materially changed since the person engaged in the conduct that constituted the offence or misconduct
- the person's behaviour since committing the offence or engaging in the misconduct
- any information given by the person concerning the person's conduct in relation to the registration of the school boarding premises
- any other matter the VRQA considers relevant.

A notifiable disclosure event is defined in regulation 5 of the ETR Regulations.

The Authority may exempt a person under regulation 71B from the requirements in clause 7(5) (b) and (f).

For the purposes of clause 7(5)(f), an adverse finding or action may include a decision by a registering body to limit, suspend or cancel a registration or permit granted to a responsible person individually, or to a body or entity that the responsible person has been associated with governing.

Regulatory context

In this clause – fit and proper person means a responsible person who –

- (a) is able to carry out the person's responsibilities in relation to the conduct of a registered school boarding premises in compliance with the laws of Victoria, the Commonwealth, another State or a Territory relating to the provision of school boarding services and
- (b) has not been found guilty of an offence which is, or which would if committed in Victoria be, an indictable offence and
- (c) has not been –
 - (i) in the case of an individual, insolvent under administration or
 - (ii) in the case of a body corporate, an externally-administered body corporate and
- (d) is not a represented person and
- (e) if the person is given an assessment notice under the **Worker Screening Act 2020** in relation to the school boarding premises, complies with –
 - (i) all requirements under that Act that apply to the person as a holder of an assessment notice and
 - (ii) all requirements under that Act that apply to the person if the assessment notice is revoked or suspended and

- (f) has not been the subject of, or associated with, an adverse finding or the subject of action taken by a court, tribunal, commission of inquiry, professional disciplinary body or regulatory authority (in Victoria or elsewhere) if the adverse finding or the action relates to –
- (i) dishonest, misleading or deceptive conduct or
 - (ii) non-compliance with a legal obligation relating to the provision of school boarding services or
 - (iii) a breach of duty (including a duty of disclosure).

Exemption from school boarding premises governance standard –

- (1) The Authority may exempt a person from a requirement in clause 7(5)(b) or (f) of Schedule 4A if the Authority is of the opinion that it would not be appropriate to exclude that person from being involved in the conduct of the school boarding premises.
- (2) For the purposes of subregulation (1), the Authority must have regard to the following matters –
 - (a) the nature and gravity of the particular offence or misconduct, and its relevance to conducting a school boarding premises
 - (b) the period of time since the person committed the offence or engaged in the misconduct
 - (c) the punishment imposed for the offence or misconduct
 - (d) whether or not the offence has been decriminalised or the standards of conduct have materially changed since the person engaged in the conduct that constituted the offence or misconduct
 - (e) the person's behaviour since the person committed the offence or engaged in the misconduct
 - (f) any information given by the person to the Authority concerning the person's conduct in relation to the registration of the school boarding premises
 - (g) any other matter that the Authority considers relevant.
- (3) A person to whom an exemption under subregulation (1) applies is exempt from the requirements in clause 7(5)(b) or (f) of Schedule 4A in accordance with the terms of that exemption (if any).

Schedule 4A clause 7 of the Education and Training Reform Regulations 2017

Regulation 71B of the Education and Training Reform Regulations 2017

Philosophy of provider of school boarding services

The provider of school boarding services at a registered school boarding premises must publish a clear statement of its philosophy and be able to demonstrate how that philosophy is enacted.

For schools ▼

There is **significant** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see Philosophy in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises. In particular, registered schools may consider incorporating the statement of philosophy for the school boarding premises into the statement of philosophy for the registered school.

Evidence requirements

There must be evidence of:

- a statement of the school boarding services provider's philosophy which includes the vision, mission, values and objectives of the school boarding premises
- a description of how the school boarding services provider enacts its philosophy at the registered school boarding premises

- an outline of where the school boarding services provider has published a statement of its philosophy.

Explanatory notes

A school boarding services provider must have a clear statement of its philosophy and be able to demonstrate how that philosophy is enacted. Requiring a clear statement of philosophy can encourage consideration of how providers might develop healthy organisational cultures that promote the safety and wellbeing of students.

The school boarding services provider's philosophy statement communicates the nature of the school boarding services being offered to current and prospective staff, students, parents and guardians. It provides details of their purpose and a foundation for the school boarding services planning decisions and performance reviews.

The philosophy statement could be contained in the provider's constitution, prospectus, handbook, strategic plan or business plan, or on the website.

Regulatory context

The provider of school boarding services at a registered school boarding premises must publish a clear statement of its philosophy and be able to demonstrate how that philosophy is enacted.

Schedule 4A clause 8 of the Education and Training Reform Regulations 2017

Information on performance of school boarding premises

The provider of school boarding services at a registered school boarding premises must monitor and report to the community of the school boarding premises on its performance as outlined in the ETR Regulations.

For schools ▼

There is **significant** alignment between this requirement and a requirement found in the *Guidelines to the Minimum Standards and Requirements for School Registration* (see *Information about school performance* in that document).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises. In particular, registered schools can include performance information about the school boarding premises in the annual report prepared for the registered school.

Evidence requirements

There must be evidence that the provider of school boarding services makes available to the community of the school boarding premises information concerning the performance of the premises at least once a year. The information must include:

- a report of the financial activities of the school boarding premises
- copies of any other reports that the provider of school boarding services at the registered school boarding premises is required to prepare for the community of the school boarding premises under any funding agreements with the State or the Commonwealth.

Explanatory notes

If the provider of school boarding services at a registered school boarding premises receives government funding in respect of the services provided to students boarding at the premises or for the construction, maintenance or improvement of the premises, the applicable funding agreement might require certain information to be provided to the community. This information must also be included in the annual report to the community required by this standard.

Regulatory context

- (1) The provider of school boarding services at a registered school boarding premises must make available to the community of the school boarding premises information concerning the performance of the premises at least once a year.

- (2) The information must include –
- (a) a report of the financial activities of the school boarding premises and
 - (b) copies of any other reports that the provider of school boarding services at the registered school boarding premises is required to prepare for the community of the school boarding premises under any funding agreements with the State or the Commonwealth.

Schedule 4A clause 9 of the Education and Training Reform Regulations 2017

Provider of school boarding services must comply with the Act and ETR Regulations

The provider of school boarding services at a registered school boarding premises must comply with the requirements of the Act and the ETR Regulations.

Evidence requirements

There must be evidence of compliance with the requirements of the Act (including applicable Ministerial Orders) and the ETR Regulations.

Explanatory notes

After the school boarding premises is registered, the provider must ensure its compliance with the Act (including applicable Ministerial Orders) and the ETR Regulations. This includes providing timely information to the VRQA in accordance with the ETR Regulations to update particulars or meet notifiable disclosure requirements, and following the prescribed process for amending the registration of the school boarding premises.

Regulatory context

The provider of school boarding services at a registered school boarding premises must comply with the requirements of the Act and these Regulations.

Schedule 4A clause 10 of the Education and Training Reform Regulations 2017

Provider of school boarding services must comply with conditions of registration

The provider of school boarding services at a registered school boarding premises must comply with any condition imposed on the registration of the premises in accordance with section 4.3.8D or 4.3.8E of the Act. The conditions of registration require participation by the provider and any person involved in the management or operation of the premises in a review or evaluation by the VRQA and, for non-government school boarding premises, the VRQA's monitoring and assessment of the provider's financial viability.

Regulatory context

The provider of school boarding services at a registered school boarding premises must comply with any condition imposed on the registration of the premises by or under the Act.

Schedule 4A clause 11 of the Education and Training Reform Regulations 2017

Provider of school boarding services must have policies, procedures and suitable arrangements in place

The provider of school boarding services at a registered school boarding premises must have policies and procedures in place that enable it to ensure that the premises and those services comply with the prescribed minimum standards for registration of school boarding premises.

A provider of school boarding services at a registered school boarding premises must have suitable arrangements in place to enable it to comply with any applicable guidelines issued by the Authority under section 4.3.8Z of the Act.

For schools ▼

There is **significant** alignment between this requirement and the minimum standards for registration of schools (Schedule 4 clause 21 of the ETR Regulations).

Schools may consider adapting existing policies and procedures to address these requirements for their boarding premises.

Evidence requirements

There must be evidence of the provider's policies and procedures as required by the minimum standards for registration, and evidence of the provider's internal governance arrangements for:

- (a) maintaining, reviewing, or communicating its policies and procedures as required by or under the Act, including these Guidelines
- (b) managing the delivery of services in accordance with its policies and procedures (as amended from time to time).

Additional evidentiary requirements for the provider of school boarding services at a registered school boarding premises may be included in other guidelines issued by the Authority, including financial capability, the provision of education to overseas students aged under 18, and bushfire preparedness.

Regulatory context

- (1) The provider of school boarding services at a registered school boarding premises must have policies and procedures in place that enable it to ensure that the premises and those services comply with the prescribed minimum standards for registration of school boarding premises.
- (2) A provider of school boarding services at a registered school boarding premises must have suitable arrangements in place to enable it to comply with any applicable guidelines issued by the Authority under section 4.3.8Z of the Act.

Schedule 4A clause 12 of the Education and Training Reform Regulations 2017

School boarding services must be provided in accordance with scope of registration

The provider of school boarding services at a registered school boarding premises:

- must provide those services at the school boarding premises
- may provide those services at another place or premises at which the students are participating in a camp or excursion (including outside of Victoria) organised by the provider.

Evidence requirements

There must be evidence that the registered boarding premises is the primary location for the provision of school boarding services to the student.

Where services are provided in other locations, the provider must ensure that the applicable minimum standards of registration continue to be met in respect of those alternative locations.

Explanatory notes

The provider must ensure that the student's primary place of accommodation is at the registered school boarding premises. However, this does not preclude the provider from organising or conducting overnight excursions or camps for its students that occur at other premises, provided such excursions away from the boarding premises are managed in accordance with the provider's duty of care, and other applicable standards (including location records, student welfare, and Child Safe Standards).

Regulatory context

The provider of school boarding services at a registered school boarding premises –

- (a) must provide those services at the school boarding premises and
- (b) may provide those services at another place or premises at which the students are participating in a camp or excursion (including outside of Victoria) organised by the provider.

Schedule 4A clause 13 of the Education and Training Reform Regulations 2017

REGISTRATION OF SCHOOL BOARDING PREMISES, INCLUDING AMENDMENT OF REGISTRATION

Particulars and information in application for registration

A provider of school boarding services at a registered school boarding premises must present particulars and information in their application to register school boarding premises, services and facilities. For details of information to be provided at registration, please refer to *Appendix 1*.

Evidence requirements

There must be evidence of providing the information listed in *Appendix 1*, as required by Schedule 5A of the ETR Regulations. Any changes to particulars and information or any accompanying documentation as required by Schedule 5A in relation to the application must be notified to the Authority within 14 days.

Explanatory notes

The changes required to be notified concern the information or documentation provided as part of the application for registration, as required by Schedule 5A of the ETR Regulations, and any additional information provided to the Authority as needed to assess the applicant's compliance with the minimum standards of registration in section 4.3.8C of the the Act and Schedule 4A to the ETR Regulations.

Regulatory context

- (1) For the purposes of section 4.3.8B(3) of the Act, an application to the Authority for registration of a school boarding premises must –
 - (a) subject to subregulation (2), contain all of the particulars and information listed in Schedule 5A and
 - (b) subject to subregulation (2), must be accompanied by any documentation referred to in Schedule 4A and
 - (c) be signed –
 - (i) in the case of a Government school boarding premises, by the Secretary or
 - (ii) in any other case, by the person who proposes to establish and conduct the school boarding premises and provide school boarding services at the premises.
- (2) If any of the particulars, information or documentation set out in clauses 4, 5, 10(c), 12, and 13(a) of Schedule 5A are not known or available at the time the application is made, the particulars, information or documentation must be provided by the applicant as soon as the particulars, information or documentation are known or become available or before the school boarding premises is registered (whichever occurs first).

Regulation 71D of the Education and Training Reform Regulations 2017

Before a school boarding premises is registered, an applicant must notify the Authority of any change to the particulars or information or any accompanying documentation under regulation 71D(1) provided in relation to the application for registration within 14 days after the relevant change.

Regulation 71E of the Education and Training Reform Regulations 2017

Minimum standards for registration

Unless the Authority has granted an exemption in accordance with Division 1 of Part 5A of the ETR Regulations, for the purposes of section 4.3.8C(1)(b) of the Act, the prescribed minimum standards for registration of school boarding premises are set out in Schedule 4A of the ETR Regulations.

Regulatory context

Subject to this Division, for the purposes of section 4.3.8C(1)(b) of the Act, the prescribed minimum standards for registration of school boarding premises are set out in Schedule 4A.

Regulation 71A of the Education and Training Reform Regulations 2017

Timing of application for registration

The provider of school boarding services at a registered school boarding premises must make an application for registration of a school boarding premises in writing no later than 30 June in the preceding year of intended commencement of operation or any later date determined by the VRQA or unless the VRQA considers that there are special circumstances.

Regulatory context

- (1) Subject to subregulation (3), for the purposes of section 4.3.8B(3) of the Act, an application for registration of a school boarding premises must be made to the Authority in writing and no later than –
 - (a) 30 June in the year before the year in which the school boarding premises is intended to commence operation or
 - (b) a later date in the year referred to in paragraph (a) determined by the Authority.
- (2) The Authority must publish a notice in the Government Gazette of any later date determined by the Authority under subregulation (1)(b) at least 4 weeks before 30 June in the year in which the date applies.
- (3) The Authority may accept an application submitted after the date specified in subregulation (1) if it is satisfied that it is necessary to do so because of the special circumstances of the case.

Section 6.1.44(1) of the Act provides that a premises that was being conducted as a school boarding premises immediately before 18 June 2021 [the commencement of the **Education and Training Reform Amendment (Regulation of Student Accommodation) Act 2020**] is taken to be a registered school boarding premises for the purposes of the Act.

Regulation 71C of the Education and Training Reform Regulations 2017

Exemption from school boarding premises governance standard

The Authority may exempt a person from particular requirements of the fit and proper person assessment in the governance standard if the Authority is of the opinion that it would not be appropriate to exclude that person from being involved in the conduct of the school boarding premises. The particular requirements that may be the subject of exemption concern past criminal offending, and other adverse findings relating to dishonesty, breach of duty or failure to comply with a legal obligation regarding the delivery of school boarding services (clause 7(5)(b) or (f) of Schedule 4A).

When considering whether to grant an exemption, the VRQA must have regard to:

- the nature and gravity of the offence or misconduct and its relevance to conducting a school boarding premises
- the period of time since the person committed the offence or engaged in the misconduct
- the punishment imposed for the offence or misconduct
- whether or not the conduct that constituted the offence has been decriminalised or the standards of conduct materially changed since the person engaged in the conduct that constituted the offence or misconduct
- the person's behaviour since committing the offence or engaging in the misconduct
- any information given by the person concerning the person's conduct in relation to the registration of the school boarding premises
- any other matter the VRQA considers relevant.

Regulatory context

- (1) The Authority may exempt a person from a requirement in clause 7(5)(b) or (f) of Schedule 4A if the Authority is of the opinion that it would not be appropriate to exclude that person from being involved in the conduct of the school boarding premises.

-
- (2) For the purposes of subregulation (1), the Authority must have regard to the following matters –
- (a) the nature and gravity of the particular offence or misconduct, and its relevance to conducting a school boarding premises
 - (b) the period of time since the person committed the offence or engaged in the misconduct
 - (c) the punishment imposed for the offence or misconduct
 - (d) whether or not the offence has been decriminalised or the standards of conduct have materially changed since the person engaged in the conduct that constituted the offence or misconduct
 - (e) the person's behaviour since the person committed the offence or engaged in the misconduct
 - (f) any information given by the person to the Authority concerning the person's conduct in relation to the registration of the school boarding premises
 - (g) any other matter that the Authority considers relevant.
- (3) A person to whom an exemption under subregulation (1) applies is exempt from the requirements in clause 7(5)(b) or (f) of Schedule 4A in accordance with the terms of that exemption (if any).
-

Regulation 71B of the Education and Training Reform Regulations 2017

Amending school boarding premises registration

The provider must notify the Authority in writing within 30 days of significant changes affecting school boarding premises including the name and contact details of any person involved in managing the provider, or changes to the affiliations or associations of the registered school boarding premises.

The provider must notify the Authority in writing within 30 days of significant changes affecting school boarding premises including the name and contact details of the provider, or any other change to the information required to be provided to the Authority by the ETR Regulations.

Regulatory context

The provider of school boarding services at a registered school boarding premises must notify the Authority in writing within 30 days after the following:

- (a) any change to the name or contact details of the provider
 - (b) any other material change to particulars or information required to be provided to the Authority under these Regulations (other than the particulars or information required by subclause (4)).
-

Schedule 4A clause 7(3) of the Education and Training Reform Regulations 2017

Amending non-government school boarding premises registration

The provider must notify the Authority in writing within 30 days of significant changes affecting the non-government school boarding premises including:

- the name and contact details of the provider or any person involved in managing the provider
- changes to the affiliations or associations of the registered school boarding premises
- changes to any other information required to be provided to the Authority by the ETR Regulations
- the occurrence of any notifiable disclosure event.

Regulatory context

The provider of school boarding services at a registered non-government school boarding premises must notify the Authority in writing within 30 days after the following information:

- (a) any change to the name or contact details of each person who is concerned in, or takes part in, the management of the provider

- (b) any change to the religious or other affiliation or association of the school boarding premises, including with a registered school
- (c) the occurrence of a notifiable disclosure event.

Schedule 4A clause 7(4) of the Education and Training Reform Regulations 2017

OTHER REQUIREMENTS FOR SCHOOL BOARDING PREMISES REGISTRATION

Reporting to the VRQA

A provider of school boarding services at a registered school boarding premises, upon request, must provide the VRQA with the information it needs to carry out its responsibilities under the Act and ETR Regulations.

Explanatory notes

Once a school boarding premises is registered, the VRQA may require the provider of school boarding services at a registered school boarding premises or review body to provide a report that:

- enables the VRQA to assess whether the school boarding premises is continuing to comply with the minimum standards or other requirements
- informs the VRQA of any changes to a school boarding premises' details contained in the State Register (including school affiliations)
- contains the information made available by the provider to the community about the performance of the registered school boarding premises (Schedule 4A clause 9)
- provides information about any complaint made about the school's boarding services and facilities and how the provider responded to the complaint.

The VRQA will give the provider or the authorised review body a reasonable time to comply with its request for information. The provider must comply with the request within the time specified. The VRQA's request and the information provided must be in writing, unless the parties agree otherwise.

Regulatory context

-
- (1) For the purposes of section 4.3.8V(1) of the Act, the provider of school boarding services at a registered school boarding premises, or a person or body authorised by the Authority under section 4.3.8V(2) of the Act, must provide to the Authority a report containing the following –
 - (a) information to show that, and enable the Authority to assess whether, the provider has ensured that the premises and services –
 - (i) continue to comply with each of the prescribed minimum standards for registration of school boarding premises and
 - (ii) comply with any other requirements of the Act or these Regulations
 - (b) information to advise the Authority of any changes in the details contained in the State Register relating to the school boarding premises
 - (c) at the request of the Authority, a copy of the information made available under clause 9 of Schedule 4A.
 - (2) For the purposes of section 4.3.8V(1) of the Act, the provider of school boarding services at a registered school boarding premises or a person or body authorised by the Authority under section 4.3.8V(2) of the Act must provide a report to the Authority –
 - (a) in writing, unless the Authority and the reporter otherwise agree and
 - (b) within a reasonable time specified in the request for the report by the Authority.

Regulation 71J of the Education and Training Reform Regulations 2017

Notice of registration of school boarding premises to be displayed

As required by section 4.3.8W of the Act, a provider of school boarding services at a registered school boarding premises must ensure that there is legibly printed or painted in a conspicuous place near the main entrance to the premises:

- the name of the premises
- the name of the provider
- a statement of the fact that the premises is registered.

APPENDIX 1**Information required for application for registration of a school boarding premises**

The provider of school boarding services must present the VRQA with required information in order to register boarding school services and premises.

Evidence requirements

The provider of school boarding services at a registered school boarding premises must furnish the following particulars, information and documents:

1. The name of the school boarding premises.
2. The address of the school boarding premises.
3. The date of the proposed commencement of operation of the school boarding premises.
4. The age range and number of students to be accepted at the school boarding premises (see note 1).
5. The names and total number of staff and the qualifications of each member of staff of the provider of school boarding services at the school boarding premises (see note 1).
6. The physical facilities (buildings, facilities and grounds) to be provided at the school boarding premises.
7. Any religious or other affiliation or association of the school boarding premises, including with a registered school (note: other affiliations might include linguistic or other kinds of cultural or community affiliations).
8. Whether the school boarding premises will be associated with one of the following types of school –
 - (a) a primary school
 - (b) a secondary school
 - (c) a co-educational school
 - (d) a single-sex school
 - (e) a specific purpose school
 - (f) a specialist school.
9. In the case of 2 or more registered school boarding premises proposing to amalgamate, the names and addresses of those premises.
10. In the case of a non-government school boarding premises –
 - (a) the full name, postal address, telephone number, and facsimile number or email address of the provider of the school boarding services at the premises
 - (b) if the provider is an incorporated body, the ABN or ACN (see note 2)
 - (c) the full name, postal address, telephone number, and facsimile number or email address of the chair of the governing body of the provider of school boarding services at the school boarding premises (if applicable) (see note 3).
11. Details of the following matters –
 - (a) the policies of the provider of school boarding services at the school boarding premises relating to compliance with the prescribed minimum standards for registration of school boarding premises
 - (b) the philosophy of the provider of school boarding services at the school boarding premises
 - (c) the business plan that relates to the school boarding premises
 - (d) the governance structure of the provider of school boarding services at the school boarding premises, including its constitution or articles of association (however described)
 - (e) the contact person for the application and that person's contact details.

12. The full name, postal address, telephone number, and facsimile number or email address of the chief executive officer (by whatever name called) of the provider of school boarding services at the school boarding premises (if applicable) (see note 3).
13. Documents accompanying the application that –
 - (a) show that the buildings, facilities and grounds of the school boarding premises comply with relevant statutory requirements (see note 4)
 - (b) enable the Authority to assess whether the provider of school boarding services at the school boarding premises is capable of ensuring that the premises and those services meet the prescribed minimum standards for registration of school boarding premises
 - (c) show the policies of the provider of school boarding services at the school boarding premises in relation to student behaviour including policies for student discipline (see note 5).

Notes

1. Under regulation 71D(2), if the details required under clauses 4 and 5 are not available at the time of the application, the details must be provided by the applicant when they are known or before the school boarding premises is registered.
2. In the case of a government school boarding premises, the State of Victoria will be registered as the provider of school boarding services unless otherwise stated.
3. Under regulation 71D(2), if the details required under clauses 10(c) and 12 are not available at the time of the application, the details must be provided by the applicant once the details are known and, in the case of the chair of the governing body of the provider of school boarding services and chief executive officer (by whatever name called) of the provider, before the school boarding premises is registered.
4. Under regulation 71D(2), if the documentation required under clause 13(a) is not available at the time of the application, it must be provided when available or at the latest before the school boarding premises is registered.
5. In accordance with section 4.3.8C(1)(a) of the Act, these policies must be based upon principles of procedural fairness and not permit the use of corporal punishment.

APPENDIX 2**Additional minimum standards for government school boarding premises****Student engagement policy**

A provider of school boarding services at a government school boarding premises must develop a policy for student engagement for the students boarding at the premises.

The provider must develop the policy in consultation with, and have regard to the rights and responsibilities of, students boarding at the premises, parents of students, and staff of the provider in developing the policy.

Evidence requirements

There must be evidence of:

- the provider's student engagement policy
- adequate consultation by the provider when developing the policy.

Regulatory context

-
- (1) A provider of school boarding services at a Government school boarding premises must develop a policy for student engagement for the students boarding at the premises.
 - (2) The provider must develop the policy in consultation with, and have regard to the rights and responsibilities of, students boarding at the premises, parents of students and staff of the provider in developing the policy.
-

Regulation 26A of the Education and Training Reform Regulations 2017

Implementation of student engagement policy

1. The provider of school boarding services at a government school boarding premises –
 - (a) is responsible for implementing the student engagement policy of the school boarding premises
 - (b) is responsible for determining the nature and extent of the consequences imposed on students boarding at the premises for failure to comply with that policy.
2. The provider of school boarding services at a government school boarding premises must ensure that –
 - (a) any consequences that may be imposed on students boarding at the premises in accordance with the student engagement policy are reasonable
 - (b) the student engagement policy is brought to the attention of the students boarding at the premises, their parents and staff of the provider.
3. The provider of school boarding services at a government school boarding premises must ensure that the student engagement policy is consistent with –
 - (a) the ETR Regulations
 - (b) any guidelines issued by the Minister under section 4.3.8Z of the Act relating to student engagement.

Evidence requirements

There must be evidence of:

- implementation of the provider's student engagement policy at the registered school boarding premises
- procedures and practices used by the provider to address student non-compliance with the policy that are in accordance with the requirements of the Act, the ETR Regulations, and any applicable Ministerial Order or guidelines regarding student engagement or management of student behaviour including discipline.

Regulatory context

- (1) The provider of school boarding services at a Government school boarding premises –
 - (a) is responsible for implementing the student engagement policy of the school boarding premises and
 - (b) is responsible for determining the nature and extent of the consequences imposed on students boarding at the premises for failure to comply with that policy.
 - (2) The provider of school boarding services at a Government school boarding premises must ensure that –
 - (a) any consequences that may be imposed on students boarding at the premises in accordance with the student engagement policy are reasonable and
 - (b) the student engagement policy is brought to the attention of the students boarding at the premises, their parents and staff of the provider.
 - (3) The provider of school boarding services at a Government school boarding premises must ensure that the student engagement policy is consistent with –
 - (a) these Regulations and
 - (b) any guidelines issued by the Minister relating to student engagement.
-

Regulation 26D of the Education and Training Reform Regulations 2017

Corporal punishment not permitted

A member of staff of the provider of school boarding services at a government school boarding premises must not administer corporal punishment to any student who is boarding at the premises. Please refer to *Care, safety and welfare of students* and note 4, *Appendix 1* in these Guidelines.

Regulatory context

Corporal punishment not permitted –

A member of staff of the provider of school boarding services at a Government school boarding premises must not administer corporal punishment to any student who is boarding at the premises. The Authority must not register a school boarding premises unless the Authority is satisfied that –

- (a) the policies of the provider of school boarding services at the premises relating to the discipline of students who are boarding at the premises are based on principles of procedural fairness and do not permit corporal punishment.
-

Regulation 26B of the Education and Training Reform Regulations 2017

Section 4.3.8C(1)(a) of the **Education and Training Reform Act 2006**

Restraint from danger

A member of staff of the provider of school boarding services at a government school boarding premises may take any reasonable action that is immediately required to restrain a student boarding at the premises from acts or behaviour that are dangerous to the member of staff, the student, or any other person.

Regulatory context

A member of staff of the provider of school boarding services at a Government school boarding premises may take any reasonable action that is immediately required to restrain a student boarding at the premises from acts or behaviour that are dangerous to the member of staff, the student, or any other person.

Regulation 26C of the Education and Training Reform Regulations 2017

APPENDIX 3

Definitions

Unless otherwise stated, words or phrases in these Guidelines have the following meaning:

Accommodation services – services that include meal, laundry and cleaning services.

Entity – includes a trust.

Governing body – in relation to a government school boarding premises, the school council constituted in relation to the government school at which the students boarding at the school boarding premises are enrolled or attending or in relation to a non-government school boarding premises, the person or body responsible for the governance or management of the provider of school boarding services at the premises.

Government school boarding premises – a school boarding premises at which school boarding services are provided by or on behalf of a government school.

Mandatory reporting, failure to disclose, failure to protect and grooming –

- the **mandatory reporting obligation** is set out in Part 4.4 of the **Children, Youth and Families Act 2005**. Section 184 imposes an obligation on teachers, principals and other persons listed in section 182 to make a mandatory report if they form a belief on reasonable grounds that a child is in need of protection on the grounds that the child has suffered, or is likely to suffer, significant harm because of physical injury or sexual abuse, and the child's parents have not protected, or are unlikely to protect, the child from harm of that type
- the **failure to disclose offence** requires any adult (subject to specific exemptions) who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 to report that information to police. Failure to disclose the information to police is a criminal offence. Further information can be obtained at:
 - o www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence
- the **failure to protect offence** applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a school will become a victim of a sexual offence committed by an adult associated with that school. A person in a position of authority in the school will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so. Organisations other than schools are also covered by the offence. Further information is available at:
 - o www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-protect-a-new-criminal-offence-to
- the **offence of grooming for sexual conduct with a child under the age of 16** is found in section 49M of the **Crimes Act 1958**. That section provides:
 - (1) A person (A) commits an offence if –
 - (a) A is 18 years of age or more and
 - (b) A communicates, by words or conduct (whether or not a response is made to the communication), with –
 - (i) another person (B) who is a child under the age of 16 years or
 - (ii) another person (C) under whose care, supervision or authority B is and
 - (c) A intends that the communication facilitate B engaging or being involved in the commission of a sexual offence by A or by another person who is 18 years of age or more.
 - (2) A person who commits an offence against subsection (1) is liable to level 5 imprisonment (10 years maximum).
 - (3) A does not intend to facilitate B engaging or being involved in the commission of a sexual offence by A or by another person who is 18 years of age or more if, were the conduct

constituting the sexual offence to occur, A or the other person would satisfy an exception, or have a defence, to that sexual offence.

- (4) It is immaterial that some or all of the conduct constituting an offence against subsection (1) occurred outside Victoria, so long as B or C was, or B and C were, in Victoria at the time at which that conduct occurred.
- (5) It is immaterial that B or C was, or B and C were, outside Victoria at the time at which some or all of the conduct constituting an offence against subsection (1) occurred, so long as A was in Victoria at the time that conduct occurred.
- (6) It is immaterial that A, B and C were all outside Victoria at the time at which some or all of the conduct constituting an offence against subsection (1) occurred, so long as A intended that the sexual offence would occur in Victoria.
- (7) In this section –

communication includes an electronic communication within the meaning of the **Electronic Transactions (Victoria) Act 2000**

sexual offence means –

- (a) an offence against a provision of Subdivision (8A), this Subdivision (other than section 49K(1) or this section), (8C), (8D), (8E), (8F) or (8FA) or
- (b) an attempt to commit an offence covered by paragraph (a) or
- (c) an assault with intent to commit an offence referred to in paragraph (a).

Non-government school boarding premises – a school boarding premises other than a government school boarding premises, including premises at which school boarding services are provided by or on behalf of a non-government school or by a person that is not a school.

Overseas student – a person holding a visa under the **Migration Act 1958** of the Commonwealth which allows the person, whether expressly or otherwise, to study in Victoria.

Philosophy – in relation to a school or school boarding premises, includes the vision, mission and objective of the school or school boarding premises.

Prescribed minimum standards for registration of school boarding premises – the minimum standards prescribed by the regulations under section 4.3.8C(1)(b) of the Act or prescribed by section 4.3.8C(2) of the Act relating to school boarding premises and the school boarding services provided at those premises.

Provider of school boarding services – a person who conducts a school boarding premises including the provision of school boarding services at the premises.

Registered school boarding premises – a school boarding premises registered under Division 1A of Part 4.3 of the Act.

Responsible person in relation to a school boarding premises –

- (i) if the provider of school boarding services at the premises is an individual, that person or
- (ii) if the provider of school boarding services at the premises is a body corporate, that body corporate and any person who is concerned in, or takes part in, the management of the body corporate or
- (iii) each person with responsibility in the governance structure of the provider of school boarding services at the premises for managing the provider or its finances, including each member of the governing body of the provider or
- (iv) any other person who by the person's conduct assumes a position of authority over the governance or management of the provider of school boarding services at the premises.

School boarding premises – a premises at which school boarding services are provided or intended to be provided by a person for a fee or reward but does not include any of the following premises:

- (a) a premises at which accommodation services are provided under homestay arrangements by a person who resides at the premises to no more than 3 students who are enrolled at or attend or intend to enrol at or attend a registered school
- (b) a premises or place at which camping facilities, including accommodation services, are provided on a short-term basis to students of a registered school who are required by the school to attend the premises or place as part of instruction in a key learning area or an extracurricular activity of the school
- (c) a premises that is prescribed not to be a school boarding premises
- (d) a premises at which accommodation services are provided by a prescribed person or body.

Premises will not fall within the definition of school boarding premises if the accommodation services provided at the premises are not provided for the primary purpose of enabling or facilitating a person to enrol at or attend a registered school. Examples of accommodation services that are not provided primarily for that purpose include the following:

- (a) accommodation services provided by a parent (see the wide definition of parent in section 1.1.3(1) of the Act)
- (b) accommodation services provided at a youth justice centre or a youth residential centre within the meaning of the **Children, Youth and Families Act 2005**
- (c) accommodation services that are provided as part of respite care within the meaning of the **Aged Care Act 1997** of the Commonwealth
- (d) accommodation services that are facilitated, provided or regulated by the Department of Health and Human Services including the following:
 - (i) out of home care services or secure welfare services within the meaning of the **Children, Youth and Families Act 2005**
 - (ii) accommodation provided at an NDIS dwelling within the meaning of the **Disability Act 2006**
 - (iii) accommodation that is a residential service within the meaning of the **Disability Act 2006**
 - (iv) accommodation services provided at a residential care service within the meaning of the **Health Services Act 1988**.

School boarding services – accommodation services provided for the primary purpose of enabling or facilitating a person to enrol at or attend a registered school.

Staff – in relation to a government school boarding premises, the staff employed by the provider of the school boarding services at the premises and other staff.

Student – in Division 1A of Part 4.3 of the Act means a person who is enrolled at or who attends a registered school or who intends to enrol at or attend a registered school.

Student engagement policy – in relation to a government school boarding premises, a policy setting out the expectations and aspirations of the provider of school boarding services at the premises in relation to student behaviour, including discipline and strategies to address bullying.

APPENDIX 4

Abbreviations and acronyms

CECV – Catholic Education Commission of Victoria Ltd

Cwth – Commonwealth

DET – Victorian Department of Education and Training

ETR Act – Education and Training Reform Act 2006

ETR Regulations – Education and Training Reform Regulations 2017

NDIS – National Disability Insurance Scheme

VIT – Victorian Institute of Teaching

VRQA – Victorian Registration and Qualifications Authority

Education and Training Reform Act 2006**NOTICE OF REVISED GUIDELINES FOR APPLICANTS SEEKING TO REGISTER
A STUDENT EXCHANGE ORGANISATION AND FOR REGISTERED
STUDENT EXCHANGE ORGANISATIONS**

Section 4.5A.1(3) of the **Education and Training Reform Act 2006** (the Act) authorises the Victorian Registration and Qualifications Authority (the Authority) to issue guidelines.

Section 4.5A.1(4) of the Act requires that any guidelines issued under subsection 4.5A.1(3) be published as soon as practicable in the Government Gazette.

The revised guidelines apply to all applicants seeking registration from the Authority to operate a student exchange organisation and to all VRQA registered student exchange organisations from 1 July 2022.

JONATHAN KAPLAN

Chief Executive Officer (Director)

Victorian Registration and Qualifications Authority

GUIDELINES FOR STUDENT EXCHANGE PROGRAMS**1. INTRODUCTION**

The **Education and Training Reform Act 2006** (the **ETR Act**) sets out the legislative framework for the regulation of secondary student exchange organisations (SEOs) in Victoria.

Section 4.5A.1(3) of the **ETR Act** authorises the Victorian Registration and Qualifications Authority (VRQA) to issue guidelines for the purpose of determining whether a person, organisation or registered school is suitable to operate a student exchange program.

To maintain the national approach to the regulation of SEOs, the *Guidelines for Student Exchange Programs* (the Guidelines) are broadly consistent with the *National Guidelines for the Operation of International Secondary Student Exchange Programs in Australia*. Variations have been made to align the Guidelines with Victorian legislative requirements, including the:

- **ETR Act**
- Guidelines to the Minimum Standards and Requirements for School Registration
- **Worker Screening Act 2020**
- **Child Wellbeing and Safety Act 2005.**

1.1 Rationale for student exchange programs

The Australian and state/territory governments recognise that student exchange programs provide cultural and educational benefits to students and school communities. Student exchange programs provide a broad educational experience for students and increase international and cultural understanding among young people.

1.2 Objectives of student exchange programs

The objectives of student exchange programs are to:

- provide educational enrichment for exchange students by developing their linguistic skills and introducing them to a different educational philosophy, environment and curriculum
- develop cultural awareness and understanding among students in the school environment
- promote international understanding and cooperation.

1.3 Student exchange programs in Victoria

In Victoria, student exchange programs can only be provided by VRQA-approved SEOs.

A person, registered school or organisation may apply to the VRQA for approval to provide a secondary student exchange program into and from Victoria.

Student exchange programs must:

- include a period of secondary school enrolment of at least 4 weeks and no more than 12 months duration
- require an overseas secondary school student to attend a registered secondary school on a full-time basis, or a Victorian student to attend an overseas secondary school on a full-time basis.

1.4 Principle of reciprocity

An SEO must operate student exchange programs on a reciprocal basis, balancing the number of inbound and outbound exchange students and the duration of its programs. The Australian and Victorian governments accept reciprocity of exchange programs instead of payment of school tuition fees.

An SEO calculates reciprocity across its entire student exchange program in Victoria, based on the total number of inbound and outbound students over 2 years.

The VRQA compares the total points for inbound and outbound programs without particular concern for the mix of short- and long-term programs.

Outbound programs are not eligible for reciprocity points if they are provided for students who have completed or withdrawn from secondary school.

Standard 5.3 of the Guidelines details how to calculate and monitor reciprocity.

2. LEGISLATIVE FRAMEWORK

2.1 Victorian legislation

Under the **ETR Act**, the VRQA approves SEOs and monitors their compliance with the **ETR Act**, the Guidelines and any conditions imposed on their approval.

In deciding whether to grant approval the VRQA may have regard to:

- (a) the suitability of the person, organisation or registered school to operate a student exchange program
- (b) the Guidelines
- (c) any other matter relating to the management or operations of the person, organisation or registered school proposing to operate the student exchange program.

2.2 Approval to provide student exchange programs

The VRQA may approve or re-approve an SEO to provide student exchange programs for a period of no more than 6 years.

A VRQA-approved SEO must:

- comply with the SEO requirements in the **ETR Act** and the Guidelines
- meet the requirements of the Victorian Child Safe Standards, **Worker Screening Act 2020**, **Child Wellbeing and Safety Act 2005**, **Privacy and Data Protection Act 2014** and other child safety requirements, including mandatory reporting
- cooperate fully with the VRQA in its complaint or investigation processes
- advise the VRQA within 14 days of any change to the ownership, management or particulars provided in its most recent application for VRQA approval or re-approval
- advise the VRQA within 24 hours if it is placed under external administration or goes into liquidation
- arrange at least one student exchange within any 3-year period. An approved SEO that has not arranged any student exchanges within any 3 years may have its approval cancelled.

The VRQA includes details of SEOs it has approved on the VRQA State Register, which can be accessed on the VRQA website:

- www.vrqa.vic.gov.au

The VRQA will conduct a mid-cycle review of an SEO's compliance with the **ETR Act**, the Guidelines and any conditions of approval.

The VRQA may also conduct reviews when there is:

- concern about compliance with the **ETR Act**, the Guidelines and any conditions of approval
- a change in the nature of the programs being offered
- a change in the SEO's ownership, management, control or operation.

2.3 Visa requirements

Students participating in a student exchange program in Victoria travel to Australia on a student visa (subclass 500) issued by the Australian Government. An SEO requires an Acceptance Advice for Secondary Exchange Student (AASES) form to obtain a student visa for each inbound student. The VRQA issues SEOs with an AASES form upon request.

AASES forms specify:

- the student exchange program dates, which must be the student's first day of school enrolment and the student's last day of school enrolment
- the student welfare dates nominated by the SEO, which is a period of at least 7 days before and after the student exchange program dates where the SEO is responsible for the student's accommodation, support and general welfare.

Students must attend school for the period approved by the VRQA on the AASES form or outbound notification form.

An SEO must make sure that students do not arrive in Australia before the student welfare start date stated in the AASES form, and that students depart Australia before the student welfare end date.

Inbound students must obtain overseas student health cover (OSHC) for the full period of the student welfare dates in their AASES form. This does not apply to students who are citizens of a country exempted from the requirement by the Department of Home Affairs.

An SEO must ensure that the student exchange programs it provides to outbound Victorian students comply with all relevant visa and health insurance requirements of the host country.

3. AREAS OF RESPONSIBILITY

3.1 Victorian Registration and Qualifications Authority

The VRQA is responsible for:

- approving SEOs to provide student exchange programs in Victoria
- issuing guidelines under the **ETR Act**
- monitoring compliance with the **ETR Act** and the Guidelines
- providing advice to organisations on student enrolment procedures and a timeline of key dates
- accounting for issued AASES forms and providing forms to SEOs when requested
- monitoring reciprocity for all approved SEOs in Victoria
- managing instances of non-compliance as appropriate, including the suspension and cancellation of an approval if required
- providing information, including a published list of all SEOs in Victoria
- investigating complaints about an SEO.

3.2 Student exchange organisation

An SEO is responsible for:

- maintaining necessary systems to carry out its duty of care requirements in a responsible and effective manner
- providing orientation and support services for students and overseeing students' welfare
- conducting its operations in accordance with the **ETR Act** and the Guidelines
- implementing procedures for arranging exchange student school and host family placements, and for changing these placements if necessary
- ensuring that all students have appropriate health insurance, including OSHC for inbound students
- ensuring host families are appropriately screened, selected and monitored
- notifying the VRQA promptly when there is a significant change in the nature of the program it offers, such as if exchange students do not take up placements, leave the program sooner than expected, or do not leave the country when the program is completed

- ensuring it complies with the requirements of the Victorian Child Safe Standards, **Worker Screening Act 2020**, **Child Wellbeing and Safety Act 2005**, **Privacy and Data Protection Act 2014** and other child safety requirements, including mandatory reporting
- ensuring it complies with child protection legislation in Victoria and in countries in which it operates, including meeting all required reporting obligations
- ensuring it returns fully completed AASES forms to the VRQA following the enrolment of exchange students
- ensuring that it maintains a zero or positive reciprocity balance in Victoria
- ensuring that its paid and volunteer staff are aware of the requirements under the Guidelines and Victorian Child Safe Standards, relevant to the person's role within the SEO.

3.3 Exchange student

An exchange student is responsible for:

- attending the appointed school full-time
- behaving in an appropriate manner as agreed under the terms of the relevant student exchange program, complying with school codes of conduct, and abiding by the laws and visa requirements of the host country
- leaving the host country on completion of the student exchange program or the expiration of any relevant student visa
- leaving the host country earlier if circumstances develop such that the SEO believes that the student's participation in the program is no longer appropriate.

3.4 Australian Government

The Australian Government is responsible for:

- advising on immigration, health regulations and overseas travel safety issues
- issuing designated student visas for inbound exchange students
- registering travel arrangements for outbound students through the Department of Foreign Affairs and Trade.

4. APPLICATIONS FOR APPROVAL

4.1 Application process

A person, registered school or organisation may apply to the VRQA for approval or re-approval to operate a student exchange program using the form on the VRQA website.

An applicant must provide supporting information to address all matters in sufficient detail to allow the VRQA to make a decision.

To demonstrate its suitability to operate a student exchange program, a non-school applicant for initial approval must provide an outline of its background, history, management and organisational structure. This includes relationships with other agencies in relation to student exchanges and other related programs.

A registered school applicant must provide details of its international student programs (if any) and its relationship with any overseas sister school.

4.2 Confidentiality

Information provided by an applicant for approval or re-approval, or information otherwise provided by an SEO, will be treated confidentially. All personal information will be handled in accordance with the **Privacy and Data Protection Act 2014**.

Section 4.9.4 of the **ETR Act** provides for the disclosure of information about an applicant for SEO approval or re-approval to a prescribed person or body if the information relates to the performance of a function of that person or body, including:

- a department of the Commonwealth Government or of another state or territory government
- an agency of the Commonwealth.

The VRQA may also disclose information where required, permitted or authorised at law.

4.3 VRQA fees

VRQA fees, including SEO approval, mid-cycle review, and annual fees, are set by Ministerial Order. They are available on the VRQA website:

- www.vrqa.vic.gov.au

The VRQA can only approve an application for approval or re-approval to operate a student exchange program if the relevant VRQA fees are paid.

5. STANDARDS FOR STUDENT EXCHANGE PROGRAMS

The standards listed below from 5.1 to 5.33 are the VRQA standards for the operation of a student exchange program in Victoria.

Applicants for VRQA approval or re-approval to operate a student exchange program must provide evidence of compliance with all of the standards.

Under section 4.5A.2 of the ETR Act, it is a condition of approval for all SEOs that they comply with the standards. Non-compliance with the standards may result in the suspension or cancellation of an SEO's approval.

Unless stated otherwise, the standards apply to both inbound and outbound student exchange programs.

General

5.1 Purpose of the student exchange program

An SEO must demonstrate that the principal purpose of its student exchange program is to provide a broad educational experience for students and to further international and intercultural understanding.

5.2 Use of the term 'student exchange'

All inbound secondary students entering Australia on programs advertised as a student exchange program must enter on an Australian student visa (subclass 500) issued on the basis of an AASES form.

An SEO providing other visit or cultural programs for young people entering Australia on visitor visas must:

- not promote or refer to such programs as student exchange programs
- make clear to participants, parents and guardians that these programs are not student exchange programs regulated under the **ETR Act** or the Guidelines.

Only programs operating under these Guidelines may be identified as 'student exchange' programs in promotional and marketing materials.

5.3 Reciprocity

An SEO must operate student exchange programs on a reciprocal basis, balancing the number of inbound and outbound exchange students and the duration of its programs.

Non-school SEOs

An SEO must submit details of its inbound and outbound student exchange programs to the VRQA, including the exchange program start and end dates for each student. This information must be confirmed annually on the annual reciprocity form.

An SEO is required to maintain a neutral or positive reciprocity balance. This is monitored over a 2-year period.

If an SEO's annual reciprocity form shows a negative reciprocity balance over 2 consecutive years, the SEO is required to submit a rectification plan detailing the steps and the timeline the SEO is implementing to return to a positive reciprocity balance.

If an SEO's negative reciprocity balance is significant, the VRQA may restrict or suspend issuing AASES forms.

How to calculate reciprocity

To calculate reciprocity, allocate one point for each calendar month of exchange or part thereof (regardless of when in the month the exchange starts and ends).

For example:

- a student arriving on 29 June and departing on 1 September earns 4 reciprocity points
- three students on exchange for 4 months will accrue the same number of points as one student on exchange for 12 months.

An exchange that starts and ends one year apart in the same calendar month counts as 12 points.

Monitoring of reciprocity

The VRQA monitors reciprocity for each SEO on an annual basis. An SEO must complete and submit an annual reciprocity form to the VRQA by 1 October each year.

School SEOs

The VRQA monitors reciprocity for school SEOs through the AASES form and outbound register records and will review school SEO reciprocity at mid-cycle review and re-approval. Registered school SEOs are not required to submit annual reciprocity forms.

SEO governance**5.4 Eligibility to apply for a student exchange approval**

The **ETR Act** provides that a person, registered school or an organisation may apply to the VRQA for approval to provide a student exchange program.

5.5 Not-for-profit status and financial viability

An SEO must operate on a not-for profit basis and be financially viable with sufficient financial resources to fulfil its obligations and responsibilities for the duration of the approval. Registered schools are required to be not-for-profit.

A non-school applicant for SEO approval is required to provide evidence of its not-for-profit status by submitting appropriate documentation with the application.

Documentation may include:

- a certificate of incorporation
- memorandum and articles of association or constitution
- certificates of insurance/public liability cover
- audited financial statements
- compliance with Australian Tax Office requirements for not-for-profit status
- registration as a not-for-profit organisation with the Australian Charities and Not-for-profits Commission
- standard invoices that demonstrate that program costs are reasonable and that revenue is expended entirely on the objectives of the student exchange program. SEOs must indicate what is included in participation fees and what are optional extras.

The VRQA may review whether an approved SEO continues to be not-for-profit and financially viable at any time by conducting a financial capability assessment. The VRQA may also conduct a financial capability assessment at any time, including when an SEO changes ownership, management, control or operation.

An SEO must provide evidence that it has insurance(s) in place that will provide at least \$10 million public liability insurance.

5.6 Fit and proper person requirement

An SEO must satisfy the fit and proper person requirement at the time of application and for the duration of its approval.

To determine whether an SEO is fit and proper, the VRQA can consider whether any person involved in the management (including at a national level) of the SEO has:

- a history of non-compliance with the Guidelines and any equivalent interstate registration requirements or the *National Guidelines for the Operation of International Secondary Student Exchange Programs in Australia*
- ever been involved in the management of an SEO for which registration has been suspended or cancelled in Australia
- ever been involved in the management of an SEO that has had conditions imposed on its registration as an SEO in Australia
- ever been charged with or convicted of an indictable offence
- ever become bankrupt
- ever been disqualified from managing corporations under the **Corporations Act 2001**
- ever been refused a Working with Children clearance or equivalent in any state or territory in which the SEO operates
- ever been found not to be a fit and proper person under the Guidelines or any equivalent interstate registration requirements
- ever provided a state or territory registration authority with false or misleading information, or made a false or misleading statement to a state or territory registration body in relation to any matter under the Guidelines or equivalent interstate registration requirements.

The VRQA may consider other relevant factors to determine whether the SEO is fit and proper.

An SEO must provide a Fit and Proper Person declaration from the principal executive officer (PEO) and all senior officers involved in the management of the SEO and must notify the VRQA within 28 days if it becomes aware that the PEO or a senior officer has become subject to any of the above.

The VRQA may review whether an SEO satisfies the fit and proper person requirement at any time, including if the SEO changes its ownership, management, control or operation.

5.7 Organisational structure

An SEO must have an organisational structure within Victoria that:

- is effective and appropriate for the size of its operation
- allows ready access and communication with parents, schools, students and officers of appropriate agencies, including being contactable by telephone 24 hours per day, 7 days per week
- provides appropriate support for participating students and families
- enables it to make appropriate arrangements in Victoria for inbound exchange students' accommodation, support and general welfare.

An SEO must demonstrate through its organisational structure or third-party arrangements that it can facilitate the provision of effective and appropriate support to inbound and outbound students.

For inbound students, where an SEO organisational structure includes local SEO coordinators, the SEO must:

- provide the name, residential address, email address and contact telephone numbers for all local SEO coordinators in Victoria
- provide each exchange student with a local SEO coordinator residing within 200 km or 2 hours travel by car, whichever is the shorter, from the student's host family residence.

If an SEO operates in more than one state or territory, the state or territory where its head office is located will be considered its base state. An SEO seeking to be approved in Victoria must also be approved as an SEO in its base state. If an SEO ceases to operate student exchange programs in its base state, the VRQA may review its Victorian approval.

5.8 Working with Children clearances

An SEO must ensure all its officers, employees and volunteers working with children or with access to exchange students' personal records or information in Victoria have a Working with Children clearance. SEO employees and volunteers do not need a Working with Children clearance if they hold current Victorian Institute of Teaching registration.

5.9 Training

A non-school SEO must provide training for local SEO coordinators and student support staff that includes instruction in:

- conflict resolution
- procedures for handling and reporting emergency situations and critical incidents
- Child Safe Standards and reporting requirements
- procedures for handling and reporting allegations of sexual abuse or any other allegations of abuse or neglect
- sexual conduct codes
- the criteria to be used to screen potential host families and exercise good judgement in assessing whether the host family will be able to provide the appropriate environment and support for an exchange student
- the Guidelines, the **ETR Act** and the Working with Children clearance requirements as they relate to the role of the coordinator and student support staff.

A school SEO should conduct a risk assessment of its student exchange program, and adapt existing policies and procedures to confirm they apply to the student exchange program in relation to:

- conflict resolution
- procedures for handling and reporting emergency situations and critical incidents
- Ministerial Order No. 1359 – Implementing the Child Safe Standards – Managing the risk of child abuse in schools and school boarding premises (Ministerial Order No. 1359), handling and reporting requirements
- minimum standards for a registered school on care, safety and welfare of students.

A school SEO must provide training for its staff involved in the coordination of the exchange program, including:

- the criteria to be used to screen potential host families and exercise good judgement in assessing if the host family will be able to provide the appropriate environment and support for an exchange student
- the Guidelines, **ETR Act** and Working with Children clearance requirements as they relate to the role of the coordinator and student support staff.

5.10 Third-party arrangements

An SEO must maintain up-to-date records of all third-party organisations used to support and deliver elements of the student exchange program, including:

- the name of the third-party organisation
- the type of arrangement made between the parties
- a copy of the contracts between the SEO and the third party
- information about the SEO's monitoring process in relation to the operations of the third party
- details of whether the third-party organisation is registered as an SEO in any jurisdiction
- information about the SEO's periodic evaluations of service delivery for both inbound and outbound students.

An SEO must ensure that third-party organisations undertaking the selection of host families for outbound students have a process to adequately screen and select exchange student host families. The third-party organisation must:

- conduct an in-person interview with each person aged 18 years and over residing in the home
- conduct a home inspection prior to the placement of an exchange student to ensure that the host family is capable of providing a safe, comfortable and nurturing home environment
- ensure the family declares all adults and children who live in the home, including those who may reside temporarily
- ensure that the host family understands and agrees to meet the financial obligations of hosting
- verify that each person aged 18 years and over residing in the home has undergone a Criminal Record Check (CRC).

An SEO must ensure that third-party organisations supporting outbound students have policies and procedures to respond to critical incidents, including natural disasters, terrorism, student illness or injury, and breakdown in the hosting relationship.

Information about third-party arrangements and copies of the agreements must be provided at the time of application.

An SEO must notify the VRQA if there is a change to the organisations that the SEO has third-party arrangements with. Where an SEO becomes aware that a third-party organisation has not complied with the requirements of the Guidelines, the SEO must take immediate corrective action.

An SEO should ensure that the arrangements with third-party organisations include consideration of the Child Safe Standards. An SEO must conduct a risk assessment of all outbound students' accommodation and welfare arrangements.

Administration of student exchange programs

5.11 Structure of student exchange programs

A non-school SEO must follow VRQA and individual school procedures regarding the placement of exchange students in schools in Victoria.

An SEO should minimise changes to a student's exchange program, including changes to the start date, duration, departure date, host school or host family.

If the student exchange program involves the student being placed with more than one host family, SEOs must demonstrate that the student and the student's parents are advised of this prior to the student's first placement.

A student exchange program must not include a change of host school unless the original host school placement is not satisfactory. If the host school is the SEO, an unsuccessful placement would normally be resolved by the student returning home early.

A non-school SEO may only transfer students interstate:

- in exceptional circumstances
- with parental approval for the transfer
- with the approval of the VRQA and the interstate registration authority prior to the transfer.

An SEO requires a new AASES form to transfer a student interstate. This will be provided by the interstate registration authority. In these circumstances, the registration authorities will calculate reciprocity by allocating the time the student spent in each state or territory and include it in the relevant state or territory's annual reciprocity report.

5.12 Selection of students

An SEO must have a screening process for selecting inbound and outbound students. Only students with appropriate language proficiency or demonstrated capacity to acquire a language, and maturity to benefit from the experience should be selected to take part in a student exchange program.

An SEO must provide comprehensive, current information in plain English to potential exchange students about:

- school terms and holiday breaks
- the grounds on which the student's exchange may be suspended or cancelled
- the SEO's policy and process for approving the host family, support and general welfare arrangements.

5.13 Health and travel insurance

An SEO must ensure that exchange students have appropriate health cover and travel insurance.

An inbound student must hold OSHC in accordance with Australian student visa requirements.

An outbound student's health cover may be adjusted to take into account any reciprocal health care agreements Australia has with the relevant host country.

An SEO must advise that parents of exchange students obtain travel insurance to cover lost luggage, theft of goods and money, and cancellation of flights.

Host families

5.14 Screening of host families

Selection of a host family must not involve payment of board or a subsidy to the host family, or to any other party, as a condition of the student's placement.

For students with special needs, the VRQA may approve the provision of a subsidy to the host family. Prior to applying for AASES forms, sufficient numbers of host families must be in place to accommodate inbound students.

For an inbound student

An SEO must screen and select host families and as a minimum must:

- conduct an in-person interview with each person aged 18 years and over residing in the home
- conduct a home inspection prior to the placement of an exchange student to ensure that the host family is capable of providing a safe, comfortable and nurturing home environment
- ensure the family declares all adults and children who live in the home, including those who may reside temporarily
- ensure that the host family understands and agrees to meet the financial obligations of hosting
- verify and sight that every person aged 18 years and over residing in the home holds a Working with Children clearance prior to the placement commencing.

For an outbound student

An SEO must ensure that third-party organisations undertaking the selection of host families for outbound students have a process to screen and select exchange student host families. The third-party organisation must:

- conduct an in-person interview with each person aged 18 years and over residing in the home
- conduct a home inspection prior to the placement of an exchange student to ensure that the host family is capable of providing a safe, comfortable and nurturing home environment
- ensure the host family declares all adults and children who live in the home, including those who may reside temporarily
- ensure that the host family understands and agrees to meet the financial obligations of hosting
- verify that each person aged 18 years and over residing in the home has undergone a CRC.

The VRQA may approve an alternative procedure to a CRC to determine a person's suitability to work with children for specific countries where either:

- the relevant government authorities do not issue CRCs
- the processes for prospective host families to obtain CRCs are unreasonably burdensome and significantly more onerous than for Working with Children clearances.

To seek approval to implement an alternative vetting procedure, the SEO must:

- apply to the VRQA for approval
- advise parents, guardians and students that CRCs are not available, and explain the process the SEO is adopting to verify the suitability of the host family.

Placement of more than one student with a host family

Where an SEO intends to place more than one student simultaneously with the same host family, the SEO must ensure all parties agree to the dual placement prior to the second student being accommodated with that host family.

If requested by the VRQA, the SEO must provide documentation demonstrating that all parties agree to the dual placements.

Placement with single adult host parents without children

An SEO must ensure that a potential single adult host parent without a child in the home undergoes a secondary level review by an SEO representative other than the individual who recruited or screened the applicant. Such a secondary review should include demonstrated evidence of the individual's friends or family who can provide an additional support network for the exchange student and evidence of the individual's ties to their community.

Both the exchange student and their parents/legal guardians must agree in writing in advance to the student's placement with a single adult host parent without a child in the home.

5.15 Prevention of conflicts of interest

A person who is an employee, volunteer or involved in the management of an SEO must not be a host family for an exchange student, except in emergencies and only with prior VRQA approval.

Support and supervision

5.16 Orientation for students and host families

An SEO must provide both pre-departure preparation and host country orientation programs for both inbound and outbound students, as well as an orientation program for host families.

The orientation program for students and host families must include:

- information on the organisation's program rules and expectations
- information on the roles and responsibilities of students and host families
- for host families, information on handling critical incidents and issues relating to student welfare
- information on seeking assistance and reporting any incidence or allegation involving actual or alleged sexual, physical or other abuse
- information on the relevant age restrictions and laws governing minors in the student's host country
- who to contact in emergency situations, including:
 - o for inbound students, contact numbers of nominated staff members within Victoria
 - o for outbound students, contact details of coordinators in the host country
- information about the SEO's complaints processes
- VRQA contact details.

5.17 Support for students and host families

An SEO must ensure that inbound and outbound exchange students and host families have adequate local assistance and support. Support includes appropriate reception, orientation, accommodation, transport and emergency arrangements, as well as providing ongoing support networks for exchange students.

An SEO must ensure that appropriate arrangements are in place for inbound exchange students' accommodation, support and general welfare.

5.18 Minimum scheduled SEO contact with students and host families

An SEO must maintain a monthly schedule of personal contact with all exchange students and host families, face-to-face or by telephone. For outbound students, an SEO may satisfy this requirement by ensuring a monthly schedule of personal contact from a third-party organisation in the host country.

5.19 Program fee discounts for families hosting exchange students

Placement of an exchange student with a host family must not involve payment of board or a subsidy to the host family. An SEO may only provide a discount on student exchange program fees to the family of an outbound exchange student, in exchange for the family undertaking to host an inbound student, if:

- the family meets all the requirements for host families in the Guidelines and any other requirements imposed by the SEO
- the discount is a maximum of 10% of the cost of the outbound student's program participation fee
- the discount is paid as a rebate at the end of the inbound student's exchange program.

5.20 School liaison

A non-school SEO must follow VRQA and host school procedures regarding the enrolment of inbound exchange students in Victorian schools.

A non-school SEO must maintain effective liaison with Victorian schools hosting exchange students through the appointment of an identified liaison officer.

For inbound exchange students, a non-school SEO must provide the host school with:

- host family and exchange organisation contact details
- information about the student, including copies of school and other reports as requested.

An SEO must maintain procedures for ensuring that students are meeting the student visa conditions and fulfilling all relevant school requirements. For example, requirements could include abiding by the school's code of conduct, the school rules, and policies about uniform and attendance.

Requirement to notify the VRQA

5.21 Changes to SEO governance

An SEO must notify the VRQA of any change in ownership, control, executive management or operation of the SEO as soon as practical, but within 14 days of the change.

For an SEO that is a registered school, this includes changes to the PEO or principal-class officer overseeing the student exchange program.

On notification of the changes, the VRQA may review whether the organisation remains appropriate for approval as an SEO.

5.22 Changes to student exchange programs

An SEO must notify the VRQA prior to implementing any changes to a student exchange program, unless there are exceptional circumstances that require an immediate change.

If a change is made to a student's program due to exceptional circumstances, the SEO must notify the VRQA as soon as practical, and within 5 working days of the change.

Changes to a student exchange program may include a change to the:

- host school
- host family
- start or departure date.

An SEO must manage and organise student exchange programs in a manner that minimises changes to a student's agreed exchange program. Changes to the host school must only be made in exceptional circumstances.

If a proposed student exchange program involves multiple host schools, the SEO must seek VRQA approval for each host school prior to the commencement of the student's exchange program.

If a change is made to a student exchange program, the SEO must ensure that students and parents or guardians consent to the change.

5.23 Changes to third-party arrangements

An SEO must notify the VRQA of any changes to the people or organisations that the SEO has a third-party arrangement with within 14 days of the change.

If an SEO enters into a new third-party agreement, the VRQA must be advised of this new arrangement, and the SEO must provide details of the new arrangements and any supporting documents to the VRQA, including the contract.

Confidentiality and information sharing

5.24 Release of information by VRQA

Section 4.9.4 of the **ETR Act** authorises the VRQA to disclose any information it has obtained in the course of performing its functions to a prescribed person or body if the information relates to the performance of a function of that person or body, including a department of the Commonwealth Government or another state or territory government.

An applicant or SEO acknowledges and consents to the VRQA releasing to a prescribed body or person information about or arising from:

- an application for approval or re-approval
- the approval or re-approval of an SEO
- a review of an SEO undertaken by the VRQA
- action taken by the VRQA in relation to an SEO.

5.25 Marketing and recruitment documentation

If requested by the VRQA, an SEO must provide all material used in promoting its programs and in recruiting exchange students.

Protection measures for exchange students

5.26 Response to critical incidents

An SEO must have policies and procedures, including an emergency management plan, to address critical incidents and serious issues impacting on student welfare. The policies and procedures must include procedural information on how the organisation will manage incidents arising from:

- natural disasters
- terrorism
- the student becoming a victim of a crime, or facing arrest or criminal charges
- serious illness, injury or mental health concerns
- the death or serious illness of family members
- a breakdown in the host family arrangements.

A school SEO should confirm that its existing emergency management and critical incident policies and procedures cover the above scenarios, and if not, amend accordingly.

The policies and procedures must provide that appropriate contact is maintained with the student, that the student's parents or guardians are kept informed, and that the VRQA is notified as soon as practicable.

A written record of any critical incident and remedial action taken by the SEO must be maintained for at least 2 years after the student ceases to be an exchange student.

5.27 Outbound students

SEOs will protect outbound exchange students through ensuring that they:

- submit an SEO Outbound Student form to the VRQA for each outbound student at least 14 days prior to their departure from Australia, confirming that the SEO has accepted responsibility for the accommodation, support and general welfare of the student for the duration of the exchange program
- confirm to the VRQA that the parent(s) or legal guardian(s) of the student have signed a written agreement or student exchange contract with the SEO giving consent to:
 - o the SEO having responsibility for the student's accommodation, support and general welfare for the duration of the exchange program, and
 - o the SEO having the authority to cancel the student's exchange program and arrange the prompt safe return of the student to Australia, due to:
 - global, national or regional emergency circumstances
 - Australian national, state or territory government directives
 - the student's physical or mental health circumstances, and/or
 - the student's serious breaches of the SEO code of conductthat require the SEO to exercise its responsibilities for the student's welfare.

An SEO must:

- provide the VRQA with the details of the student's exchange program prior to their departure from Australia, including the:
 - o student's full name, nationality and passport number
 - o student's home and email address
 - o student's date of birth
 - o student's home school
 - o host country
 - o host school
 - o host family address
 - o host school commencement and cessation dates
 - o departure and return dates and flight details
 - o name and contact details of any third-party organisation contracted to support the exchange program in the destination country
- provide parents or guardians of students with information about child protection laws in the destination country and services, including advice about whether or not CRCs were undertaken for the host family
- register students with the Department of Foreign Affairs and Trade where available
- require that outbound exchange students only travel to the host country with international airlines that provide full transfer facilities and have age-appropriate procedures in the event of flight delays or interruptions
- have up-to-date emergency contact information for airlines, Australian embassies or high commissions and other relevant agencies for host and transit countries
- require students to be met on arrival in the destination country and assisted in their journey to the host family
- arrange for parents or guardians of all outbound exchange students to receive confirmation of the student's safe arrival at the host family as soon as practicable.

5.28 Exchange student safety card

For an inbound student

Prior to an inbound student's departure, an SEO must provide the student and their parents or guardians with:

- the host family's address and relevant telephone numbers
- emergency contact details for the relevant SEO coordinator or SEO office
- a statement:
'(Name of SEO) is a student exchange organisation approved in Victoria by the Victorian Registration and Qualifications Authority (VRQA). Students or their parents/legal guardians can contact the VRQA at vrqa.student.exchange@education.vic.gov.au'.

An SEO must provide safety card information to an inbound exchange student before the student leaves their home country or immediately upon entry into Australia.

For an outbound student

Prior to an outbound student's departure, an SEO must provide the student with:

- the host family's address and relevant telephone numbers
- the name of any third-party organisation that will be providing elements of the exchange program for the student overseas
- emergency contact details for the relevant SEO coordinator or SEO office in the student's host country
- emergency contact details for the relevant SEO in Australia
- a statement:
'(Name of SEO) is a student exchange organisation approved in Victoria by the Victorian Registration and Qualifications Authority (VRQA). Students or their parents/legal guardians can contact the VRQA at vrqa.student.exchange@education.vic.gov.au'.

An SEO must provide safety card information to an outbound exchange student before the student departs from Australia.

5.29 Reporting incidents or allegations of abuse

Non-school SEOs

An SEO must immediately report any incident or allegation involving actual or alleged sexual or physical abuse of an exchange student to:

- the relevant law enforcement agency in Victoria if they are an inbound student
- the relevant authority in the host country if they are an outbound student.

If an SEO has reasonable grounds to believe that one of its students in Victoria (aged under 16 years) is in need of protection, it must make a report under section 183 of the **Children, Youth and Families Act 2005**, which states:

Any person who believes on reasonable grounds that a child is in need of protection may report to a protective intervener that belief and the reasonable grounds for it.

An SEO must also advise the VRQA about the incident or allegation and what steps the SEO has taken in response.

School SEOs

A school SEO should follow its existing policies and procedures for the reporting of abuse in accordance with Ministerial Order No. 1359 and the minimum standard for a registered school relating to the care, safety and welfare of students (including mandatory reporting under the **Children, Youth and Families Act 2005**, and duty of care obligations).

5.30 Complaints and appeals

An SEO must have and implement a documented complaints handling and appeals process and policy. An SEO must also provide an exchange student and their parents or guardians with comprehensive, free and easily accessible information about that process and policy.

An SEO's internal complaints handling and appeals process must include:

- a process for the exchange student to lodge a formal complaint or appeal if a matter cannot be resolved informally
- that the SEO will respond to any complaint or appeal an exchange student makes about their dealings with the SEO, or any related party the SEO has arranged with to deliver the exchange program or related services
- that the SEO will commence assessment of the complaint or appeal within 10 working days and finalise the outcome as soon as practicable
- that the exchange student is given an opportunity to formally present their case in writing at minimal or no cost, and be accompanied and assisted by a support person at any relevant meetings
- that the SEO conducts the assessment of the complaint or appeal in accordance with the requirements of procedural fairness
- that the exchange student is given a written statement of the outcome of the internal appeal, including detailed reasons for the outcome
- that the SEO keeps a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome
- that the SEO explains the internal review process to the student and their parent or guardian.

An SEO's internal complaints handling and appeals policy must clearly and visibly state:

- that an exchange student can contact the VRQA if they or their parent or guardian is concerned about the conduct of the SEO
- that the complaints handling and appeals process described in the policy does not prevent an exchange student from exercising the student's rights to other legal remedies.

An SEO must give a complainant the VRQA's contact details.

A school SEO should confirm that its existing complaints and appeals policies and procedures cover the above scenarios, and if not, amend accordingly.

5.31 Privacy of student information

An SEO should collect, use and disclose personal information in accordance with the **Privacy and Data Protection Act 2014**.

For example, an SEO must protect the personal information, including photographs, of exchange students and ensure that:

- it obtains appropriate written consent for the publication or use of student images or information in any advertising or promotional material, and clearly outlines the intended use of the material
- in the recruitment of host families and in any other circumstances, the SEO does not provide personal information or photographs or images including likenesses of individual exchange students in any public or 'open' recruitment through advertising, websites, publications or displays accessible to the general public that would allow the student to be identified via social media
- it only provides a photograph, first name and basic information about student interests (that is, no surname, address or contact details) to prospective host families who have registered with the SEO and who have completed the relevant screening process, including verifying identity with photo identification

- it appropriately safeguards the access, use, storage and archiving of electronic and hard copies of all exchange student applications, files and documents containing students' personal information
- it retains and securely stores details of host families and student placements
- it implements a social media policy, including a record management and monitoring process.

A school SEO should confirm that its existing privacy policies and procedures cover the above, and if not, amend accordingly.

5.32 Information for students and host families about privacy

An SEO must have a policy and procedure in place that is provided to all exchange students and host families with information about the need for students to protect their personal privacy, and the privacy of members of their host family. This includes advice about the appropriate use and risks of the internet and social media platforms such as Facebook, Twitter, Instagram, YouTube, Snapchat, TikTok, Weibo, WeChat or WhatsApp.

A school SEO should confirm that its existing internet use and social media policies and procedures cover the above, and if not, amend accordingly.

5.33 Program evaluation

An SEO must have a process for annual or ongoing program evaluation. The process must include seeking post-program feedback from students, parents or guardians, host families and schools, and implementing improvements in response to the evaluation outcomes.

The program evaluation should include a review of any third-party arrangements.

APPENDIX

Definitions

AASES form – an Acceptance Advice for Secondary Exchange Student form issued by the VRQA to an SEO to enable an overseas exchange student to apply for an Australian student visa (in accordance with the Commonwealth Migration Regulations 1994).

Base state – for SEOs that operate across more than one jurisdiction, the jurisdiction that the SEO's head office is located within will be considered the SEO's base state.

Child Safe Standards – the Victorian Child Safe Standards, as made under the **Child Wellbeing and Safety Act 2005**.

Criminal Record Check (CRC) – official police or security agency check of a person's criminal history undertaken in order to verify their suitability to work with children. In Victoria this includes a Working with Children clearance under the **Worker Screening Act 2020**.

ETR Act – Education and Training Reform Act 2006.

Exceptional circumstances – when a student's health, wellbeing or safety, or the wellbeing of others, is likely to be at risk.

Exchange student – a student enrolled in a secondary school participating in a secondary student exchange program provided by a VRQA-approved SEO.

Financial capability assessment – an assessment of an organisation's financial viability and not-for-profit status.

Local SEO coordinator – a paid or volunteer representative of an SEO who coordinates and provides support to exchange students and host families.

OSHC – overseas student health cover, which is mandatory health insurance required by visa regulations for all Australian student visas.

PEO – principal executive officer.

Registration authority – the legal entity in an Australian state or territory responsible for registering or approving, and quality assurance of SEOs.

Student exchange organisation (SEO) – a school or not-for-profit organisation approved by the VRQA under the **ETR Act** to operate a student exchange program in Victoria.

Student exchange program – an arrangement where an Australian secondary school hosts a student from another country, and that student's school in that other country hosts a student enrolled at that Australian school.

Third-party organisation – a person or organisation engaged directly by an SEO to provide an element of a student exchange program. These include, for example, an overseas affiliate or partner organisation that is responsible for the accommodation and welfare of an outbound student. These do not include companies providing a general service such as airlines, insurance companies or bus services.

Electoral Act 2002

APPLICATION FOR REGISTRATION OF A POLITICAL PARTY

In accordance with section 49 of the **Electoral Act 2002** (the Act), I hereby give notice of the following application for registration of a political party.

Name of party: Family First Victoria

Abbreviation of party name: FFV

Name of proposed registered officer: Lisa Maree Bentley

Address of proposed registered officer: Level 1, Suite 4, 207 Buckley Street, Essendon, Victoria 3040.

Proposed party logo:



The application is signed by the Secretary of the party.

Any person who believes that the party should not be registered because:

- it is not an eligible political party under the provisions of Part 4 of the Act
- the application is not properly completed as required under section 45 of the Act
- the party's name is not allowable under section 47 of the Act
- the party's logo is not allowable under section 47A of the Act

may object by writing to the Victorian Electoral Commission, Level 11, 530 Collins Street, Melbourne, Victoria 3000, by Monday 30 May 2022.

Details of any objections will be made available to the applicant.

Enquiries to: the Political Parties Registrar on telephone 131 832.

Dated 28 April 2022

WARWICK GATELY, AM
Victorian Electoral Commission

Fisheries Act 1995**FURTHER QUOTA ORDER FOR THE VICTORIAN ROCK LOBSTER FISHERY**

I, Chris Padovani, Acting Director Fisheries Management, Policy, Science, Licencing and Communications of the Victorian Fisheries Authority, as delegate of the Minister for Fishing and Boating and having undertaken consultation in accordance with section 3A of the **Fisheries Act 1995** (the Act), make the following Further Quota Order under section 64A of the Act for the Rock Lobster Fishery.

1. This Further Quota Order applies to the period commencing on 1 July 2022 and ending on 30 June 2023.
2. The total allowable catch for the Rock Lobster Fishery (Eastern Zone) for the quota period commencing 1 July 2022 and ending 30 June 2023 is 32 tonnes of rock lobster.
3. The quantity of rock lobsters comprising a quota unit for the quota period in the Rock Lobster Fishery (Eastern Zone) is 32 kilograms.¹
4. The total allowable catch for the Rock Lobster Fishery (Western Zone) for the quota period commencing 1 July 2022 and ending 30 June 2023 is 246 tonnes of rock lobster.
5. The quantity of rock lobsters comprising a quota unit for the quota period in the Rock Lobster Fishery (Western Zone) is 67.70 kilograms.²

Notes

1. As specified in the Initial Quota Order, there are 1000 individual quota units for the Rock Lobster Fishery (Eastern Zone).
2. As specified in the Initial Quota Order (amended in 2009), there are 3633.48 individual quota units for the Rock Lobster Fishery (Western Zone).

Dated 21 April 2022

CHRIS PADOVANI
Acting Director Fisheries Management,
Policy, Science, Licencing and Communications
Victorian Fisheries Authority

Fisheries Act 1995**FURTHER QUOTA ORDER FOR THE WESTERN ZONE OF
THE VICTORIAN GIANT CRAB FISHERY**

I, Chris Padovani, Acting Director Fisheries Management, Policy, Science, Licencing and Communications, Victorian Fisheries Authority, as delegate of the Minister for Fishing and Boating and having undertaken consultation in accordance with section 3A of the **Fisheries Act 1995** (the Act), make the following Further Quota Order under section 64A of the Act for the Giant Crab Fishery in Victorian waters west of longitude 143°40' east (the Western Zone).

1. This Further Quota Order applies to the period commencing on 1 July 2022 and ending on 30 June 2023 ('the quota period').
2. The total allowable catch for the Giant Crab Fishery in the Western Zone for the quota period is 7.5 tonnes.
3. The quantity of giant crabs comprising a quota unit for the quota period will be 15 kilograms.¹

Note

1. As specified in the Initial Quota Order, there are 500 individual quota units for the Western Zone Giant Crab Fishery.

Dated 22 April 2022

CHRIS PADOVANI
Acting Director Fisheries Management,
Policy, Science, Licencing and Communications
Victorian Fisheries Authority

Gambling Regulation Act 2003**SECTION 3.5.23(3)**

The Victorian Gambling and Casino Control Commission gives notice that it has made revised Gaming Machine Rules (Casino) as per the following:

PART 1 – PRELIMINARY

1. These Rules may be cited as the Victorian Gambling and Casino Control Commission Gaming Machine Rules (Casino) ('the Rules').
2. (a) These Rules are in addition to the requirements of the **Gambling Regulation Act 2003** and the **Casino Control Act 1991** ('the Act'), all relevant Regulations and a casino operator's system of internal controls and administrative and accounting procedures for the casino approved under section 121 of the Act.
(b) These Rules revoke all previous Rules made by the Victorian Gambling and Casino Control Commission, or its predecessors, under section 3.5.23(3) of the **Gambling Regulation Act 2003** or section 78 of the **Gaming Machine Control Act 1991**.
(c) Section 3.5.26 of the **Gambling Regulation Act 2003** requires that the casino operator must enforce or cause to be enforced these rules. Failure to do so attracts a penalty of up to 25 penalty units.

PART 2 – CONDUCT OF GAMING

3. A player is entitled to receive a cash or cheque payment from a casino operator, in place of an equivalent value of gaming machine winnings or credits, only when the player has verified the amount of payment and then acknowledges receipt of the correct payment by signing the appropriate form.
4. If a player does not want to play out any remaining credits on a gaming machine that amount to less than \$1.00, the casino operator must allow this to be collected by the player.
5. Subject to rule 6, a casino operator must pay, immediately upon request, monetary prizes, coin issues, token issues, and coin or token redemption in the form requested by the player, except where the Act requires payment in a specific form.
6. (a) If a casino operator has a concern about a person's entitlement to receive a prize, coin issue or token issue, including for reasons that the person may have acted fraudulently or used a prohibited device, or a gaming machine or gaming equipment may have malfunctioned, the casino operator may –
 - (i) request appropriate forms of personal identification from the player and
 - (ii) withhold the payment of any prize, coin issue or token issue until the casino operator has completed an investigation and made a determination.
(b) In these Rules, 'prohibited device' means any equipment, device or thing that permits or facilitates cheating or stealing.
7. All coins or tokens in gaming machines remain the property of the casino operator until won by or refunded to a player in accordance with the Act, the correct operation of the machine and the approved rules of the game and these Rules.
8. A malfunction of a gaming machine or gaming equipment, including jackpot display meter or jackpot controller, voids all gaming machine game plays, winning of jackpots, prizes and payments. All prizes won or monies paid from a gaming machine or gaming machine equipment that has malfunctioned remain the property of the casino operator. The casino operator may adjust the value of the jackpot prize in accordance with approved procedures.
9. Players must not play more than one gaming machine at any one time.
10. Players must not use any item, device, or other thing to hold down or continuously depress an electronic gaming machine button.
11. Players must comply with a reasonable direction made by the casino operator with regard to any matter relevant to these Rules.

12. The player of a gaming machine must clear credits from the gaming machine when a ‘close of play’ warning or notification is broadcast by the casino operator.
13. A person must not tilt, rock or in any way damage or interfere with a gaming machine or attempt to operate a gaming machine with any object or device other than legal tender, valid gaming tokens or authorised Crown issued card.
14. A person must not occupy a gaming machine without actively playing it or occupy an area adjacent to it so that he or she restricts another player from gaining access to play that gaming machine.
15. Where a gaming machine does not provide a ‘reserve button’ to reserve a gaming machine, an employee of the casino operator may, at the request of the gaming machine player, reserve or hold a particular gaming machine for a reasonable period so as to allow that player to obtain more coin or to attend to any personal matter. Unless this request occurs, a player does not have any reservation rights over any particular gaming machine.
16. A person must not interfere with any part of a gaming machine being played by a player to the annoyance of the player.
17. A person must not hinder, harass, intimidate or interfere in any way with another person’s playing of a gaming machine or with any employee of the casino operator performing duties related to a gaming machine.
18. ‘Syndicate Play’ occurs when two or more persons act in concert to affect the chance of any person or persons winning a linked jackpot arrangement. A person must not engage or participate in Syndicate Play. Where a casino operator suspects on reasonable grounds that two or more persons are engaged in Syndicate Play, the casino may restrict the play of those persons.
19. A person must not induce a gaming machine player to vacate a gaming machine or to engage in Syndicate Play, whether by threats, unpleasant behaviour, financial offer or any other method.
20. A person must not solicit or accept an inducement to engage in Syndicate Play.

PART 3 – PLAYER COMPLAINTS

21. A player may complain to a casino operator about their experience of playing a gaming machine or the operation of a gaming machine.
22. Where a player complaint remains unresolved or the player is dissatisfied with the outcome of a complaint, the player must be advised of the presence of, and their right to refer the complaint to, an inspector appointed by the Chairperson of the Victorian Gambling and Casino Control Commission.

Gambling Regulation Act 2003

NOTICE UNDER SECTION 5.2.4 OF AMENDMENT TO RULES FOR THE PUBLIC LOTTERY KNOWN AS TATTSLOTTO

Tattersall’s Sweeps Pty Ltd (ABN 99 081 925 662) of Level 21, Tower 2, 727 Collins Street, Docklands (Tatts), hereby gives notice of having made amendments to the Rules of Authorised Lotteries (also known as the Public Lottery Rules), which regulate the conduct of Lotteries known as TattsLotto, Super66, Monday and Wednesday Lotto, Oz Lotto, Powerball, Draw Lotteries (Lucky Lotteries), Instant Scratch-Its and Set for Life. The amendments to the Rules of Authorised Lotteries will give effect to changes to Oz Lotto for drawings occurring on or after 17 May 2022. Details of the changes to Oz Lotto are available at thelott.com/new-oz-lotto webpage.

Amendments to the Rules of Authorised Lotteries will come into force following the last drawing of the current Oz Lotto format from 10 May 2022.

SUE VAN DER MERWE
Managing Director, Lotteries and Keno

Geographic Place Names Act 1998

NOTICE OF REGISTRATION OF GEOGRAPHIC NAMES

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

Feature Naming:

Change Request Number	Place Name	Authority	Location
—	Show Court Arena	Melbourne and Olympic Parks Trust	Located at 200 Batman Avenue, Melbourne For further details see map at: www.land.vic.gov.au/place-naming

Geographic Names Victoria

Land Use Victoria
2 Lonsdale Street
Melbourne 3000

CRAIG L. SANDY
Registrar of Geographic Names

Housing Act 1983

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

Community Housing (Vic) Ltd (ABN 75 112 324 384)

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

The Director and Community Housing (Vic) Ltd (ABN 75 112 324 384) have agreed in writing that the following land of which Community Housing (Vic) Ltd (ABN 75 112 324 384) is registered as proprietor is land to which section 107 of the Act should apply and is therefore land in which the Director is deemed to have an interest under section 107.

Volume	Folio	Address
10525	597	3–9 Lusher Road, Croydon, Victoria 3136
12341	595, 597, 599, 603 and 607	7, 9, 11, 15 and 17 Sleeman Place, Melton South, Victoria 3338
12344	030, 037 and 043	15, 7 and 1 Cornelius Close, Melton South, Victoria 3338

Dated 8 April 2022

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

Health Complaints Act 2016

Section 100

ORDER TO REVOKE A PROHIBITION ORDER

On 28 October 2019 pursuant to section 95 of the **Health Complaints Act 2016** (Act), the Health Complaints Commissioner (Commissioner) made a Prohibition Order against the general health service provider named below.

Pursuant to section 100 of the Act, the Acting Commissioner has decided to make an Order to revoke that Prohibition Order (the Revocation Order).

Name of the general health service provider to which the Revocation Order applies:	Cynthia Weinstein of Toorak in the State of Victoria
Date and Time of the Revocation Order:	14 April 2022 at 11.59 pm
Effect of the Revocation Order:	The Prohibition Order made by the Commissioner on 28 October 2019 is revoked.
Reason for the Revocation Order:	<p>On 30 March 2022, the Victorian Civil and Administrative Tribunal (VCAT) made an order to set aside the Prohibition Order made by the Commissioner on 28 October 2019 against the above named general health service provider.</p> <p>Accordingly, it is appropriate to revoke the Prohibition Order made on 28 October 2019.</p> <p>A copy of the Order to Revoke the Prohibition Order will be published in the Victoria Government Gazette and on the internet site of the Health Complaints Commissioner.</p>

In this Revocation Order ‘general health service’ and ‘general health service provider’ have the same meaning as in section 3 of the **Health Complaints Act 2016**.

This Revocation Order takes effect on the service of this Order on the general health service provider to whom it applies.

In accordance with section 100 of the Act, this Revocation Order will be published in the Victoria Government Gazette and on the internet site of the Health Complaints Commissioner, www.hcc.vic.gov.au

DOROTA SIARKIEWICZ
Acting Health Complaints Commissioner

Major Transport Projects Facilitation Act 2009

(Section 15)

APPOINTMENT OF PROJECT PROPONENT

I, Ben Carroll MP, Minister for Public Transport, as Project Minister for the Car Parks for Commuters Project, Stage 2, being a project to which the **Major Transport Projects Facilitation Act 2009** (other than Parts 3 and 8) applies (‘the Act’), give notice pursuant to section 15 of the Act that I have appointed the Secretary to the Department of Transport to be the project proponent for the Car Parks for Commuters Project, Stage 2 – Level Crossing Removal Project.

Dated 5 April 2022

Responsible Minister
HON. BEN CARROLL
Minister for Public Transport

FORM 7

Regulation 16

Land Acquisition and Compensation Act 1986

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Minister for Energy, Environment and Climate Change (Minister) declares that by this notice it acquires the following interests in the land described as Lot 1 on Plan of Subdivision LP81077, being the whole of the land contained in Certificate of Title Volume 8731 Folio 025.

Interests Acquired: That of Damian Mervyn Sayers and Vicki Joanne Sayers (registered proprietors) and all other interests.

The acquisition is made pursuant to section 5(4) of the **Crown Land (Reserves) Act 1978** for the purpose of the Clyde Regional Park.

A notice of intention to acquire the interest in the land was served on 15 February 2022.

Published with the authority of the Minister.

For and on behalf of the Minister for Energy, Environment and Climate Change

Signed: JEREMY REIGER

Name: Jeremy Reiger

Acting Director, Suburban Parks Program

Department of Environment, Land, Water and Planning

Date 28 April 2022

FORM 7

Regulation 16

Land Acquisition and Compensation Act 1986

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Minister for Energy, Environment and Climate Change (Minister) declares that by this notice it acquires the following interests in the land described as Lots 1 and 2 on Title Plan 572977S (formerly known as part of Lot 2 on Plan of Subdivision 006806, part of Lot 3 on Plan of Subdivision 006806) and contained in Certificate of Title Volume 08744 Folio 899:

Interests Acquired: That of Sandra Joy Lewis and Juan Michael Johnson (registered proprietors) and all other interests.

The acquisition is made pursuant to section 5(4) of the **Crown Land (Reserves) Act 1978** for the purpose of the Clyde Regional Park.

A notice of intention to acquire the interest in the land was served on 15 February 2022.

Published with the authority of the Minister.

For and on behalf of the Minister

Signed: JEREMY REIGER

Name: Jeremy Reiger

Acting Director, Suburban Parks Program

Department of Environment, Land, Water and Planning

Date 28 April 2022

FORM 7

Regulation 16

Land Acquisition and Compensation Act 1986

Notice of Acquisition

Compulsory Acquisition of Interest in Land

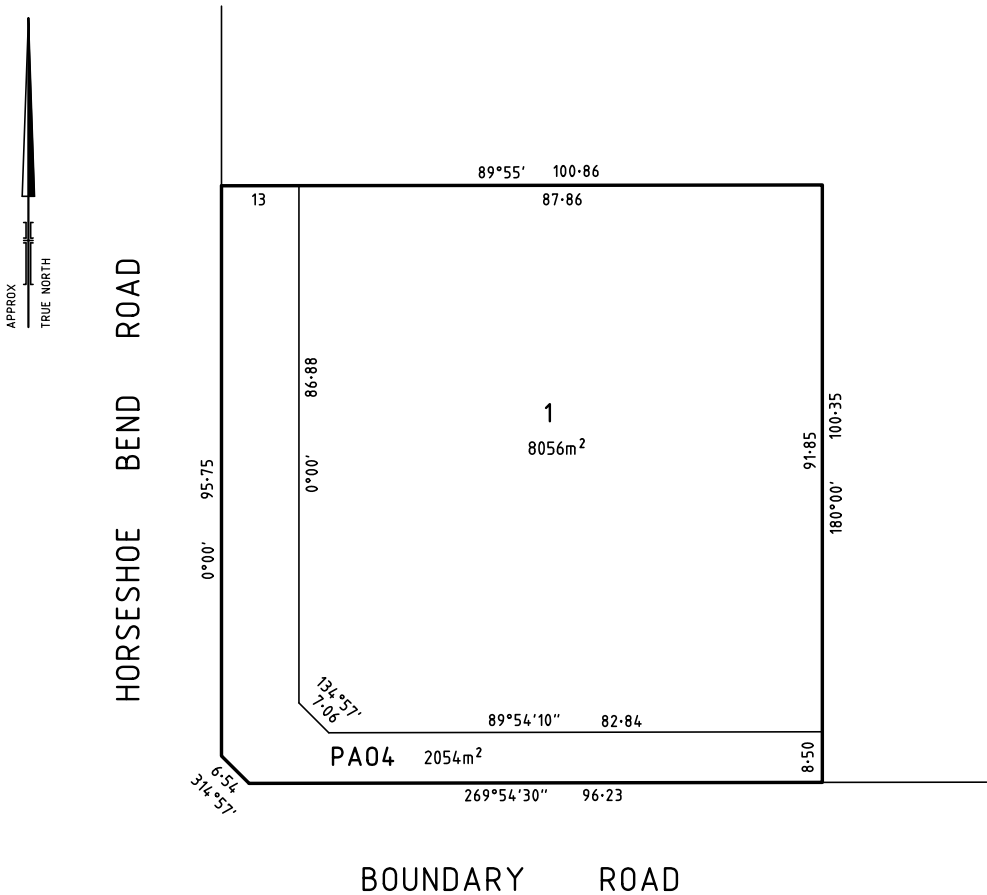
The Greater Geelong City Council declares that by this notice it acquires the following interest in the land described as part of Lot 1 on Plan of Subdivision 119621, comprising 0.2 hectares and being part of the land described in Certificate of Title Volume 09194 Folio 578. The portion acquired is shown as PA04 on the plan hereunder.

Interests acquired: That of Future Holdings Australia Pty Ltd and all other interests.

The acquisition is made pursuant to section 112 of the **Local Government Act 2020** for the purpose of upgrading the Horseshoe Bend Road and Boundary Road intersection to include a splay.

A notice of intention to acquire the interest in the land was served on 1 November 2021.

Published with the authority of the Greater Geelong City Council.



For and on behalf of the Greater Geelong City Council

Signed: TRAVIS KIRWOOD

Name: Travis Kirwood

Manager – Property, Procurement and Assets

Date 28 April 2022

FORM 7

Regulation 16

Land Acquisition and Compensation Act 1986

Notice of Acquisition

Compulsory Acquisition of Interest in Land

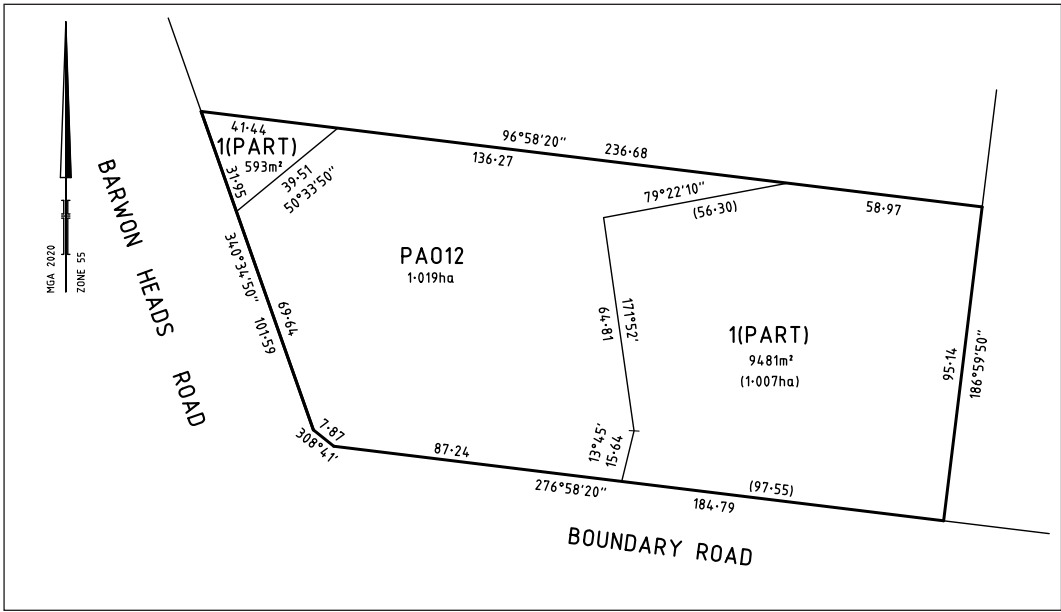
The Greater Geelong City Council declares that by this notice it acquires the following interest in the land described as part of Lot 9 on Plan of Subdivision 091311, comprising 1.019 hectares and being part of the land described in Certificate of Title Volume 08910 Folio 805. The portion acquired is shown as PA012 on the plan hereunder.

Interests acquired: That of Seng Keat Lim and Lynette Helen Lim and all other interests.

The acquisition is made pursuant to section 112 of the **Local Government Act 2020** for the purpose of a stormwater drainage connection to the Sparrovale Wetlands.

A notice of intention to acquire the interest in the land was served on 1 November 2021.

Published with the authority of the Greater Geelong City Council.



For and on behalf of the Greater Geelong City Council

Signed: TRAVIS KIRWOOD

Name: Travis Kirwood

Manager – Property, Procurement and Assets

Date 28 April 2022

FORM 7

Regulation 16

Land Acquisition and Compensation Act 1986

Notice of Acquisition

Compulsory Acquisition of Interest in Land

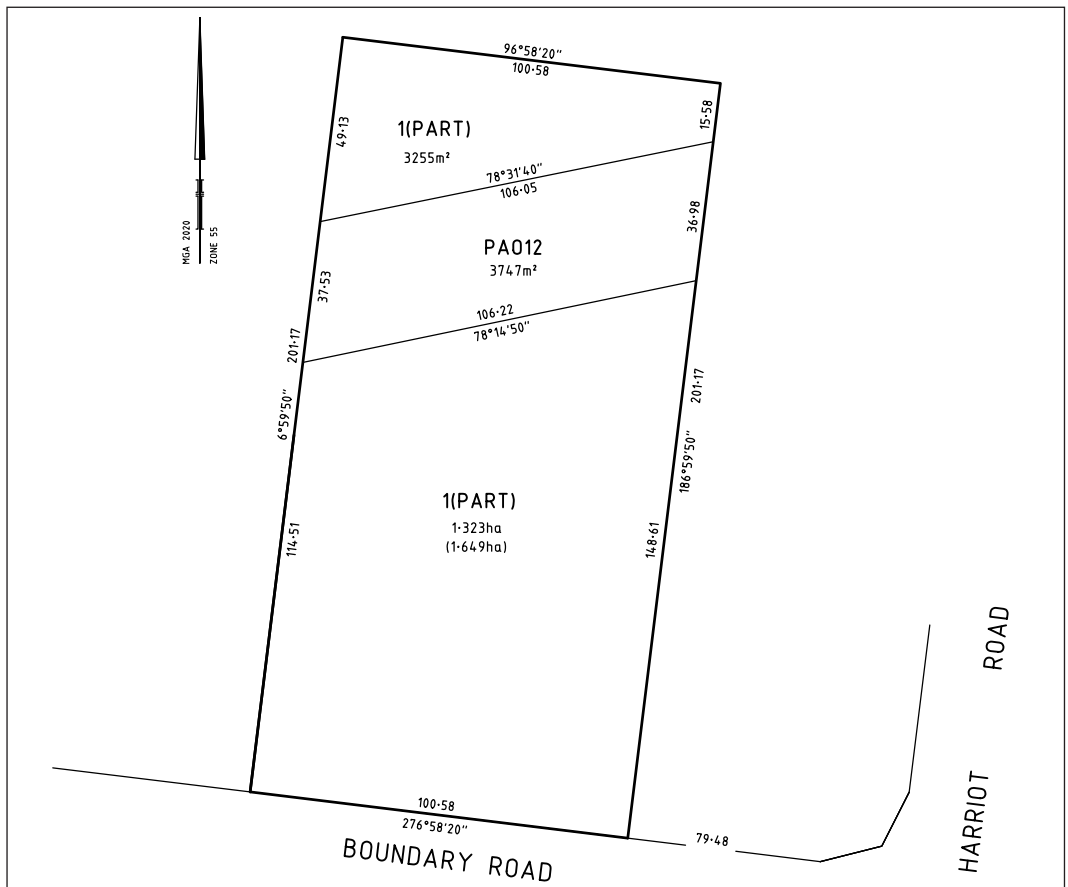
The Greater Geelong City Council declares that by this notice it acquires the following interest in the land described as part of Lot 8 on Plan of Subdivision 091311, comprising 0.374 hectares and being part of the land described in certificate of title volume 08910 folio 804. The portion acquired is shown as PA012 on the plan hereunder.

Interests acquired: That of Sandra O'Hara and all other interests.

The acquisition is made pursuant to section 112 of the **Local Government Act 2020** for the purpose of a stormwater drainage connection to the Sparrovale Wetlands.

A notice of intention to acquire the interest in the land was served on 1 November 2021.

Published with the authority of the Greater Geelong City Council.



For and on behalf of the Greater Geelong City Council

Signed: TRAVIS KIRWOOD

Name: Travis Kirwood

Manager – Property, Procurement and Assets

Date 28 April 2022

**Meat Industry Act 1993****LEGISLATIVE INSTRUMENT DETERMINING LICENCE CATEGORIES AND
FIXING FEES FOR MEAT PROCESSING FACILITY LICENCES**

Pursuant to sections 14(2)(b), 44(f), 44(h) and 45 of the **Meat Industry Act 1993**, PrimeSafe, being the Authority established under Part 6 of that Act –

- 1)
 - a) determines the categories of licences listed in Column 1 of the Table; and
 - b) fixes, for each category of licence specified in Column 1 of the Table, the application fee listed in Column 3 and the annual fee listed in Column 4 of the Table, based, as applicable, on the annual throughput specified in Column 2, subject to the following exceptions:
 - i) any application fee specified in Column 3 is only payable for the initial application for a category of meat processing facility licence; and
 - ii) notwithstanding the fees fixed in Column 3 and 4, facilities registered and supervised by the Commonwealth Department of Agriculture, Water and Environment (DAWE) where the DAWE accepts responsibility for all products placed on the domestic market are required to pay an annual fee in accordance with the fee schedule up to a maximum fee of \$2,030. New licence applications covered by this arrangement will also be required to pay an application fee in accordance with the fee schedule up to a maximum of \$1,015;
 - c) fixes as the fee payable for assessment for approval or monitoring of a quality assurance program at an hourly rate of \$273 (ex GST).
- 2) In this instrument, annual throughput means the number of units slaughtered or weight (tonnes) of material brought into the relevant facility for processing (including storage) in the licensing period to which the licence will apply.
- 3) This instrument is effective from the date it is published in the Victoria Government Gazette.

**Meat Industry Act 1993****FEE SCHEDULE TABLE FOR MEAT PROCESSING FACILITIES**

1 JULY 2022–30 JUNE 2023

Licence Category	Annual Throughput	Application Fee (Payable with first annual fee only) (\$)	Annual Fee (\$)
Abattoir *	Up to 15,000 units 15,001 to 200,000 units 200,001 to 500,000 units Over 500,000 units To calculate number of units of throughput: 1 cattle = 5 units 1 rabbit = 0.2 units 1 other stock = 1 unit	1,023 1,828 3,657 5,339	2,045 3,655 7,314 10,678
Poultry Processing	Up 50,000 units (0 to 25,000 kg) 50,001 to 500,000 units 500,001 to 2,500,000 units 2,500,001 to 5,000,000 units Over 5,000,000 units To calculate number of units of throughput: 1 bird = 1 unit 1 rabbit = 1 unit	969 1,325 2,029 3,481 6,269	1,938 2,649 4,058 6,962 12,538
Further Meat Processing * (includes poultry meat and smallgoods)	Up to 250 tonnes 251 to 500 tonnes 501 to 2,500 tonnes 2,501 to 5,000 tonnes Over 5,000 tonnes	352 407 817 1,227 1,492	704 814 1,634 2,454 2,983
Retail Butcher Shop	Meat and/or poultry only Meat/poultry and smallgoods (Facilities wholesaling greater than 50 tonnes require a further meat processing licence)	175 353	350 705
Prime Tallow Processing	Not applicable	1,718	3,435
Inedible Rendering	Not applicable	1,286	2,572

Pet Meat Processing Plant	Not applicable	1,224	2,448
Pet Food Establishments	Up to 50 tonnes	150	299
	51 to 150 tonnes	508	1016
	Over 150 tonnes	1,020	2,039

*Note: Facilities supervised by the Department of Agriculture and Water Resources (DAWE) where the DAWE accepts responsibility for all products placed on the domestic market are required to pay a licence fee in accordance with the fee schedule up to a maximum fee of \$2,030. New licence applications covered by this arrangement will also be required to pay an application fee in accordance with the fee schedule up to a maximum of \$1,015.



Meat Industry Act 1993

MEAT INDUSTRY REGULATIONS 2015

Legislative Instrument Fixing Fees for a Meat Transport Vehicle Licence

Under regulation 17(3) of the Meat Industry Regulations 2015, PrimeSafe, being the Authority established under Part 6 of the **Meat Industry Act 1993**, fixes the fees listed in Column 4 of the Table below that corresponds to the vehicle type listed in Column 2, for the issue and renewal of an annual meat transport vehicle licence.

This instrument is effective from the date it is published in the Victoria Government Gazette.

Meat Transport Vehicles	Commercial van	—	140
	Truck/Trailer under 4.5 tonnes GVM	—	214
	Truck/Trailer over 4.5 tonnes GVM	—	271
Review or Audit Fee (per hour excluding GST)	Not applicable	—	273

Licence Category	Annual Throughput	Application Fee (Payable with first annual fee only) (\$)	Annual Fee (\$)
Game Meat Processing Facility (Harvest Vehicle)	Not applicable	232	463
Game Meat Processing Facility: Field Depot (Vehicle) / Field Depot (Premises)	Up to 500 tonnes	352	704
	501 to 2,500 tonnes	817	1,634
	Over 2,500 tonnes	1,227	2,454
Game Meat Processing Facility (Premises)	Up to 500 tonnes	462	924
	501 to 2,500 tonnes	1010	2,019
	Over 2,500 tonnes	1,611	3,221

Approval Category	Annual Throughput	Application Fee (Payable with first annual fee only) (\$)	Annual Fee (\$)
Game Meat Field Harvester	Not applicable	117	233



PRIME SAFE

Seafood Safety Act 2003

**LEGISLATIVE INSTRUMENT DETERMINING CLASSES OF LICENCES AND
FIXING FEES FOR SEAFOOD SAFETY LICENCES**

- 1) Pursuant to sections 6, 12 and 13 of the **Seafood Safety Act 2003**, PrimeSafe, being the Authority under that Act –
 - a) determines the classes of licences listed in Column 1 of Table A and Column 1 of Table B;
 - b) fixes, for each class of licence specified in Column 1 of Table A, the application fee listed in Column 3 and the annual fee listed in Column 4 of Table A, based, as applicable, on the annual throughput specified in Column 2, subject to the following exceptions:
 - i) any application fee specified in Column 3 is only payable for the initial application for a category of seafood safety licence; and
 - ii) notwithstanding the fees fixed in Column 3 and 4, facilities registered and supervised by the Commonwealth Department of Agriculture and Water Environment (DAWE) where the DAWE accepts responsibility for all products placed on the domestic market are required to pay an annual fee in accordance with the fee schedule up to a maximum fee of \$2030. New licence applications covered by this arrangement will also be required to pay an application fee in accordance with the fee schedule up to a maximum of \$1,015;
 - c) fixes for each vehicle type listed in Column 2 of Table B, the annual fee listed in Column 4 of Table B;
 - d) fixes as the fee payable for assessment for approval or monitoring of a quality assurance program at an hourly rate of \$273 (ex GST).
- 2) In this instrument, annual throughput means the weight (tonnes) of material brought into the relevant facility for processing (including storage) in the licensing period to which the licence will apply.
- 3) This instrument is effective from the date it is published in the Victoria Government Gazette.



Seafood Safety Act 2003

TABLE A: FEE SCHEDULE FOR WILDCATCH AND AQUACULTURE BUSINESSES
1 JULY 2022–30 JUNE 2023

Licence Category	Annual Throughput	Application Fee (Payable with first annual fee only) (\$)	Annual Fee (\$)
Victorian Wildcatch			
Crustaceans (excluding Rock Lobster)	Landed catch < 1 tonne	150	299
	Landed catch 1 to 5 tonnes	226	451
	Landed catch 5 to 10 tonnes	309	618
	Landed catch > 10 tonnes	448	895
Wildcatch General	Landed catch < 10 tonnes	150	299
	Landed catch 10 to 50 tonnes	267	533
	Landed catch > 50 tonnes	448	895
		150	299
Noxious Fish Permit	Landed catch < 50 tonnes	226	451
	Landed catch > 50 tonnes		
Commonwealth Wildcatch	Not applicable	448	895
Aquaculture			
Abalone	Grow out < 2 tonnes	150	299
	Grow out 2 to 8 tonnes	267	533
	Grow out > 8 tonnes	448	895
Blue Mussels and Shellfish	Grow out < 50 tonnes	150	299
	Grow out 50 to 150 tonnes	267	533
	Grow out > 150 tonnes	448	895
Fin Fish (including trout and yabbies)	Grow out < 15 tonnes	150	299
	Grow out 15 to 60 tonnes	267	533
	Grow out > 60 tonnes	448	895
Review or Audit Fee (per hour excluding GST)	Not applicable	—	273

TABLE B: FEE SCHEDULE FOR SEAFOOD PROCESSING FACILITIES
1 JULY 2022–30 JUNE 2023

Licence Category	Annual Throughput	Application Fee (Payable with first annual fee only) (\$)	Annual Fee (\$)
Wholesaler Category A * (including fin fish, scallops, shellfish, eels, shark, octopus, squid)	< 200 tonnes	462	923
	201 to 400 tonnes	693	1,386
	401 to 1,000 tonnes	1,613	3,226
	1,001 to 2,000 tonnes	3,460	6,920
	> 2,000 tonnes	4,612	9,224
Wholesaler Category B * (including mud crabs, bugs, crabs, abalone, rock lobster, prawns)	< 75 tonnes	462	923
	76 to 150 tonnes	693	1,386
	151 to 350 tonnes	1,613	3,226
	351 to 700 tonnes	3,460	6,920
	> 700 tonnes	4,612	9,224
Processor Category A * (including fin fish, scallops, shellfish, eels, shark, octopus, squid)	< 150 tonnes	462	923
	151 to 300 tonnes	693	1,386
	301 to 750 tonnes	1,613	3,226
	751 to 1,500 tonnes	3,460	6,920
	> 1,500 tonnes	4,612	9,224
Processor Category B * (including mud crabs, bugs, crabs, abalone, rock lobster, prawns)	< 50 tonnes	462	923
	51 to 100 tonnes	693	1,386
	101 to 250 tonnes	1,613	3,226
	251 to 500 tonnes	3,460	6,920
	> 500 tonnes	4,612	9,224
Further Processor Category A * (including fin fish, scallops, shellfish, eels, shark, octopus, squid)	< 50 tonnes	462	923
	51 to 100 tonnes	693	1,386
	101 to 250 tonnes	1,613	3,226
	251 to 500 tonnes	3,460	6,920
	> 500 tonnes	4,612	9,224
Further Processor Category B * (including mud crabs, bugs, crabs, abalone, rock lobster, prawns)	< 25 tonnes	462	923
	26 to 50 tonnes	693	1,386
	51 to 100 tonnes	1,613	3,226
	101 to 200 tonnes	3,460	6,920
	> 200 tonnes	4,612	9,224

Retailer	Not applicable	346	692
Meat Transport Vehicle	Commercial Van	—	140
	Truck/Trailer < 4.5 tonnes GVM	—	214
	Truck/Trailer > 4.5 tonnes GVM	—	271
Review or Audit Fee (per hour excluding GST)	Not applicable	—	273

*Note: Facilities supervised by the Department of Agriculture and Water Resources (DAWE) where the DAWE accepts responsibility for all products placed on the domestic market are required to pay a licence fee in accordance with the fee schedule up to a maximum fee of \$2,030. New licence applications covered by this arrangement will also be required to pay an application fee in accordance with the fee schedule up to a maximum of \$1,015.

Subordinate Legislation Act 1994

NOTICE OF MAKING OF LEGISLATIVE INSTRUMENT

Notice is hereby given under section 16A(2) of the **Subordinate Legislation Act 1994** of the making of the Greyhound Racing Victoria Rules (the Rules) incorporating amendments to the Greyhound Racing Victoria Local Rules.

These rules come into effect on 1 May 2022 and are available at www.greyhoundcare.grv.org.au/rules-of-racing

A hard copy of these rules can also be obtained by contacting: Greyhound Racing Victoria, 46–50 Chetwynd Street, West Melbourne, Victoria 3003.

STUART LAING
Acting Chief Executive Officer
Greyhound Racing Victoria



Pharmacy Regulation Act 2010
VICTORIAN PHARMACY AUTHORITY

Fees

Pursuant to section 104 of the **Pharmacy Regulation Act 2010**, the Victorian Pharmacy Authority has fixed the following fees for a period of 12 months commencing 1 May 2022.

PROVISION	FEE (\$)
Licences	
Annual licence – individual	\$355.00
Annual licence – corporate	\$805.00
Annual licence – hospital	\$430.00
Registration	
Annual registration – pharmacy business	\$330.00
Annual registration – pharmacy department	\$330.00
Annual registration – pharmacy depot	\$85.00
Late lodgement fee (for annual registration and licence renewal applications)	\$60.00
Applications	
Application for registration of pharmacy business	\$495.00
Application for registration of pharmacy department	\$605.00
Application for registration of pharmacy depot	\$85.00
Application for approval of alterations to a registered pharmacy business	\$495.00
Application for licence to carry on a pharmacy business	\$390.00
Application for licence to carry on a pharmacy business – complex	\$825.00
Application for approval to practise in special circumstances section 29(1)(b)	\$170.00
Other fees	
Site re-inspection	\$495.00
Trust or other commercial arrangement assessment	\$1,900.00

The above fees are exempt from GST (Division 81).

Dated 22 April 2022

AARON BAWDEN
Registrar
Victorian Pharmacy Authority

Public Health and Wellbeing Act 2008

Section 165AI

**GUIDANCE FOR THE PANDEMIC (ADDITIONAL INDUSTRY OBLIGATIONS)
ORDER 2022 (No. 10)**

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

The following industries must comply with this Order:

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

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

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

Failure to comply with this Order may result in penalties.

This explanatory guidance does not form part of the Pandemic (Additional Industry Obligations) Order 2022 (No. 10) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (ADDITIONAL INDUSTRY OBLIGATIONS) ORDER 2022 (No. 10)**TABLE OF PROVISIONS**

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Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (ADDITIONAL INDUSTRY OBLIGATIONS) ORDER 2022 (No. 10)

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

PART 1 – PRELIMINARY**1 Objective**

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

2 Citation

This Order may be referred to as the **Pandemic (Additional Industry Obligations) Order 2022 (No. 10)**.

3 Authorising provision

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

4 Commencement and revocation

- (1) This Order commences at 11:59:00 pm on 12 April 2022 and ends at 11:59:00 pm on 12 July 2022.
- (2) The **Pandemic (Additional Industry Obligations) Order 2022 (No. 9)** is revoked at 11:59:00 pm on 12 April 2022.

5 Definitions

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

6 Application of this Order

This Order applies to the whole State of Victoria.

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

- (1) This Order applies to Additional Obligation Industries, namely:
 - (a) poultry processing facilities;
 - (b) abattoirs and meat processing facilities;
 - (c) seafood processing facilities;
 - (d) supermarket work premises and perishable food work premises;
 - (e) warehousing and distribution centres;
 - (f) commercial cleaning services;
 - (g) care facilities;
 - (h) ports of entry servicing international arrivals;
 - (i) hotel quarantine;
 - (j) hospitals;
 - (k) schools;
 - (l) childcare or early childhood services;
 - (m) construction sites.

- (2) This Order applies to Additional Obligation Industries work premises that are located:
 - (a) in relation to supermarket work premises and perishable food work premises, and warehousing and distribution centres, in Metropolitan Melbourne; and
 - (b) in relation to all other Additional Obligation Industries not referred to in paragraph (a), anywhere in Victoria, unless this Order indicates otherwise.

8 General obligations

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

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

9 Compliance

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

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

10 Consultation

An employer in relation to a high-risk hospital work premises must, to the extent reasonably practicable, consult with health and safety representatives, together with workers who are, or are likely to be, directly affected:

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

11 Additional Industry Obligations

- (1) An employer in relation to an Additional Obligation Industry work premises must:
 - (a) where the employer's work premises is an industry that is listed in the Surveillance Testing Industry List and Requirements (as amended from time to time on the advice of the Chief Health Officer):
 - (i) carry out surveillance testing for COVID-19 on its workers in relation to the work premises in accordance with the requirements of the Surveillance Testing Industry List and Requirements (as amended from time to time on the advice of the Chief Health Officer), including:
 - (A) those sections of its workforce required to be tested under the Surveillance Testing Industry List and Requirements;

- (B) a weekly surveillance testing target of the percentage of workers that are to be tested; and
 - (ii) for industries that require workers to undergo a COVID-19 rapid antigen test, if a worker receives an invalid test result from the COVID-19 rapid antigen test, the employer must direct the worker to undertake a second COVID-19 rapid antigen test as soon as possible; and
 - (iii) for industries that require workers to undergo a COVID-19 rapid antigen test, if a worker receives:
 - (A) a positive test result from the COVID-19 rapid antigen test, the employer must direct the worker to immediately self-isolate in accordance with the **Quarantine, Isolation and Testing Order**; or
 - (B) two successive invalid COVID-19 rapid antigen test results, the employer must direct the worker to:
 - 1. undertake a COVID-19 PCR test as soon as possible; and
 - 2. immediately self-isolate until a negative COVID-19 PCR test result is received; and
 - (iv) keep records of surveillance testing of workers for COVID-19, which demonstrate that the employer has complied with its obligations under subparagraph (i) in relation to the work premises; and
 - (v) provide the records required to be kept by the employer under subparagraph (iv) to the Department upon request by the Department for those records.
- Note: the industries and requirements included in the Surveillance Testing Industry List and Requirements may be amended on the advice of the Chief Health Officer.*
- (2) An employer is not required to carry out surveillance testing for COVID-19 pursuant to subparagraph (1)(a)(i) in relation to a worker who is a confirmed case for a period of 30 days commencing from the date the diagnosis of COVID-19 is confirmed through a COVID-19 PCR test.

12 Care facilities

- (1) An employer in relation to a work premises that is a care facility in Victoria must require care facility workers in relation to a care facility to wear a face covering while working in any indoor space at the care facility if the worker is performing a resident-facing role at the care facility, unless an exception under the **Movement and Gathering Order** applies to that worker.
- Example: where a care facility worker is communicating with a resident who is hard of hearing or deaf and visibility of the mouth is essential for communication, that care facility worker may remove their face covering whilst communicating with the resident.*
- Note: a care facility worker working in a resident-facing role at a care facility must wear a mask at all times while working in an indoor space including when they are not interacting with residents.*
- (2) If a care facility worker is working at more than one work premises for two or more different employers:
- (a) the care facility worker must provide a written declaration to each employer to advise them that the worker is working at more than one work premises and must provide details of the other work premises to each employer; and
 - (b) each employer must maintain a record of all care facility workers who have disclosed to the employer under paragraph (a) that they are working across more than one work premises.
- (3) Despite the **Visitors to Hospitals and Care Facilities Order**, an employer in relation to a work premises that is a care facility in Victoria must not permit an employee or contractor (excluding a visiting health care professional) to enter the care facility where:
- (a) the employee or contractor has, on or after 4 October 2020, worked at another care facility; and

- (b) at the time the employee or contractor worked at that other care facility, a confirmed case was present at that other facility,
unless the employee or contractor is fully vaccinated or is an excepted person and either:
 - (c) the following applies:
 - (i) at least 7 days have elapsed since the last time the employee or contractor worked at that other facility while a confirmed case was present; and
 - (ii) the employee or contractor:
 - (A) has undertaken a COVID-19 rapid antigen test on or after 6 days from the day that the employee or contractor last worked at that other facility while a confirmed case was present; and
 - (B) received confirmation that the results of the test undertaken pursuant to subsubparagraph (A) were negative; or
 - (d) the following applies:
 - (i) their attendance at the care facility is reasonably necessary to address a significant actual or potential decline in the quality of care delivered by the operator of that care facility; and
 - (ii) the employee or contractor is not experiencing COVID-19 symptoms; and
 - (iii) the employee or contractor:
 - (A) undertakes a COVID-19 rapid antigen test each day prior to working at the care facility for a period of 5 days from the day after that the employee or contractor last worked at that other facility while a confirmed case was present; and
 - (B) receives confirmation that the results of the tests undertaken pursuant to subsubparagraph (A) were negative.
- (4) For the avoidance of any doubt, the obligations on an employer in subclause (3) do not apply to a visiting health care professional entering the care facility.
- (5) An employer in relation to a work premises that is a care facility in Victoria must comply with personal protective equipment requirements in accordance with the requirements of the Department.
- (6) The Chief Health Officer may grant an exemption in writing to the requirements of subclause (3).

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

13 Ports of entry

- (1) Subject to subclause (2), a port of entry worker means:
 - (a) any airport or maritime port worker who has direct contact (including occasional contact or interactions) with international passengers or crew, at the international port of entry; or
 - (b) a worker or person who interacts with the environment within the international port of entry (including any worker or person who boards a vessel, ship or aircraft) where international passengers and crew are or have been.
Note: interacting with the 'environment' within the international port of entry refers to handling items and/or using or being in communal facilities (such as toilets, waiting areas and seating) that have been used by or are being used by international passengers and crew. It also refers to boarding or entering a vessel, ship or aircraft where international passengers and crew are or have been.
- (2) Despite subclause (1), a port of entry worker does not include any worker who works in an international departures area of an airport.

- (3) In relation to a work premises that is a port of entry work premises servicing international arrivals, an employer must:

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

- (a) make available an adequate supply of personal protective equipment free of charge to port of entry workers; and
- (b) ensure that all port of entry workers wear appropriate personal protective equipment in accordance with the requirements of the Department; and
- (c) if they are an employer of an international aircrew service worker, keep, and provide to the Department upon request by the Department, records of:
 - (i) the date and time each COVID-19 rapid antigen test is administered to an international aircrew service worker; and
 - (ii) the result of each COVID-19 rapid antigen test administered to an international aircrew service worker; and
 - (iii) in the event that the result of the COVID-19 rapid antigen test is positive for an international aircrew service worker, the date, time and result of a COVID-19 PCR test undertaken on that worker.

14 Hotel quarantine

In relation to a work premises that is a hotel quarantine work premises, an employer must 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:

- (1) good hygiene practices; and
- (2) advising workers not to attend the work premises when unwell.

15 Hospitals

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:

- (1) an in vitro fertilisation (IVF) procedure performed at a work premises that is a registered facility; or
- (2) a procedure for the surgical termination of pregnancy.

PART 3 – GENERAL PROVISIONS

16 Relationship with other Orders

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

17 Severability

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

18 Transitional provisions

- (1) A reference in any pandemic order in force to a Revoked Additional Industry Obligations Order is taken on and after the commencement of this Order to be a reference to this Order.

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

PART 4 – PENALTIES

19 Penalties

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

Failure to comply with pandemic order, direction or other requirement

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

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

SCHEDULE 1 – RESTRICTIONS ON ELECTIVE SURGERY

Work premises (Column 1)	Current elective surgery restriction (Column 2)
<p>Private hospitals (excluding day procedure centres) in the local government area of the City of Ballarat, the City of Greater Shepparton, the City of Greater Bendigo, the City of Latrobe, the Rural City of Wangaratta and the City of Greater Geelong.</p> <p>Private hospitals and day procedure centres in Metropolitan Melbourne.</p>	<p>(a) An employer may only permit elective surgery (including multi-day surgery and non-urgent surgery) to be performed if the employer does not exceed the volume cap on elective surgery procedures in paragraph (b).</p> <p>(b) An employer must ensure that the volume of elective surgery procedures performed per week at each registered facility does not exceed 100 per cent of the usual volume of allocated list time prior to the introduction of restrictions on elective surgery procedures under the revoked Workplace (Additional Industry Obligations) Directions (No. 51).</p> <p>(c) An employer must work in partnership with public hospitals to support system response to the COVID-19 pandemic, as required, including hospital capacity and workforce.</p> <p>(d) The following services provided by an employer do not count towards the volume cap in place at each registered facility in accordance with paragraph (b):</p> <ul style="list-style-type: none"> (i) all activity undertaken on behalf of public health services or public hospitals; and (ii) emergency surgery.
<p>All public health services in Victoria.</p>	<p>(a) Subject to (b), an employer may permit an elective surgery procedure to be performed that is a Category 1, Category 2, Category 3 or non-urgent non-ESIS elective surgery procedure.</p> <p>(b) An employer must ensure:</p> <ul style="list-style-type: none"> (i) the volume of elective surgery activity is determined by the employer's assessment of capacity in consultation with the Department and in line with agreed Health Service Partnership bed plans; and (ii) all patients requiring elective surgery must be prioritised based on clinical need; and (iii) COVID-19 demand is met; and (iv) workforce pressures are manageable to support the resumption of non-urgent elective surgery. <p>(c) If an employer intends to reduce the volume of non-urgent elective surgery, the employer must notify the Department.</p> <p>(d) If paragraph (c) applies, an employer should ensure elective surgery procedures that are not urgent elective surgery procedures, including Category 2 elective surgery procedures, Category 3 elective surgery procedures and non-urgent non-ESIS procedures, are reduced in the first instance.</p>

Work premises (Column 1)	Current elective surgery restriction (Column 2)
	<p>(e) An employer of a public health service operating a COVID-19 streaming area must:</p> <ul style="list-style-type: none">(i) continue to focus on supporting patients with COVID-19; and(ii) establish local partnerships with public and private hospitals with a focus on treating Category 1 and Category 2 patients within the clinically recommended time. <p>(f) An employer of a public health service that is not operating a COVID-19 streaming area must:</p> <ul style="list-style-type: none">(i) provide required capacity to support the COVID-19 pandemic response; and(ii) support requests by other public health services operating a COVID-19 streaming area to treat Category 1 and Category 2 patients within clinically recommended time.

SCHEDULE 2 – DEFINITIONS

For the purposes of this Order:

abattoir has the meaning under the PrimeSafe licence categories ‘abattoirs (domestic)’ and ‘abattoirs (exports)’;

Additional Obligation Industries has the meaning in clause 7(1);

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

airport means a facility that receives scheduled international passenger air transport services and / or passenger charter air services from international markets;

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

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

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

Category 1 elective surgery procedure means a procedure that is clinically indicated within 30 days and where the patient’s condition has the potential to deteriorate quickly to the point where the patient’s condition may become an emergency;

Category 2 elective surgery procedure means procedure that is clinically indicated within 90 days and is unlikely to deteriorate quickly or become an emergency during that period;

Category 3 elective surgery procedure means a procedure that is clinically indicated within 365 days but is unlikely to deteriorate quickly;

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

- (1) **Education and Care Services National Law 2010** and the **Education and Care Services National Regulations 2011**, including long day care services, kindergartens and/or preschool and family daycare services, but not including outside school hours care services; and
- (2) **Children’s Services Act 1996**, including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;

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

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

construction site means a work premises at which civil works, building or construction activities take place;

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

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

COVID-19 symptoms has the same meaning as in the **Workplace Order**;

COVID streaming area means any patient treatment area nominated by the relevant health service as an area dedicated to treating a confirmed case or confirmed cases, including negative pressure rooms for COVID-19 patients;

day procedure centre has the same meaning as in the **Visitors to Hospitals and Care Facilities Order**;

density quotient has the same meaning as in the **Workplace Order**;

Department means the Department of Health;

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

elective surgery procedure means an urgent elective surgery procedure, urgent non-ESIS procedures, Category 1 elective surgery procedure, Category 2 elective surgery procedure, Category 3 elective surgery procedure or non-urgent non-ESIS procedure;

employee includes a person who is self-employed;

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

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

face covering has the same meaning as in the **Workplace Order**;

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

high-risk hospital work premises means any hospital ward treating a confirmed case or cases of COVID-19;

high-risk hospital work premises worker means any worker involved in the direct care of patients, and those who interact with a high-risk hospital work premises;

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

hotel quarantine means a place (being a hotel or other facility or class of facility), designated by the Attorney-General and published in the Government Gazette, where people are detained in or directed to remain in, or are staying in, quarantine, isolation or emergency accommodation at, for the purpose of eliminating or reducing the serious risk to public health posed by the COVID-19 pandemic;

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

meat processing facility has the meaning under the PrimeSafe licence category ‘further meat processing facilities’;

Metropolitan Melbourne means the area within the municipal districts under the local government of the municipal councils set out in Schedule 2 of the **Planning and Environment Act 1987**;

Movement and Gathering Order means the **Pandemic (Movement and Gathering) Order 2022 (No. 5)** as amended or replaced from time to time;

non-urgent non-ESIS procedure means a non-time critical procedure that is not reported via the Elective Surgery Information System where the patient’s condition is unlikely to deteriorate quickly;

Open Premises Order means the **Pandemic (Open Premises) Order 2022 (No. 6)** as amended or replaced from time to time;

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

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

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

perishable food work premises means a work premises that is predominantly a perishable food facility that is a chilled distribution facility;

personal protective equipment has the same meaning as in the **Occupational Health and Safety Regulations 2017**;

port means the port of Melbourne, the port of Geelong, the port of Portland, the port of Hastings and any other port declared under section 6 of the **Port Management Act 1995** in relation to which port lands or port waters or both port lands and port waters have been declared under section 5 of the **Port Management Act 1995**;

port of entry means a port or airport;

port of entry worker has the meaning in clause 13(1);

poultry processing facility has the meaning under the PrimeSafe licence category ‘poultry meat processing facilities’;

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

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

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

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

Quarantine, Isolation and Testing Order means the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 7)** as amended or replaced from time to time;

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

Regional Victoria means the areas within the State of Victoria that are not part of Metropolitan Melbourne;

registered facility means a private hospital or a day procedure centre that is registered with the Department as a ‘private hospital’ or a ‘day procedure centre’;

representative in relation to the operator of a construction site means the site manager, the duty holder or a registered builder;

Revoked Additional Industry Obligations Order means the **Workplace (Additional Industry Obligations) Directions (No. 58)** or the **Pandemic (Additional Industry Obligations) Order 2022 (No. 9)**, or their predecessors;

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

seafood processing facility has the meaning under the PrimeSafe licence category ‘seafood processing facilities’;

supermarket has the same meaning as ‘supermarket business’ in the **Food Act 1984**, and includes supermarket distribution and warehousing (including in relation to liquor products) but excludes retail facilities;

supermarket work premises means the total of all supermarket distribution facilities;

Surveillance Testing Industry List and Requirements means the Department document that lists the industries (as amended from time to time on the advice of the Chief Health Officer) that are required to carry out surveillance testing on their workers, and also sets out the surveillance testing requirements for those listed industries;

Note: the Surveillance Testing Industry List and Requirements are available at www.health.vic.gov.au/covid-19/surveillance-testing-industry-list-covid-19 as amended from time to time by the Victorian Government.

urgent elective surgery procedure means:

- (1) a procedure where admission within 30 days is clinically indicated for a condition that has the potential to deteriorate quickly to the point that it might become an emergency;
- (2) an urgent non-ESIS procedure including a procedure undertaken for the purposes of cancer diagnosis and early or overdue cancer surveillance;

urgent non-ESIS procedure means a procedure that is a time critical procedure that is not reported via the Elective Surgery Information System where the patient’s condition is likely to deteriorate quickly including procedures undertaken for the purposes of cancer diagnosis and early or overdue cancer surveillance;

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

*Note: under the **Public Health and Wellbeing Act 2008**, vehicle includes any means of transport, whether used on land, sea or in the air.*

visiting health care professional means a health care worker whose usual place of work is not the facility but who attends to provide health care services to a resident or facility;

Visitors to Hospitals and Care Facilities Order means the **Pandemic (Visitors to Hospitals and Care Facilities) Order 2022 (No. 5)** as amended or replaced from time to time;

Workplace Order means the **Pandemic (Workplace) Order 2022 (No. 7)** as amended or replaced from time to time;

work premises means the premises of an employer in which work is undertaken, including any vehicle whilst being used for work purposes, and including a seasonal work premises;

Note: a work premises does not include an employee's ordinary place of residence.

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

Dated 11 April 2022

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

Section 165AI

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

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

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

This Order requires:

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

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

This guidance does not form part of the Pandemic COVID-19 Mandatory Vaccination (General Workers) Order 2022 (No. 4) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

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Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC COVID-19 MANDATORY VACCINATION (GENERAL WORKERS)**ORDER 2022 (No. 4)**

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

PART 1 – PRELIMINARY**1 Objective**

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

2 Citation

This Order may be referred to as the **Pandemic COVID-19 Mandatory Vaccination (General Workers) Order 2022 (No. 4)**.

3 Authorising Provision

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

4 Commencement and revocation

- (1) This Order commences at 11:59:00 pm on 12 April 2022 and ends at 11:59:00 pm on 12 July 2022.
- (2) The **Pandemic COVID-19 Mandatory Vaccination (General Workers) Order 2022 (No. 3)** is revoked at 11:59:00 pm on 12 April 2022.

5 Definitions

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

6 Application of this Order

This Order applies to the whole State of Victoria.

PART 2 – VACCINATION REQUIREMENTS FOR GENERAL WORKERS**7 Limits on work outside ordinary place of residence**

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

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

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

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

8 Disclosure to authorised officers

- (1) An authorised officer may request an employer to produce to the authorised officer any vaccination information held by the employer under clause 7(1), except any Individual Healthcare Identifiers that the employer might hold.
- (2) If an authorised officer makes a request to a person under subclause (1), the person must comply with the request.

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

PART 3 – GENERAL PROVISIONS**9 Severability**

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

10 Transitional provisions

- (1) A reference in any pandemic order in force to a Revoked COVID-19 Mandatory Vaccination (General Workers) Order is taken on and after the commencement of this Order to be a reference to this Order.
- (2) Any act, matter or thing that had effect under a Revoked COVID-19 Mandatory Vaccination (General Workers) Order immediately before it was revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which a Revoked COVID-19 Mandatory Vaccination (General Workers) Order was subject immediately before it was revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.

PART 4 – PENALTIES**11 Penalties**

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

Failure to comply with pandemic order, direction or other requirement

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

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

SCHEDULE 1 – DEFINITIONS

Division 1 – Key definitions

1 Vaccination status

- (1) A person's **vaccination status** is one of the following:
 - (a) fully vaccinated; or
 - (b) excepted person.
- (2) A person is **fully vaccinated** if the person has received:
 - (a) one dose of a one dose COVID-19 vaccine; or
 - (b) two doses of a two dose COVID-19 vaccine including two different types of two dose COVID-19 vaccines.
- (c) A person is an **excepted person** if the person holds acceptable certification that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia due to:
 - (i) a medical contraindication; or
 - (ii) an acute medical illness (including where the person has been diagnosed with COVID-19).
- (3) An **acceptable certification** for the purpose of subclause (2)(c) is:
 - (a) a current COVID-19 digital certificate issued by Services Australia and displayed through the Medicare App, Service Victoria App or equivalent smartphone wallet, that states that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia; or
 - (b) a printed version of the COVID-19 digital certificate referred to in subparagraph (a).

2 Vaccination information

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

- (1) any information that is derived from a record of information that was made under, or in accordance with, the **Australian Immunisation Register Act 2015** of the Commonwealth; and
- (2) the name or type of any dose of COVID-19 vaccine received by the person; and
- (3) the date on which the person received any dose of a COVID-19 vaccine.

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

3 Employers and workers

For the purpose of this Order:

employer in relation to a general worker means:

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

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

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

- (4) a person who is a worker within the meaning of the **Open Premises Order**;
- (5) a Commonwealth employee;
- (6) a judge or judicial registrar;
- (7) a person who works in connection with proceedings in a court, where that work cannot be done from the person's ordinary place of residence;
- (8) a person who is a member of the staff of Court Services Victoria within the meaning of the **Court Services Victoria Act 2014**;
- (9) a person employed or engaged by the Chief Executive Officer of the Victorian Civil and Administrative Tribunal;
- (10) a member of State Parliament;
- (11) the Clerk of the Legislative Assembly;
- (12) the Clerk of the Legislative Council;
- (13) an electorate officer within the meaning of the **Parliamentary Administration Act 2004**;
- (14) a parliamentary officer within the meaning of the **Parliamentary Administration Act 2004**;
- (15) a person who works at or in connection with a place of worship and:
 - (a) conducts services of public worship and acknowledgments of faith;
 - (b) performs marriages, funerals and special memorial services according to tradition and ecclesiastical and civil law;
 - (c) visits members of the community in their homes, hospitals and other institutions to provide advice and religious comfort for the purpose of end of life faith reasons;
- (16) a person identified in Article 1 of the Vienna Convention on Diplomatic Relations, as set out in the Schedule to the **Diplomatic Privileges and Immunities Act 1967** of the Commonwealth;
- (17) a person identified in Article 1 of the Vienna Convention on Consular Relations, as set out in the Schedule to the **Consular Privileges and Immunities Act 1972** of the Commonwealth;
- (18) the Governor and the Lieutenant Governor.

Division 2 – Other definitions

For the purposes of this Order:

authorised officer has the same meaning as in the **Public Health and Wellbeing Act 2008**;
Commonwealth employee has the same meaning as in the **Sex Discrimination Act 1984 of the Commonwealth**;

court means:

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

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

COVID-19 Mandatory Vaccination (Specified Facilities) Order means the **Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2022 (No. 7)** as amended or replaced from time to time;

COVID-19 Mandatory Vaccination (Specified Workers) Order means the **Pandemic COVID-19 Mandatory Vaccination (Specified Workers) Order 2022 (No. 6)** as amended or replaced from time to time;

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

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

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

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

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

medical practitioner means:

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

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

Open Premises Order means the **Pandemic (Open Premises) Order 2022 (No. 6)** as amended or replaced from time to time;

pandemic orders in force has the same meaning as in the **Pandemic (Movement and Gathering) Order 2022 (No. 5)** as amended or replaced from time to time;

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

Pandemic COVID-19 Mandatory Vaccination (General Workers) Order 2022 (No. 3),
or their predecessors;

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

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

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

Dated 11 April 2022

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

Section 165AI

**GUIDANCE FOR THE PANDEMIC COVID-19 MANDATORY VACCINATION
(SPECIFIED FACILITIES) ORDER 2022 (No. 7)**

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

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

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

- (1) collect, record and hold certain vaccination information of workers;
- (2) take reasonable steps to prevent entry of unvaccinated or partially vaccinated workers to the specified facility for the purposes of working;
- (3) if a booster deadline is specified in relation to a worker and the worker is aged 18 years or over, take reasonable steps to prevent entry of workers, unless the worker is fully vaccinated (boosted) or an excepted person or unless an exception applies to the worker; and
- (4) notify current and new workers that the operator is obliged to collect, record and hold certain vaccination information about the worker and to take reasonable steps to prevent a worker who is unvaccinated or partially vaccinated or not fully vaccinated (boosted) from entering or remaining on the premises of a specified facility for the purposes of work, as applicable.

Exceptional circumstances are set out in this Order where an operator is not required to comply with this Order. Otherwise, failure to comply with this Order may result in penalties.

This guidance does not form part of the Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2022 (No. 7) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC COVID-19 MANDATORY VACCINATION (SPECIFIED FACILITIES)**ORDER 2022 (No. 7)****TABLE OF PROVISIONS**

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Public Health and Wellbeing Act 2008

Section 165AI

**PANDEMIC COVID-19 MANDATORY VACCINATION (SPECIFIED FACILITIES)
ORDER 2022 (No. 7)**

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

PART 1 – PRELIMINARY**1 Objective**

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

2 Citation

This Order may be referred to as the **Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2022 (No. 7)**.

3 Authorising Provision

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

4 Commencement and revocation

- (1) This Order commences at 11:59:00 pm on 12 April 2022 and ends at 11:59:00 pm on 12 July 2022.
- (2) The **Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2022 (No. 6)** is revoked at 11:59:00 pm on 12 April 2022.

5 Definitions

In this Order:

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

6 Application of this Order

This Order applies to the whole State of Victoria.

PART 2 – OPERATOR OBLIGATIONS**Division 1 – Operator must collect, record and hold vaccination information****7 Vaccination information**

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

- (2) If:
 - (a) a worker has a booster deadline; and
 - (b) the worker is aged 18 years or over; and
 - (c) the worker is, or may be, scheduled to work outside the worker's ordinary place of residence after that date,

the operator must collect, record and hold the following vaccination information about the worker:
 - (d) whether the worker is fully vaccinated (boosted); and
 - (e) if the worker is fully vaccinated (boosted) – the date on which the person became fully vaccinated (boosted).
- (3) If an exception under clause 12 or clause 14 applies to a worker, the operator must collect, record and hold information about whether the worker has a booking to receive a booster dose and any information about that booking including the date of the booking.
- (4) If an operator is not required to comply with clause 10(2) in relation to a worker because the exception in clause 12 applies to the worker, the operator must collect, record and hold information regarding the entry of the worker into Australia from another country including the date of entry.

8 Timing

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

9 Exceptions

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

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

10 Prevention of entry to premises

Unvaccinated and partially vaccinated workers

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

Booster deadlines

- (2) If a booster deadline is specified in relation to a worker and the worker is aged 18 years and over, an operator of a specified facility must take all reasonable steps to ensure that the worker does not, after that date, enter, or remain on, the premises of the specified facility for the purposes of working at the specified facility unless the worker is fully vaccinated (boosted) or an excepted person, or one or more of the exceptions under this Order apply.

Where operator does not hold information about vaccination status

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

11 Exception – not eligible for booster

Despite clause 10(2), an operator of a specified facility may permit a worker referred to in that subclause to enter, or remain on, the premises of the specified facility if the worker became fully vaccinated in the previous 3 months and 14 days.

Note: once 3 months and 14 days have passed since a worker with a booster deadline has become fully vaccinated, an operator can only permit the worker to enter, or remain on, the premises of the specified facility after the booster deadline if the worker is fully vaccinated (boosted).

12 Exception – recent international arrival

Despite clause 10(2), an operator of a specified facility may permit a worker referred to in that subclause to enter, or remain on, the premises of the specified facility if the worker:

- (1) is fully vaccinated;
- (2) entered Australia from another country in the previous 4 weeks;
- (3) has a booking to receive a booster dose within 4 weeks of entering Australia; and
- (4) has provided evidence to the operator of the specified facility that the worker has a booking as specified in subclause (3).

Note: once 4 weeks have passed since a worker has entered Australia from another country, an operator can only permit the worker to enter, or remain on, the premises of the specified facility after the booster deadline if the worker is fully vaccinated (boosted).

13 Exception – no longer excepted person

Despite clause 10(2), an operator of a specified facility may permit a worker referred to in that subclause to enter, or remain on, the premises of the specified facility if the worker is fully vaccinated and ceased to be an excepted person in the previous 14 days.

Note: once 14 days have passed since a worker has ceased to be an excepted person, an operator can only permit the worker to enter, or remain on, the premises of the specified facility after the booster deadline if the worker is fully vaccinated (boosted).

14 Exception – self-quarantine or self-isolation

Despite clause 10(2), an operator of a specified facility may permit a worker referred to in that subclause to enter, or remain on, the premises of the specified facility only until the end of the 14 day period specified in subclause (2) if the worker is fully vaccinated and:

- (1) was unable to become fully vaccinated (boosted) before the relevant booster deadline because they were in self-quarantine or self-isolation under the **Quarantine, Isolation and Testing Order**; and
- (2) has a booking to receive, within 14 days of the end of the period of self-quarantine or self-isolation as determined under the **Quarantine, Isolation and Testing Order**, a dose of a COVID-19 vaccine that will cause the worker to become fully vaccinated (boosted).

Note: once 14 days have passed since the end of the worker's relevant period of self-quarantine or self-isolation, an operator can only permit the worker to enter, or remain on, the premises of the specified facility after the booster deadline if the worker is fully vaccinated (boosted).

15 Exception – recent diagnosed persons or probable cases

Despite clause 10(2), an operator of a specified facility may permit a worker referred to in that subclause to enter, or remain on, the premises of the specified facility, if the worker is fully vaccinated and:

- (1) was a diagnosed person whose self-isolation period under the **Quarantine, Isolation and Testing Order** or a Revoked Quarantine, Isolation and Testing Order ended within the previous 4 months; or

- (2) was a probable case whose self-isolation period under the **Quarantine, Isolation and Testing Order** or a Revoked Quarantine, Isolation and Testing Order ended within the previous 4 months, and:
- (a) if the worker's self-isolation period ended at or prior to 11:59 pm on 4 February 2022:
 - (i) the worker has provided a written attestation to their employer stating that they were unable to access a COVID-19 PCR test when they were in self-isolation as a probable case; and
 - (ii) the worker notified the Department of their positive result from a COVID-19 rapid antigen test prior to 11:59 pm on 4 February 2022; or
 - (b) if the worker's self-isolation period ended after 11:59 pm on 4 February 2022, the worker received a positive result from a COVID-19 PCR test undertaken during the period of self-isolation.

Note 1: to demonstrate to an operator of a specified facility that a worker is covered by this exception, the worker may provide the operator with a written positive result from a COVID-19 PCR test for the purposes of subclause (1) and (2)(b), or a written declaration of their positive result from a COVID-19 rapid antigen test for the purposes of subclause (2)(a).

Note 2: once 4 months have passed since the worker's period of self-isolation has ended, an operator can only permit the worker to enter, or remain on, the premises of the specified facility after the booster deadline if the worker is fully vaccinated (boosted).

Division 3 – Operator to notify workers

16 Authorisation to use vaccination information

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

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

17 Disclosure to employer or contractor

If the operator is obliged to comply with Division 2 of Part 2 in relation to a worker and the operator is not:

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

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

18 Notification to current workers

- (1) Unless an exception applies under this Order, subject to subclause (2), an operator of a specified facility must, as soon as reasonably practicable after the commencement of this Order, inform each worker who is, or may be, scheduled to work at the facility that:
 - (a) clause 7 obliges the operator to collect, record and hold the information specified in that clause in relation to the worker; and
 - (b) clause 10(1) obliges the operator to take all reasonable steps to ensure that a worker does not enter, or remain on, the premises of a specified facility for the purposes of working at the facility unless the worker is fully vaccinated or an excepted person; and
 - (c) if a booster deadline is specified in relation to a worker and the worker is aged 18 years or over, clause 10(2) obliges the operator to take all reasonable steps to ensure that the worker does not enter, or remain on, the premises of the specified facility for the purposes of working at the facility unless the worker is fully vaccinated (boosted) or an excepted person.

- (2) Subclause (1) does not apply to an operator in respect of a worker to the extent that the operator informed the worker of the matters specified in that subclause under a Revoked COVID-19 Mandatory Vaccination (Specified Facilities) Order.

19 Notification to new workers

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

- (1) clause 7 obliges the operator to collect, record and hold the information specified in that clause in relation to the worker; and
- (2) clause 10(1) obliges the operator to take all reasonable steps to ensure that a worker does not enter, or remain on, the premises of a specified facility for the purposes of working at the facility unless the worker is fully vaccinated or an excepted person; and
- (3) if a booster deadline is specified in relation to a worker and the worker is aged 18 years or over, clause 10(2) obliges the operator to take all reasonable steps to ensure that the worker does not enter, or remain on, the premises of the specified facility for the purposes of working at the facility unless the worker is fully vaccinated (boosted) or an excepted person.

Division 4 – Exceptions and other operator obligations

20 Exception – exceptional circumstances

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

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

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

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

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

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

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

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

21 Additional obligation

If the circumstances specified in clause 20(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.

22 Disclosure to authorised officers

- (1) An authorised officer may request an operator to produce to the authorised officer any vaccination information held by the operator under clause 7, except any Individual Healthcare Identifiers that the operator might hold.
- (2) If an authorised officer makes a request to a person under subclause (1), the person must comply with the request.

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

Part 3 – Service Victoria authorisation**23 Notification of eligibility for booster**

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

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

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

PART 4 – GENERAL PROVISIONS**24 Severability**

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

25 Transitional provisions

- (1) A reference in any pandemic order in force to a Revoked COVID-19 Mandatory Vaccination (Specified Facilities) Order is taken on and after the commencement of this Order to be a reference to this Order.
- (2) Any act, matter or thing that had effect under a Revoked COVID-19 Mandatory Vaccination (Specified Facilities) Order immediately before it was revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which a Revoked COVID-19 Mandatory Vaccination (Specified Facilities) Order was subject immediately before it was revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.

PART 5 – PENALTIES**26 Penalties**

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

Failure to comply with pandemic order, direction or other requirement

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

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

SCHEDULE 1 – SPECIFIED FACILITIES

Specified facility (Column 1)	Operator (Column 2)	Worker (Column 3)	Booster deadline (Column 4)	Facility-specific definitions
residential aged care facility	approved provider with responsibility for that residential aged care facility	residential aged care facility worker	12 March 2022	Clause 4 of Schedule 2
construction site	principal contractor for that construction site	any person (paid or unpaid) performing work at a construction site, including: (a) an employee of the operator; and (b) any contractor engaged by the operator or by a third party.	Not applicable	Clause 5 of Schedule 2
healthcare facility	healthcare operator	healthcare worker	29 March 2022	Clause 6 of Schedule 2
education facility	education operator	education worker	25 March 2022	Clause 7 of Schedule 2

SCHEDULE 2 – DEFINITIONS

Division 1 – Key definitions

1 Vaccination status

- (1) A person's **vaccination status** is one of the following:
 - (a) fully vaccinated (boosted); or
 - (b) fully vaccinated; or
 - (c) partially vaccinated; or
 - (d) unvaccinated; or
 - (e) excepted person.
- (2) A person is **fully vaccinated** if the person has received:
 - (a) one dose of a one dose COVID-19 vaccine; or
 - (b) two doses of a two dose COVID-19 vaccine including two different types of two dose COVID-19 vaccines.
- (3) A person is **fully vaccinated (boosted)** if the person has received a booster dose.
- (4) A person is **partially vaccinated** if the person has received one dose of a two dose COVID-19 vaccine and is not an excepted person.
- (5) A person is **unvaccinated** if the person has not received a dose of a COVID-19 vaccine and is not an excepted person.
- (6) A person is an **excepted person** if the person holds acceptable certification that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia due to:
 - (a) a medical contraindication; or
 - (b) an acute medical illness (including where the person has been diagnosed with COVID-19).
- (7) An **acceptable certification** for the purpose of subclause (6) is:
 - (a) a current COVID-19 digital certificate issued by Services Australia and displayed through the Medicare App, Service Victoria App or equivalent smartphone wallet, that states that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia; or
 - (b) a printed version of the COVID-19 digital certificate referred to in subparagraph (a); or
 - (c) only in relation to a person who is fully vaccinated, a current Immunisation History Statement displayed through the Medicare App, that states that a fully vaccinated person is unable to receive a booster dose that is available in Australia; or
 - (d) only in relation to a person who is fully vaccinated, a printed version of the Immunisation History Statement referred to in subparagraph (c).
- (8) A **booster deadline** in relation to a worker is the date specified in Column 4 of Schedule 1 for that worker.
- (9) A person has received a **booster dose** if they have received:
 - (a) a second dose of a COVID-19 vaccine after receiving one dose of a one dose COVID-19 vaccine; or
 - (b) a third dose of a COVID-19 vaccine after receiving two doses of a two dose COVID-19 vaccine including different types of two dose COVID-19 vaccines.

2 Vaccination information

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

- (1) any information that is derived from a record of information that was made under, or in accordance with, the **Australian Immunisation Register Act 2015** of the Commonwealth; and
- (2) the name or type of any dose of COVID-19 vaccine received by the person; and
- (3) the date on which the person received any dose of a COVID-19 vaccine.

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

3 Schedule 1 definitions

For the purposes of this Order:

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

Division 2 – Facility-specific definitions

4 Residential aged care facilities

For the purposes of this Order:

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

- (b) a medical practitioner, dental practitioner or allied health professional who is employed or engaged by a resident of a residential aged care facility to provide care to the resident;
- (4) **residential care subsidy** has the same meaning as in the **Aged Care Act 1997** of the Commonwealth.

5 Construction sites

For the purposes of this Order:

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

6 Healthcare facilities

For the purposes of this Order:

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

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

7 Education facilities

For the purposes of this Order:

- (1) **childcare or early childhood service** means onsite early childhood education and care services or children's services provided under the:
 - (a) **Education and Care Services National Law** and the **Education and Care Services National Regulations**, including long day care services, kindergartens and/or preschool and family daycare services, but not including outside school hours care services; and
 - (b) **Children's Services Act 1996**, including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;
- (2) **education facility** means:
 - (a) premises at which a childcare or early childhood service is provided;
 - (b) premises at which an outside school hours care service is provided;
 - (c) a school;
 - (d) school boarding premises;
- (3) **education operator** means a person who operates an education facility, whether public, private or denominational;

(4) **education worker** means:

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

but does not include a person attending an education facility outside of the education facility's normal operating hours, for purposes that are primarily non-educational;

Example 1: an education facility is used as an election polling site.

Example 2: an education facility is used for sporting activities outside of normal school hours.

- (5) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (6) **school boarding premises** means a registered school boarding premises, as defined in the **Education and Training Reform Act 2006**.

Division 3 – Other definitions**8 Other definitions**

For the purposes of this Order:

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

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

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

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

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

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;

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

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:

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

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

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

- (1) anaphylaxis after a previous dose;

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

medical practitioner means:

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

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

pandemic orders in force has the same meaning as in the **Pandemic (Movement and Gathering) Order 2022 (No. 5)** as amended or replaced from time to time;

PPE means personal protective equipment;

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

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

Quarantine, Isolation and Testing Order means the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 7)** as amended or replaced from time to time;

Revoked COVID-19 Mandatory Vaccination (Specified Facilities) Order means the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 13)**, the **Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2022 (No. 6)**, or their predecessors;

Revoked Quarantine, Isolation and Testing Order means the **Diagnosed Persons and Close Contacts Directions (No. 35)** or the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 6)**, or their predecessors;

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

two dose COVID-19 vaccine means:

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

Dated 11 April 2022

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

Section 165AI

**GUIDANCE FOR THE PANDEMIC COVID-19 MANDATORY VACCINATION
(SPECIFIED WORKERS) ORDER 2022 (No. 6)**

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

Specified workers are listed in Schedule 1.

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

- (1) collect, record and hold certain vaccination information of workers;
- (2) not permit specific unvaccinated or partially vaccinated workers from working outside the worker's ordinary place of residence;
- (3) if a booster deadline is specified in relation to a worker and the worker is aged 18 years or over, the employer must not, after that date, permit the worker to work outside their ordinary place of residence unless the worker is fully vaccinated (boosted) or an excepted person or unless an exception applies to the worker; and
- (4) notify current and new workers that the employer is obliged to collect, record and hold vaccination information about the worker and to not permit the worker who is unvaccinated or partially vaccinated or not fully vaccinated (boosted) from working outside the worker's ordinary place of residence, as applicable.

Exceptional circumstances are set out in this Order where an employer is not required to comply with this Order. Otherwise, failure to comply with this Order may result in penalties.

This guidance does not form part of the Pandemic COVID-19 Mandatory Vaccination (Specified Workers) Order 2022 (No. 6) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC COVID-19 MANDATORY VACCINATION (SPECIFIED WORKERS)**ORDER 2022 (No. 6)****TABLE OF PROVISIONS**

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Public Health and Wellbeing Act 2008

Section 165AI

**PANDEMIC COVID-19 MANDATORY VACCINATION (SPECIFIED WORKERS)
ORDER 2022 (No. 6)**

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

PART 1 – PRELIMINARY**1 Objective**

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

2 Citation

This Order may be referred to as the **Pandemic COVID-19 Mandatory Vaccination (Specified Workers) Order 2022 (No. 6)**.

3 Authorising provision

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

4 Commencement and revocation

- (1) This Order commences at 11:59:00 pm on 12 April 2022 and ends at 11:59:00 pm on 12 July 2022.
- (2) The **Pandemic COVID-19 Mandatory Vaccination (Specified Workers) Order 2022 (No. 5)** is revoked at 11:59:00 pm on 12 April 2022.

5 Definitions

In this Order:

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

6 Application of this Order

This Order applies to the whole State of Victoria.

PART 2 – EMPLOYER OBLIGATIONS**Division 1 – Employer must collect, record and hold vaccination information****7 Vaccination information**

- (1) If a worker is, or may be, scheduled to work outside the worker's ordinary place of residence after the commencement of this Order, the employer of the worker must collect, record and hold the following vaccination information about the worker:
 - (a) the worker's vaccination status; and
 - (b) if the worker is fully vaccinated – the date on which the person became fully vaccinated.
- (2) If:
 - (a) a worker has a booster deadline; and
 - (b) the worker is aged 18 years or over; and
 - (c) the worker is, or may be, scheduled to work outside the worker's ordinary place of residence after that date,

the employer must collect, record and hold the following vaccination information about the worker:

- (d) whether the worker is fully vaccinated (boosted); and
 - (e) if the worker is fully vaccinated (boosted) – the date on which the person became fully vaccinated (boosted).
- (3) If an exception under clause 13 or clause 15 applies to a worker the employer must collect, record and hold information about whether the worker has a booking to receive a booster dose and any information about that booking including the date of the booking.
- (4) If an employer is not required to comply with clause 10(2) in relation to a worker because the exception in clause 13 applies to the worker, the employer must collect, record and hold information regarding the entry of the worker into Australia from another country including the date of entry.

8 Timing

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

9 Exception – fully vaccinated and excepted persons

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

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

10 No work outside ordinary place of residence

Unvaccinated and partially vaccinated workers

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

Booster deadlines

- (2) If a booster deadline is specified in relation to a worker and the worker is aged 18 years and over, an employer of the worker must not, after that date, permit the worker to work for that employer outside the worker's ordinary place of residence unless the worker is fully vaccinated (boosted) or an excepted person, or one or more of the exceptions under this Order apply.

Where employer does not hold information about vaccination status

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

11 Exception – agricultural and forestry workers

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

- (1) is unvaccinated or partially vaccinated; and

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

12 **Exception – not eligible for booster**

Despite clause 10(2), an employer may permit a worker referred to in that subclause to work for that employer outside of the worker's ordinary place or residence if the worker became fully vaccinated in the previous 3 months and 14 days.

Note: once 3 months and 14 days have passed since a worker with a booster deadline has become fully vaccinated, an employer can only permit the worker to work for that employer outside of the worker's ordinary place of residence after the booster deadline if the worker is fully vaccinated (boosted).

13 **Exception – recent international arrival**

Despite clause 10(2), an employer may permit a worker referred to in that subclause to work for that employer outside of the worker's ordinary place or residence if the worker:

- (1) is fully vaccinated;
- (2) entered Australia from another country in the previous 4 weeks;
- (3) has a booking to receive a booster dose within 4 weeks of entering Australia; and
- (4) has provided evidence to the employer that the worker has a booking as specified in subclause (3).

Note: once 4 weeks have passed since a worker has entered Australia from another country, an employer can only permit the worker to work for that employer outside of the worker's ordinary place of residence after the booster deadline if the worker is fully vaccinated (boosted).

14 **Exception – no longer excepted person**

Despite clause 10(2), an employer may permit a worker referred to in that subclause to work for that employer outside of the worker's ordinary place or residence if the worker is fully vaccinated and ceased to be an excepted person in the previous 14 days.

Note: once 14 days have passed since a worker has ceased to be an excepted person, an employer can only permit the worker to work for that employer outside of the worker's ordinary place of residence after the booster deadline if the worker is fully vaccinated (boosted).

15 **Exception – self-quarantine or self-isolation**

Despite clause 10(2), an employer may permit a worker referred to in that subclause to work for that employer outside of the worker's ordinary place of residence only until the end of the 14 day period specified in subclause (2) if the worker is fully vaccinated and:

- (1) was unable to become fully vaccinated (boosted) before the relevant booster deadline because they were in self-quarantine or self-isolation under the **Quarantine, Isolation and Testing Order**; and
- (2) has a booking to receive, within 14 days of the end of the period of self-quarantine or self-isolation as determined under the **Quarantine, Isolation and Testing Order**, a dose of a COVID-19 vaccine that will cause the worker to become fully vaccinated (boosted).

Note: once 14 days have passed since the end of the worker's relevant period of self-quarantine or self-isolation, an employer can only permit the worker to work for that employer outside of the worker's ordinary place of residence after the booster deadline if the worker is fully vaccinated (boosted).

16 **Exception – recent diagnosed persons or probable cases**

Despite clause 10(2), an employer may permit a worker referred to in that subclause to work for that employer outside of the worker's ordinary place of residence, if the worker is fully vaccinated and:

- (1) was a diagnosed person whose self-isolation period under the **Quarantine, Isolation and Testing Order** or a Revoked Quarantine, Isolation and Testing Order ended within the previous 4 months; or

- (2) was a probable case whose self-isolation period under the **Quarantine, Isolation and Testing Order** or a Revoked Quarantine, Isolation and Testing Order ended within the previous 4 months, and:
- (a) if the worker's self-isolation period ended at or prior to 11:59 pm on 4 February 2022:
 - (i) the worker has provided a written attestation to their employer stating that they were unable to access a COVID-19 PCR test when they were in self-isolation as a probable case; and
 - (ii) the worker notified the Department of their positive result from a COVID-19 rapid antigen test prior to 11:59 pm on 4 February 2022; or
 - (b) if the worker's self-isolation period ended after 11:59 pm on 4 February 2022, the worker received a positive result from a COVID-19 PCR test undertaken during the period of self-isolation.

Note 1: to demonstrate to an employer that a worker is covered by this exception, the worker may provide the employer with a written positive result from a COVID-19 PCR test for the purposes of subclause (1) and (2)(b), or a written declaration of their positive result from a COVID-19 rapid antigen test for the purposes of subclause (2)(a).

Note 2: once 4 months have passed since the worker's period of self-isolation has ended, an employer can only permit the worker to work for that employer outside of the worker's ordinary place of residence after the booster deadline if the worker is fully vaccinated (boosted).

Division 3 – Employer to notify workers

17 Authorisation to use vaccination information

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

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

18 Notification to current workers

- (1) Unless an exception applies under this Order, an employer of a worker must, as soon as reasonably practicable after the commencement of this Order, inform each worker who is, or may be, scheduled to work outside the worker's ordinary place of residence that:
- (a) clause 7 obliges the employer to collect, record and hold the information specified in that clause in relation to the worker; and
 - (b) clause 10(1) obliges the employer not to permit a worker to work for that employer outside the worker's ordinary place of residence unless the worker is fully vaccinated or an excepted person; and
 - (c) if a booster deadline is specified in relation to a worker and the worker is aged 18 years or over, clause 10(2) obliges the employer to not permit the worker to work for that employer outside the worker's ordinary place of residence unless the worker is fully vaccinated (boosted) or an excepted person.
- (2) Subclause (1) does not apply to the extent that the employer has previously notified the worker of the matters specified in that subclause under a Revoked COVID-19 Mandatory Vaccination (Specified Workers) Order or its predecessors.

19 Notification to new workers

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

- (1) clause 7 obliges the employer to collect, record and hold the information specified in that clause in relation to the worker; and

- (2) clause 10(1) obliges the employer not to permit a worker to work for that employer outside the worker's ordinary place of residence, unless the worker is fully vaccinated or an excepted person; and
- (3) if a booster deadline is specified in relation to a worker, and the worker is aged 18 years or over, clause 10(2) obliges the employer to not permit the worker to work for that employer outside the worker's ordinary place of residence unless the worker is fully vaccinated (boosted) or an excepted person.

Division 4 – Exceptions and other employer obligations

20 Exception – exceptional circumstances

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

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

Example 2: a medical practitioner is required to work outside their ordinary place of residence on short notice due to an emergency situation.

 - (c) a worker is required to respond to an emergency; or
 - (d) a worker is required to perform urgent and essential work to protect the health and safety of workers or members of the public, or to protect assets and infrastructure.
- (3) If a circumstance specified in subclause (2) applies, the employer must take all reasonable steps to ensure that the worker does not work outside the worker's ordinary place of residence for any longer than the period of time necessary to respond to the exceptional circumstance.

21 Disclosure to authorised officers

- (1) An authorised officer may request an employer to produce to the authorised officer any vaccination information held by the employer under clause 7, except any Individual Healthcare Identifiers that the employer might hold.
- (2) If an authorised officer makes a request to a person under subclause (1), the person must comply with the request.

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

PART 3 – GENERAL PROVISIONS

22 Severability

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

23 Transitional provisions

- (1) A reference in any pandemic order in force to a Revoked COVID-19 Mandatory Vaccination (Specified Workers) Order is taken on and after the commencement of this Order to be a reference to this Order.
- (2) Any act, matter or thing that had effect under a Revoked COVID-19 Mandatory Vaccination (Specified Workers) Order immediately before it was revoked continues to have effect under this Order.

- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which a Revoked COVID-19 Mandatory Vaccination (Specified Workers) Order was subject immediately before it was revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.

PART 4 – PENALTIES

24 Penalties

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

Failure to comply with pandemic order, direction or other requirement

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

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

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

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

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

SCHEDULE 1 – WORKERS

Row	Worker (Column 1)	Booster deadline (Column 2)	Worker-specific definitions
1.	accommodation worker	Not applicable	Schedule 2, Division 2, Clause 4
2.	agricultural and forestry worker	Not applicable	Schedule 2, Division 2, Clause 5
3.	airport worker	Not applicable	Schedule 2, Division 2, Clause 6
4.	ancillary, support and welfare worker	Not applicable	Schedule 2, Division 2, Clause 7
5.	authorised officer	Not applicable	Schedule 2, Division 2, Clause 8
6.	care worker	Not applicable	Schedule 2, Division 2, Clause 9
7.	community worker	Not applicable	Schedule 2, Division 2, Clause 10
8.	creative arts worker	Not applicable	Schedule 2, Division 2, Clause 11
9.	custodial worker	12 March 2022	Schedule 2, Division 2, Clause 12
10.	disability worker	12 March 2022	Schedule 2, Division 2, Clause 13
11.	emergency service worker	12 March 2022	Schedule 2, Division 2, Clause 14
12.	entertainment and function worker	Not applicable	Schedule 2, Division 2, Clause 15
13.	food distribution worker	12 March 2022	Schedule 2, Division 2, Clause 16
14.	funeral worker	Not applicable	Schedule 2, Division 2, Clause 17
15.	higher education worker	Not applicable	Schedule 2, Division 2, Clause 18
16.	justice worker	Not applicable	Schedule 2, Division 2, Clause 19
17.	manufacturing worker	Not applicable	Schedule 2, Division 2, Clause 20
18.	marriage celebrant	Not applicable	Schedule 2, Division 2, Clause 21
19.	meat and seafood processing worker	12 March 2022	Schedule 2, Division 2, Clause 22
20.	media and film production worker	Not applicable	Schedule 2, Division 2, Clause 23
21.	mining worker	Not applicable	Schedule 2, Division 2, Clause 24
22.	physical recreation worker	Not applicable	Schedule 2, Division 2, Clause 25
23.	port or freight worker	Not applicable	Schedule 2, Division 2, Clause 26
24.	professional sports, high-performance sports or racing person	Not applicable	Schedule 2, Division 2, Clause 27
25.	professional services worker	Not applicable	Schedule 2, Division 2, Clause 28
26.	public sector worker	Not applicable	Schedule 2, Division 2, Clause 29
27.	quarantine accommodation worker	12 March 2022	Schedule 2, Division 2, Clause 30
28.	real estate worker	Not applicable	Schedule 2, Division 2, Clause 31
29.	religious worker	Not applicable	Schedule 2, Division 2, Clause 32

Row	Worker (Column 1)	Booster deadline (Column 2)	Worker-specific definitions
30.	repair and maintenance worker	Not applicable	Schedule 2, Division 2, Clause 33
31.	retail worker	Not applicable	Schedule 2, Division 2, Clause 34
32.	science and technology worker	Not applicable	Schedule 2, Division 2, Clause 35
33.	social and community service worker	Not applicable	Schedule 2, Division 2, Clause 36
34.	transport worker	Not applicable	Schedule 2, Division 2, Clause 37
35.	utility and urban worker	Not applicable	Schedule 2, Division 2, Clause 38
36.	veterinary and pet/animal care worker	Not applicable	Schedule 2, Division 2, Clause 39

SCHEDULE 2 – DEFINITIONS

Division 1 – Key definitions

1 Vaccination status

- (1) A person's **vaccination status** is one of the following:
 - (a) fully vaccinated (boosted); or
 - (b) fully vaccinated; or
 - (c) partially vaccinated; or
 - (d) unvaccinated; or
 - (e) excepted person.
- (2) A person is **fully vaccinated** if the person has received:
 - (a) one dose of a one dose COVID-19 vaccine; or
 - (b) two doses of a two dose COVID-19 vaccine including two different types of two dose COVID-19 vaccines.
- (3) A person is **fully vaccinated (boosted)** if the person has received a booster dose.
- (4) A person is **partially vaccinated** if the person has received one dose of a two dose COVID-19 vaccine and is not an excepted person.
- (5) A person is **unvaccinated** if the person has not received a dose of a COVID-19 vaccine and is not an excepted person.
- (6) A person is an **excepted person** if the person holds acceptable certification that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia due to:
 - (a) a medical contraindication; or
 - (b) an acute medical illness (including where the person has been diagnosed with COVID-19).
- (7) An **acceptable certification** for the purpose of subclause (6) is:
 - (a) a current COVID-19 digital certificate issued by Services Australia and displayed through the Medicare App, Service Victoria App or equivalent smartphone wallet, that states that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia; or
 - (b) a printed version of the COVID-19 digital certificate referred to in subparagraph (a);
 - (c) only in relation to a person who is fully vaccinated, a current Immunisation History Statement displayed through the Medicare App, that states that a fully vaccinated person is unable to receive a booster dose that is available in Australia; or
 - (d) only in relation to a person who is fully vaccinated, a printed version of the Immunisation History Statement referred to in subparagraph (c).
- (8) A **booster deadline** in relation to a worker is the date specified in Column 2 of Schedule 1 for that worker.
- (9) A person has received a **booster dose** if they have received:
 - (a) a second dose of a COVID-19 vaccine after receiving one dose of a one dose COVID-19 vaccine; or
 - (b) a third dose of a COVID-19 vaccine after receiving two doses of a two dose COVID-19 vaccine including different types of two dose COVID-19 vaccines.

2 Vaccination information

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

- (1) any information that is derived from a record of information that was made under, or in accordance with, the **Australian Immunisation Register Act 2015** of the Commonwealth; and
- (2) the name or type of any dose of COVID-19 vaccine received by the person; and
- (3) the date on which the person received any dose of a COVID-19 vaccine.

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

3 Employers and workers

For the purpose of this Order:

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

Division 2 – Worker-specific definitions

4 Accommodation worker

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

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

5 Agricultural and forestry worker

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

- (1) food safety and verification, inspection or associated laboratory services and biosecurity functions;
- (2) animal saleyards, knackeries and animal transportation services (including livestock and pets);
- (3) services connected with animal health, husbandry or welfare;

- (4) farm, animal and bloodstock leasing activities, including but not limited to:
 - (a) farming activities and other operations relating to agriculture, horticulture, viticulture, irrigation, permaculture, apiculture, grains, fibre production, dairy, flower industry, commercial fishing, aquaculture and livestock;
 - (b) intensive agricultural production including greenhouses and animal production;
 - (c) agricultural, veterinary chemicals and vaccine production, transportation and distribution (including the Pig Services Centre);
 - (d) laboratory and diagnostic services;
 - (e) animal feed production, transportation, packaging, sale, and feeding (including livestock and pets);
 - (f) animal pounds and shelters activities;
- (5) forestry activities for the purposes of or relating to:
 - (a) production of firewood for heating of premises;
 - (b) production of pallets;
 - (c) production of building supplies for construction;
 - (d) production of other goods (e.g. paper, packaging, caskets and coffins).

6 **Airport worker**

For the purposes of this Order:

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

7 **Ancillary, support and welfare worker**

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

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

8 **Authorised officer**

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

9 **Care worker**

For the purposes of this Order:

- (1) **alcohol and drug residential service** means:
 - (a) a treatment centre within the meaning of the **Severe Substance Dependence Treatment Act 2010**;

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

10 Community worker

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

- (1) a facility at which services are provided by an Aboriginal Community Controlled Organisation;
- (2) a community centre or community hall;
- (3) a public library;

- (4) a youth centre;
- (5) a skatepark in an outdoor space.

11 Creative arts worker

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

- (1) an art studio;
- (2) a ceramics studio;
- (3) a music room or studio;
- (4) a rehearsal room or studio;
- (5) any other facility that is used for creative art.

12 Custodial worker

For the purposes of this Order:

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

13 Disability worker

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

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

but does not include a person who:

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

14 Emergency service worker

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

- (1) the Victoria State Emergency Services;
- (2) Fire Rescue Victoria, the Country Fire Authority or any other firefighting services;
- (3) the Emergency Services Telecommunications Authority;
- (4) aquatic safety services, including life saving services and marine search and rescue services;
- (5) paramedical services;
- (6) ambulance and paramedics services;
- (7) air ambulance and medical retrieval services (including Royal Flying Doctor Service);
- (8) Victoria Police, protective services and police custody services;
- (9) essential infrastructure and essential services that are required to maintain or protect human health, safety and wellbeing (whether provided by a public or private undertaking), and including maintenance and repair of such infrastructure.

15 Entertainment and function worker

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

16 Food distribution worker

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

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

17 Funeral worker

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

18 Higher education worker

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

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

19 Justice worker

For the purposes of this Order:

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

(3) **justice worker** means:

- (a) a person who works at or in connection with a justice service centre; or
- (b) an honorary justice or a person who works in connection with an honorary justice.

20 **Manufacturing worker**

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

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

21 **Marriage celebrant**

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

22 **Meat and seafood processing worker**

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

23 **Media and film production worker**

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

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

24 **Mining worker**

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

25 Physical recreation worker

For the purposes of this Order:

- (1) **physical recreation worker** means a person:
 - (a) who works at or in connection with:
 - (i) a facility used or partly used for sport, sport racing or physical recreation;
 - (ii) a play centre;
 - (iii) a trampolining centre;
 - (iv) a swimming pool, hydrotherapy pool, spa, sauna, steam room or spring facility; or
 - (b) who provides personal training services;
- (2) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (3) **play centre** means a premises, whether indoor or outdoor, that has play equipment to be used or partly used by children under the age of 12 years but does not mean a playground;
- (4) **spring facility** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer.

26 Port or freight worker

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

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

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

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

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

28 Professional services worker

For the purposes of this Order:

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

- (3) **professional services worker** means:
 - (a) a person who provides a financial service within the meaning of section 766A of the **Corporations Act 2001** of the Commonwealth, or works in connection with the provision of such a service; or
 - (b) a legal worker.

29 Public sector worker

For the purposes of this Order:

- (1) **local government worker** means:
 - (a) a Chief Executive Officer within the meaning of the **Local Government Act 2020**;
 - (b) a member of Council staff appointed under section 48 of the **Local Government Act 2020**;
- (2) **public sector worker** means:
 - (a) a Ministerial officer employed under section 98 of the **Public Administration Act 2004**;
 - (b) a local government worker;
 - (c) a person who is a public sector employee within the meaning of the **Public Administration Act 2004**, except:
 - (i) a person who is a member of the staff of Court Services Victoria within the meaning of the **Court Services Victoria Act 2014**;
 - (ii) a parliamentary officer within the meaning of the **Parliamentary Administration Act 2005**;
 - (iii) a person employed or engaged by the Chief Executive Officer of the Victorian Civil and Administrative Tribunal.

30 Quarantine accommodation worker

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

31 Real estate worker

For the purposes of this Order:

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

32 Religious worker

For the purposes of this Order:

- (1) **religious worker** means a person who works at or in connection with a place of worship, but does not include a person who:
 - (a) conducts services of public worship and acknowledgments of faith;
 - (b) performs marriages, funerals and special memorial services according to tradition and ecclesiastical and civil law;
 - (c) visits members of the community in their homes, hospitals and other institutions to provide advice and religious comfort for the purpose of end of life faith reasons;
- (2) **place of worship** has the same meaning as in the **Heritage Act 2017**.

33 Repair and maintenance worker

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

- (1) laundry services;
- (2) dry cleaning services;
- (3) car washing services;
- (4) commercial cleaning service;
- (5) locksmith services;
- (6) roadside assistance services;
- (7) pool and spa maintenance services for commercial pools and spas;
- (8) vehicle and mechanical repair services;
- (9) outdoor maintenance, repairs, and cleaning, including at occupied premises;
- (10) outdoor home installations;
- (11) home solar panel installations that involve outdoor work or in roof cavities with external access;
- (12) critical repairs to any premises where required for emergency or safety.

34 Retail worker

For the purposes of this Order:

- (1) **bottle shop** means an area that is physically attached to a licensed premises where packaged alcohol is sold to be consumed off the premises;
- (2) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (3) **food and drink facility** means a café, restaurant, licensed premises, fast-food store, cafeteria, canteen, winery, food truck or food court;
Note: a food and drink facility includes a food and drink facility at a stadium or arena.
- (4) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (5) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (6) **licensed premises** means a business characterised as a pub, bar, club, nightclub or hotel that supplies alcohol under a general licence, an on-premises licence, a late night licence, a producer's licence, a club licence, a packaged liquor licence, or a restaurant and café licence;
- (7) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;
- (8) **nightclub** means a facility:
 - (a) to which a late night licence applies; and
 - (b) with a dancefloor; and
 - (c) which does not serve food prepared at the facility for consumption on the premises;
- (9) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (10) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (11) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (12) **restaurant and café licence** has the same meaning as in the **Liquor Control Reform Act 1998**;

- (13) **retail facility** means a premises, or part of a premises, at which a business operates to provide for the sale or hire of goods by retail, or the provision of services by retail, including but not limited to a:
- (a) market, but only to obtain groceries or fresh food;
 - (b) retail shopping centre;
 - (c) supermarket, grocery store, bakery, butcher, fruit and vegetable store or fishmonger;
 - (d) food and drink facility;
 - (e) post office;
 - (f) news agent;
 - (g) petrol station (including a petrol station that sells groceries);
 - (h) bottle shop;
 - (i) pet store;
 - (j) facility that provides ‘click and collect’ services;
- (14) **retail worker** means a person who works at or in connection with a **retail facility** or a wholesale or distribution facility;
- (15) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**.

35 Science and technology worker

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

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

36 Social and community service worker

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

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

37 Transport worker

For the purposes of this Order:

- (1) **transport worker** means a person who performs work in connection with:
 - (a) a bus company;

- (b) a commercial passenger vehicle service;
- (c) a public transport service;
- (2) **bus company** has the same meaning as in **Transport (Compliance and Miscellaneous) Act 1983**;
- (3) **commercial passenger vehicle service** has the same meaning as in the **Commercial Passenger Vehicle Industry Act 2017**;
- (4) **public transport service** has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**.

38 **Utility and urban worker**

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

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

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

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

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

Division 3 – Other definitions

For the purposes of this Order:

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

court means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

medical practitioner means:

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

(8) a paediatrician; or

(9) a medical practitioner who is a fellow of the Royal Australasian College of Physicians;
NDIS participant has the same meaning as ‘participant’ under the **National Disability Insurance Scheme Act 2013** of the Commonwealth;

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

pandemic orders in force has the same meaning as in the **Pandemic (Movement and Gathering) Order 2022 (No. 5)** as amended or replaced from time to time;

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

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

Quarantine, Isolation and Testing Order means the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 7)**;

Revoked COVID-19 Mandatory Vaccination (Specified Workers) Order means the **COVID-19 Mandatory Vaccination (Workers) Directions (No. 8)** or the **Pandemic COVID-19 Mandatory Vaccination (Specified Workers) Order 2022 (No. 5)**, or their predecessors;

Revoked Quarantine, Isolation and Testing Order means the **Diagnosed Persons and Close Contacts Directions (No. 35)** or the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 6)**, or their predecessors;

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

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

Dated 11 April 2022

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

Section 165AI

GUIDANCE FOR THE PANDEMIC (DETENTION) ORDER 2022 (No. 5)

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

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

- (1) imposes obligations on specified classes of international arrivals; and
- (2) imposes an initial period of detention as set out in Schedule 2.

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

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

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

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

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

Failure to comply with this Order may result in penalties.

This guidance does not form part of the Pandemic (Detention) Order 2022 (No. 5) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (DETENTION) ORDER 2022 (No. 5)**TABLE OF PROVISIONS**

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Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (DETENTION) ORDER 2022 (No. 5)

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

PART 1 – PRELIMINARY**1 Objective**

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

2 Citation

This Order may be referred to as the **Pandemic (Detention) Order 2022 (No. 5)**.

3 Authorising provisions

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

4 Commencement and revocation

- (1) This Order commences at 11:59:00 pm on 12 April 2022 and ends at 11:59:00 pm on 12 July 2022.
- (2) The **Pandemic (Detention) Order 2022 (No. 4)** is revoked at 11:59:00 pm on 12 April 2022.

5 Definitions

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

6 Application of this Order

This Order applies to the whole State of Victoria.

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

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

8 Who is a person of risk?

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

- (1) a person who:
 - (a) has entered Victoria; and
 - (b) has been in another country in the 7 days prior to arrival in Victoria; and
 - (c) is not an international transit passenger; and
 - (d) is not an international aircrew services worker; and
 - (e) is not eligible to enter Victoria under the Victorian Border Crossing Order; or

- (2) a person who:
 - (a) is an international aircrew services worker; and
 - (b) has entered Victoria; and
 - (c) has been in another country in the 7 days prior to arrival in Victoria; and
 - (d) is not eligible to enter Victoria under the Victorian Border Crossing Order; or
- (3) a person who:
 - (a) is an international maritime arrival; and
 - (b) has entered Victoria; and
 - (c) is not eligible to enter Victoria under the Victorian Border Crossing Order.

9 Place of detention

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

10 Period of detention

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

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

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

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

11 Request for testing

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

12 Transport to detention

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

13 Leaving detention

- (1) A detained person must not leave the person's place of detention in any circumstances, unless:
 - (a) the person has been granted permission to do so by an authorised officer:
 - (i) for the purpose of obtaining medical care; or
 - (ii) for the purpose of getting tested for COVID-19; or

- (iii) if it is reasonably necessary to reduce a serious risk to the person's mental health; or
 - (iv) for the purpose of visiting a patient in hospital if permitted to do so under the Visitors to Hospitals and Care Facilities Order; or
 - (v) for the purpose of leaving Victoria; or
- (b) there is an emergency situation; or
- (c) the person is required to do so by law.
- (2) If a detained person leaves the person's place of detention in accordance with subclause (1), the person must comply with:
 - (a) any pandemic orders in force applying to the person; and
 - (b) any other instructions given to the person by an authorised officer, including instructions to:
 - (i) wear personal protective equipment; and
 - (ii) as much as possible, refrain from touching communal surfaces such as handrails, elevator buttons, door handles, furniture and fittings.

14 Permitting a person to enter the specified place of detention

- (1) A detained person must not permit any other person to enter their specified place of detention, unless:
 - (a) the other person is lawfully authorised to enter that place for a specific purpose (for example, providing food or for medical reasons); or
 - (b) the other person is detained at the same place of detention and for the same, or substantially the same, period of detention; or
 - (c) the other person ordinarily resides with the person at the place of detention.
- (2) A detained person is permitted to move around, meet or gather at their specified place of detention with any person referred to in subclause (1)(b) or (1)(c).
- (3) A detained person is not permitted to move around, meet or gather at their specified place of detention with any person other than a person referred to in subclause (2) unless:
 - (a) the detained person has been granted written permission to do so by an authorised officer:
 - (i) for the purpose of obtaining medical care; or
 - (ii) for the purpose of getting tested for COVID-19; or
 - (iii) if it is reasonably necessary to reduce a serious risk to the detained person's mental health; or
 - (b) there is an emergency situation; or
 - (c) the detained person is required to do so by law.
- (4) A detained person is permitted to communicate with people who are not staying at the specified place of detention, either by phone or other electronic means.
Note: an authorised officer must facilitate any reasonable request for communication made by a detained person.
- (5) A support person who agrees to submit to the same conditions of detention as a detained person may stay with a detained person who:
 - (a) is under 18 years of age – if the support person is the detained person's parent or guardian; or
 - (b) has a disability or medical condition that requires support or treatment – if the support person is the detained person's parent, guardian or carer.

*Note: if the support person agrees to submit to the same conditions of detention as a detained person, an authorised officer may serve a separate detention notice under section 165BA(1)(b) of the **Public Health and Wellbeing Act 2008** on the other person that sets out the conditions and period of detention for that person.*

PART 3 – GENERAL PROVISIONS**15 Exemption from detention**

- (1) A person is not required to comply with a requirement of this Order if the person is granted an exemption from that requirement under subclause (2).
- (2) The Chief Health Officer, a Deputy Chief Health Officer or any authorised officer, may exempt a person of risk from any or all requirements in this Order, if satisfied that an exemption is appropriate, having regard to:
 - (a) the need to protect public health; and
 - (b) the principles in sections 5 to 10 of the **Public Health and Wellbeing Act 2008**, as appropriate.
- (3) An exemption under subclause (2) must:
 - (a) be given, in writing, to the person to whom the exemption applies; and
 - (b) specify the requirement or requirements that the person need not comply with.
- (4) An exemption granted to a person under this clause does not prevent an authorised officer from exercising a pandemic management power to give the person a different direction or impose a different requirement on the person.

16 Designation of places of detention

- (1) The Minister for Police may by notice published in the Government Gazette designate a hotel or other facility or class of facility or any part of a hotel or other facility as a place of detention for the purposes of this Order.
- (2) A designation of a place of detention by the Minister for Police made under a Revoked Detention Order that was in effect under that Order immediately before the Order was revoked continues to have effect under this Order.
- (3) The Minister for Police may by notice published in the Government Gazette specify that a hotel or other facility or class of facility or any part of a hotel or other facility that was designated as a place of detention under this Order or a Revoked Detention Order, is no longer a place of detention.

17 Severability

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

PART 4 – PENALTIES**18 Penalties**

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

Failure to comply with pandemic order, direction or other requirement

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

Penalty: In the case of a natural person, 60 penalty units;
Penalty: In the case of a body corporate, 300 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply.

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

SCHEDULE 1 – DEFINITIONS

For the purposes of this Order:

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

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

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

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

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

diplomat or consular official means:

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

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

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

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

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

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

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

Movement and Gathering Order means the **Pandemic (Movement and Gathering) Order 2022 (No. 5)** as amended or replaced from time to time;

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

person of risk has the meaning given in clause 8;

place of detention means:

- (1) a hotel or other facility or part of a hotel or other facility designated under clause 16 that has not been specified by the Minister for Police as a place that is no longer a place of detention under clause 16(3); or
- (2) a place determined by an authorised officer to be a place of detention, in a particular case;

Quarantine, Isolation and Testing Order means the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 7)** as amended or replaced from time to time;

Revoked Detention Order means the **Pandemic (Detention) Order 2022 (No. 4)** or its predecessors;

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

support person means a person supporting another person and includes:

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

this Order means the **Pandemic (Detention) Order 2022 (No. 5)**;

Victorian Border Crossing Order means the **Pandemic (Victorian Border Crossing) Order 2022 (No. 7)** as amended or replaced from time to time;

Visitors to Hospitals and Care Facilities Order means the **Pandemic (Visitors to Hospitals and Care Facilities) Order 2022 (No. 5)** as amended or replaced from time to time.

SCHEDULE 2 – INITIAL PERIOD OF DETENTION

Person of risk	Initial period of detention
Person of risk specified in clause 8(1)	7 days from the date detention commences
Person of risk specified in clause 8(2)	7 days from the date detention commences
Person of risk specified in clause 8(3)	7 days from the date detention commences

Dated 11 April 2022

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

Section 165AI

**GUIDANCE FOR THE PANDEMIC (MOVEMENT AND GATHERING)
ORDER 2022 (No. 5)**

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

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

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

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

Failure to comply with this Order may result in penalties.

This guidance does not form part of the Pandemic (Movement and Gathering) Order 2022 (No. 5) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (MOVEMENT AND GATHERING) ORDER 2022 (No. 5)**TABLE OF PROVISIONS**

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Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (MOVEMENT AND GATHERING) ORDER 2022 (No. 5)

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

PART 1 – PRELIMINARY**1 Objective**

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

2 Citation

This Order may be referred to as the **Pandemic (Movement and Gathering) Order 2022 (No. 5)**.

3 Authorising provisions

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

4 Commencement and revocation

- (1) This Order commences at 11:59:00 pm on 12 April 2022 and ends at 11:59:00 pm on 12 July 2022.
- (2) The **Pandemic (Movement and Gathering) Order 2021 (No. 4)** is revoked at 11:59:00 pm on 12 April 2022.

5 Definitions

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

6 Application of Order

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

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

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

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

8 Face covering requirements

- (1) A person must:
 - (a) carry a face covering at all times, except where subclause (2)(a), (2)(b), (2)(c), (2)(d) or (2)(e) applies; and
 - (b) wear a face covering:
 - (i) while in an indoor space:
 - (A) at an education premises that is a primary school or a premises that provides outside school hours care services for students enrolled in a primary school, if the person is a:
 1. worker; or

- 2. student in Year 3 or above, up to and including Year 6; or
- 3. visitor and aged 8 years or above; or
- (B) at a premises at which a childcare or early childhood service is being provided; or
- (C) that is a publicly accessible area of a healthcare premises; or
- (ii) while working in an indoor space:
 - (A) that is a publicly accessible area of:
 - 1. a retail premises or a food and drink premises (including a food court); or
 - 2. an event with more than 30,000 patrons in attendance; or
 - 3. a court or justice centre; or
 - (B) at a prison, police gaol, remand centre, youth residential centre, youth justice centre or post-sentence facility; or
 - (C) in a resident-facing role at a care facility, including when not interacting with residents; or
- (iii) while visiting a hospital or a care facility: or
- (iv) while on public transport or in a commercial passenger vehicle or in a vehicle being operated by a licensed tourism operator; or
- (v) if the person is a diagnosed person, probable case or close contact and is leaving the premises in accordance with the **Quarantine, Isolation and Testing Order**; or
- (vi) if the person has been tested for COVID-19 and is awaiting the results of that test, except where that test was taken as part of a surveillance or other asymptomatic testing program; or
- (vii) where required to do so in accordance with any other pandemic orders in force.

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

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

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

- (2) Subclause 8(1)(b) does not apply if a person complies with any other requirements under any other pandemic orders in force and:
 - (a) the person is an infant or a child under the age of 8 years except if the person is a student in Year 3 or above, up to and including Year 6, and they are in an indoor space at an education premises that is a primary school or a premises that provides outside school hours care services ; or
 - (b) the person is a prisoner in a prison (either in their cell or common areas), subject to any policies of that prison; or
 - (c) the person is detained in a remand centre, youth residential centre or youth justice centre (either in their room or common areas), subject to any policies of that centre; or
 - (d) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or

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

- (e) it is not practicable for the person to comply with subclause 8(1)(b) because the person is escaping harm or the risk of harm, including harm relating to family violence or violence of another person; or
- (f) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (g) the nature of a person's work or education means that wearing a face covering creates a risk to their health and safety; or
- (h) the nature of a person's work or education means that clear enunciation or visibility of the mouth is essential; or
Examples: teaching, lecturing, broadcasting.
- (i) the person is working by themselves in an enclosed indoor space (unless and until another person enters that indoor space); or
Example: a person working by themselves in a classroom at a primary school after hours.
- (j) the person is a professional sportsperson when training or competing; or
- (k) the person is engaged in any strenuous physical exercise; or
Examples: jogging, running, swimming, cycling.
- (l) the person is riding a bicycle or motorcycle; or
- (m) the person is consuming:
 - (i) medicine; or
 - (ii) food or drink; or
- (n) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (o) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (p) the person is receiving a service and it is not reasonably practicable to receive that service wearing a face covering; or
- (q) the person is providing a service and it is not reasonably practicable to provide that service wearing a face covering; or
- (r) the person is asked to remove the face covering to ascertain identity; or
Example: a person may be asked by police, security, bank or post office staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.
- (s) for emergency purposes; or
- (t) when required or authorised by law; or
- (u) when doing so is not safe in all the circumstances.

9 Face covering requirements in airports and on aircraft

- (1) Without limiting clause 8(1)(b), a person in the State of Victoria at an airport or travelling in an aircraft must:
 - (a) carry a face covering at all times, except where subclause (2)(a) or 9(2)(b) applies; and
 - (b) wear a face covering while in an indoor space at an airport (and at all times while inside an aircraft); and
 - (c) wear a face covering where required to do so in accordance with any other pandemic orders in force.
Note: face shields on their own do not meet the face covering requirements. For further information, please refer to the Department of Health's guidelines as amended or replaced from time to time by the Victorian Government, available at: www.coronavirus.vic.gov.au/face-masks
- (2) Subclauses (1)(b) and 9(1)(c) do not apply if a person complies with any other requirements under any other pandemic orders in force and:
 - (a) the person is an infant or a child under the age of 12 years; or

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

PART 3 – CEREMONIES

10 Worker requirements

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

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

PART 4 – OTHER PROVISIONS

11 Relationship with other Orders

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

12 Severability

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

13 Transitional provisions

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

PART 5 – PENALTIES**14 Penalties**

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

Failure to comply with pandemic order, direction or other requirement

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

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

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

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

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

SCHEDULE 1 – DEFINITIONS

For the purposes of this Order:

Additional Industry Obligations Order means the **Pandemic (Additional Industry Obligations) Order 2022 (No. 10)** as amended or replaced from time to time;

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

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

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

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

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

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

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

childcare or early childhood service has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Order**;

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

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

- (1) the Supreme Court; or
- (2) the County Court; or
- (3) the Magistrates’ Court; or
- (4) the Children’s Court; or
- (5) any Federal Court; or
- (6) the Coroner’s Court; or
- (7) the Victorian Civil and Administrative Tribunal; or
- (8) any other court or tribunal of Victoria conducting in-person hearings;

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

COVID-19 Mandatory Vaccination (General Workers) Order means the **COVID-19 Mandatory Vaccination (General Workers) Order 2022 (No. 4)** as amended or replaced from time to time;

COVID-19 Mandatory Vaccination (Specified Facilities) Order means the **COVID-19 Mandatory Vaccination (Specified Facilities) Order 2022 (No. 7)** as amended or replaced from time to time;

COVID-19 Mandatory Vaccination (Specified Workers) Order means the **COVID-19 Mandatory Vaccination (Specified Workers) Order 2022 (No. 6)** as amended or replaced from time to time;

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

Detention Order means the **Detention Order 2022 (No. 5)** as amended or replaced from time to time;

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

education premises means:

- (1) a school; or

- (2) a school boarding premises; or
- (3) a premises that provides outside school hours care services;

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

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

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

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

healthcare premises means:

- (1) a community health centre, including mental health, child and maternity, and drug and alcohol counselling services centres; or
- (2) a general practice; or
- (3) a COVID-19 related healthcare site, including testing sites, vaccination centres and hotel quarantine premises; or
- (4) a dental surgery and dental practice; or
- (5) a health clinic, including medical specialist and/or allied health professional operated clinics; or
- (6) a diagnostic and medical imaging centre; or
- (7) a premises at which mobile health services are provided; or
- (8) a premises at which blood donation services are provided;

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

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

justice centre means a Justice Service Centre as established by the Department of Justice and Community Safety;

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

Movement and Gathering Order means the **Pandemic (Movement and Gathering) Order 2022 (No. 5)** as amended or replaced from time to time;

Open Premises Order means the **Pandemic (Open Premises) Order 2022 (No. 6)** as amended or replaced from time to time;

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

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

- (1) the **Workplace Order**;
- (2) the **Additional Industry Obligations Order**;
- (3) the **Open Premises Order**;
- (4) the **Movement and Gathering Order**;
- (5) the **Victorian Border Crossing Order**;
- (6) the **Visitors to Hospitals and Care Facilities Order**;
- (7) the **Quarantine, Isolation and Testing Order**;
- (8) the **COVID-19 Mandatory Vaccination (General Workers) Order**;
- (9) the **COVID-19 Mandatory Vaccination (Specified Facilities) Order**;
- (10) the **COVID-19 Mandatory Vaccination (Specified Workers) Order**;
- (11) the **Detention Order**;

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

police gaol has the same meaning as in the **Corrections Act 1986**;

post-sentence facility means a facility of the Post Sentence Authority;

premises means:

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

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

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

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

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

Quarantine, Isolation and Testing Order means the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 7)** as amended or replaced from time to time;

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

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

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

Revoked Movement and Gathering Order means the **Stay Safe Directions (Victoria) (No. 30)** or the **Pandemic (Movement and Gathering) Order 2021 (No. 4)**, or their predecessors;

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

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

Victorian Border Crossing Order means the **Pandemic (Victorian Border Crossing) Order 2022 (No. 7)** as amended or replaced from time to time;

Visitors to Hospitals and Care Facilities Order means the **Pandemic (Visitors to Hospitals and Care Facilities) Order 2022 (No. 5)** as amended or replaced from time to time;

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

worker means any person engaged or employed by either:

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

Workplace Order means the **Pandemic (Workplace) Order 2022 (No. 7)** as amended or replaced from time to time;

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

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

Dated 11 April 2022

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

Section 165AI

GUIDANCE FOR THE PANDEMIC (OPEN PREMISES) ORDER 2022 (No. 6)

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

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

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

- (1) maintain a system which requires all patrons who are 18 years of age or above to show an employee acceptable evidence that the person is fully vaccinated or an excepted person on every occasion a person attends the premises. This system must include a worker placed at each accessible entrance of the premises;
- (2) take reasonable steps to exclude patrons who do not comply with the operator's system, or are not fully vaccinated or exempt;
- (3) not permit any person to work at the premises unless that person is fully vaccinated, or exempt. The operator must collect, record and hold vaccination information for all workers;
- (4) not permit the number of patrons to exceed the patron limits as specified in the Order, unless an exception has been permitted under the Order.

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

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

This guidance does not form part of the Pandemic (Open Premises) Order 2022 (No. 6) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

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Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (OPEN PREMISES) ORDER 2022 (No. 6)

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

PART 1 – PRELIMINARY**1 Objective**

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

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

2 Citation

This Order may be referred to as the **Pandemic (Open Premises) Order 2022 (No. 6)**.

3 Authorising Provision

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

4 Commencement and revocation

- (1) This Order commences at 11:59:00 pm on 12 April 2022 and ends at 11:59:00 pm on 12 July 2022.
- (2) The **Pandemic (Open Premises) Order 2022 (No. 5)** is revoked at 11:59:00 pm on 12 April 2022.

5 Definitions

Schedule 2 contains definitions:

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

6 Application of this Order

This Order applies to the whole State of Victoria.

PART 2 – OPEN PREMISES – VACCINATION REQUIREMENTS**Division 1 – Operator requirements****7 Open premises**

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

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

8 Maintenance of system

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

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

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

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

9 Exclusion of persons

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

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

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

DIVISION 2 – PATRON REQUIREMENTS

10 Patrons must use system

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

11 No entry unless fully vaccinated or an excepted person

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

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

DIVISION 3 – WORKER REQUIREMENTS

12 Workers must be fully vaccinated

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

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

13 Information held under COVID-19 Mandatory Vaccination Orders

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

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

14 Disclosure to employer or contractor

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

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

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

15 Exceptional circumstances

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

16 Patron limits

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

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

Note: 'patron' is defined in Schedule 2, clause 36(3) and does not include a person under 1 year of age.

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

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

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

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

19 Severe weather

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

20 Education and childcare services

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

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

21 Public Event Framework

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

22 Emergency use and operations

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

23 State or federal elections

The obligations in Part 2 and clause 17 and the patron limits in Part 4 do not apply in relation to an indoor space or outdoor space at an open premises when used as a polling place for the purposes of voting in an election conducted by the Australian Electoral Commission or Victorian Electoral Commission.

PART 4 – ADDITIONAL REQUIREMENTS AND EXCEPTIONS FOR SPECIFIC PREMISES**24 Adult education or higher education premises**

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

25 Community premises

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

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

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

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

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

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

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

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

26 Drive-in cinemas

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

27 Entertainment and function premises

- (1) The operator of an entertainment and function premises which operates primarily in outdoor spaces must publish a COVID Safe event plan where the operator intends to hold an event at the entertainment and function premises where at least 30,000 patrons will attend.
- (2) Where an operator of an entertainment and function premises operates a space within an entertainment and function premises as a food and drink premises, the obligations in clause 28 apply.

28 Food and drink premises

- (1) The obligations in Part 2 and clause 17 do not apply to a food and drink premises if it is part of a food court.

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

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

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

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

29 Physical recreation premises

- (1) The obligations in Part 2 do not apply in relation to any indoor space or outdoor space in a physical recreation premises if that space is being operated for the purpose of conducting a community sport activity and/or a swimming lesson conducted by a person with a current Swimming and Water Safety Teacher Accreditation.
- (2) The obligations in Part 2 do not apply to an operator of a physical recreation premises if:
 - (a) the physical recreation premises is used exclusively for training by professional or high-performance sports persons; and
 - (b) the operator does not permit any person to enter or remain at the premises unless the person is necessary for the conduct of the activity being undertaken by the professional or high-performance sports persons.
- (3) Clauses 8(2) and 17 do not apply to unstaffed gymnasiums, fitness centres or physical recreation premises within a residential complex.
- (4) The obligations in Part 2 and clause 17 do not apply to unstaffed outdoor physical recreation premises.
- (5) The obligations in clause 17 do not apply to a physical recreation premises located within an accommodation premises.
- (6) The obligations in Part 2 do not apply in relation to mandatory vaccination workers attending a physical recreation premises to perform work or participate in essential training in an indoor space or outdoor space if:
 - (a) the physical recreation premises is not the mandatory vaccination worker's usual place of work; and
 - (b) the operator only permits the minimum number of persons necessary to access the indoor space or outdoor space for that purpose.
- (7) The obligations in Part 2 do not apply in relation to patrons that attend a swimming pool or a hydrotherapy pool at a physical recreation premises for the purpose of obtaining hydrotherapy services (hydrotherapy patrons) if the operator complies with the requirements in subclause (8).

- (8) The requirements are that the operator:
- (a) ensures that each hydrotherapy patron accessing hydrotherapy services is accompanied by:
 - (i) a health worker; or
 - (ii) a carer, parent or guardian (if required); and
 - (b) does not permit the hydrotherapy patrons to participate in group hydrotherapy services; and
 - (c) does not permit the number of hydrotherapy patrons at any one time to exceed 10 in any pool; and
 - (d) takes all reasonable steps to implement relevant recommendations by the Victorian Government to manage public health risks arising out of the operation of the premises.
- (9) The obligations in Part 2 do not apply in relation to patrons who attend a physical recreation premises:
- (a) for the purpose of participating in a swimming lesson conducted by a person with a current Swimming and Water Safety Teacher Accreditation; or
 - (b) to accompany a patron referred to in paragraph (a) and who is the parent, guardian or carer of that patron.

30 Restricted retail premises

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

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

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

31 Tours and transport

Clause 16 does not apply to an operator of a premises used for tourism services if the tourism services are provided in a cruise ship, if the operator does not permit the total number of patrons on the vessel to exceed 99.

PART 5 – MISCELLANEOUS

32 Disclosure to Authorised Officers

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

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

33 Severability

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

34 Transitional provisions

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

PART 6 – PENALTIES**35 Penalties**

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

Failure to comply with pandemic order, direction or other requirement

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

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

SCHEDULE 1 – OPEN PREMISES

Row	Open premises (Column 1)	Vaccinated patron limit for all indoor spaces (Column 2)	Vaccinated patron limit for all outdoor spaces (Column 3)	Additional requirements and exceptions	Premises- specific definitions
1.	adult education or higher education premises	No limits	No limits	Clause 24	Clause 43 Schedule 2
2.	amusement parks	No limits	No limits	Not applicable	Not applicable
3.	arcades, escape rooms, bingo centres	No limits	No limits	Not applicable	Not applicable
4.	Casino	No limits	No limits	Not applicable	Not applicable
5.	community premises	No limits	No limits	Clause 25	Clause 44 Schedule 2
6.	creative arts premises	No limits	No limits	Not applicable	Clause 45 Schedule 2
7.	drive-in cinemas	Not applicable	Not applicable	Clause 26	Not applicable
8.	entertainment and function premises that are not specified elsewhere in this Column 1	30,000	No limits	Clause 27	Clause 46 Schedule 2
9.	food and drink premises	No limits	No limits	Clause 28	Clause 47 Schedule 2

Row	Open premises (Column 1)	Vaccinated patron limit for all indoor spaces (Column 2)	Vaccinated patron limit for all outdoor spaces (Column 3)	Additional requirements and exceptions	Premises- specific definitions
10.	gaming machine premises	No limits	No limits	Not applicable	Clause 48 Schedule 2
11.	karaoke and nightclubs	No limits	No limits	Not applicable	Clause 46 Schedule 2
12.	physical recreation premises	No limits	No limits	Clause 29	Clause 49 Schedule 2
13.	restricted retail premises	No limits	No limits	Clause 30	Clause 50 Schedule 2
14.	sex on premises, brothels and sexually explicit venues	No limits	No limits	Not applicable	Clause 46 Schedule 2
15.	swimming pools, spas, saunas, steam rooms and springs	No limits	No limits	Not applicable	Clause 49 Schedule 2
16.	tours	No limits	No limits	Clause 31	Clause 51 Schedule 2
17.	premises used for tourism services	No limits	No limits	Clause 31	Clause 51 Schedule 2

SCHEDULE 2 – DEFINITIONS

Division 1 – Key Definitions

36 Patrons, operators and workers

For the purpose of this Order:

- (1) excluded worker means:
 - (a) a Commonwealth employee;
 - (b) a judge or judicial registrar;
 - (c) 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;
 - (d) a person who is a member of the staff of Court Services Victoria within the meaning of the **Court Services Victoria Act 2014**;
 - (e) a person employed or engaged by the Chief Executive Officer of the Victorian Civil and Administrative Tribunal;
 - (f) a member of State Parliament;
 - (g) the Clerk of the Legislative Assembly;
 - (h) the Clerk of the Legislative Council;
 - (i) an electorate officer within the meaning of the **Parliamentary Administration Act 2004**;
 - (j) a parliamentary officer within the meaning of the **Parliamentary Administration Act 2004**;
 - (k) a person who works at or in connection with a place of worship and:
 - (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;
 - (l) 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;
 - (m) 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;
 - (n) the Governor and the Lieutenant Governor;
- (2) **operator** means the operator of an open premises or where an indoor space or outdoor space at an open premises has been leased or hired for use for a period of time, the person to whom that space has been leased or hired for that period of time;
- (3) **patron** means any person who attends a premises, except:
 - (a) a person under 1 year of age;
 - (b) a worker;
 - (c) a person who attends the premises in connection with an emergency;
- (4) pre-registration patron means:
 - (a) 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;
 - (b) in relation to an unstaffed gymnasium or fitness centre, any patron;
 - (c) in relation to a physical recreation premises located within an accommodation premises, any patron;

- (5) **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.

37 Types of premises

- (1) For the purpose of this Order:
- (a) **open premises** means a premises specified in Column 1 of Schedule 1;
 - (b) pre-registration premises means:
 - (i) an adult education or higher education premises;
 - (ii) an unstaffed gymnasium or fitness centre;
 - (iii) a physical recreation premises located within an accommodation premises;
 - (2) **specified facility** has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Facilities) Order**;
 - (3) **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.

38 Indoor and outdoor spaces

- (1) For the purpose of this Order:
- (a) **density quotient (4 sq metres)** in relation to an indoor space or an outdoor space that is accessible to patrons is the number calculated by dividing the total area of the space (measured in square metres) by 4, rounded down to the nearest whole number;
Example: if an area is 8.5 metres long and 4.5 metres wide, its total space is 38.25 square metres. Its density quotient is 9.56. The maximum number of patrons that may be present in the space at a single time is 9.
 - (b) **indoor space** means an area, room or premises that is or are substantially enclosed by a roof and walls that are either floor to ceiling high or are at least 2.1 metres high, regardless of whether the roof or walls or any part of them are:
 - (i) permanent or temporary;
 - (ii) open or closed;
 - (c) **outdoor space** means an area, room or premises that is not an indoor space.

39 Vaccination status

- (1) A person's **vaccination status** is one of the following:
- (a) fully vaccinated;
 - (b) partially vaccinated;
 - (c) excepted person; or
 - (d) excepted worker.
- (2) A person is **fully vaccinated** if the person has received either one dose of a one dose COVID-19 vaccine or two doses of a two dose COVID-19 vaccine, including a dose of two different types of a two dose COVID-19 vaccine.
- (3) A **person is partially** vaccinated if the person has received one dose of a two dose COVID-19 vaccine and is not an excepted person or an excepted worker.
- (4) A person is an **excepted person** if:
- (a) the person holds acceptable certification that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia due to:
 - (i) a medical contraindication; or

- (ii) an acute medical illness (including where the person has been diagnosed with COVID-19); or
- (b) the person is under 18 years of age.
- (5) A person is an **excepted worker** if the person works at an open premises and:
 - (a) the person holds acceptable certification that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia due to:
 - (i) a medical contraindication; or
 - (ii) an acute medical illness (including where the person has been diagnosed with COVID-19); or
 - (b) the person is under 12 years and 2 months of age.
- (6) An **acceptable certification** is:
 - (a) a COVID-19 digital certificate issued by Services Australia and displayed through the Medicare App, Service Victoria App or equivalent smartphone wallet that states that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia; or
 - (b) a printed version of the COVID-19 digital certificate referred to in paragraph (a).

40 **Vaccination information and acceptable evidence**

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

- 3. the vaccine brand name; and
- 4. the date of each dose or the date on which a full course of immunisation was completed; or
- (C) an Australian International COVID-19 Vaccination Certificate; and
- (b) **vaccination information** is information about a person's vaccination status and includes information that is derived from a record of information that was made under, or in accordance with, the **Australian Immunisation Register Act 2015** of the Commonwealth.

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

41 Public events

- (1) For the purpose of this Order:

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

- (i) an event (or a series of events):
 - (A) conducted on a one-off or periodic basis; and
 - (B) open to members of the public; and
 - (C) which may be subject to specific licences, approvals or permits; and
- Note: the person must continue to apply for and comply with all required licences, approvals and permits.*
- (D) publicly announced or advertised; and
 - (E) which may be in a premises, venue, indoor space or outdoor space where such an event (or a series of events) forms part of the routine operations, use, activities or services of the premises, venue, indoor space or outdoor space; or

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

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

but does not mean:

- (iii) an ad hoc public gathering in a public place; or
- (iv) an ad hoc or routine public gathering in a premises, venue, indoor space or outdoor space which forms part of the ad hoc or routine operations, use, activities or services of the premises, venue, indoor space or outdoor space; or
- (v) a private gathering; or
- (vi) a wedding, funeral or end of life activity; or
- (vii) a routine religious gathering or ceremony,

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

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

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

Division 2 – Premises-specific definitions

42 Accommodation premises

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

43 Adult education or higher education premises

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

44 Community premises

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

- (ii) **Education and Care Services National Law Act 2010** and the **Education and Care Services National Regulations 2011** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services.

45 Creative arts premises

(1) For the purposes of this Order:

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

46 Entertainment and function premises

(1) For the purposes of this Order:

- (a) **animal premises** means any of the following:
 - (i) a zoological park;
 - (ii) a wildlife centre;
 - (iii) a petting zoo;
 - (iv) an aquarium;
 - (v) an animal farm that is not being operated for the purpose of producing food; and
- (b) **entertainment and function premises** means any of the following, whether operated on a for profit or not-for-profit basis:
 - (i) a theatre;
 - (ii) a cinema;
 - (iii) a music hall, concert hall or auditorium;
 - (iv) a gallery or a museum;
 - (v) the State Library;
 - (vi) an arena or stadium;
 - (vii) an arcade;
 - (viii) an amusement park;
 - (ix) a gaming machine premises;
 - (x) a brothel, sex on premises venue or sexually explicit entertainment venue;
 - (xi) a bingo centre;
 - (xii) a karaoke premises;
 - (xiii) a nightclub;
 - (xiv) an animal premises;
 - (xv) a function premises;

- (xvi) a convention centre;
- (xvii) an escape room;
- (xviii) a licensed premises to the extent that it is operated as a premises specified in subparagraphs (i) to (xvi);
- (xix) a premises specified in subparagraphs (i) to (xviii) that is located within an accommodation premises; and
- (c) **function premises** means a building, room or space that is used for the purpose of holding events, functions, conferences or receptions; and
- (d) **National Performing Arts Company** means an organisation funded through the National Performing Arts Partnership Framework; and
- (e) **nightclub** means a premises:
 - (i) to which a late night licence applies; and
 - (ii) with a dancefloor; and
- (f) **State Library** means the State Library Victoria; and
- (g) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

47 Food and drink premises

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

- (i) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
- (j) **small food and drink premises** means a food and drink premises with a total area of all spaces accessible to members of the public of less than 100 square metres.

48 Gaming machine premises

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

49 Physical recreation premises

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

50 Restricted retail premises

- (1) For the purposes of this Order:
 - (a) **beauty therapy premises** means a premises at which beauty therapy and personal care services are provided; and

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

51 Tours and tourism

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

Division 3 – Other definitions

52 Other definitions

For the purposes of this Order:

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

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

court means:

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

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

COVID-19 Mandatory Vaccination (Specified Facilities) Order means the **Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2022 (No. 7)** as amended or replaced from time to time;

COVID-19 Mandatory Vaccination (Specified Workers) Order means the **Pandemic COVID-19 Mandatory Vaccination (Specified Workers) Order 2022 (No. 6)** as amended or replaced from time to time;

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

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

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

education and childcare service means:

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

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

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

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

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

mandatory vaccination worker means:

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

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

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

medical practitioner means:

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

Movement and Gathering Order means the **Pandemic (Movement and Gathering) Order 2022 (No. 5)** as amended or replaced from time to time;

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

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

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

Revoked Open Premises Order means the **Open Premises Directions (No. 7) or the Pandemic (Open Premises) Order 2022 (No. 5)**, or their predecessors;

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

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

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

Workplace Order means the **Pandemic (Workplace) Order 2022 (No. 7)** as amended or replaced from time to time.

Dated 11 April 2022

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

Section 165AI

**GUIDANCE FOR THE PANDEMIC (QUARANTINE, ISOLATION AND TESTING)
ORDER 2022 (No. 7)**

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

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

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

Failure to comply with this Order may result in penalties.

This guidance does not form part of the Pandemic (Quarantine Isolation and Testing) Order 2022 (No. 7) and it is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (QUARANTINE, ISOLATION AND TESTING) ORDER 2022 (No. 7)**TABLE OF PROVISIONS**

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Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (QUARANTINE, ISOLATION AND TESTING) ORDER 2022 (No. 7)

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

PART 1 – PRELIMINARY**2 Objective**

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

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

3 Citation

This Order may be referred to as the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 7)**.

4 Authorising provision

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

5 Commencement and revocation

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

6 Definitions

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

7 Application of this Order

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

PART 2 – SELF-ISOLATION FOR DIAGNOSED PERSONS**8 Who is a diagnosed person?**

- (1) A person is a diagnosed person if the person at any time before, on or after the commencement of this Order, has received a positive result from a COVID-19 PCR test and is not a recent confirmed case.
- (2) A person ceases to be a diagnosed person when they have completed self-isolation in accordance with this Part 2 or a Revoked Quarantine, Isolation and Testing Order.

9 Requirement to self-isolate

A diagnosed person must self-isolate under this Order:

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

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

10 Location of self-isolation

- (1) A diagnosed person must self-isolate:
 - (a) if clause 9(1) applies, at the premises chosen by the person under subclause (2); or
 - (b) if clause 9(2) applies, at the premises at which the person was required to reside under a Revoked Quarantine, Isolation and Testing Order.
- (2) For the purposes of subclause (1)(a), the diagnosed person may choose to self-isolate at:
 - (a) a premises at which they ordinarily reside; or
 - (b) another premises that is suitable for the person to reside in for the purpose of self-isolation.

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

Note 2: once a person has chosen the premises at which to self-isolate, the person must reside at that premises for the entirety of the period of self-isolation unless an exemption to move to and self-isolate at an alternate premises has been given: see clauses 35(2)(a) and 35(4).

- (3) If a diagnosed person who has chosen a premises under subclause (2) is not at the premises at the time when the choice is made, the person must immediately and directly travel to that premises, unless the person is admitted to a hospital or other facility for the purposes of receiving medical care.

11 Self-isolation period

- (1) For the purposes of clause 8, the period of self-isolation begins:
 - (a) if clause 9(1) applies, when the diagnosis is communicated to the person; or
 - (b) if clause 9(2) applies, upon the commencement of this Order.
- (2) For the purposes of clause 9 and subject to clause 38, the period of self-isolation ends seven days from the date on which the person undertook a COVID-19 PCR test, from which they were diagnosed with COVID-19.

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

12 Notifications by the diagnosed person

- (1) Immediately after choosing a premises under clause 10(2), the diagnosed person must:
 - (a) if any other person is residing at the premises chosen by the diagnosed person, notify the other person that:
 - (i) the diagnosed person has been diagnosed with COVID-19; and
 - (ii) the diagnosed person has chosen to self-isolate at the premises; and
 - (b) notify the Department of the address of the premises chosen by the diagnosed person.
- (2) If, during the period that a diagnosed person is self-isolating at a premises for the purposes of clause 9, another person informs the diagnosed person that they intend to commence residing at the premises chosen by the diagnosed person, the diagnosed person must inform the other person of their diagnosis.
- (3) The diagnosed person must as soon as practicable notify the persons listed below that the diagnosed person has been diagnosed with COVID-19, and of the diagnosed person's infectious period:
 - (a) the operator of any education facility at which they are enrolled, if the diagnosed person attended an indoor space at the education facility during their infectious period; and

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

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

PART 3 – SELF-ISOLATION FOR PROBABLE CASES

13 Who is a probable case?

- (1) A person is a probable case if the person at any time before, on or after the commencement of this Order, has received a positive result from a COVID-19 rapid antigen test and is not a recent confirmed case.
- (2) A person ceases to be a probable case after the person has completed self-isolation in accordance with this Part 3.

14 Requirement to self-isolate

A probable case must self-isolate under this Order:

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

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

15 Location of self-isolation

- (1) A probable case must self-isolate:
 - (a) if clause 14(1) applies, at the premises chosen by the person under subclause 10(2); or
 - (b) if clause 14(2) applies, at the premises at which the person was required to reside under a Revoked Quarantine, Isolation and Testing Order.
- (2) For the purposes of subclause (1)(a), the probable case may choose to self-isolate at:
 - (a) a premises at which they ordinarily reside; or
 - (b) another premises that is suitable for the person to reside in for the purpose of self-isolation.

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

Note 2: once a person has chosen the premises at which to self-isolate, the person must reside at that premises for the entirety of the period of self-isolation unless an exemption to move to and self-isolate at an alternative premises has been given: see clauses 35(2)(a) and 35(4).

- (3) If a probable case who has chosen a premises under subclause (2) is not at the premises at the time when the choice is made, the person must immediately and directly travel to that premises, unless the person is admitted to a hospital or other facility for the purposes of receiving medical care.

16 Self-isolation period

- (1) For the purposes of clause 14, the period of self-isolation begins:
 - (a) if clause 14(1) applies, when the probable case received a positive result from a COVID-19 rapid antigen test; or
 - (b) if clause 14(2) applies, upon the commencement of this Order.
- (2) For the purposes of clause 14 and subject to clause 38, the period of self-isolation ends on the earlier of:
 - (a) seven days from the date on which the probable case received a positive result from a COVID-19 rapid antigen test; or

- (b) the day on which a negative result is received by the probable case from a COVID-19 PCR test that was undertaken within 48 hours after the COVID-19 rapid antigen test from which the person became a probable case.

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

Note 2: if a person's period of self-isolation ends before the commencement of this Order, they are not required to self-isolate on the commencement of this Order. If a person's period of self-isolation begins but does not end before the commencement of this Order, they are only required to self-isolate for the remainder of their self-isolation period on the commencement of this Order.

17 Notification by the probable case

- (1) Immediately after choosing a premises under clause 15(2), the probable case must:
 - (a) if any other person is residing at the premises chosen by the probable case, notify the other person that:
 - (i) the probable case has received a positive result from a COVID-19 rapid antigen test; and
 - (ii) the probable case has chosen to self-isolate at the premises; and
 - (b) notify the Department of the positive result from a COVID-19 rapid antigen test by submitting a COVID-19 Positive Rapid Antigen Test Self-Reporting Form or by calling the Department's COVID-19 hotline and providing:
 - (i) the positive result from the COVID-19 Rapid antigen test; and
 - (ii) the address of the premises chosen by the probable case.

Note: notification to the Department is to occur by the submission of the COVID-19 Positive Rapid Antigen Test Self-Reporting Form online at dhvicgovau.powerappsportals.com/rapid-antigen-test/ as amended or reissued from time to time by the Secretary of the Department or by calling the Department's COVID-19 hotline on 1300 651 160.

- (2) If, during the period that a probable case is self-isolating at a premises for the purposes of clause 14, another person informs the probable case that they intend to commence residing at the premises chosen by the probable case, the probable case must inform the other person of their positive result from a COVID-19 rapid antigen test.
- (3) The probable case must as soon as practicable notify the persons listed below that the probable case has received a positive result from a COVID-19 rapid antigen test, and of the probable case's infectious period:
 - (a) the operator of any education facility at which they are enrolled, if the probable case attended an indoor space at the education facility during their infectious period; and
 - (b) any person who is a close contact or a social contact of the probable case, to the extent the probable case is able to reasonably ascertain and notify such person.

Note: the probable case's parent, guardian or carer may notify the operator of the education facility on behalf of the probable case for the purpose of paragraph (a).

PART 4 – SELF-QUARANTINE FOR CLOSE CONTACTS

18 Who is a close contact?

- (1) A person is a close contact if the person is not a recent confirmed case and before, on or after the commencement of this Order:
 - (a) an officer or nominated representative of the Department makes a determination that the person is a close contact of a diagnosed person or a probable case, including in the event of an outbreak, and has given that person a notice of the determination in accordance with subclause (2); or

- (b) the person has spent more than four hours in an indoor space at a private residence, accommodation premises or care facility with a diagnosed person or a probable case during their infectious period.
- (2) For the purposes of subclause (1)(a), the notice:
 - (a) may be given orally or in writing, and, if given orally, must be confirmed in writing as soon as reasonably practicable; and
 - (b) is not required to be in a particular form.

19 Requirement to self-quarantine

Subject to clause 23, a close contact must self-quarantine under this Order:

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

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

20 Location of self-quarantine

- (1) A close contact may choose to self-quarantine:
 - (a) if clause 19(1) applies, at:
 - (i) a premises at which they ordinarily reside; or
 - (ii) another premises that is suitable for the person to reside in for the purpose of self-quarantine; or

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

Note 2: once a person has chosen the premises at which to self-quarantine, the person must reside at that premises for the entirety of the period of self-quarantine unless an exemption to move to and self-quarantine at an alternate premises has been given: see clauses 35(2)(a) and 35(4).

 - (b) if clause 19(2) applies, at a premises at which the person was permitted to reside under a Revoked Quarantine, Isolation and Testing Order.
- (2) If, at the time a person becomes aware or is given notice that they are a close contact, the person is not at the premises chosen by the person under subclause (1), the person must immediately and directly travel to those premises.

21 Self-quarantine period

- (1) Subject to clause 22 and if clause 19(1) applies, if a close contact self-quarantines at the same premises where the diagnosed person or the probable case is self-isolating, the close contact's period of self-quarantine begins:
 - (a) on the date the diagnosed person undertook a COVID-19 PCR test, from which they were diagnosed with COVID-19; or
 - (b) on the date the probable case received a positive result from a COVID-19 rapid antigen test.
- (2) Subject to clause 22 and if clause 19(1) applies, if a close contact self-quarantines at a different premises from where the diagnosed person or the probable case is self-isolating, the close contact's period of self-quarantine begins from the date the close contact most recently had in-person contact with the diagnosed person or the probable case.
- (3) Subject to clause 22 and if clause 19(2) applies, a close contact period of self-quarantine begins upon the commencement of this Order.

22 End of period of self-quarantine

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

- (1) subject to subclauses (2) to (5), seven days from the relevant date specified under clause 21(1) or 21(2) or as varied or revoked under clause 24; or

- (2) if the notice given to the person under clause 18(1)(a) is revoked under clause 24, at the time that revocation takes effect; or
- (3) if the person becomes a diagnosed person, when the diagnosis is communicated to the person; or

Note: a close contact who becomes a diagnosed person will then be required to self-isolate under clause 9.

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

Note: a close contact who becomes a probable case will then be required to self-isolate under clause 14.

- (5) if the person is a close contact of a probable case, the date the probable case receives a negative test result from a COVID-19 PCR test that was undertaken within 48 hours after the COVID-19 rapid antigen test from which the person became a probable case.

Note: a close contact of a probable case may end self-quarantine early if the probable case receives a negative COVID-19 PCR test result before the seven day self-isolation period provided that the COVID-19 PCR test is undertaken within 48 hours of the COVID-19 rapid antigen test.

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

23 Exception — previous clearance

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

24 Review of determination and notice

- (1) The Chief Health Officer, a Deputy Chief Health Officer, a Director or Medical Lead of a designated Local Public Health Unit or an authorised officer who is authorised to exercise the pandemic management powers under section 165AW(2) of the **Public Health and Wellbeing Act 2008**, may review a determination made under clause 18(1) a) and, if satisfied that it is appropriate, having regard to Departmental Requirements, may vary or revoke the notice given to the person under clause 18(1) a) and must give the person notice of the decision.
- (2) For the purposes of subclause (1), the notice must be given in writing but is not required to be in a particular form.

25 Notifications by the close contact

If a close contact is required to self-quarantine under clause 19 and, during the period of self-quarantine, another person informs the close contact that they intend to commence residing at the premises chosen by the close contact, the close contact must inform the other person of their self-quarantine.

26 Testing of persons in self-quarantine

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

- (2) If a close contact is required to self-quarantine under clause 19 and, during the period of self-quarantine, the person receives a COVID-19 PCR test result stating that they have been diagnosed with COVID-19, the person becomes a diagnosed person and must self-isolate under clause 9.
- (3) If a close contact is required to self-quarantine under clause 19 and, during the period of self-quarantine, the person receives a positive result from a COVID-19 rapid antigen test, the person becomes a probable case and must self-isolate under clause 14.
- (4) If a close contact of a diagnosed person or a probable case is required to self-quarantine under clause 19 and, during the period of self-quarantine, the person receives a negative result from a COVID-19 rapid antigen test or a COVID-19 PCR test result stating that they have not been diagnosed with COVID-19, the person must, if the period of self-quarantine has not expired, continue to self-quarantine under clause 19 for the remainder of the self-quarantine period.

PART 5 – EXPOSED PERSONS

27 Who is an exposed person?

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

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

28 Testing Requirements of exposed persons

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

PART 6 – EDUCATION FACILITY OBLIGATIONS

29 Notifications by the operator of an education facility

An operator of an education facility who has been informed under clause 12(3)(a) or 17(3) a) that a diagnosed person or a probable case attended that education facility during the diagnosed person's or the probable case's infectious period must take reasonable steps to notify the parents, guardians and carers of the persons enrolled at the education facility during the relevant infectious period:

- (1) that a diagnosed person or probable case has attended the education facility during the diagnosed person's or probable case's infectious period; and
- (2) to monitor if the person enrolled at the education facility begins to experience COVID-19 symptoms; and
- (3) that the person enrolled at the education facility must, if they begin to experience COVID-19 symptoms, comply with the relevant requirements set out in the Testing Requirements for Contacts and Exposed Persons and, where applicable, follow the COVID-19 rapid antigen test procedure.

30 Collection of information by operators of an education facility

- (1) The operator of an education facility must collect, record and store the following information:
 - (a) the dates on which they were notified under clause 12(3)(a) or 17(3)(a) of any diagnosed persons or probable cases who attended the education facility during their infectious period; and

- (b) the dates that any diagnosed persons or probable cases attended the education facility during their infectious period.
- (2) For the purposes of complying with this clause, an operator of an education facility is authorised to use any information that it holds under subclause (1).

PART 7 – SOCIAL CONTACTS AND SYMPTOMATIC PERSONS IN THE COMMUNITY

31 Who is a social contact?

A person is a social contact if:

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

the person is not a close contact, exposed person or recent confirmed case.

32 Testing of social contacts

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

33 Who is a symptomatic person in the community?

A person is a symptomatic person in the community if:

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

34 Testing of symptomatic person in the community

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

PART 8 – GENERAL PROVISIONS

35 Requirements of self-isolation and self-quarantine

- (1) This clause applies to a person who is required to:
 - (a) self-isolate at a premises under clauses 9 or 14; or
 - (b) self-quarantine at a premises under clause 19.
- (2) The person identified in subclause (1):
 - (a) must reside at the premises for the entirety of the period of self-isolation or self-quarantine, as the case requires, except for any period that the person is admitted to a hospital or other facility for the purposes of receiving medical care; and
 - (b) must not leave the premises, except:
 - (i) for the purposes of obtaining medical care or medical supplies; or
 - (ii) for the purposes of transporting another person with whom they reside to or from a hospital if the person identified in subclause (1) is asymptomatic for COVID-19; or
 - (iii) for the purposes of getting tested for COVID-19; or
 - (iv) in any emergency situation; or
 - (v) if required to do so by law; or

- (vi) for the purposes of visiting a patient in hospital if permitted to do so under the **Visitors to Hospitals and Care Facilities Order**; or
- (vii) for the purposes of working in a care facility if permitted to do so under the **Visitors to Hospitals and Care Facilities Order**; or
- (viii) for the purpose of sitting a Senior Secondary examination provided that the person is not a diagnosed person or a probable case; and
- (c) must not permit any other person to enter the premises unless:
 - (i) that other person:
 - (A) ordinarily resides at the premises; or
 - (B) is required to self-isolate or self-quarantine at the premises under this Order; or
 - (ii) it is necessary for the other person to enter for medical or emergency purposes; or
 - (iii) the other person is a disability worker, and it is necessary for the disability worker to enter for the purpose of providing a disability service to a person with a disability; or
 - (iv) it is necessary for the other person to enter for the purpose of providing personal care or household assistance to the person as a result of that person's age, disability or chronic health condition; or
Examples: personal care includes assistance with showering, toileting, eating; household assistance includes help with cooking, house cleaning, laundry and gardening.
 - (v) the entry is otherwise required or authorised by law.
- (3) Subclause (2)(c) does not apply to a person who is a resident of a care facility.
*Note: the **Visitors to Hospitals and Care Facilities Order** governs who can enter a care facility.*
- (4) Despite subclause (2)(a):
 - (a) a diagnosed person or a probable case who is required to self-isolate; or
 - (b) a close contact who is required to self-quarantine,may apply under clause 39(2) to the Chief Health Officer, a Deputy Chief Health Officer, a Director or Medical Lead of a designated Local Public Health Unit for an exemption from the requirement to remain at the premises chosen for the purposes of subclause (2)(a) for the purpose of moving to an alternate premises for the remainder of the period of self-quarantine or self-isolation.
- (5) Despite subclause (2)(a), a healthcare worker who is a close contact and required to self-quarantine, may apply to the Chief Health Officer, a Deputy Chief Health Officer or a Director or Medical Lead of a designated Local Public Health Unit under clause 40(2) for an exemption from the requirement to remain at the premises chosen for the purposes of subclause (2)(a) for the purpose of a healthcare worker who is a close contact returning to work.

36 Service Victoria authorisation

- (1) The Service Victoria CEO may:
 - (a) collect and display information to demonstrate a rapid antigen test result using the Service Victoria Platform; and
 - (b) collect and display other information relating to the rapid antigen test result, including related personal information and health information, using the Service Victoria Platform; and
 - (c) share information collected under paragraph (a) and (b) with the Department; and

- (d) store and display the history of rapid antigen test results and enable the sharing of this information by a person using the Service Victoria Platform; and
 - (e) provide exposure notifications to persons through the Service Victoria Platform advising that they may have been exposed to COVID-19 in accordance with data managed by the Department.
- (2) Where a person is unable to use the Service Victoria Platform to demonstrate their rapid antigen test result, that information may be collected from another person on behalf of the person who is unable to use the Service Victoria Platform, using the Service Victoria Platform.
 - (3) The Service Victoria CEO must delete any rapid antigen test result and related information collected under subclause (1)(a) and (1)(b) as soon as practicable after seven days of it being collected using the Service Victoria Platform.
 - (4) Persons who receive a notification under subclause (1)(e) must follow any direction contained in the notification received through the Service Victoria Platform.

37 General exemption power

- (1) A person is not required to comply with a requirement of this Order if the person is granted an exemption from that requirement under subclause (2).
- (2) The Chief Health Officer or Deputy Chief Health Officer may exempt a person or a group of persons, from any or all requirements contained in this Order, if satisfied that an exemption is appropriate, having regard to the:
 - (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the **Public Health and Wellbeing Act 2008**, as appropriate.
- (3) An exemption under subclause (2) must:
 - (a) be given, in writing, to the person or a group of persons the subject of the exemption; and
 - (b) specify the requirement or requirements that the person or a group of persons need not comply with.
- (4) An exemption granted to a person or group of persons under this clause does not prevent an authorised officer from exercising a pandemic management power to give a person or a group of persons a different order or impose a different requirement on the person or group of persons.

38 Exemption power – variation to the period of self-isolation for a diagnosed person or a probable case

- (1) If a person is granted an exemption from the requirement under subclause 39(2), they:
 - (a) are not required to comply with the requirement to remain in self-isolation for the period specified in clause 10 (if the person is a diagnosed person) or clause 15 (if the person is a probable case); and
 - (b) must comply with the period of self-isolation specified in the exemption.
- (2) The Chief Health Officer, a Deputy Chief Health Officer or a Director or Medical Lead of a designated Local Public Health Unit may:
 - (a) exempt a person or group of persons from requirement to remain in self-isolation for the period specified in clause 11 (if the person is a diagnosed person) or clause 16 (if the person is a probable case); and
 - (b) require the person or group of persons to self-isolate for a shorter period of time, if satisfied that an exemption is appropriate having regard to the:
 - (c) need to protect public health; and
 - (d) principles in sections 5 to 10 of the **Public Health and Wellbeing Act 2008**, as appropriate.

- (3) An exemption under subclause (2) must:
 - (a) be given, in writing, to the person the subject of the exemption; and
 - (b) specify the requirement or requirements that the person need not comply with; and
 - (c) the period of time during which they must self-isolate.
- (4) An exemption granted to a person under subclause (2) does not prevent an authorised officer from exercising a pandemic management power to give the person a different order or impose a different requirement on the person.

39 Exemption power – alternate premises for self-quarantine or self-isolation

- (1) A person is not required to comply with the requirement to remain at the premises chosen for the purposes of clause 35(2)(a) for the purpose of moving to an alternate premises for the remainder of the period of self-isolation or self-quarantine if the person is granted an exemption from the requirement under subclause (2).
- (2) The Chief Health Officer, a Deputy Chief Health Officer or a Director or Medical Lead of a designated Local Public Health Unit may exempt a person or group of persons from any or all requirements in clauses 10(1), 10(2), 15(1), 15(2) (location of self-isolation) or 20 (location of self-quarantine) or 35(2)(a), if satisfied that an exemption from a requirement is appropriate having regard to the:
 - (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the **Public Health and Wellbeing Act 2008**, as appropriate.
- (3) An exemption under subclause (2) must:
 - (a) be given, in writing, to the person the subject of the exemption; and
 - (b) specify the requirement or requirements that the person need not comply with.
- (4) An exemption granted to a person under subclause (2) does not prevent an authorised officer from exercising a pandemic management power to give the person a different order or impose a different requirement on the person.

40 Exemption power – healthcare worker who is a close contact – return to work

- (1) A healthcare worker who is a close contact is not required to comply with a requirement to remain at the premises chosen for the purposes of clause 35(2)(a) for the purpose of the healthcare worker returning to work if the person is granted an exemption from the requirement under subclause (2).
- (2) The Chief Health Officer, a Deputy Chief Health Officer, a Director or Medical Lead of a designated Local Public Health Unit may exempt a person from any or all of the requirements of clause 20 (location of self-quarantine) or clause 35(2)(a), if satisfied that an exemption from that requirement is appropriate having regard to the:
 - (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the **Public Health and Wellbeing Act 2008**, as appropriate.
- (3) An exemption under subclause (2) must:
 - (a) be given, in writing, to the person the subject of the exemption; and
 - (b) specify the requirement or requirements that the person need not comply with.
- (4) An exemption granted to a person under subclause (2) does not prevent an authorised officer from exercising a pandemic management power to give the person a different order or impose a different requirement on the person.

41 Severability

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

42 Transitional provisions

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

PART 9 – PENALTIES**43 Penalties**

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

Failure to comply with pandemic order, direction or other requirement

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

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

SCHEDULE 1 – DEFINITIONS

For the purposes of this Order:

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

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

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

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

- (1) **Education and Care Services National Law 2010** and the **Education and Care Services National Regulations 2011**, including long day care services, kindergartens and/or preschool and family daycare services, but not including outside school hours care services; and
- (2) **Children's Services Act 1996**, including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;

close contact has the meaning in clause 18(1);

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

COVID-19 Mandatory Vaccination (Specified Workers) Order means the **Pandemic COVID-19 Mandatory Vaccination (Specified Workers) Order 2022 (No. 6)** as amended or replaced from time to time;

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

COVID-19 Positive Rapid Antigen Test Self-Reporting Form means the form titled 'COVID-19 Positive Rapid Antigen Test Self-Reporting Form', as amended or reissued from time to time by the Secretary of the Department and available at dhvicgovau.powerappsportals.com/rapid-antigen-test/;

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

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

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

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

- (1) fever;
- (2) chills or sweats;
- (3) cough;
- (4) sore throat;
- (5) shortness of breath;
- (6) runny nose;
- (7) loss of or change in sense of smell or taste;

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

Department means the Victorian Department of Health;

Departmental Requirements means the document titled ‘Case, Contact and Outbreak Management Policy’, as amended or reissued from time to time by the Victorian Government with the approval of the Chief Health Officer or a Deputy Chief Health Officer;

designated Local Public Health Unit means:

- (1) Western Public Health Unit;
- (2) South Eastern Public Health Unit;
- (3) North Eastern Public Health Unit;
- (4) Barwon South West Public Health Unit;
- (5) Grampians Wimmera Southern Mallee Public Health Unit;
- (6) Loddon-Mallee Public Health Unit;
- (7) (Hume) Goulburn Valley Public Health Unit;
- (8) (Hume) Albury-Wodonga Public Health Unit;
- (9) Gippsland Public Health Unit;

diagnosed person has the meaning in clause 8;

Director or Medical Lead of a designated Local Public Health Unit means a person with the title of Director or Medical Lead in a designated Local Public Health Unit who is authorised under section 165AW(2)(a) of the **Public Health and Wellbeing Act 2008** to exercise the pandemic management powers or to exercise public health risk powers;

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

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

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

education facility means:

- (1) premises at which a childcare or early childhood service is provided;
- (2) premises at which an outside school hours care service is provided;
- (3) a school;
- (4) school boarding premises;

employee includes a person who is self-employed;

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

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

exemption means an exemption granted by the Chief Health Officer or the Deputy Chief Health Officer, or a Director or Medical Lead of a designated Local Public Health Unit under clause 37(2), 38(2), 39(2), 40(2) of these directions;

exposed person has the meaning in clause 27;

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

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

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

- (1) permanent or temporary; or
- (2) open or closed;

infectious period means the period:

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

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

Open Premises Order means the **Pandemic (Open Premises) Order 2022 (No. 6)** as amended or replaced from time to time;

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

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

premises means:

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

probable case has the meaning in clause 13;

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

recent confirmed case means a person who:

- (1) has already commenced but has not completed a period of self-isolation in accordance with Part 2 or Part 3 of this Order; or
- (2) has completed a period of self-isolation in accordance with Part 2 or Part 3 of this Order and the period of self-isolation ended within the previous 8 weeks;

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

Revoked Quarantine, Isolation and Testing Order means the **Diagnosed Persons and Close Contacts Directions (No. 35)** or the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 6)**, or their predecessors;

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

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

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

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

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

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

social contact has the meaning in clause 31;

symptomatic person in the community has the meaning in clause 33;

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

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

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

Visitors to Hospitals and Care Facilities Order means the **Pandemic (Visitors to Hospitals and Care Facilities) Order 2022 (No. 5)** as amended or replaced from time to time;

work premises means the premises of an employer in which work is undertaken, including any vehicle whilst being used for work purposes, but excluding a worker’s ordinary place of residence;

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

Dated 11 April 2022

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

Section 165AI

**GUIDANCE FOR THE PANDEMIC (VICTORIAN BORDER CROSSING)
ORDER 2022 (No. 7)**

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

International arrivals must:

- (1) comply with the general post-entry conditions;
- (2) carry and present specific documents on the request of an authorised officer; and
- (3) if applicable, complete prescribed COVID-19 PCR tests or COVID-19 rapid antigen tests.

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

There are separate requirements for international maritime services workers, international aircrew service workers and Australian based international aircrew service workers, including in relation to self-quarantine (as applicable).

This Order also sets out the conditions under which a person may be granted an exemption from this Order. Failure to comply with this Order may result in penalties.

This guidance does not form part of the Pandemic (Victorian Border Crossing) Order 2022 (No. 7) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (VICTORIAN BORDER CROSSING) ORDER 2022 (No. 7)

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Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (VICTORIAN BORDER CROSSING) ORDER 2022 (No. 7)

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

PART 1 – PRELIMINARY**1 Objective**

The objective of this Order is to provide a scheme for persons arriving in Australia as an international passenger arrival or international services worker, to limit the spread of COVID-19.

2 Citation

This Order may be referred to as the **Pandemic (Victorian Border Crossing) Order 2022 (No. 7)**.

3 Authorising Provision

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

4 Commencement and revocation

- (1) This Order commences at 11:59:00 pm on 12 April 2022 and ends at 11:59:00 pm on 12 July 2022.
- (2) The **Pandemic (Victorian Border Crossing) Order 2022 (No. 6)** is revoked at 11:59:00 pm on 12 April 2022.

5 Definitions

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

6 Application of this Order

This Order applies to the whole State of Victoria.

PART 2 – REQUIREMENTS FOR INTERNATIONAL TRAVELLERS**Division 1 – Restrictions on entry****7 Restrictions on persons entering Victoria**

- (1) An international aircrew services worker who has been in another country in the 7 days prior to arrival in Victoria, or an international maritime services worker, may only enter Victoria under this Order if the person meets all of the requirements in clause 8.
- (2) An international passenger arrival may only enter Victoria under this Order if the person meets all of the requirements in clause 10.
- (3) This Order does not apply to a person who enters Victoria from another country who is not a person specified in subclause (1) or (2).

*Note: a person who is not specified in subclause (1) or (2) and enters Victoria from another country is not governed by this Order and may instead be governed by the **Pandemic (Detention) Order**.*

Division 2 – International services worker**8 Eligibility**

- (1) Subject to subclause (2), a person referred to in clause 7(1) may enter Victoria if the person:
 - (a) is fully vaccinated; or
 - (b) is a medically exempt person; or
 - (c) is not fully vaccinated or a medically exempt person but is an Australian based international aircrew services worker.

- (2) A person who enters Victoria as an Australian based international aircrew services worker under subclause (1)(c) and remains for a period of 48 hours or longer in Victoria must have completed either:
 - (a) a pre-departure COVID-19 rapid antigen test within 24 hours of their scheduled departure for Victoria and comply with the COVID-19 rapid antigen test procedure; or
 - (b) a pre-departure COVID-19 PCR test within 3 days of their scheduled departure for Victoria.

9 International services worker – Obligations after entry

- (1) A person who enters Victoria as an international services worker under subclause 8(1)(a) or 8(1)(b) must, for the period between when they arrive in Victoria and until the day that is 7 days after the person arrived in Australia or when they leave Victoria (whichever occurs first):
 - (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) an acceptable form of identification; and
 - (ii) international acceptable evidence to show that they are fully vaccinated or international acceptable certification to show they are a medically exempt person.
- (2) A person who enters Victoria as an Australian based international aircrew services worker under clause 8(1)(c) must, for a period of 7 days after arrival in Victoria or until their next scheduled international flight (whichever is sooner):
 - (a) comply with the general post-entry conditions; and
 - (b) travel immediately and directly to the residence in Victoria where they will self-quarantine; and
 - (c) while in direct transit to their place of self-quarantine in Victoria, leave their vehicle only for the purposes of:
 - (i) obtaining medical care or medical supplies; or
 - (ii) accessing toilet and bathroom facilities; or
 - (iii) paying for fuel; or
 - (iv) purchasing essential items; or
 - (v) purchasing takeaway food or drink; and
 - (d) if leaving their vehicle for a permitted reason in paragraph (c):
 - (i) wear a face covering at all times unless, in accordance with the pandemic orders in force, an exception from the requirement to wear a face covering applies to the person; and
 - (ii) practise physical distancing; and
 - (iii) keep detailed records of each place they stop; and
 - (e) must:
 - (i) remain in self-quarantine, unless undertaking essential activities, for a period 7 days after arrival in Victoria or until their next scheduled international flight (whichever is sooner); and
 - (ii) if leaving self-quarantine to undertake essential activities as permitted under subparagraph (i):
 - (A) wear a face covering at all times unless, in accordance with the pandemic orders in force, an exception from the requirement to wear a face covering applies to the person; and
 - (B) practise physical distancing; and

- (iii) complete:
 - (A) a COVID-19 PCR test within 24 hours of arrival in Victoria and remain in self-quarantine as required under subparagraph (i); or
 - (B) a COVID-19 rapid antigen test within 24 hours of arrival in Victoria, and comply with the COVID-19 rapid antigen test procedure and remain in self-quarantine as required under subparagraph (i); and
- (f) must 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) an acceptable form of identification.

Division 3 – International passenger arrival

10 Eligibility

- (1) A person referred to in clause 7(2) may enter Victoria as an international passenger arrival if the person, at the time they enter in Victoria, is:
 - (a) 12 years and 2 months of age or above and is fully vaccinated or a medically exempt person; or
 - (b) younger than 12 years and 2 months of age and is either:
 - (i) travelling with at least one parent or guardian who is fully vaccinated or is a medically exempt person; or
 - (ii) travelling unaccompanied; or
 - (c) at least 12 years and 2 months of age and less than 18 years of age and is not fully vaccinated or a medically exempt person and is either:
 - (i) travelling with at least one parent or guardian who is fully vaccinated or is a medically exempt person; or
 - (ii) travelling unaccompanied.

11 Conditions after arrival – all international passenger arrivals

- (1) An international passenger arrival who enters Victoria under clause 10(1) must, for the period between when they arrive in Victoria and until the day that is 7 days after the person arrived in Australia:
 - (a) comply with all general post-entry conditions; and
 - (b) carry and present on request to an authorised officer, Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (i) an acceptable form of identification; and
 - (ii) if applicable, evidence of their COVID-19 PCR test results in accordance with clause 12(1) or clause 13(1); and
 - (iii) international acceptable evidence or international acceptable certification to show that:
 - (A) they are fully vaccinated or a medically exempt person; or
 - (B) if younger than 12 years and 2 months of age, at least one of their parents or guardians is fully vaccinated or is a medically exempt person; or
 - (C) if at least 12 years and 2 months of age and less than 18 years of age and not:
 - 1. fully vaccinated or a medically exempt person; or
 - 2. travelling unaccompanied,at least one of their parents or guardians is fully vaccinated or is a medically exempt person.

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

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

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

- (1) If a person enters Victoria under clause 10(1)(c), that person must, in addition to the obligations specified in clause 11(1):
- (a) travel immediately and directly to, and self-quarantine at, the premises at which the person will reside for the purposes of self-quarantine for the period when they arrive in Victoria until the day that is 8 days after the person arrived in Australia. If the person arrived in Victoria after the end of the self-quarantine period, the person is not required to self-quarantine; and
 - (b) whilst in direct transit to their place of self-quarantine in Victoria, only leave their vehicle for the purposes of:
 - (i) obtaining medical care or medical supplies; or
 - (ii) accessing toilet and bathroom facilities; or
 - (iii) paying for fuel; or
 - (iv) purchasing essential items; or
 - (v) purchasing takeaway food or drink; and
 - (c) if leaving their vehicle for a permitted reason in paragraph (b):
 - (i) wear a face covering at all times unless, in accordance with the pandemic orders in force, an exception from the requirement to wear a face covering applies to the person; and
 - (ii) practise physical distancing; and
 - (iii) keep detailed records of each place they stop; and
 - (d) complete:
 - (i) a COVID-19 PCR test; or
 - (ii) if specified in the International Arrivals and Aircrew Testing Requirements, a COVID-19 rapid antigen test and comply with the COVID-19 rapid antigen test procedure, within 24 hours of arrival in Victoria if the person is in Victoria at any time within 24 hours of arrival in Australia and has not already taken either a COVID-19 PCR test or if applicable, a COVID-19 rapid antigen test and complied with the COVID-19 rapid antigen test procedure, within 24 hours of arrival in Australia; and
 - (e) remain in self-quarantine unless undertaking essential activities for the period specified in paragraph (a); and
 - (f) if leaving self-quarantine to undertake essential activities under paragraph (e):
 - (i) wear a face covering at all times unless, in accordance with the pandemic orders in force, an exception from the requirement to wear a face covering applies to the person; and
 - (ii) practise physical distancing; and
 - (g) not share spaces or facilities at the premises at which they are self-quarantining, including a bedroom, bathroom or kitchen, with any other person who is not self-quarantining.

PART 3 – EXEMPTIONS**14 Request for exemption**

- (1) A person is not required to comply with a requirement of this Order if the person is granted an exemption from that requirement under clause 15(2).

- (2) A person may request an exemption:
 - (a) by contacting the Department by phone; or
 - (b) in any form as determined by the Department from time to time.

Note: an exemption request under paragraph (b) is to occur by the submission of the COVID-19 Exemption Smart Form online at djcs.wms.powerappsportals.com/covid-19-exemption-smart-form/ as amended or reissued from time to time by the Secretary of the Department.

- (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.

15 Power to grant exemptions

- (1) A person may request an exemption from any or all requirements contained in this Order.
- (2) The Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) may exempt a person or group of persons from any or all requirements contained in these directions, if satisfied that an exemption is appropriate, having regard to the:
 - (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the **Public Health and Wellbeing Act 2008**, as appropriate.
- (3) Before granting any exemption under subclause (2), the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) must consider:
 - (a) the circumstances set out in any request; and
 - (b) any documentary evidence provided by the person, including test results or other medical information in relation to the person; and
 - (c) any further documentary evidence requested by the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department) and provided by the person.
- (4) An exemption under subclause (2):
 - (a) must:
 - (i) be given by the Department, in writing, to the person who is the subject of the exemption; or
 - (ii) be published by the Department, in writing, for the purpose of any group of persons who are the subject of the exemption; and
 - (iii) specify the requirement or requirements that the person or group of persons need not comply with; and
 - (b) may be subject to additional or different conditions approved by the Chief Health Officer or Deputy Chief Health Officer.
- (5) An exemption granted under subclause (2) does not prevent an authorised officer from exercising an emergency power or a pandemic management power to give the person or group of persons a different direction or impose a different requirement on the person or group of persons.

16 Conditions of exemption

- (1) A person who receives an exemption under clause 15(2) must:
 - (a) enter Victoria within 72 hours of the time set out in the exemption, if applicable; and

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

Note 2: an exemption may be subject to a condition to enter a particular point of entry into Victoria under clause 15(4)(b).

- (b) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under their direction):
 - (i) the exemption; and
 - (ii) documentary evidence supporting the grounds for the exemption, if applicable; and
 - (iii) an acceptable form of identification; and
 - (c) comply with any conditions imposed on the exemption.
- (2) Nothing in clauses 14(1) to 16(1) prevents an authorised officer from exercising an emergency power or a pandemic management power to give a person a different direction or impose a different requirement or condition of exemption on the person.

PART 4 – GENERAL PROVISIONS

17 Severability

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

18 Transitional provisions

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

PART 5 – PENALTIES

19 Penalties

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

Failure to comply with pandemic order, direction or other requirement

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

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

SCHEDULE 1 – DEFINITIONS

For the purposes of this Order:

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

acceptable form of identification means:

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

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

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

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

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

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

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

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

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

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

COVID-19 Mandatory Vaccination (General Workers) Order means the **Pandemic COVID-19 Mandatory Vaccination (General Workers) Order 2022 (No. 4)** as amended or replaced from time to time;

COVID-19 Mandatory Vaccination (Specified Facilities) Order means the **Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2022 (No. 7)** as amended or replaced from time to time;

COVID-19 Mandatory Vaccination (Specified Workers) Order means the **Pandemic COVID-19 Mandatory Vaccination (Specified Workers) Order 2022 (No. 6)** as amended or replaced from time to time;

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

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

- (1) the person must undertake a second COVID-19 rapid antigen test as soon as possible if the person receives an invalid test result from the first COVID-19 rapid antigen test, such that it is not possible to conclude that the result is a negative test result; and

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

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

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

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

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

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

Department means the Victorian Department of Health;

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

essential activities means;

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

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

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

general post-entry conditions means that a person must:

- (1) comply with all of the pandemic orders in force; and
- (2) monitor for COVID-19 symptoms; and
- (3) obtain a test for COVID-19 as soon as possible after experiencing any COVID-19 symptoms; and
- (4) comply with the International Arrivals and Aircrew Testing Requirements (as applicable).

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

- (1) the person's name as it appears on their passport; and
- (2) the person's date of birth or passport number; and

either

- (3) a certification from the medical practitioner that the person is unable to receive a dose, or a further dose, of a COVID-19 vaccine due to:
 - (a) a medical contraindication; or
 - (b) an acute medical illness (including where the person has been diagnosed with COVID-19); or
- (4) a documented diagnosed COVID-19 infection confirmed by a COVID-19 PCR test within the previous 4 months.

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

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

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

international air passenger arrival means a person who is entering Victoria, has been in another country in the 7 days prior to entering, and is not an international services worker or an international maritime passenger arrival;

international aircrew services worker means:

- (1) an aircrew services worker who is entering or departing Victoria on a flight to or from an international port; or
- (2) an aircrew services worker who is entering Victoria from another State or Territory of Australia for the purpose of undertaking operational flying duties on a flight from Victoria to an international port; or
- (3) an aircrew services worker who is entering Victoria on a flight from another State or Territory of Australia on which they are undertaking operational flying duties and has been in another country in the 7 days prior to entering Victoria;

International Arrivals and Aircrew Testing Requirements means the document titled 'International Arrivals and Aircrew Testing Requirements' as amended or reissued from time to time by the Victorian Government with the approval of the Chief Health Officer or a Deputy Chief Health Officer;

international maritime passenger arrival means a person who is arriving from another country and disembarking at a Victorian maritime port and is not an international maritime services worker;

international maritime services worker means a person who is a member of a crew on a vessel that is arriving from another country and they are disembarking at a Victorian maritime port;

international passenger arrival means a person who is:

- (1) an international air passenger arrival; or
- (2) an international maritime passenger arrival;

international passenger arrival conditions means all of the conditions set out in clause 11(1);

international services worker means a person who is:

- (3) an international aircrew services worker; or
- (4) an international maritime services worker;

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

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

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

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

Movement and Gathering Order means the **Pandemic (Movement and Gathering) Order 2022 (No. 5)** as amended or replaced from time to time;

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

Open Premises Order means the **Pandemic (Open Premises) Order 2022 (No. 6)** as amended or replaced from time to time;

Pandemic (Detention) Order means the **Pandemic (Detention) Order 2022 (No. 5)** as amended or replaced from time to time;

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

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

Revoked Victorian Border Crossing Order means the **Victorian Border Crossing Permit Directions (No. 44)** or the **Pandemic (Victorian Border Crossing) Order 2022 (No. 6)**, or their predecessors;

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

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

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

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

Workplace Order means the **Pandemic (Workplace) Order 2022 (No. 7)** as amended or replaced from time to time.

Dated 11 April 2022

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

Section 165AI

GUIDANCE FOR THE PANDEMIC

(VISITORS TO HOSPITALS AND CARE FACILITIES) ORDER 2022 (No. 5)

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

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

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

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

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

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

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

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

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

Failure to comply with this Order may result in penalties.

This guidance does not form part of the Pandemic (Visitors to Hospitals and Care Facilities) Order 2022 (No.5) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (VISITORS TO HOSPITALS AND CARE FACILITIES) ORDER 2022 (No. 5)**TABLE OF PROVISIONS**

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Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (VISITORS TO HOSPITALS AND CARE FACILITIES) ORDER 2022 (No. 5)

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

PART 1 – PRELIMINARY**1 Objective**

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

2 Citation

This Order may be referred to as the **Pandemic (Visitors to Hospitals and Care Facilities) Order 2022 (No. 5)**.

3 Authorising provision

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

4 Commencement and revocation

- (1) The **Pandemic (Visitors to Hospitals and Care Facilities) Order 2022 (No. 5)** commences at 11:59:00 pm on 12 April 2022 and ends at 11:59:00 pm on 12 July 2022.
- (2) The **Pandemic (Visitors to Hospitals and Care Facilities) Order 2022 (No. 4)** is revoked at 11:59:00 pm on 12 April 2022.

5 Definitions

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

6 Application of this Order

This Order applies to the whole State of Victoria.

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

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

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

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

8 Entry Requirements

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

- (1) for visitors who are aged 18 years or over:
 - (a) they are fully vaccinated; or
 - (b) they are not fully vaccinated and:
 - (i) present acceptable evidence of a negative result from a COVID-19 rapid antigen test undertaken on the same day that the visitor attends the hospital; and
 - (ii) wear an N95 face covering for the duration of their visit; or

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

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

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

9 Exceptions to Entry Requirements

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

10 Hospital excluded persons

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

11 Hospital may permit certain hospital excluded persons to visit

- (1) Despite clause 10, a person referred to in paragraphs (1), (5) or (6) of the definition of hospital excluded person may enter or remain at a hospital if the person is authorised to enter or remain at the hospital by:
 - (a) an officer of the hospital with the position of Executive Director of Nursing and Midwifery or equivalent; and
 - (b) either:
 - (i) the Chief Health Officer or Deputy Chief Health Officer; or
 - (ii) a Director or Medical Lead of a designated Local Public Health Unit.
- Note: a person who has been diagnosed with COVID-19 and has not yet been given, or taken to have been given, clearance from self-isolation under the **Quarantine, Isolation and Testing Order** may be authorised to visit the hospital under this subclause. Such authorisation has to be given by the hospital and the Chief Health Officer or the Deputy Chief Health Officer or a Director or Medical lead of a designated Local Public Health Unit, and can be subject to conditions: see subclause (2).*
- (2) A person permitted to enter or remain at a hospital under subclause (1) must comply with any directions or conditions imposed in relation to their visit by either or both of:
 - (a) the officer of the hospital who authorised their visit under subclause (1)(a); and
 - (b) the person who authorised their visit under subclause (1)(b).

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

12 Restrictions on visitors of patients (end of life)

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

13 Restrictions on visitors of patients (other)

- (1) A person may visit a patient in a hospital if:
- (a) the person's presence at the hospital is for the purposes of providing essential care and support necessary for the patient's immediate emotional or physical wellbeing (including mental health support and support for people living with dementia); or
 - (b) in the case of a patient of the hospital aged under 18 years – the person is the parent, carer or guardian of the patient or has temporary care of the patient; or
 - (c) in the case of a patient of the hospital who has a mental illness or is living with dementia – the person is the patient's nominated person and the person's presence at the hospital is for the purposes of matters relating to their role as nominated person; or
 - (d) the person's presence at the hospital is for the purposes of providing interpreter or informal language support to enable the delivery of care by hospital workers; or
 - (e) the person's presence at the hospital is for the purposes of the person learning to support the patient's care upon the patient's discharge; or

- (f) in the case of a pregnant patient of the hospital whose status as a patient relates to the pregnancy – the person is the patient’s partner or support person; or
 - (g) in the case of a patient of the hospital who is in a maternity ward whose status as a patient relates to pregnancy or childbirth – the person is the patient’s partner or support person; or
 - (h) in the case of a patient of the hospital attending at the hospital’s emergency department – the person is accompanying the patient; or
 - (i) in the case of a patient of the hospital attending an outpatient appointment – the person is accompanying the patient.
- (2) Where a visitor is visiting for a purpose specified in subclause (1), the operator of a hospital must not permit:
- (a) more than two visitors of a patient to enter or remain on the premises at any one time in relation to that patient; and
 - (b) more than two visitors of a patient to enter or remain on the premises per day in relation to that patient.

14 Child or dependant visitors

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

15 Operator of hospital to facilitate communication

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

16 Operator to take all reasonable steps

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

17 Exemption power

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

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

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

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

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

19 Entry Requirement

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

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

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

20 Exceptions to Entry Requirements

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

21 Care facility excluded persons

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

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

- (1) Despite clause 21, a person referred to in paragraph (3) of the definition of care facility excluded person may enter, or remain on, the premises of the care facility if:
- (a) the person's presence at the facility is for the purposes of providing end of life support to a resident of the care facility; and
 - (b) the person is authorised to enter or remain at the care facility by:
 - (i) an officer of the care facility with the position of Director of the facility or equivalent; and
 - (ii) either;
 - (A) the Chief Health Officer or Deputy Chief Health Officer; or
 - (B) a Director or Medical Lead of a designated Local Public Health Unit.
- (2) A person authorised to enter or remain at the care facility under subclause (1) must comply with any directions or conditions to which that authorisation is subject.
- (3) An officer of a care facility referred to in subclause (1)(b)(i) must keep, in relation to each person to whom they give authorisation under that subclause, a record of:
- (a) the contact details of the person; and
 - (b) the date and time at which that person entered and left the care facility.
- (4) A record under subclause (3) must be kept for at least 28 days from the day the authorisation is given.

23 Restrictions on visitors of residents (end of life)

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

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

24 Restrictions on visitors of residents (other)

(1) Subject to clause 19(2), where a visitor of a resident of the care facility is visiting, the operator of the care facility must not permit:

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

25 Restrictions on visitors as prospective residents

(1) Subject to clause 19(2), if a prospective resident of a care facility visits the care facility, the operator of the care facility must not permit:

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

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

26 Operator to take all reasonable steps

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

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

27 Visitor declarations

(1) The operator of a care facility must require visitors in relation to the care facility to declare in writing at the start of each visit, but before entering any area of the care facility that is freely accessible to residents, whether the visitor:

- (a) is free of COVID-19 symptoms other than symptoms caused by an underlying health condition or medication; and
- (b) either:
 - (i) has received a negative result from a COVID-19 rapid antigen test on the same day that they attend the care facility; or
 - (ii) after making reasonable attempts, has not been able to obtain a COVID-19 rapid antigen test; and
- (c) has been in contact with a confirmed case (except in the course of their employment while wearing the appropriate level of personal protective equipment in the circumstances) in the:
 - (i) preceding 7 days if the person is fully vaccinated and is not a close contact; or
 - (ii) preceding 14 days if the person is not fully vaccinated or is a close contact; and

- (d) is currently required to self-isolate or self-quarantine in accordance with the **Quarantine, Isolation and Testing Order**.

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

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

PART 4 – GENERAL PROVISIONS

28 Relationship with other Orders

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

29 Transitional provisions

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

30 Severability

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

PART 5 – PENALTIES

31 Penalties

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

Failure to comply with pandemic order, direction or other requirement

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

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

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

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

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

2 Definition of care facility worker

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

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

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

3 Definition of hospital worker

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

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

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

4 Other definitions

For the purposes of this Order:

Additional Industry Obligations Order means the **Pandemic (Additional Industry Obligations) Order 2022 (No. 10)** as amended or replaced from time to time;

alcohol and drug residential service means any of the following:

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

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

care facility excluded person means a person who:

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

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

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

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

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

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

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

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

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

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

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

Examples: visiting medical officers, locum doctors.

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

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

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

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

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

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

designated Local Public Health Unit means:

- (1) Western Public Health Unit;
- (2) South Eastern Public Health Unit;
- (3) North Eastern Public Health Unit;
- (4) Barwon South West Public Health Unit;
- (5) Grampians Wimmera Southern Mallee Public Health Unit;
- (6) Loddon-Mallee Public Health Unit;
- (7) (Hume) Goulburn Valley Public Health Unit;
- (8) (Hume) Albury-Wodonga Public Health Unit;
- (9) Gippsland Public Health Unit;

Director or Medical Lead of a designated Local Public Health Unit means a person with the title of Director or Medical Lead in a designated Local Public Health Unit who is authorised under section 165AW(2)(a) of the **Public Health and Wellbeing Act 2008** to exercise the pandemic management powers or to exercise public health risk powers;

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

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

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

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

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

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

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

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

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

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

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

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

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

hospital means:

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

hospital excluded person means a person who:

- (1) has been diagnosed with COVID-19, and has not yet been given, or been taken to have been given, clearance from self-isolation under **Quarantine, Isolation and Testing Order**; or
- (2) is required to self-quarantine under the **Victorian Border Crossing Order**; or
- (3) had known contact with a person who has been diagnosed with COVID-19 in the:
 - (a) 7 days immediately preceding entry if the person is fully vaccinated and is not a close contact and has not returned a negative COVID-19 PCR test; or
 - (b) 14 days immediately preceding entry if the person is not fully vaccinated or is a close contact and has not returned a negative COVID-19 PCR test; or

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

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

Note: for the purposes of this Order, the symptoms described within subclause (4), including but not limited to acute respiratory infection (such as cough, shortness of breath, sore throat) and a temperature higher than 37.5 degrees do not include those symptoms where caused by an underlying health condition or medication.

- (5) the person is aged under 16 years, other than in circumstances where:
 - (a) either:
 - (i) the person's presence at the hospital is for the purposes of end of life support for a patient; or

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

Note: subclause (6) does not include a person who is required to be tested for COVID-19 in accordance with the requirements of the Surveillance Testing Industry List and Requirements.

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

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

Movement and Gathering Order means the **Pandemic (Movement and Gathering Order) 2022 (No. 5)** as amended or replaced from time to time;

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

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

Open Premises Order means the **Pandemic (Open Premises) Order 2022 (No. 6)** as amended or replaced from time to time;

operator of a care facility means:

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

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

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

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

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

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

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

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

Quarantine, Isolation and Testing Order means the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 7)** as amended or replaced from time to time;

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

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

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

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

Revoked Visitors to Hospitals and Care Facilities Order means the **Care Facilities Directions (No. 50)**, the **Hospital Visitor Directions (No. 40)** or the **Pandemic (Visitors to Hospitals and Care Facilities) Order 2022 (No. 4)**, or their predecessors;

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

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

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

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

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

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

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

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

Victorian Border Crossing Order means the **Pandemic (Victorian Border Crossing) Order 2022 (No. 7)** as amended or replaced from time to time;

Workplace Order means the **Pandemic (Workplace) Order 2022 (No. 7)** as amended or replaced from time to time.

Dated 11 April 2022

MARTIN FOLEY MP
Minister for Health

Public Health and Wellbeing Act 2008

Section 165AI

GUIDANCE FOR THE PANDEMIC (WORKPLACE)**ORDER 2022 (No. 7)**

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

This Order imposes specific obligations on employers to assist in reducing the frequency of outbreaks of COVID-19 in Victorian workplaces.

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

An employer must take reasonable steps to ensure:

- (1) all workers carry and wear a face covering where appropriate; and
- (2) implement a COVIDSafe Plan which addresses health and safety issues arising from COVID-19.

Where the work premises is an open premises, employers must also:

- (1) keep a record of all persons who attend the work premises, including the person's name, date and time, contact number and areas of the work premises the person attended; and
- (2) comply with the Victorian Government QR code system and display appropriate signage for the type of work premises as specified by this Order.

Where the work premises is not an open premises, employers may keep a record of all persons who attend the work premises, including the person's name, date and time, contact number and areas of the work premises the person attended.

This Order specifies the appropriate response of an employer in the circumstance of a symptomatic person or confirmed case of COVID-19 in the work premises.

Failure to comply with this Order may result in penalties.

This guidance does not form part of the Pandemic (Workplace) Order 2022 (No. 7) and is for explanatory purposes only.

Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (WORKPLACE) ORDER 2022 (No. 7)

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Public Health and Wellbeing Act 2008

Section 165AI

PANDEMIC (WORKPLACE) ORDER 2022 (No. 7)

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

PART 1 – PRELIMINARY**1 Objective**

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

2 Citation

This Order may be referred to as the **Pandemic (Workplace) Order 2022 (No. 7)**.

3 Authorising Provision

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

4 Commencement and revocation

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

5 Definitions

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

6 Application of this Order

This Order applies to the whole State of Victoria.

PART 2 – WORKPLACE ORDERS**Division 1 – Precautionary measures****7 Operation of a work premises**

- (1) Where an employer permits or requires work to be performed at a work premises, the employer must comply with clauses 8 to 13.
- (2) A worker must not attend a work premises if they have undertaken a COVID-19 PCR test or a COVID-19 rapid antigen test and they are awaiting the result of that test except if more than 7 days has passed since the date of the test.

8 Face coverings requirement

- (1) An employer must take reasonable steps to ensure a worker, when working at a work premises:
 - (a) carries a face covering at all times, except where an exception in the **Movement and Gathering Order** applies; and
 - (b) wears a face covering where required to do so in accordance with any other pandemic orders in force, except where an exception in the **Movement and Gathering Order** applies.

Note: face shields on their own do not meet the face covering requirements. Please refer to the Department's guidelines for further information.

- (2) An employer of an education premises must take all reasonable steps to ensure that each student who physically attends the education premises complies with any requirement to wear a face covering that may apply to the student under the **Movement and Gathering Order**.

9 COVIDSafe Plan

- (1) Subject to subclause (3), an employer must, for each work premises:
- (a) have in place a COVIDSafe Plan, which addresses the health and safety issues arising from COVID-19, including but not limited to:
- Note: employers can use the template plan accessible from the following website for guidance: www.coronavirus.vic.gov.au/covidsafe-plan as amended or replaced from time to time by the Victorian Government.*
- (i) where applicable, the employer's process for implementing the record-keeping obligation under clause 10(1);
- (ii) the appropriate level of PPE to be worn at the work premises;
- (iii) actions taken by the employer to mitigate the introduction of COVID-19 at the work premises;
- Examples: temperature testing, provision and training for PPE use, physical distancing requirements (e.g. closing or reconfiguring common areas such as lunchrooms to support workers remaining 1.5 metres apart at all times).*
- (iv) the processes which the employer has put in place to respond to any symptomatic person or any confirmed case of COVID-19 at the work premises, taking into account the employer's obligations under this Order;
- (v) an acknowledgement that the employer understands its responsibilities and obligations under this Order; and
- (b) document and evidence, and require its managers to document and evidence, implementation of the COVIDSafe Plan.
- (2) The employer and the employer's workers must comply with the COVIDSafe Plan.
- (3) An employer is not required to comply with subclause (1):
- (a) for any work premises that have no workers working at that work premises; or
- (b) in relation to:
- (i) each individual vehicle that makes up a fleet of two or more vehicles; and
- Note 1: despite subparagraph (i), an employer must have a COVIDSafe Plan in relation to a fleet of two or more vehicles.*
- Note 2: where an employer owns, operates or controls only one vehicle, then it must have a COVIDSafe Plan for that vehicle.*
- Example: where an employer owns, operates or controls only one vehicle used to provide commercial passenger vehicle services or a vehicle used to provide passenger services, then it must have a COVIDSafe Plan for that vehicle.*
- (ii) vehicles used predominantly by a worker to travel between the work premises and the worker's ordinary place of residence; or
- Note: each vehicle used predominantly as a work premises (e.g. food trucks, dental vans) requires a COVIDSafe Plan.*
- (c) in relation to a premises governed by an owners corporation where that premises has:
- (i) no shared spaces; or
- (ii) only shared outdoor spaces (such as shared driveways, lawns or gardens).
- Note: an owners corporation is required to have a COVIDSafe Plan for all premises where there are shared indoor spaces (for example: hallways, underground carparking facilities, or gyms).*

- (4) An employer must:
 - (a) ensure the COVIDSafe Plan is held at the work premises at all times; and
 - (b) immediately present a copy of the COVIDSafe Plan on request to an Authorised Officer; and
 - (c) comply with any direction given by an Authorised Officer or WorkSafe inspector to modify a COVIDSafe Plan, including:
 - (i) following an outbreak of confirmed cases of COVID-19 at a work premises; or
 - (ii) if the Authorised Officer considers that the COVIDSafe Plan is not fit for purpose; and
 - (d) implement any modifications required in accordance with paragraph (c).

10 Record-keeping obligations (records requirement)

- (1) Subject to subclause (4), an employer must keep a record of all persons who attend the work premises if the work premises is an open premises, which includes:
 - (a) the person's first name; and
 - (b) the person's surname; and
 - (c) a contact phone number; and
 - (d) the date and time at which the person attended the work premises; and
 - (e) the areas of the work premises which the person attended.

Note 1: where a venue is not staffed, an employer will have complied with the records requirement if they display instructions in a prominent location that clearly explain how patrons and other visitors to the venue should record their details.

Note 2: where a person does not have a phone number, an employer may comply with the record-keeping requirement by registering that person's contact details using a phone number for the contact most likely to be able to locate the person, such as a known relative, carer, or the phone number of the employer itself.

- (2) Subject to subclauses (3) to (6), in relation to a work premises that is an open premises, an employer must:
 - (a) comply with subclause (1) using the Victorian Government QR code system; and
 - (b) make reasonable efforts to ensure that a person required to record an attendance at the work premises in accordance with paragraph (a) can do so using the Victorian Government QR code system for that purpose even where they do not have access to a personal mobile phone or other device that enables them to do so; and

Note: compliance with paragraph (b) could include making a terminal (e.g. a tablet or other device) available for persons to register their contact details via the Victorian Government QR code system and staff available to provide assistance to persons to do so.

 - (c) where:
 - (i) it is not reasonably practicable for a person to record an attendance at the open premises using the Victorian Government QR code system; or
 - (ii) there is an access issue that prevents the Victorian Government QR code system from operating,

then the employer must use an alternative record-keeping method to comply with the records requirement; and

Example: where a venue has no internet coverage, such as in a remote location, manual records could be kept and stored electronically by the venue.

- (d) information collected by an employer using an alternative record-keeping method under subclause (2)(c) must be provided by the employer to Service Victoria if requested to do so by the Department or Service Victoria; and

- (e) prominently display signage at each entrance to the open premises so that members of the public can record their attendance using the Victorian Government QR code system; and

Note: signage may also be displayed nearby to an entrance as well as at the entrance (for example, inside the open premises, in a hallway or waiting room near the entrance) if required to prevent people lining up outside or congregating at the entrance.

- (f) where the open premises is a food and drink premises, excluding a food and drink premises that is a food court:

- (i) prominently display signage at all points of sale and at all points of service, so that members of the public can record their attendance using the Victorian Government QR code system; and

Note: open premises to which paragraph (f) applies are required to comply with the signage requirements in paragraph (f) in addition to the signage requirements in paragraph (e).

- (ii) ensure that a staff member requests all members of the public attending the open premises to record their attendance at:

- (A) an entrance to the open premises; or
 - (B) a point of sale; or
 - (C) a point of service; and

Note: a point of sale includes where a customer pays for goods or services. A point of service includes where a worker interacts with a customer other than at a point of sale during their attendance, for example, a waiter attending a table to take an order, or when greeting a customer once they have entered the work premises.

- (3) Where a person who attends an open premises is unable to check in using the Victorian Government QR code system for the purpose of subclauses (1) or (6), that information may be collected by an employer from another person on behalf of the first person using the Victorian Government QR code system for that purpose.

- (4) An employer is not required to comply with the records requirement in subclause (1):

- (a) in relation to essential support groups and health services if confidentiality is typically required; or

Example: support groups for alcohol and drugs or family violence typically require confidentiality.

- (b) in relation to common property areas governed by an owners corporation; or
 - (c) in relation to persons receiving contactless 'click and collect' services where the transaction does not involve entering any indoor space at a work premises; or

Example: attending a retail facility where a worker drops the goods into the boot of a customer's car whilst the customer remains in the car.

- (d) in relation to takeaway food providers in respect of customers attending the premises for the sole purpose of collecting food at a drive-through window; or
 - (e) in relation to emergency workers attending a work premises for the purposes of responding to an emergency where complying with the records requirement is not practicable in the circumstances; or
 - (f) in relation to attendances at a work premises for the purposes of police matters (including investigations), and the administration of justice where the person who is the subject of the record requests that their attendance is kept confidential; or
 - (g) in relation to workers of, or visitors to premises owned or operated by, intelligence agencies who attend that premises for reasons of national security.

- (5) An employer is not required to comply with subclause (2) in relation to work premises that are:
- (a) premises where pre-ordered goods are being delivered via contactless delivery; or
Example: a meal delivery service driver attending a premises to drop a meal ordered via an app at the door is not required to check-in at that premises.
 - (b) a private residence attended by workers for the purposes of undertaking work.
Note: this excludes common property areas governed by an owners corporation.
- (6) In handling any information collected under subclause (1), an employer who uses a system other than the Victorian Government QR code system, must:
- (a) not collect personal information unless the information is necessary to meet the requirements outlined in subclause (1); or
 - (b) use reasonable endeavours to protect the personal information from use or disclosure, other than in accordance with a request made by an Authorised Officer (or a person assisting an Authorised Officer); and
Note: information should be collected in a way that protects it from being disclosed to other patrons.
Example: where using a paper-based method, a sheet of paper could be placed over previous visitor details on a sheet that records the names.
 - (c) use reasonable endeavours to notify the person from whom the personal information is being collected that the primary purpose of collection is for COVID-19 contact tracing, and that their personal information may be collected and stored by the Victorian Government for this purpose; and
 - (d) destroy the information as soon as reasonably practicable following 28 days after the attendance at the work premises, unless a statutory requirement permits or requires the personal information to be retained;
Note: paragraph (a) is intended to apply to employers who use or owners who collect information pursuant to subclauses (1) or (6) using a method other than the Victorian Government QR code system, whether or not:
 - (a) the employer also uses or the owner also uses the Victorian Government QR code system to comply with subclauses (1) or (6); or
 - (b) the system used by the employer or made available by the owner links to the Victorian Government QR code system.
- (7) In handling any information collected under subclauses (1) or (8), Service Victoria and/or another operator of the Victorian Government QR code system must destroy the information as soon as reasonably practicable following 28 days after the attendance at the work premises unless a statutory requirement permits or requires the personal information to be retained.
- (8) An employer may keep a record of all persons who attend the work premises if the work premises is not an open premises, which includes:
- (a) the person's first name; and
 - (b) the person's surname; and
 - (c) the person's phone number; and
 - (d) the date and time at which the person attended the work premises; and
 - (e) the areas of the work premises which the person attended,
- using the Victorian Government QR code system.

11 Signage requirements (signage requirement)

- (1) Where any other pandemic orders in force require a face covering to be worn in a work premises or part of a work premises:
- (a) an employer in relation to that work premises; or

- (b) a person who owns, operates or controls that work premises, must display a sign at each public entry advising that each person entering the work premises must wear a face covering, unless an exception under a pandemic order in force applies.
- (2) An employer or a person who owns, operates or controls a work premises, is not required to comply with subclause (1) in relation to a work premises:
 - (a) that is a food and drink premises or a retail premises; or
 - (b) at which an event with 30,000 or more patrons in attendance is being held.

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

12 Responding to a symptomatic person in a work premises

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

Note: this will include, for example, rosters and worker details, and details of all visitors to the work premises, to ascertain which persons were present at the work premises and who they may have come into contact with.

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

13 Responding to a confirmed case of COVID-19 in a work premises

- (1) A worker who has received a positive result from a COVID-19 PCR test or a COVID-19 rapid antigen test must, as soon as practicable, notify the operator of any work premises at which the diagnosed person or the probable case ordinarily works, if the diagnosed person or the probable case attended an indoor space at the work premises during their Infectious Period.
- (2) As soon as practicable after becoming aware of a diagnosed person or a probable case who has attended the work premises in the Infectious Period, the operator must:
 - (a) to the extent not already completed, direct the diagnosed person or the probable case not to attend the work premises and advise them to self-isolate immediately in accordance with the relevant requirements in the **Quarantine, Isolation and Testing Order** and support the worker in doing so, by either:
 - (i) directing the worker to travel home immediately (and providing support to the worker to do so); or
 - (ii) where the worker is unable to travel home immediately, directing the worker to isolate themselves at the work premises and, whilst doing so, to wear a face covering and remain at least 1.5 metres from any other person at the work premises, until the worker can return home later that day to self-isolate; and

Note: the worker should isolate in a separate room from other persons, where possible.

- (b) take reasonable steps to notify all workers that are exposed persons at the work premises that they:
 - (i) may have been exposed to COVID-19; and
 - (ii) must comply with the relevant requirements set out in the Testing Requirements for Contacts and Exposed Persons and, where applicable, follow the COVID-19 rapid antigen test procedure; and
 - (iii) must produce to the operator of the work premises acceptable evidence of a negative result from any COVID-19 test they are required to complete in accordance with the Testing Requirements for Contacts and Exposed Persons before being permitted to return to the work premises; and
- (c) inform all workers (including health and safety representatives) to be vigilant about the onset of COVID-19 symptoms and advise all workers to comply with the relevant requirements set out in the Testing Requirements for Contacts and Exposed Persons and, where applicable, follow the COVID-19 rapid antigen test procedure, if they become symptomatic; and
- (d) put in place appropriate control and/or risk management measures to reduce the risk of spreading COVID-19 at the work premises; and

Note: employers are encouraged to ensure that any risks identified from the confirmed case are addressed in these control measures.

Examples: increasing the implementation and enforcement of control measures with respect to PPE (such as face coverings) and physical distancing.
- (e) where the work premises (or part of the work premises) is closed, not re-open that work premises (or that part of the work premises which was closed) until all of the following have occurred:
 - (i) the employer has complied with all of its obligations under paragraphs (a) to (d); and
 - (ii) the Department has completed all relevant contact tracing.

Note: employers must comply with their obligations under occupational health and safety laws.
- (3) As soon as practicable after becoming aware that at least 5 confirmed cases attended the work premises within a 7 day period, the operator must notify the Department (or other entity nominated by the Department on its website) and:
 - (a) notify it of the actions taken in accordance with subclause (2)(a) to (d); and
 - (b) provide it with a copy of the risk assessment conducted in accordance with subclause (2)(d); and
 - (c) provide it with contact details of any exposed persons (whether or not workers) identified pursuant to subclause (2)(b); and
 - (d) comply with any further directions given by the Department or WorkSafe in relation to closure of the work premises (or part of the work premises) and/or cleaning.

14 Testing requirements for exposed persons

A person who has been notified under clause 13(2)(b) that they are an exposed person at a work premises must:

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

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

15 Collection of information by operators of a work premises

- (1) The operator of a work premises must collect, record and store the following information:
 - (a) a list of workers who have been notified under clause 13(2)(b) that they are exposed persons; and
 - (b) any results of tests for COVID-19 of workers who have been notified under clause 13(2)(b) that they are exposed persons, including the acceptable evidence of a negative test result for COVID-19 provided to the operator of the work premises under clause 14(2).
- (2) For the purposes of complying with this clause, an operator of a work premises is authorised to use any information that it holds under subclause (1).

PART 3 – GENERAL PROVISIONS**16 Relationship with other Orders**

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

17 Severability

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

18 Transitional provisions

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

19 Service Victoria authorisation

- (1) The Service Victoria CEO is authorised to:
 - (a) collect, use and disclose information about the attendance of a person at a work premises, including at a work premises where the employer is not required to record the person's attendance under this Order; and
 - (b) store that information for a period of 28 days after the attendance of the person at the work premises unless a statutory requirement permits or requires the personal information to be retained,that is collected through:
 - (c) the Victorian Government QR code system; or
 - (d) the disclosure of the attendance information by an employer to the Service Victoria CEO that was collected by the employer using an alternative record-keeping method put in place to comply with the records requirement under this Order or a Revoked Workplace Order.

20 Cruise ship protocol

- (1) The Secretary of the Department of Health, Chief Health Officer or Deputy Chief Health Officer may make a protocol that specifies requirements in relation to the use and operation of cruise ships (as defined in a protocol under this subclause) if satisfied that a protocol is appropriate, having regard to the:
 - (a) need to protect public health; and

- (b) principles in sections 5 to 10 of the **Public Health and Wellbeing Act 2008**, as appropriate.
- (2) A protocol under subclause 20(1) must be published on a website controlled by the Department.
- (3) A person referred to in a protocol made under subclause 20(1) must comply with any requirement that applies to the person in the protocol.
- (4) A protocol under this clause does not prevent an Authorised Officer from exercising a pandemic management power to give a person or a group of persons a different order or impose a different requirement on the person or group of persons.

PART 4 – PENALTIES

21 Penalties

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

Failure to comply with pandemic order, direction or other requirement

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

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

SCHEDULE 1 – DEFINITIONS

For the purposes of this Order:

Additional Industry Obligations Order means the **Pandemic (Additional Industry Obligations) Order 2022 (No. 10)** as amended or replaced from time to time;

Authorised Officer has the same meaning as in the **Public Health and Wellbeing Act 2008**; **commercial passenger vehicle service** has the meaning given in section 4 of the **Commercial Passenger Vehicle Industry Act 2017**;

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

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

COVID-19 Mandatory Vaccination (General Workers) Order means the **Pandemic COVID-19 Mandatory Vaccination (General Workers) Order 2022 (No. 4)** as amended or replaced from time to time;

COVID-19 Mandatory Vaccination (Specified Facilities) Order means the **Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2022 (No. 7)** as amended or replaced from time to time;

COVID-19 Mandatory Vaccination (Specified Workers) Order means the **Pandemic COVID-19 Mandatory Vaccination (Specified Workers) Order 2022 (No. 6)** as amended or replaced from time to time;

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

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

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

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

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

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

Department means the Department of Health;

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

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

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

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

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

employee includes a person who is self-employed;

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

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

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

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

food court has the same meaning as in the **Liquor Control Reform Act 1998**;

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

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

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

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

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

Movement and Gathering Order means the **Pandemic (Movement and Gathering) Order 2022 (No. 5)** as amended or replaced from time to time;

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

Open Premises Order means the **Pandemic (Open Premises) Order 2022 (No. 6)** as replaced or amended from time to time;

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

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

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

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

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

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

PPE means personal protective equipment;

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

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

Quarantine, Isolation and Testing Order means the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 7)** as amended or replaced from time to time;

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

records requirement means the requirements in clause 10;

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

Revoked Workplace Order means the **Workplace Directions (No. 57)** or the **Pandemic (Workplace) Order 2022 (No. 6)**, or their predecessors;

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

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

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

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

signage requirement has the meaning in clause 11;

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

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

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

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

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

Visitors to Hospitals and Care Facilities Order means the **Pandemic (Visitors to Hospitals and Care Facilities) Order 2022 (No. 5)** as amended or replaced from time to time;

work premises means a premises in which work is undertaken, including any vehicle whilst being used for work purposes, but excluding a person's ordinary place of residence;

Note: this includes a community facility such as a community centre or community hall, or a public library, or a place of worship, or a home or residential property when a business is operated from that home or residential property.

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

WorkSafe means WorkSafe Victoria.

Dated 11 April 2022

MARTIN FOLEY MP
Minister for Health

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

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

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

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

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

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

CHARMAINE QUICK

Managing Director

Goulburn–Murray Rural Water Corporation

Water Act 1989**DECLARATION OF SERVICED PROPERTIES**

For the purposes of section 144 of the **Water Act 1989** Goulburn Valley Region Water Corporation (trading as Goulburn Valley Water), declares it has made provision for water and/or sewerage services to the following lots commencing 31 May 2022:

Potable Water and Sewerage

Lots 78–98, PS837375M; 238 McLennan Street, Mooroopna

Lots 193–205, 210–212, 217–219; PS844308N; 60 Chivalry Drive, Mooroopna

Lots 1–4, PS900115Q; 34 and 36 Knox Street and 67 Meiklejohn Street, Numurkah

Lots 1–5, PS843805D; 6 East Street, Yea

Lots 1–24 and Lot B, PS815393J; Murray Street, Nagambie

Potable Water only

Lot 1A and 2A, PS731166M; 431 Dhurringile Road, Tatura

For more information, telephone Goulburn Valley Water on 1800 45 45 00.



LOWER MURRAY WATER

Water Act 1989

NOTICE OF DECLARED SERVICED PROPERTIES – 1/7/2022

The abovementioned Corporation hereby declares that on and from 1 July 2022, the properties described below shall be deemed to be serviced under the provisions of section 144 of the **Water Act 1989**.

District	Town	Property Identification	Lot and Plan No.	Urban Water District (W)	Sewerage District (S)
Sunraysia	Birdwoodton	Dow Avenue	Lot 4 PS 819451	W	
	Birdwoodton	McEdward Street	Lots 4–6 8–9 PS 835233	W	
	Birdwoodton	McEdward Street	Lot 1 PS 819451	W	
	Merbein	Foster Street	Lot A PS 835257	W	S
	Merbein	21 Chaffey Street	Lot 5 LP 114702		S
	Merbein	23 Chaffey Street	Lot 4 LP 114702		S
	Red Cliffs	Betty Krake Drive/ Cook Drive/Bell Court	Lots 1–23 42–50 PS 840642		S
	Red Cliffs	58 Timbarra Way	Lot 1 TP 673925		S
Red Cliffs	Red Cliffs	Betty Krake Drive/ Cook Drive/Bell Court	Lots 1–23 42–50 PS 840642	W	
	Red Cliffs	58 Timbarra Way	Lot 1 TP 673925	W	
	Red Cliffs	48 Betty Krake Drive	Reserve 1 PS 840642	W	
Lake Boga	Lake Boga	Station Street	Lot 3 LP 2158 Sec H	W	S
	Lake Boga	78 and 80 Marraboos Street	Lots 1 and 2 PS 842775	W	
Swan Hill	Swan Hill	Boree Drive/ Samphire Drive/ Hakea Street	Lots 301–407 PS 510325	W	S

ANTHONY COUROUPIS
Managing Director



Water Act 1989
PUBLIC NOTICE

Water Restriction By-law No. 6

Wannon Water revokes Water Restriction By-law No. 5.

In accordance with section 287ZC of the **Water Act 1989**, Wannon Water hereby gives notice that it has made a by-law, titled Water Restriction By-law No. 6, pursuant to sections 171 and 160 of the **Water Act 1989**.

Water Restriction By-law No. 6 is made using a Model Water Restriction By-law issued by the Minister for Water on 3 March 2022. The Water Restriction By-law No. 6 is made in relation to restrictions and prohibitions on the use of water that may be imposed in the Water Supply Districts of Wannon Water.

The purpose of the by-law is to:

- a. promote the efficient use and conservation of water; and
- b. set out four stages of restrictions on the use of water; and
- c. specify things which must not be done while each stage of restriction persists; and
- d. specify principles for considering applications for exemptions from particular restrictions; and
- e. prescribe offences and penalties for the contravention of the by-law, including for which an infringement notice may be served; and
- f. prescribe classes of persons for the purpose of issuing infringement notices.

A copy of the by-law is available for inspection free of charge:

- at Wannon Water's offices – 25 Gateway Road, Warrnambool; 66 Gray Street, Hamilton; and 15 Townsend Street, Portland – during business hours;
- by emailing info@wannonwater.com.au and requesting a copy; and
- by visiting www.wannonwater.com.au

Water Act 1989

NOTICE OF DECLARATION OF SERVICED PROPERTIES

Notice is hereby given that Westernport Water has made provision for water and/or recycled water and/or sewer services for the properties listed below. In accordance with section 144 of the **Water Act 1989**, these properties are now liable to be rated as serviced properties from 30 April 2022, or subject to the approval of subdivision.

Lot / Plan Numbers	Property Address
Water and Sewer Services	
Lots A and B, 1 to 3 and 11 to 13 / PS832550X/S1	9–11 Lock Road, Rhyll
Lots 4 to 10 / PS832550X/S2	9–11 Lock Road, Rhyll
Lots 1 and 2 / PS844702J	35 Lymington Avenue, Ventnor
Lots 1 and 2 / PS847857L	6 Hilary Close, Ventnor

A copy of the notice and plans for the above are available for inspection at Westernport Water's Office, 2 Boys Home Road, Newhaven.

www.westernportwater.com.au

Water Act 1989**YARRA VALLEY WATER – PROPERTIES TO RECEIVE WATER AND SEWERAGE SERVICES IN THE FUTURE**

We propose building water and sewerage infrastructure in the following areas to provide water and sewerage services to the following properties.

These properties will be declared to have water and/or sewerage services (served properties) when our works are complete.

Development Address/ Estate Name	Stage/s	Plan of Subdivision Number	Yarra Valley Water Works Portal ID	Suburb	Drinking Water	Recycled Water	Sewerage Services
Ooranya	Stage 5	PS831549M	3662 / 3990	Beveridge	Y	Y	Y
Ooranya	Stage 3	PS831548P	3662/3916	Beveridge	Y	Y	Y
Ooranya	Stage 6	PS831548P	3662/3991	Beveridge	Y	Y	Y
Newbridge South Estate Stage	Stage 5	PS82588Q	3499/3533	Beveridge	Y	Y	Y
Platform Estate	Stage 5A	PS832758W	3487/3973	Donnybrook	Y	Y	Y
Aurora Lend Lease	Stage 42A	PS817678F	515/3194	Wollert	Y	Y	Y
Green Valley Estate	Stage 1	PS822623D	3594/3760	Greenvale	Y	Y	Y
Amber Estate	Stage 10	PS825805F	4369/3094	Wollert	Y	Y	Y
Platform Estate	Stage 6	PS832726L	3487/3845	Donnybrook	Y	Y	Y
Highlands Estate	Stage 205	PS845583J	27/4475	Craigieburn	Y	Y	Y
955 Plenty Road	Stage 1	PS838362R	3649/3800	South Morang	Y	Y	N
Platform	Stage 7a	PS846191W	3487/4381	Donnybrook	Y	Y	Y
Peppercorn Hill	Stage 10	PS833829U	538/4275	Donnybrook	Y	Y	Y
Platform	Stage 7	PS846191W	3487/4237	Donnybrook	Y	Y	Y
Olivine	Stage 14	PS837630X	388/3810	Donnybrook	Y	Y	Y

ORDERS IN COUNCIL

Major Transport Projects Facilitation Act 2009

ORDER UNDER SECTION 134(1)(b) DIVESTING LAND FROM A PUBLIC AUTHORITY AND A COUNCIL

Order in Council

The Administrator, as the Governor's deputy, with the advice of the Executive Council, in accordance with section 134(1)(b) of the **Major Transport Projects Facilitation Act 2009**, on the recommendation of the Minister for Transport Infrastructure, divests the land identified in the **Schedule** for the purposes of the North East Link Project.

In accordance with section 134(3B) of the **Major Transport Projects Facilitation Act 2009**, the land identified in the **Schedule** is to vest in the project authority.

Schedule

Parcel Number	Survey Plan Number	Landowner
5	SP24429	Manningham City Council
2805	SP24185	Head, Transport for Victoria (formerly Roads Corporation)
2806	SP24185	Head, Transport for Victoria (formerly Roads Corporation)
2807	SP24185	Head, Transport for Victoria (formerly Roads Corporation)
2808	SP24185	Head, Transport for Victoria (formerly Roads Corporation)
2809	SP24185	Head, Transport for Victoria (formerly Roads Corporation)
2811	SP24185	Head, Transport for Victoria (formerly Roads Corporation)
2812	SP24185	Head, Transport for Victoria (formerly Roads Corporation)
2813	SP24185	Head, Transport for Victoria (formerly Roads Corporation)
2814	SP24185	Head, Transport for Victoria (formerly Roads Corporation)
2815	SP24185	Head, Transport for Victoria (formerly Roads Corporation)
2816	SP24185	Head, Transport for Victoria (formerly Roads Corporation)
2861	SP24186	Head, Transport for Victoria (formerly Roads Corporation)
2862	SP24186	Head, Transport for Victoria (formerly Roads Corporation)
2863	SP24186	Head, Transport for Victoria (formerly Roads Corporation)
2864	SP24186	Head, Transport for Victoria (formerly Roads Corporation)
2865	SP24186	Head, Transport for Victoria (formerly Roads Corporation)
2866	SP24186	Head, Transport for Victoria (formerly Roads Corporation)
2867	SP24186	Head, Transport for Victoria (formerly Roads Corporation)

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

Dated: 27 April 2022

Responsible Minister:

HON JACINTA ALLAN MP

Minister for Transport Infrastructure

SAMUAL WALLACE
Clerk of the Executive Council

Major Transport Projects Facilitation Act 2009**ORDER UNDER SECTION 134(1)(b) DIVESTING LAND FROM
A PUBLIC AUTHORITY AND COUNCILS****Order in Council**

The Administrator, as the Governor's deputy, with the advice of the Executive Council, in accordance with section 134(1)(b) of the **Major Transport Projects Facilitation Act 2009**, on the recommendation of the Minister for Transport Infrastructure, divests the land identified in the **Schedule**, for the purposes of the North East Link Project.

Schedule

Parcel Number	Survey Plan Number	Landowner
937	SP24078	Manningham City Council
757	SP24074	Manningham City Council
758	SP24074	Manningham City Council
765	SP24074	Manningham City Council
766	SP24074	Manningham City Council
610	SP24071	Manningham City Council
615	SP24071	Manningham City Council
549	SP24070	Manningham City Council
550	SP24070	Manningham City Council
570	SP24070	Manningham City Council
577	SP24070	Manningham City Council
490	SP24069	Manningham City Council
430	SP24068	Manningham City Council
3	SP24429	Manningham City Council
4	SP24429	Manningham City Council
2184	SP24170	Head, Transport for Victoria (formerly Roads Corporation)
2185	SP24170	Head, Transport for Victoria (formerly Roads Corporation)
2501	SP24178	Head, Transport for Victoria (formerly Roads Corporation)
2502	SP24178	Head, Transport for Victoria (formerly Roads Corporation)
2504	SP24178	Head, Transport for Victoria (formerly Roads Corporation)
2505	SP24178	Head, Transport for Victoria (formerly Roads Corporation)
2506	SP24178	Head, Transport for Victoria (formerly Roads Corporation)
2389	SP24175A	Banyule City Council
2390	SP24175A	Head, Transport for Victoria (formerly Roads Corporation)
2586	SP24180	Head, Transport for Victoria (formerly Roads Corporation)
2587	SP24180	Head, Transport for Victoria (formerly Roads Corporation)
2588	SP24180	Head, Transport for Victoria (formerly Roads Corporation)

Parcel Number	Survey Plan Number	Landowner
2723	SP24183	Head, Transport for Victoria (formerly Roads Corporation)
2346	SP24174	Head, Transport for Victoria (formerly Roads Corporation)

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

Dated: 27 April 2022

Responsible Minister:

HON JACINTA ALLAN MP

Minister for Transport Infrastructure

SAMUAL WALLACE
Clerk of the Executive Council

Major Transport Projects Facilitation Act 2009

**ORDER UNDER SECTION 134(1)(c) ACQUISITION OF AN INTEREST IN
LAND FROM A COUNCIL BY A PROJECT AUTHORITY**

Order in Council

The Administrator, as the Governor’s deputy, with the advice of the Executive Council, in accordance with section 134(1)(c) of the **Major Transport Projects Facilitation Act 2009**, on the recommendation of the Minister for Transport Infrastructure, acquires the interest in land identified in the **Schedule** for the purposes of the North East Link Project.

In accordance with section 134(3C) of the **Major Transport Projects Facilitation Act 2009**, the interest in land identified in the **Schedule** is to vest in the project authority.

Schedule

Parcel Number	Survey Plan Number	Interest in Land	Landowner
E-1	SP24280A	An easement for sewerage purposes over the land shown as parcel E1 on Survey Plan 24280A. The terms of easement to be acquired are set out in the attached document.	Boroondara City Council

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

Dated: 27 April 2022

Responsible Minister:

HON JACINTA ALLAN MP

Minister for Transport Infrastructure

SAMUAL WALLACE
Clerk of the Executive Council

TERMS OF EASEMENT – MELBOURNE WATER (SEWERAGE)

1. Interpretation

1.1 References to statutes

A reference to a statute, ordinance, code or other law includes any regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them occurring at any time before or after the date of the acquisition of easement.

1.2 Joint and several obligations

An agreement, representation or warranty in favour of two or more persons is for the benefit of them jointly and severally and an agreement, representation or warranty on the part of two or more persons binds them jointly and severally.

1.3 Persons

Unless the contrary intention appears, the word person includes a firm, a body corporate, an unincorporated association or an authority.

1.4 Grantor

Grantor includes the Grantor's administrators, successors, transferees, assigns, licensees, employees, agents, contractors and subcontractors.

1.5 Grantee

Grantee includes the Grantee's administrators, successors, transferees, assigns, licensees, employees, agents, contractors and subcontractors.

1.6 Works

Works means pipelines and any other works and items in connection with or incidental to the use of the Servient Land for water supply purposes.

2. Easement description

The Secretary to the Department of Transport (**Grantee**) may at all times:

- (a) use the Servient Land for sewerage purposes;
- (b) construct, lay, place in, on or under the Servient Land the Works; and
- (c) inspect, maintain, repair, alter, remove, patrol, replace or destroy the Works; and
- (d) use the Works; and
- (e) clear and keep free the Servient Land of anything which is or may be an obstruction to the rights granted under the creation of easement including, without limitation, all improvements, structures, trees, plants and soil fill and to maintain the present grades and contours of the Servient Land; and
- (f) enter upon with or without plant and equipment the Servient Land to exercise the rights granted under these Terms of Easement.

3. Grantee's Covenants

3.1 Grantor's rights of use

The registered proprietor of the servient land (**Grantor**) may continue to use and enjoy the Servient Land so long as that use and enjoyment does not interfere with the rights of the Grantee under these Terms of Easement.

3.2 Grantor's further rights of use

The Grantor may use the Servient Land in a manner which interferes with the rights of the Grantee (including, without limitation, the planting of any crops, trees or shrubs) only with the prior written consent in of the Grantee, which consent may be withheld in the Grantee's absolute discretion.

3.3 Restoration

The Grantee must:

- (a) complete all works undertaken in exercising the rights granted under the easement; and
- (b) do as little damage as possible to the Servient Land and where works are undertaken by the Grantee restore the surface of the Servient Land to as nearly as reasonably possible the condition in which the Servient Land was immediately prior to the commencement of the work.

4. Grantor's Covenants

4.1 Covenants

The Grantor must not:

- (a) plant or permit to be planted any trees or shrubs on the Servient Land; and
- (b) erect any structure, foundation, pavement or other improvements on the Servient Land; and
- (c) use or permit to be used any explosives on or under the Servient Land; and
- (d) alter or permit to be altered (other than by nature) the grade and contours of the Servient Land; and
- (e) interfere with the rights and privileges of the Grantee under the easement;

unless with the prior written consent of the Grantee (which consent may be withheld in the Grantee's absolute discretion).

4.2 Indemnity

The Grantor indemnifies the Grantee against all suits, actions, claims or demands for any compensation, damages, expenses or costs arising out of a consent given by the Grantee under these Terms of Easement.

5. Administration and Legislation

5.1 Communication

All notices, demands, documents and other communications (**Communications**) in connection with this easement may be given by prepaid, registered or certified mail at the following addresses:

- (a) for the Grantor – at the latest address shown of the Grantor in the folio of the Register for the Servient Land under the **Transfer of Land Act 1958** (Vic); and
- (b) for the Grantee – the latest address notified to the Registrar of Titles under the **Transfer of Land Act 1958** (Vic),

or as agreed between the Grantor and the Grantee.

The Communication is taken to be received on the third (seventh, if posted to or from a place outside Australia) day after posting.

5.2 Statutory provisions

Nothing in these terms of easement affects or limits any functions, powers, duties and objectives of the Grantee under any statute which applies to the Grantee and where necessary this easement must be read down to the extent required to give the relevant clause legal effect.

5.3 Works to remain the property of the Grantee

Despite any rule of law or equity, the Works will at all times remain the property of the Grantee and may be left on or within the Servient Land whether in use or not.

6. Successors

Each of the provisions of these terms are essential terms of the easement and apply to the Grantor, the Grantor's successors and the registered proprietor for the time being of the Servient Land.

Major Transport Projects Facilitation Act 2009**ORDER UNDER SECTION 134(1)(c) ACQUISITION OF AN INTEREST IN
LAND FROM A COUNCIL BY A PROJECT AUTHORITY****Order in Council**

The Administrator, as the Governor's deputy, with the advice of the Executive Council, in accordance with section 134(1)(c) of the **Major Transport Projects Facilitation Act 2009**, on the recommendation of the Minister for Transport Infrastructure, acquires the interests in land identified in the **Schedule** for the purposes of the North East Link Project.

In accordance with section 134(3C) of the **Major Transport Projects Facilitation Act 2009**, the interests in land identified in the **Schedule** are to vest in the project authority.

Schedule

Parcel Number	Survey Plan Number	Interest in Land	Landowner
E-1	SP24429	An easement for sewerage purposes over the land shown as parcels E1 and E2 on Survey Plan 24429. The terms of easement to be acquired are set out in the attached document.	Manningham City Council
E-2	SP24429		Manningham City Council

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

Dated: 27 April 2022

Responsible Minister:

HON JACINTA ALLAN MP

Minister for Transport Infrastructure

SAMUAL WALLACE
Clerk of the Executive Council

TERMS OF EASEMENT TO BE ACQUIRED – YARRA VALLEY WATER (SEWERAGE)**1. Interpretation****1.1 References to Statutes**

A reference to a statute, ordinance, code or other law includes any regulations and other instruments under it and consolidations, amendments, reenactments or replacements of any of them occurring at any time before or after the date of the date of acquisition of the easement.

1.2 Joint and Several Obligations

An agreement, representation or warranty in favour of two or more persons is for the benefit of them jointly and severally and an agreement, representation or warranty on the part of two or more persons binds them jointly and severally.

1.3 Persons

Unless the contrary intention appears, the word person includes a firm, a body corporate, an unincorporated association or an authority.

1.4 Definitions and Interpretation

In these Terms of Easement unless the context requires otherwise:

- (a) a gender includes the other genders;
- (b) the singular includes the plural and vice versa;
- (c) the Grantor includes the Grantor's administrators, successors, transferees, assigns, licensees, employees, agents, contractors and sub-contractors;

- (d) the Grantee includes the Grantee's administrators, successors, transferees, assigns, licensees, employees, agents, contractors and sub-contractors, each of whom may exercise the rights granted under this easement;
- (e) where any form of the word 'include' is used it is to be read as if followed by the words 'without limitation';
- (f) words defined in **A New Tax System (Goods and Services Tax) Act 1999** (Cth) have the same meaning in clauses about GST;
- (g) references to GST extend to any notional liability of any person for GST and to any amount which is treated as GST under the GST law, and references to an input tax credit extend to any notional input tax credit to which any person is entitled;
- (h) **Water** means water, whether or not it contains impurities, and includes **recycled water**; and
- (i) **Assets** means any one or more of the following:
 - (i) water storage basins and ponds and associated works;
 - (ii) pipeline works;
 - (iii) roads or access tracks;
 - (iv) channel and/or drainage works;
 - (v) fences and gateways;
 - (vi) sewerage, water supply and drainage facilities; and
 - (vii) all other equipment, installations and appurtenances whether or not similar to the foregoing as may be useful or convenient in connection therewith.

2. Permitted Purposes

The registered proprietor of the land the subject of this easement (**Grantor**) grants to the Secretary to the Department of Transport (**Grantee**) the full and free right at all times to:

- (a) enter and remain upon the servient land and obtain ingress to and egress from and pass over the servient land with or without plant, equipment, vehicles and materials;
- (b) construct and maintain gates in fences crossing the servient land;
- (c) construct, lay, place, erect and install assets in, on and under the servient land;
- (d) patrol, inspect (including by aircraft and helicopter), maintain, repair, alter, remove, replace and destroy the assets;
- (e) use, operate and maintain the assets, including by the storage of or passage through the assets of sewerage;
- (f) temporarily locate and store plant, equipment, vehicles and materials in connection with any of the purposes described in paragraphs (c)–(e) above;
- (g) clear and keep free the servient land of anything whether above or below ground which is or may be an obstruction to the exercise of the rights granted by this document, including all improvements, buildings, trees, plants, soil, fill, works or structures whatsoever;
- (h) maintain or change the present grades and contours of the servient land;
- (i) carry out in, on or under any part of the servient land such digging, cutting and excavating as may be reasonably necessary in relation to the assets or in relation to the exercise of any rights under the easement;
- (j) upon reasonable notice, exclude third parties to carry out maintenance and other works on or in relation to the assets; and
- (k) without limiting any other power or right granted under this document, exercise the rights, powers, duties and functions of the Grantee under the **Water Act 1989** or any other legislation from time to time relating to the distribution, sale or supply of water,

sewerage or similar services or under any licence granted to the Grantee under that legislation or any other such legislation.

3. Obligations of the Grantee

The Grantee must:

- (a) when exercising the rights conferred by the easement:
 - (i) do as little damage to the servient land as is reasonably practicable; and
 - (ii) cause as little interference to the operations of the Grantor on the servient land as is reasonably practicable; and
- (b) cover in any excavation works on the servient land as soon as reasonably practicable after completion of those works.

4. No obstruction by the Grantor

- (a) The Grantor acknowledges and agrees that the Grantee must at all times, have uninterrupted control and access to the servient land.
- (b) The Grantor must not do or permit to be done on the servient land or on any land in the proximity of the servient land any act, matter or thing which interferes or is likely to interfere with the rights of the Grantee under the instrument or with the assets including by planting any vegetation, erecting any structures or any excavating or digging.

5. Ownership of assets

Despite any rule of law or equity to the contrary or that the assets may be annexed or affixed to the servient land, the assets will at all times remain the property of the Grantee (or any person to whom the Grantee sells or otherwise disposes of the assets) and may be left on or within the servient land whether in use or not.

6. No limitation

Nothing in these Terms of Easement restricts or limits the rights and obligations of the Grantee under the **Water Industry Act 1994** or any licence under that Act or any rights or obligations of the Grantee under any other legislation for the time being relating to the distribution, sale or supply of water, sewerage or similar services or any licence under any other such legislation.

7. GST

A recipient of a taxable supply under these Terms of Easement must:

- (a) pay to the supplier an additional amount equal to any GST on any supply by the supplier under the instrument, without deduction or set-off of any other amount; and
- (b) make that payment in addition to and at the same time as the other consideration, or part of it, must be paid or provided.

The requirement to pay an amount in respect of GST is subject to the party making a taxable supply under this document issuing a tax invoice to the other party.

8. Successors

Each of the Terms of Easement are essential terms of the easement and apply to the Grantor, the Grantor's successors and the registered proprietor for the time being of the servient land.

**SUBORDINATE LEGISLATION ACT 1994
NOTICE THAT STATUTORY RULES ARE
OBTAINABLE**

Notice is hereby given under section 17(3) of the **Subordinate Legislation Act 1994** that the following Statutory Rules were first obtainable from TIMG Bookshop, Level 10, 575 Bourke Street, Melbourne 3000, on the date specified:

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Capital Territory
Unexplained
Wealth Orders)
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Authorising Act: Confiscation Act
1997
Date first obtainable: 27 April 2022
Code A
22. *Statutory Rule:* Sex Work
Amendment
Regulations 2022
Authorising Act: Sex Work Act 1994
Date first obtainable: 27 April 2022
Code A
23. *Statutory Rule:* Sex Work (Fees)
Amendment
Regulations 2022
Authorising Act: Sex Work Act 1994
Date first obtainable: 27 April 2022
Code A
-

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