



# Victoria Government Gazette

By Authority of Victorian Government Printer

**No. G 18 Thursday 5 May 2022**

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**GENERAL**

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**Advertisers Please Note**

As from 5 May 2022

The last Special Gazette was No. 222 dated 4 May 2022.

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

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**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
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**PRIVATE ADVERTISEMENTS**

Re: EDITH ALICE COLLYER, late of Unit 2, 1270 Nepean Highway, Cheltenham, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 January 2022, are required by the trustee, Phillip John Collyer, to send particulars to the trustee, care of the undermentioned solicitors, by a date not later than two months from the date of publication hereof, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he has notice.

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

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MARIANNE JANE PRICE, late of 11 Nareen Court, Frankston South, Victoria, deceased, home duties.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 24 February 2022, are required by the executors, Ann Bernadette Fairlie and Brooke Frances Johnston, 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 2 May 2022

AB MORISON LAW, legal practitioners,  
Level 8, 80 Dorcas Street, Southbank,  
Victoria 3006.

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Estate GAVAN PETER CURRIE, late of 77 Monash Avenue, Nyah West, Victoria, clerk, deceased.

Creditors, next-of-kin and others having claims in respect of the abovenamed deceased, who died on 6 February 2022, are required by the executor, Paul William Currie, 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 22 April 2022

BASILE & CO. PTY LTD, legal practitioners, consultants and conveyancers (Vic. and NSW), 46 Wellington Street, Kerang, Victoria 3579.  
RB:BD:22067.

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Re: FRANCESCO NOVEMBRE, late of 43 Campbell Street, Coburg, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 30 September 2021, are required by Connie Salma Pisano, the executrix of the estate of the deceased, to send particulars of their claims to her, care of the undermentioned solicitors, within two months from the date of publication of this notice, after which date she may convey or distribute the assets, having regard only to the claims of which she then has notice.

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

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BARRY FREEMAN, late of 4/18 Cornell Street, Camberwell, Victoria, travel agent, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of BARRY FREEMAN, who died on 13 December 2021, are required by the executors, Gregory Ian Wayman and Edward Murray Whitehead, both care of Level 1, 276 High Street, Kew, Victoria, 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 executors may convey or distribute the assets, having regard only to the claims of which the executors then have notice.

DANAHER MOULTON, lawyers,  
Level 1, 276 High Street, Kew, Victoria 3101.

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Re: MOREEN EUPHEMIA KOELMEYER, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 July 2020, are required by the trustees of the estate, Janette Marian Koelmeyer and Jan Adrian Koelmeyer, to send particulars

to them, care of the undermentioned solicitors, by a date not later than 60 days of this notice, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they have notice.

DANAHER MOULTON,  
Level 1, 276 High Street, Kew, Victoria 3101.

DORCAS CHRISTINA HAMILTON, late of Stella Anderson Nursing Home, 26 Gibson Street, Bendigo, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 30 December 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 5 July 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.

### **Trustee Act 1958**

#### **SECTION 33 NOTICE**

##### **Notice to Claimants**

ALISTAIR KENYON BODYCOMB, late of 28/110 Wattletree Road, Malvern, Victoria 3144, retired inventor, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 22 April 2021, are required by Venetia Bodycomb, care of Hartwell Legal of 8/1 Milton Parade, Malvern, Victoria 3144, the executor of the estate of the deceased, to send particulars of their claims 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.

HARTWELL LEGAL,  
8/1 Milton Parade, Malvern, Victoria 3144.

Re: GEOFFREY ANTHONY GUMM, late of 12 Maxflo Court, Highett, Victoria 3190.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 29 September 2021, are required to send particulars of their claims to the executors,

care of PO Box 32, Highett, Victoria 3190, by 1 July 2022, after which date the executors may convey or distribute the assets, having regard only to the claims of which they may then have notice.

HASSALL'S LITIGATION SERVICES,  
308 Highett Road, Highett, Victoria 3190.

Re: Estate ELISABETH FISCHBACHER.

Creditors, next-of-kin and others having claims against the estate of ELISABETH FISCHBACHER, deceased, late of 26 Durward Avenue, Glen Waverley, Victoria, who died on 15 May 2012, are requested to send particulars of their claims to the trustee, care of the undermentioned lawyers, by 5 July 2022, after which date he will distribute the assets, having regard only to the claims of which he then has notice.

HICKS OAKLEY CHESSELL WILLIAMS,  
PO Box 2165, Mount Waverley, Victoria 3149.

Re: Estate of HERBERT FRANZ FISCHBACHER.

Creditors, next-of-kin and others having claims against the estate of HERBERT FRANZ FISCHBACHER, deceased, late of 26 Durward Avenue, Glen Waverley, Victoria, who died on 12 September 2019, are requested to send particulars of their claims to the administrator, care of the undermentioned lawyers, by 5 July 2022, after which date he will distribute the assets, having regard only to the claims of which he then has notice.

HICKS OAKLEY CHESSELL WILLIAMS,  
PO Box 2165, Mount Waverley, Victoria 3149.

Re: Estate of MARGARET CADD, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of MARGARET CADD, late of Logan Lodge, 29 High Street, Swan Hill, in the State of Victoria, retired, deceased, who died on 3 November 2021, are to send particulars of their claim to the executors, care of the undermentioned legal practitioners, by 21 June 2022, after which the executors will distribute the assets, having regard only to the claims of which they then have notice.

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

Re: Estate of HEATHERBELLE JEAN PROCTOR, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of HEATHERBELLE JEAN PROCTOR, also known as Heatherbelle Jean Brown, late of 68 Poole Boulevard, Swan Hill, in the State of Victoria, chef, deceased, who died on 8 October 2021, are to send particulars of their claim to the executors, care of the undermentioned legal practitioners, by 5 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.

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Re: Estate of WILLIAM GRAHAM SCOWN, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of WILLIAM GRAHAM SCOWN, late of Sea Lake & District Health Service, 33–43 McClelland Avenue, Sea Lake, in the State of Victoria, retired, deceased, who died on 9 November 2021, are to send particulars of their claim to the executors, care of the undermentioned legal practitioners, by 5 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.

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Re: Estate of MARY TERESA STEMMER, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of MARY TERESA STEMMER, late of Logan Lodge, 29 High Street, Swan Hill, in the State of Victoria, retired, deceased, who died on 7 January 2022, are to send particulars of their claim to the executors, care of the undermentioned legal practitioners, by 5 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.

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Re: CHRISTOPHER CARISTON SETON, late of 6/422 Glenferrie Road, Kooyong, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 20 November 2021, are required by the trustee, Jennifer Marshall Quain, care of Level 4, 600 Bourke Street, Melbourne, Victoria, to send particulars to the trustee, care of the undermentioned solicitors, by 1 July 2022, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

KHQ LAWYERS,  
Level 4, 600 Bourke Street, Melbourne,  
Victoria 3000.

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Re: GUNTER OTTO ERNEST FUNKE, also known as Gordon Funke, late of Unit 2, 378 Balcombe Road, Beaumaris, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in the respect of the estate of GUNTER OTTO ERNEST FUNKE, also known as Gordon Funke, deceased, who died on 15 March 2022, are required by the trustees, Janet Patricia Hardiman and Heather Eileen Rowe, to send particulars of their claim to the undermentioned firm by a date not later than two months from the date of publication hereof, after which date the trustees will convey or distribute assets, having regard only to the claims of which they then have notice.

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

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Re: KATHLEEN LUCY KEALY, late of 23a Elizabeth Street, Oakleigh East, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in the respect of the estate of KATHLEEN LUCY KEALY, deceased, who died on 2 March 2022, are required by the trustee, Judith Ann Kealy, to send particulars of their claim to the undermentioned firm by a date not later than two months from the date of publication hereof, after which date the trustee will convey or distribute assets, having regard only to the claims of which she then has notice.

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

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MARIA LISA MURONE, late of 37 Osmond Crescent, Wollert, in the State of Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 22 October 2021, are required by Connie Gordon, the executor of the deceased, to send particulars of their claims to the care of the undermentioned lawyers by 7 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.

LEGAL ESSENTIALS PTY LTD,  
PO Box 138, Collins Street West, Victoria 8007.

ETHEL DOROTHY GRUBB, late of 4 Trinity Drive, Horsham, in the State of Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died at Horsham on 26 August 2020, are required by Mark Albert Maier and Daria Dagher, the executors and trustees of the estate of the said named deceased, to send particulars of their claims to them, care of McNab McNab & Starke, Level 10, 552 Lonsdale Street, Melbourne 3000, by 1 July 2022, after which date they may convey or distribute the assets of the estate, having regard only to the claims of which they then have notice.

McNAB McNAB & STARKE,  
Level 10, 525 Lonsdale Street, Melbourne 3000.  
Ph: 9670 9691. Fax: 9670 2219.  
Ref: DD:200736.

HILDAH LOONGO NYEMBA, late of Unit 6, 58 Holdsworth Road, Long Gully, Victoria, nurse, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died at Lusaka, Zambia on 13 November 2020, are required by Max Torkar and Ivy Katongo Laing, the executors and trustees of the estate of the said named deceased, to send particulars of their claims to them, care of McNab McNab & Starke, 30 Station Street, Sunbury, Victoria 3429, by 11 July 2022, after which date they may convey or distribute the assets of the estate, having regard only to the claims of which they then have notice.

McNAB McNAB & STARKE,  
30 Station Street, Sunbury, Victoria 3429.  
Ph: 03 9670 9691. Ref: JRJ:200980.

Re: LEONARD ERNEST D'AOUST, late of 41 Godfrey Street, Wedderburn, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 29 October 2021, are required by the trustee, Helen Pocilujko, to send particulars to the trustee, care of the undermentioned lawyers, by 6 July 2022, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

MAHONS with Yuncken & Yuncken, lawyers,  
101/177 Surrey Road, Blackburn 3130.  
CD:2220150.

Estate of DAVID BEATTIE McADAM, late of 2 Cromwell Street, Glen Iris, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 December 2021, are required by the executors, Gary Ian McAdam and Janice Elizabeth McAdam, to send particulars to them, care of the undermentioned solicitors, by 7 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.

MAHONS with Yuncken & Yuncken, solicitors,  
177 Surrey Road, Blackburn 3130.  
SWM:2220256.

STANISLAW HALICKI, also known as Stanley Halicki, late of 3057 Walnut Avenue, Mildura, Victoria 3500, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 May 2021, are required by the trustee, Annette Susan Oberski, to send particulars to the trustee, care of the undermentioned solicitors, by 5 July 2022, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

NATIONAL PROBATE AND ESTATES  
GROUP,  
Suite 101/83 York Street, Sydney,  
New South Wales 2000.  
21.4683@law.nationalprobate.com.au

ANGELA FELICITY GLOVER, late of Unit 1, 11–13 Sorrett Avenue, Malvern, Victoria, court reporter and musician, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 January 2022, are required by the executor, Equity Trustees Wealth Services Limited, ACN 006 132 332, to send particulars of their claims to them, care of the undermentioned solicitors, by 30 June 2022, after which date the executor will distribute the assets, having regard only to the claims of which it then has notice.

RIGBY COOKE LAWYERS,  
Level 11, 360 Elizabeth Street, Melbourne,  
Victoria 3000.

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Re: JOEL PETER NORFORD, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 December 2020, are required by the trustee, Danielle Lyn Pritchard, to send particulars of such claims to her, in care of the below mentioned lawyers, by 30 June 2022, after which date the trustee may convey or distribute the assets, having regard only to the claims of which she then has notice.

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

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MONA LEE, late of corner Cobb Road and Nepean Highway, Mount Eliza, Victoria, musician, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 5 January 2022, are required by the legal personal representative, Michael James Pharr, 'LPR', care of Rogers & Gaylard Lawyers, Suite 2, 245 Bay Street, Brighton, Victoria, to send particulars to them by 4 July 2022, after which date the LPR may convey or distribute the assets, having regards only to claims to which they have notice. Probate was granted in Victoria on 27 April 2022.

Dated 5 May 2022

ROGERS & GAYLARD LAWYERS,  
Suite 2, 245 Bay Street, Brighton, Victoria 3186.

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ROBERT OLAF GORDON, late of Mecwacare Jubilee House, 52–58 Northcote Avenue, Caulfield North, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 1 February 2022, are required to send particulars of their claims to the executor, Joan Catherine Gordon, by 6 July 2022, after which date the said executor will distribute assets, having regard only to the claims of which she then has notice.

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

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MARGERY JOCELYN MASKELL, late of Arcare Malvern East, 1287 Dandenong Road, Malvern East, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 19 January 2022, are required to send particulars of their claims to the executor, Debra Jane Stephenson, by 6 July 2022, after which date the said executor will distribute assets, having regard only to the claims of which she then has notice.

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

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Re: MICHELE ELIZABETH JACKSON, late of 25 Hyde Street, Hadfield, Victoria 3046, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died 7 April 2022, are required by the executor, Kevin Stanley Tragear, to send particulars to him, care of the undermentioned solicitors, by 11 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.

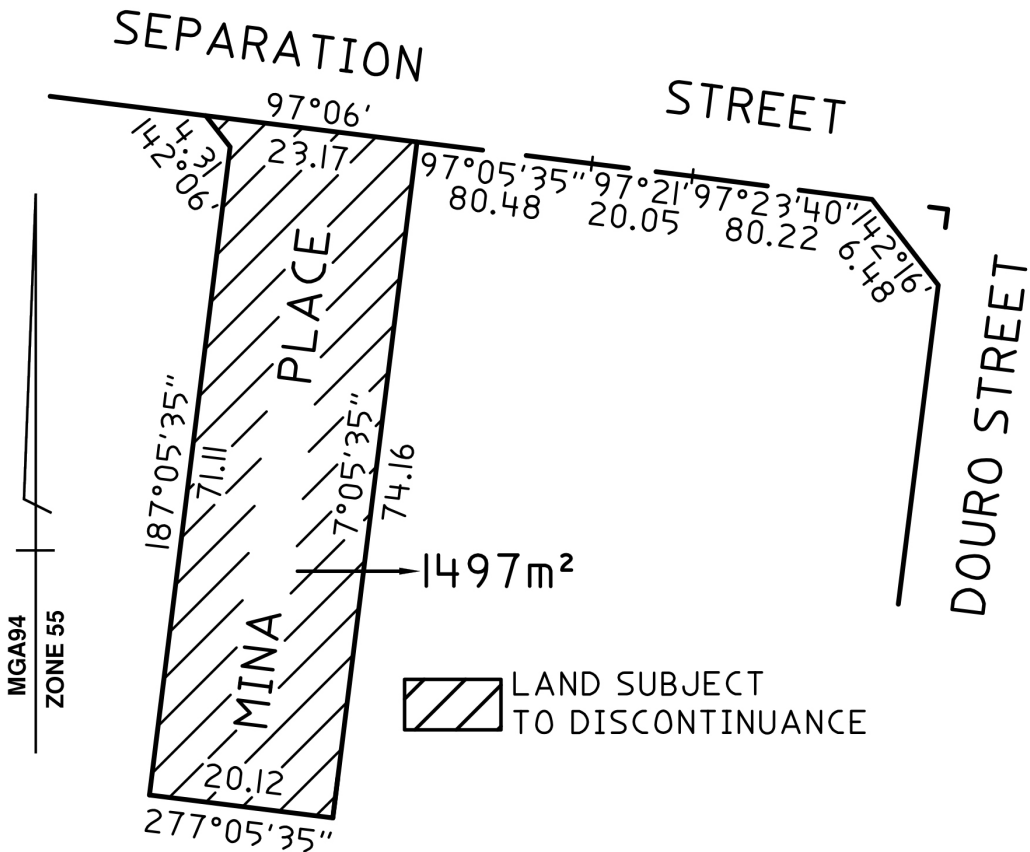
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**GOVERNMENT AND OUTER BUDGET  
SECTOR AGENCIES NOTICES**



**Local Government Act 1989  
ROAD DISCONTINUANCE**

Pursuant to section 206(1), 207B 1(b) and Clause 3 of Schedule 10 of **Local Government Act 1989**, the Greater Geelong City Council at its meeting held on 28 September 2021, declared the section of road shown as hatched on the plan below, is not reasonably required as a road for public use and resolved to discontinue the road and sell the land to an abutting owner. The land will be consolidated with the abutting land.







GLEN EIRA  
CITY COUNCIL

### INCLUSION OF TREES IN THE CLASSIFIED TREE REGISTER

On 26 April 2022, under subclause 16(1)(a) of the Classified Tree Local Law (the Local Law), Glen Eira City Council resolved to include the trees listed in each item to the Schedule to this notice, nominated under subclause 11(1) of the Local Law, in the Classified Tree Register.

#### Schedule

Item	Tree	Location
1.	Variiegated English Elm 1 of 6 ( <i>Ulmus procera</i> 'variegata')	The western side of Queens Avenue, Caulfield East
2.	Variiegated English Elm 2 of 6 ( <i>Ulmus procera</i> 'variegata')	The western side of Queens Avenue, Caulfield East
3.	Variiegated English Elm 3 of 6 ( <i>Ulmus procera</i> 'variegata')	The western side of Queens Avenue, Caulfield East
4.	Variiegated English Elm 4 of 6 ( <i>Ulmus procera</i> 'variegata')	The western side of Queens Avenue, Caulfield East
5.	Variiegated English Elm 5 of 6 ( <i>Ulmus procera</i> 'variegata')	The western side of Queens Avenue, Caulfield East
6.	Variiegated English Elm 6 of 6 ( <i>Ulmus procera</i> 'variegata')	The western side of Queens Avenue, Caulfield East
7.	Moreton Bay Fig 1 of 2 ( <i>Ficus macrophylla</i> )	Lord Lodge, 30 Booran Road, Caulfield East
8.	Moreton Bay Fig 1 of 2 ( <i>Ficus macrophylla</i> )	Lord Lodge, 30 Booran Road, Caulfield East

CHRISTIAN RENAUD  
Authorised Officer



**Ararat Rural City**  
**NOTICE OF MAKING**  
**NEIGHBOURHOOD AMENITY**  
**LOCAL LAW 2022**

Notice is given, pursuant to section 74(4) of the **Local Government Act 2020**, that at its meeting held on 26 April 2022, Ararat Rural City Council resolved to make the Neighbourhood Amenity Local Law 2022.

The purposes of this Local Law are to:

- (a) protect community safety and neighbourhood amenity;
- (b) protect public assets and infrastructure, and the built and natural environment;
- (c) enhance the use, access and enjoyment of public places for the community's benefit.
- (d) provide for the administration of Council's powers and functions; and
- (e) revoke Council's General Local Law 2012 (as amended) made in April 2012.

A copy of the Neighbourhood Amenity Local Law 2022 may be inspected at the Municipal Offices, 59 Vincent Street, Ararat or viewed on Council's website, [www.ararat.vic.gov.au](http://www.ararat.vic.gov.au)

DR TIM HARRISON  
 Chief Executive Officer

**Planning and Environment Act 1987**  
**BOROONDARA PLANNING SCHEME**

Notice of the Preparation of an Amendment  
 Amendment C367boro

The Boroondara City Council has prepared Amendment C367boro to the Boroondara Planning Scheme.

The land affected by the Amendment is 57 and 60 Berkeley Street, Hawthorn.

The Amendment proposes to apply the Heritage Overlay to 57 Berkeley Street, Hawthorn (HO938) and 60 Berkeley Street, Hawthorn (HO939) on a permanent basis.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of

charge, at: the Boroondara City Council website at [www.boroondara.vic.gov.au/C367boro](http://www.boroondara.vic.gov.au/C367boro); during office hours, at the office of Boroondara City Council, 8 Inglesby Road, Camberwell; or at the Department of Environment, Land, Water and Planning website, [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection)

The Amendment also seeks to update the Schedule to the Heritage Overlay (Clause 43.01), Schedule to the Documents Incorporated in this Planning Scheme (Clause 72.04) and Schedule to the Background Documents (Clause 72.08) of the Boroondara Planning Scheme.

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

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions. The closing date for submissions is 6 June 2022. A submission must be sent to the Boroondara City Council, via the online form at [www.boroondara.vic.gov.au/C367boro](http://www.boroondara.vic.gov.au/C367boro) or by mail to Private Bag 1, Camberwell, Victoria 3124.

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

PHILLIP STORER  
 Chief Executive Officer  
 Boroondara City Council

**Planning and Environment Act 1987**  
**BOROONDARA PLANNING SCHEME**

Notice of the Preparation of an Amendment  
 Amendment C368boro

The Boroondara City Council has prepared Amendment C368boro to the Boroondara Planning Scheme.

The land affected by the Amendment is 32 Corby Street, Balwyn North.

The Amendment proposes to introduce a Heritage Overlay to the land on a permanent basis.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the City of Boroondara website at [www.boroondara.vic.gov.au/C368](http://www.boroondara.vic.gov.au/C368); during office hours, at the office of the planning authority, City of Boroondara, Planning Counter, 8 Inglesby Road, Camberwell; or the Department of Environment, Land, Water and Planning website, [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection)

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

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions. The closing date for submissions is 6 June 2022. A submission must be sent to the Boroondara City Council Strategic Planning Department, by using the online form at [www.boroondara.vic.gov.au/C368](http://www.boroondara.vic.gov.au/C368) or by mail to Private Bag 1, Camberwell, Victoria 3124.

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

PHILLIP STORER  
CEO, Boroondara City Council

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**Planning and Environment Act 1987**

CARDINIA PLANNING SCHEME

Notice of the Preparation of an Amendment to a Planning Scheme and

Notice of an Application for a Planning Permit Given Under Section 96C of the

**Planning and Environment Act 1987**

Amendment C266card

Planning Permit Application T200105

The Cardinia Shire Council has prepared Amendment C266card to the Cardinia Planning Scheme.

The land affected by the Amendment is at 39 Wattletree Road, Bunyip.

The Amendment proposes to rezone the land from Low Density Residential Zone – Schedule 2 (LDRZ2) to Low Density Residential Zone – Schedule 3 (LDRZ3).

The planning permit application seeks approval for the subdivision of land into two lots, removal of vegetation and creation of restriction.

The applicant for the permit is Ryan Muley.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: during office hours, at the office of the planning authority, Cardinia Shire Council, 20 Siding Avenue, Officer 3809; at the Department of Environment, Land, Water and Planning website [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection)

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

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions. The closing date for submissions is Monday 6 June 2022. A submission must be sent to the Cardinia Shire Council at: [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au) or Cardinia Shire Council, Amendment C266, PO Box 7, Pakenham, Victoria 3810.

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

LUKE CONNELL  
Manager Policy,  
Design and Growth Area Planning

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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 7 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.

CUSTOVIC, Zajko, late of Narracan Gardens, 17 Amaroo Way, Newborough, Victoria 3825, deceased, who died on 11 June 2018.

KNIGHT, David Gordon, also known as David Knight, late of 76 Wanstead Street, Warrnambool, Victoria 3280, deceased, who died on 30 November 2021.

MASLEN, Ross James, late of 109 Lorne Street, Fawkner, Victoria 3060, deceased, who died on 8 January 2022.

MITCHELL, Diane Janet, also known as Dianne Mitchell and Dianne Janet Mitchell, late of HammondCare Caulfield, 294 Kooyong Road, Caulfield, Victoria 3162, deceased, who died on 4 July 2021.

NIKIFOROV, Rouslan, late of 75–58 Centre Dandenong Road, Cheltenham, Victoria 3192, deceased, who died on 8 July 2021.

NOSS, Michael Frere, late of Moran Aged Care, 3 Wedgewood Road, Roxburgh Park, Victoria 3064, deceased, who died on 29 November 2021.

PARUBOCZY, Ludwika, late of 442 Blackshaws Road, Altona North, Victoria 3025, deceased, who died on 7 July 2004.

TEASDALE, Brian, late of Unit 1, 57–59 Otway Road, Warrnambool, Victoria 3280, deceased, who died on 23 October 2021.

WHAN, Peter Lionel, late of Common Ground, Apartment 617, 660 Elizabeth Street, Melbourne, Victoria 3000, deceased, who died on 7 February 2022.

Dated 28 April 2022

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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 11 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.

ASHCROFT, Janette, late of Benetas – The Views at Heidelberg, 2–6 Lower Plenty Road, Heidelberg, Victoria 3084, deceased, who died on 9 September 2020.

COTTER, Penina, late of Graceland Manor Aged Care, 508 Glen Huntly Road, Elsternwick, Victoria 3185, deceased who died on 5 November 2021.

HENRY, Margaret, late of Chestnut Gardens, Chestnut Road, Doveton, Victoria 3177, deceased, who died on 22 October 2021. Date of Grant 29 April 2021.

LEES, Raymond Charles, late of Capel Sands Aged Care, 12–16 Capel Avenue, Capel Sound, Victoria 3940, deceased, who died on 18 December 2021.

THOMPSON, Kaylene Lorraine, also known as Kaylene Thompson, late of 7 Carter Street, Horsham, Victoria 3400, deceased, who died on 28 September 2021.

WALKER, Edward Gordon, late of Brotherhood of St Lawrence Aged Care, 160 Gold Street, Clifton Hill, Victoria 3068, deceased, who died on 31 December 2021.

Dated 2 May 2022

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### **Catchment and Land Protection Act 1994**

#### **NOTICE OF APPROVAL OF WEST GIPPSLAND 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 West Gippsland Regional Catchment Strategy 2021–27 was given on 22 April 2022. The West Gippsland Regional Catchment Strategy 2021–27 is operational from the date of this notice.

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**Cemeteries and Crematoria Act 2003**

## SECTION 41(1)

## Notice of Approval of Cemetery Trust Fees and Charges

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

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

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

The Marysville Cemetery Trust

The Merbein Cemetery Trust

The Woodend Cemetery Trust

Dated 3 May 2022

BRYAN CRAMPTON

Manager

Cemetery Sector Governance Support

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**Co-operatives National Law (Victoria)**

On application under section 601 AA of the **Corporations Act 2001** (the Act), notice is hereby given under section 601 AA (4A) of the Act, as applied by section 453(a) of the **Co-operatives National Law (Victoria)** that, at the expiration of two months from the date of this notice, the name of the co-operatives listed below will, unless cause is shown to the contrary, be removed from the register of co-operatives and their registration will be dissolved.

Nell Street Common Equity Rental Housing Co-operative Ltd.

The Colonials Common Equity Rental Housing Co-operative Ltd.

Dated at Melbourne this 5 May 2022

DAVID JOYNER

Deputy Registrar of Co-operatives

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**Gas Industry Act 2001**

## NOTICE OF VARIATION OF LICENCE TO DISTRIBUTE GAS

The Essential Services Commission (the commission) gives notice under section 39(b) of the **Gas Industry Act 2001** (the Act) that, pursuant to section 38(1)(b) of the Act, the commission has by agreement, varied the licence issued to AusNet Gas Services Pty Ltd, ACN 086 015 036, to reflect changes to postcode boundaries for the distribution of gas.

The licence was varied on 27 April 2022. The varied licence continues on an ongoing basis. A copy of the licence is available on the commission's website [www.esc.vic.gov.au](http://www.esc.vic.gov.au), or can be obtained by calling the commission on 03 9032 1300.

KATE SYMONS

Chairperson

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**Crown Land (Reserves) Act 1978**

## ORDER GIVING APPROVAL TO GRANT A LEASE UNDER SECTION 17D AND 17DA

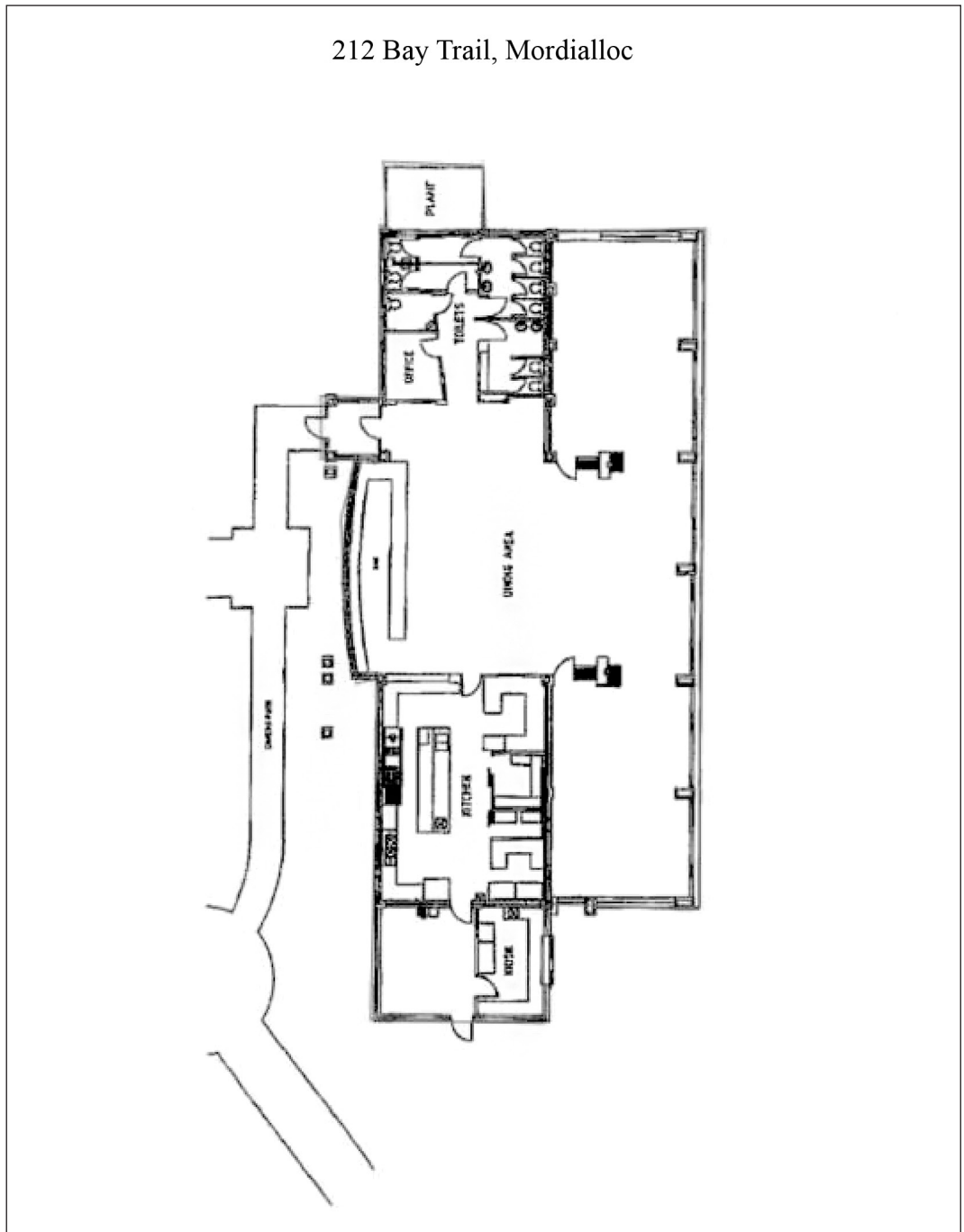
Under sections 17D and 17DA, of the **Crown Land (Reserves) Act 1978**, I, the Hon. Lily D'Ambrosio MP, Minister for Energy, Environment and Climate Change, being satisfied that there are special reasons which make the granting of a lease reasonable and appropriate in the particular circumstances and to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under the **Crown Land (Reserves) Act 1978**, approve the granting of the lease by Kingston City Council to BJBAC Pty Ltd, trading as Sunnyboy Beach Café Pty Ltd, for the purpose of restaurant and kiosk over part of the Mordialloc–Mentone Beach Park, as described in the Schedule below and, in accordance with sections 17D(3)(a) and 17DA of the **Crown Land (Reserves) Act 1978**, state that –

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

**SCHEDULE**

The areas of land outlined in bold black on the following plan, being part of the land permanently reserved for public park purposes by Order in Council of 24 March 1891 (vide government gazette 26 March 1891, page 1388), and for public purposes by Order in Council of 26 May 1873 (vide government gazette 30 May 1873, page 1059).

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File Reference: 1204211

Dated 28 March 2022

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

**Geographic Place Names Act 1998****NOTICE OF REGISTRATION OF GEOGRAPHIC NAMES**

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

Feature Naming:

<b>Change Request Number</b>	<b>Place Name</b>	<b>Authority</b>	<b>Location</b>
147980	Dennis McIntyre Oval	Hume City Council	Located at 258–274 Mitchells Lane, Sunbury For further details see map at <a href="http://www.land.vic.gov.au/place-naming">www.land.vic.gov.au/place-naming</a>

Road Naming:

<b>Change Request Number</b>	<b>Road Name</b>	<b>Locality</b>	<b>Authority and Location</b>
148540	Intermodal Way	West Melbourne	Port of Melbourne. Private road running between Dock Link Road and Appleton Dock Road.
144757	Moyles Lane	Tallangatta South	Towong Shire Council The road runs east off Spring Creek Road.
148432	Phoenix Lane	Tallangatta	Towong Shire Council The road runs in a south easterly direction off Hardys Road.
148036	Curtis Lane	Wangaratta	Wangaratta Rural City Council The road is located off Reid Street.

Geographic Names Victoria

Land Use Victoria  
2 Lonsdale Street  
Melbourne 3000

CRAIG L SANDY  
Registrar of Geographic Names

**Major Transport Projects Facilitation Act 2009**

(Section 10)

**DECLARATION OF A MAJOR TRANSPORT PROJECT**

I, Daniel Andrews, Premier of the State of Victoria, in accordance with section 10(1)(b) of the **Major Transport Projects Facilitation Act 2009** ('the Act'), declare the transport project known as the Ison Road Overpass to be a declared project to which the Act (other than Parts 3 and 8) applies.

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

Dated 2 May 2022

Responsible Minister  
HON. DANIEL ANDREWS MP  
Premier of Victoria



**Major Transport Projects Facilitation Act 2009**

(Section 14)

APPOINTMENT OF MINISTER TO BE THE PROJECT MINISTER  
FOR A DECLARED PROJECT

I, Daniel Andrews, Premier of the State of Victoria, in accordance with section 14 of the **Major Transport Projects Facilitation Act 2009**, appoint Jacinta Allan, Minister for Transport Infrastructure, to be the Project Minister for the Ison Road Overpass.

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

Dated 2 May 2022

Responsible Minister  
HON. DANIEL ANDREWS MP  
Premier of Victoria

**Marine Safety Act 2010**

Section 208(1)

NOTICE OF BOATING ACTIVITY EXCLUSION ZONE

I, Shaun Rodenburg, Director Maritime Safety (as delegate of the Director, Transport Safety), hereby give notice under section 208(1) of the **Marine Safety Act 2010** that all persons and vessels not registered to take part in the 2022 Life Saving Victoria IRB Championships are prohibited from entering and remaining in the following State waters.

Coastal waters adjacent to Victorian Surf Life Saving Clubs or on coastal beaches as per locations in Table 1, which will be clearly marked by signs and flags on the shore, and in the water by buoys extending up to 400 metres from shore.

The exclusion zone will be in effect between 5.30 am to 6.00 pm on the dates and at locations as specified in Table 1 below.

**Table 1. 2022 LSV IRB Championships**

Date	Day(s)	Location	Back-up Location (and Date)
7 May 2022	Saturday	Ocean Grove	Lorne SLSC
22 May 2022	Sunday	Anglesea	Lorne SLSC
29 May 2022	Sunday		Point Leo
11–12 June 2022	Saturday–Sunday	Apollo Bay	Lorne SLSC
24–26 June 2022	Friday–Sunday	Lorne SLSC	Lorne SLSC (9–10 July)

Ref: 1128-2022-BAE

Dated: 6 April 2022

SHAUN RODENBURG  
Director, Maritime Safety  
Delegate of the Director, Transport Safety

**Public Health and Wellbeing Act 2008**

## Section 165AI

## GUIDANCE FOR THE PANDEMIC (PUBLIC SAFETY) ORDER 2022

This Order requires individuals to take certain actions to reduce the risk of harm caused by COVID-19 by carrying and wearing face coverings in certain settings.

Unless an exception applies, a person will be required to wear a face covering in certain settings.

This Order also prohibits certain visitors and workers attending 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 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 care facility is required to:

- (1) restrict the number of visitors per resident per day; and
- (2) restrict the number of visitors with prospective residents.

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

- (1) facilitate telephone, video or other electronic communication with residents and family and support persons to ensure the physical, emotional and social wellbeing of residents;
- (2) ensure that an excluded person does not enter the premises; and
- (3) keep a record of visitors who are care facility excluded persons undertaking an end of life visit, and times of entry and exit for those visitors, 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 (Public Safety) Order 2022 and is for explanatory purposes only.*

**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (PUBLIC SAFETY) ORDER 2022

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**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (PUBLIC SAFETY) ORDER 2022

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 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 and to restrict access to care facilities in order to limit the spread of COVID-19 within a particularly vulnerable population.

**2 Citation**

This Order may be referred to as the **Pandemic (Public Safety) Order 2022**.

**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 (Public Safety) Order 2022** commences at 11:59:00 pm on 22 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. 5)** and the **Pandemic (Movement and Gathering) Order 2022 (No. 5)** are revoked at 11:59:00 pm on 22 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 – 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 the Workplace 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), (2)(e) or (2)(f) applies; and
  - (b) wear a face covering:
    - (i) while in an indoor space 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 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 required to self-isolate, self-quarantine or is a close contact under the **Quarantine, Isolation and Testing Order** and leaves the premises in accordance with that 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 1: face shields on their own do not meet the face covering requirements. For further information, please refer to the Department of Health's guidelines as amended or replaced from time to time by the Victorian Government, available at: [www.coronavirus.vic.gov.au/face-masks](http://www.coronavirus.vic.gov.au/face-masks)*

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

- (2) Subclause (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; 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 is a resident in a post-sentence facility (either in their room or common areas), while they are at the facility and subject to any policies of that facility; or
  - (e) 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.*
  - (f) it is not practicable for the person to comply with subclause (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
  - (g) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
  - (h) the nature of a person's work means that wearing a face covering creates a risk to their health and safety; or
  - (i) the nature of a person's work means that clear enunciation or visibility of the mouth is essential; or
    - Example: broadcasting.*
  - (j) the person is working by themselves in an enclosed indoor space (unless and until another person enters that indoor space); or
  - (k) the person is a professional sportsperson when training or competing; or
  - (l) the person is engaged in any strenuous physical exercise; or
    - Examples: jogging, running, swimming, cycling.*
  - (m) the person is riding a bicycle or motorcycle; or
  - (n) the person is consuming:
    - (i) medicine; or
    - (ii) food or drink; or

- (o) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (p) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (q) the person is receiving a service and it is not reasonably practicable to receive that service wearing a face covering; or
- (r) the person is providing a service and it is not reasonably practicable to provide that service wearing a face covering; or
- (s) the person is 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.*
- (t) for emergency purposes; or
- (u) when required or authorised by law; or
- (v) when doing so is not safe in all the circumstances.

## 9 Face covering requirements in airports and on aircraft

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

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

- (2) Subclauses (1)(b) and (1)(c) do not apply if a person complies with any other requirements under any other pandemic orders in force and:

- (a) the person is an infant or a child under the age of 12 years; or
- (b) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or  
*Examples: persons who have obstructed breathing, a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.*
- (c) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (d) the nature of a person's work means that wearing a face covering creates a risk to their health and safety; or
- (e) the nature of a person's work means that clear enunciation or visibility of the mouth is essential; or  
*Example: 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 – ENTRY REQUIREMENTS FOR CARE FACILITIES**

#### **10 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; or
- (5) the person is an essential visitor listed in the Benchmark Essential Visitors List and the visit is not otherwise prohibited under this Order.

#### **11 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; or
  - (d) a visitor who is an essential visitor listed in the Benchmark Essential Visitors List (unless the person is a care facility worker),

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 Part 2 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, or a visitor who is an essential visitor listed in the Benchmark Essential Visitors List:
    - (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, the operator only permits one other person accompanying the prospective resident to enter or remain on the premises.

#### **12 Exceptions to Entry Requirements**

- (1) The obligations in clause 11 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 undertaking an end of life visit 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.

### 13 Care facility excluded persons

Despite clause 10, 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, or a visitor who is an essential visitor listed in the Benchmark Essential Visitors List, must not enter, or remain on, the premises of the facility if the person is a care facility excluded person.

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

- (1) Despite clause 13, 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 undertaking an end of life visit 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.

### 15 Essential visitors to care facilities

Subject to clauses 11 and 17, an operator of a care facility must take all reasonable steps to ensure that a person who is an essential visitor listed in the Benchmark Essential Visitors List is permitted to enter, or remain on, the premises of the facility, including during an outbreak.



**16 Restrictions on visitors of residents (end of life)**

Where a visitor of a resident of the care facility is visiting for the purposes of undertaking an end of life visit 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.

**17 Restrictions on visitors of residents (other)**

Subject to clause 11(2), where a visitor of a resident of the care facility is visiting (including visitors listed in the Benchmark Essential Visitors List), the operator of the care facility must not permit:

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

**18 Restrictions on visitors as prospective residents**

Subject to clause 11(2), if a prospective resident of a care facility visits the care facility, the operator of the care facility must not permit:

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

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

**19 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 10; 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.

**20 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 preceding 7 days; and

- (d) is currently required to self-isolate, self-quarantine or is a close contact but is not required to self-quarantine in accordance with the **Quarantine, Isolation and Testing 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

### 21 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**.
- (3) If there is any inconsistency between Part 2 of this Order and the **Quarantine, Isolation and Testing Order**, Part 2 of this Order is inoperative to the extent of any inconsistency.
- (4) 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.
- (5) If there is any inconsistency between Part 2 of this Order and Part 3 of this Order, Part 2 of this Order is inoperative to the extent of any inconsistency.
- (6) 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.

### 22 Transitional provisions

- (1) A reference in any pandemic order in force to a Revoked Visitors to Hospitals and Care Facilities Order or 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 Visitors to Hospitals and Care Facilities Order or 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 Visitors to Hospitals and Care Facilities Order or 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.

### 23 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****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 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 Other definitions**

For the purposes of this Order:

**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;

**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);

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

**Benchmark Essential Visitors List** means the document titled ‘Benchmark Essential Visitors List’ as amended or reissued from time to time by the Secretary of the Department of Health and included with this Order;

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

**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 7 days immediately preceding entry 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;

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

**childcare or early childhood service** has the same meaning as in the **Workplace Order**;

**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).*

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

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

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

**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;

**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**;

**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;

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

**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));

**essential visitor** has the same meaning as in the Benchmark Essential Visitors List;

**excepted person** has the same meaning as in the **Workplace Order**;

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

**food and drink premises** has the same meaning as in the **Workplace 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 **Workplace 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;

**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 a public hospital, a denominational hospital, a multi-purpose service, a private hospital, a day procedure centre and includes any retail or other premises operating within a hospital including but not limited to a cafe, newsagent and florist;

**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 **Workplace Order**;

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

**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;

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

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

- (1) the **Workplace Order**;
- (2) the **Public Safety Order**;
- (3) the **Quarantine, Isolation and Testing Order**;

**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;

**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 residential facility or residential treatment facility under the **Serious Offenders Act 2018**;

**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**;

**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**;

**Public Safety Order** means the **Pandemic (Public Safety) Order 2022** as amended or replaced from time to time;

**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. 8)** 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;



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

**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;

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

**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. 5)**, 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**;

**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**;

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

**worker** means any person engaged or employed by an operator of a premises to work at the premises;

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

**Workplace Order** means the **Pandemic (Workplace) Order 2022 (No. 8)** 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 22 April 2022

MARTIN FOLEY MP  
Minister for Health

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**Public Health and Wellbeing Act 2008**

Section 165AI

GUIDANCE FOR THE PANDEMIC (QUARANTINE, ISOLATION AND TESTING)  
ORDER 2022 (No. 8)

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/or undertake testing, as applicable; or
- (3) risk individuals to observe relevant testing requirements issued by the Department.

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 (Quarantine Isolation and Testing) Order 2022 (No. 8) and it is for explanatory purposes only.*

**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (QUARANTINE, ISOLATION AND TESTING) ORDER 2022 (No. 8)

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**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (QUARANTINE, ISOLATION AND TESTING) ORDER 2022 (No. 8)

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

**PART 1 – PRELIMINARY****1 Objective**

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

- (1) diagnosed with COVID-19 or who are probable cases to self-isolate;
- (2) who are living with a diagnosed person or a probable case or who have been in close contact with a diagnosed person or a probable case, to self-quarantine and/or undertake testing, as applicable;
- (3) who are risk individuals to observe relevant testing requirements issued by the Department.

**2 Citation**

This Order may be referred to as the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 8)**.

**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 22 April 2022 and ends at 11:59:00 pm on 12 July 2022.
- (2) The **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 7)** and the **Pandemic (Victorian Border Crossing) Order 2022 (No. 7)** are revoked at 11:59:00 pm on 22 April 2022.

**5 Definitions**

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

**6 Application of this Order**

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

**PART 2 – SELF-ISOLATION FOR DIAGNOSED PERSONS****7 Who is a diagnosed person?**

- (1) A person is a diagnosed person if the person at any time before, on or after the commencement of this Order, has received a positive result from a COVID-19 PCR test and is not a recent confirmed case.
- (2) A person ceases to be a diagnosed person when they have completed self-isolation in accordance with this Part 2 or a Revoked Quarantine, Isolation and Testing Order.

**8 Requirement to self-isolate**

A diagnosed person must self-isolate under this Order:

- (1) if the diagnosis is communicated to the person on or after the commencement of this Order; or
- (2) if the diagnosis was communicated to the person before the commencement of this Order.

*Note: the requirements of self-isolation are specified in clause 29. A diagnosed person can still leave the premises at which they are self-isolating to obtain medical care.*

**9 Location of self-isolation**

- (1) A diagnosed person must self-isolate:
  - (a) if clause 8(1) applies, at the premises chosen by the person under subclause (2); or
  - (b) if clause 8(2) applies, at the premises at which the person was required to reside under a Revoked Quarantine, Isolation and Testing Order.
- (2) For the purposes of subclause (1)(a), the diagnosed person may choose to self-isolate at:
  - (a) a premises at which they ordinarily reside; or
  - (b) another premises that is suitable for the person to reside in for the purpose of self-isolation.

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

*Note 2: once a person has chosen the premises at which to self-isolate, the person must reside at that premises for the entirety of the period of self-isolation unless an exemption to move to and self-isolate at an alternate premises has been given: see clauses 29(2)(a) and 29(4).*

- (3) If a diagnosed person who has chosen a premises under subclause (2) is not at the premises at the time when the choice is made, the person must immediately and directly travel to that premises, unless the person is admitted to a hospital or other facility for the purposes of receiving medical care.

**10 Self-isolation period**

- (1) For the purposes of clause 8, the period of self-isolation begins:
  - (a) if clause 8(1) applies, when the diagnosis is communicated to the person; or
  - (b) if clause 8(2) applies, upon the commencement of this Order.
- (2) For the purposes of clause 8 and subject to clause 31, the period of self-isolation ends at 12.01:00 am on the seventh day 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.*

*Example: a person who undertook a COVID-19 PCR test on Monday, the first Monday of the month, and received a positive test result from that test, would end their self-isolation period at 12.01:00 am on the following Monday, the second Monday of the month.*

**11 Notifications by the diagnosed person**

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

- (3) The diagnosed person must as soon as practicable notify the persons listed below that the diagnosed person has been diagnosed with COVID-19, and of the diagnosed person's infectious period:
- (a) the operator of any education facility at which they are enrolled, if the diagnosed person attended an indoor space at the education facility during their infectious period; and  
*Note: the diagnosed person's parent, guardian or carer may notify the operator of the education facility on behalf of the diagnosed person for the purpose of paragraph (a).*
  - (b) the operator of any work premises at which they ordinarily work, if the diagnosed person attended an indoor space at the work premises during their infectious period; and
  - (c) any person who is a close contact or a social contact of the diagnosed person, to the extent the diagnosed person is able to reasonably ascertain and notify such person.

### **PART 3 – SELF-ISOLATION FOR PROBABLE CASES**

#### **12 Who is a probable case?**

- (1) A person is a probable case if the person at any time before, on or after the commencement of this Order, has received a positive result from a COVID-19 rapid antigen test and is not a recent confirmed case.
- (2) A person ceases to be a probable case after the person has completed self-isolation in accordance with this Part 3.

#### **13 Requirement to self-isolate**

A probable case must self-isolate under this Order:

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

*Note: the requirements of self-isolation are specified in clause 29. A probable case can still leave the premises at which they are self-isolating to obtain medical care.*

#### **14 Location of self-isolation**

- (1) A probable case must self-isolate:
  - (a) if clause 13(1) applies, at the premises chosen by the person under subclause (2); or
  - (b) if clause 13(2) applies, at the premises at which the person was required to reside under a Revoked Quarantine, Isolation and Testing Order.
- (2) For the purposes of subclause (1)(a), the probable case may choose to self-isolate at:
  - (a) a premises at which they ordinarily reside; or
  - (b) another premises that is suitable for the person to reside in for the purpose of self-isolation.

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

*Note 2: once a person has chosen the premises at which to self-isolate, the person must reside at that premises for the entirety of the period of self-isolation unless an exemption to move to and self-isolate at an alternative premises has been given: see clauses 29(2)(a) and 29(4).*

- (3) If a probable case who has chosen a premises under subclause (2) is not at the premises at the time when the choice is made, the person must immediately and directly travel to that premises, unless the person is admitted to a hospital or other facility for the purposes of receiving medical care.

**15 Self-isolation period**

- (1) For the purposes of clause 13, the period of self-isolation begins:
  - (a) if clause 13(1) applies, when the probable case received a positive result from a COVID-19 rapid antigen test; or
  - (b) if clause 13(2) applies, upon the commencement of this Order.
- (2) For the purposes of clause 13 and subject to clause 31, the period of self-isolation ends on the earlier of:
  - (a) 12.01:00 am on the seventh day 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.*

*Example: in the case of subclause (a), a probable case who undertook a COVID-19 rapid antigen test which was positive on Monday, the first Monday of the month, would end their self-isolation period at 12.01:00 am on the following Monday, the second Monday of the month.*

**16 Notification by the probable case**

- (1) Immediately after choosing a premises under clause 14(2), the probable case must:
  - (a) if any other person is residing at the premises chosen by the probable case, notify the other person that:
    - (i) the probable case has received a positive result from a COVID-19 rapid antigen test; and
    - (ii) the probable case has chosen to self-isolate at the premises; and
  - (b) notify the Department of the positive result from a COVID-19 rapid antigen test by submitting a COVID-19 Positive Rapid Antigen Test Self-Reporting Form or by calling the Department's COVID-19 hotline and providing:
    - (i) the positive result from the COVID-19 Rapid antigen test; and
    - (ii) the address of the premises chosen by the probable case.

*Note: notification to the Department is to occur by the submission of the COVID-19 Positive Rapid Antigen Test Self-Reporting Form online at [dhvcgovau.powerappsportals.com/rapid-antigen-test/](https://dhvcgovau.powerappsportals.com/rapid-antigen-test/) as amended or reissued from time to time by the Secretary of the Department or by calling the Department's COVID-19 hotline on 1300 651 160.*

- (2) If, during the period that a probable case is self-isolating at a premises for the purposes of clause 13, another person informs the probable case that they intend to commence residing at the premises chosen by the probable case, the probable case must inform the other person of their positive result from a COVID-19 rapid antigen test.
- (3) The probable case must as soon as practicable notify the persons listed below that the probable case has received a positive result from a COVID-19 rapid antigen test, and of the probable case's infectious period:
  - (a) the operator of any education facility at which they are enrolled, if the probable case attended an indoor space at the education facility during their infectious period; and

*Note: the probable case's parent, guardian or carer may notify the operator of the education facility on behalf of the probable case for the purpose of paragraph (a).*



- (b) the operator of any work premises at which they ordinarily work, if the probable case person attended an indoor space at the work premises during their infectious period; and
- (c) any person who is a close contact or a social contact of the probable case, to the extent the probable case is able to reasonably ascertain and notify such person.

#### **PART 4 – SELF-QUARANTINE FOR CLOSE CONTACTS**

##### **17 Who is a close contact?**

- (1) A person is a close contact if 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 facility or care facility with a diagnosed person or a probable case during their infectious period.
- (2) For the purposes of subclause (1)(a), the notice:
  - (a) may be given orally or in writing, and, if given orally, must be confirmed in writing as soon as reasonably practicable; and
  - (b) is not required to be in a particular form.

##### **18 Requirement to self-quarantine**

Subject to clauses 22 and 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 29.*

##### **19 Location of self-quarantine**

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

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

*Note 2: once a person has chosen the premises at which to self-quarantine, the person must reside at that premises for the entirety of the period of self-quarantine unless an exemption to move to and self-quarantine at an alternate premises has been given: see clauses 29(2)(a) and 29(4).*

- (b) if clause 18(2) applies, at a premises at which the person was permitted to reside under a Revoked Quarantine, Isolation and Testing Order.
- (2) If, at the time a person becomes aware or is given notice that they are a close contact, the person is not at the premises chosen by the person under subclause (1), the person must immediately and directly travel to those premises.

##### **20 Self-quarantine period**

- (1) Subject to clauses 22 and 23 and if clause 18(1) applies, if a close contact self-quarantines at the same premises where the diagnosed person or the probable case is self-isolating, the close contact's period of self-quarantine begins:
  - (a) on the date the diagnosed person undertook a COVID-19 PCR test, from which they were diagnosed with COVID-19; or
  - (b) on the date the probable case received a positive result from a COVID-19 rapid antigen test.

- (2) Subject to clause 22 and 23 and if clause 18(1) applies, if a close contact self-quarantines at a different premises from where the diagnosed person or the probable case is self-isolating, the close contact's period of self-quarantine begins from the date the close contact most recently had in-person contact with the diagnosed person or the probable case.
- (3) Subject to clause 22 and 23 and if clause 18(2) applies, a close contact period of self-quarantine begins upon the commencement of this Order.

## 21 End of period of self-quarantine

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

- (1) subject to subclauses (2) to (5), at 12.01:00 am on the seventh day from the relevant date specified under clause 20(1) or 20(2) or as varied or revoked under clause 24; or  
*Example: a person who resides with a diagnosed person where the diagnosed person undertook a COVID-19 test which was positive on Monday, the first Monday of the month, would end their self-isolation period at 12.01:00 am on the following Monday, the second Monday of the month, unless the person themselves tests positive for COVID-19 during the period.*
- (2) if the notice given to the person under clause 17(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 8.*
- (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 13.*
- (5) if the person is a close contact of a probable case, the date the probable case receives a negative test result from a COVID-19 PCR test that was undertaken within 48 hours after the COVID-19 rapid antigen test from which the person became a probable case.

*Note 1: 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 2: if a person's period of self-quarantine ends before the commencement of this Order, they are not required to self-quarantine on the commencement of this Order. If a person's period of self-quarantine begins but does not end before the commencement of this Order, they are only required to self-quarantine for the remainder of their self-quarantine period on the commencement of this Order.*

## 22 Exception – surveillance testing

A close contact is not required to self-quarantine under clause 18 if:

- (1) the person, during the period commencing from the date the person became a close contact until the date the close contact's period of self-quarantine would have ended under clause 21, or as varied or revoked under clause 24:
  - (a) undertakes a COVID-19 rapid antigen test once within each 24 hour period (up to a maximum of 5 tests) and receives a negative result on each occasion; and
  - (b) wears a face covering when attending any indoor space other than the premises at which the person chooses to self-quarantine unless, in accordance with the pandemic orders in force, an exception from the requirement to wear a face covering applies to the person; and
  - (c) does not visit a hospital or care facility, unless:
    - (i) in relation to a hospital, the person is permitted to do so by an officer of that hospital with the position of Executive Director of Nursing and Midwifery or equivalent; or
    - (ii) in relation to a care facility, the person is permitted to do so under the Public Safety Order; and

- (2) within 24 hours after the person becomes a close contact, the person notifies the following persons that they are a close contact and required to comply with the conditions specified in subclause (1):
  - (a) the operator of any education facility at which they are enrolled and are likely to attend during the period specified in subclause (1); and
  - (b) the operator of any work premises at which they are likely to attend for work during the period specified in subclause (1).

### **23 Exception – previous clearance**

- (1) A close contact is not required to self-quarantine under clause 18 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 17(1)(a) and, if satisfied that it is appropriate, having regard to Departmental Requirements, may vary or revoke the notice given to the person under clause 17(1)(a) and must give the person notice of the decision.
- (2) For the purposes of subclause (1), the notice must be given in writing but is not required to be in a particular form.

### **25 Notifications by the close contact**

If a close contact is required to self-quarantine under clause 18 and, during the period of self-quarantine, another person informs the close contact that they intend to commence residing at the premises chosen by the close contact, the close contact must inform the other person of their self-quarantine.

### **26 Testing of persons in self-quarantine**

- (1) A close contact must comply with the relevant requirements set out in the Testing Requirements Policy and, where applicable, follow the COVID-19 rapid antigen test procedure.
- (2) If a close contact is required to self-quarantine under clause 18 and, during the period of self-quarantine, the person receives a COVID-19 PCR test result stating that they have been diagnosed with COVID-19, the person becomes a diagnosed person and must self-isolate under clause 8.
- (3) If a close contact is required to self-quarantine under clause 18 and, during the period of self-quarantine, the person receives a positive result from a COVID-19 rapid antigen test, the person becomes a probable case and must self-isolate under clause 13.
- (4) If a close contact of a diagnosed person or a probable case is required to self-quarantine under clause 18 and, during the period of self-quarantine, the person receives a negative result from a COVID-19 rapid antigen test or a COVID-19 PCR test result stating that they have not been diagnosed with COVID-19, the person must, if the period of self-quarantine has not expired, continue to self-quarantine under clause 18 for the remainder of the self-quarantine period.

**PART 5 – RISK INDIVIDUALS****27 Who is a risk individual?**

A person is a risk individual if the person is:

- (1) a social contact; or
- (2) a symptomatic person in the community; or
- (3) an international arrival.

**28 Testing of risk individuals**

A person who is a risk individual must comply with the relevant requirements set out in the Testing Requirements Policy and, where applicable, follow the COVID-19 rapid antigen test procedure.

**PART 6 – GENERAL PROVISIONS****29 Requirements of self-isolation and self-quarantine**

- (1) This clause applies to a person who is required to:
  - (a) self-isolate at a premises under clauses 8 or 13; or
  - (b) self-quarantine at a premises under clause 18.
- (2) The person identified in subclause (1):
  - (a) must reside at the premises for the entirety of the period of self-isolation or self-quarantine, as the case requires, except for any period that the person is admitted to a hospital or other facility for the purposes of receiving medical care; and
  - (b) must not leave the premises, except:
    - (i) for the purposes of obtaining medical care or medical supplies; or
    - (ii) for the purposes of transporting another person with whom they reside to or from a hospital if the person identified in subclause (1) is asymptomatic for COVID-19; or
    - (iii) for the purposes of getting tested for COVID-19; or
    - (iv) in any emergency situation; or
    - (v) if required to do so by law; or
    - (vi) for the purposes of visiting a patient in hospital if permitted to do so by an officer of that hospital with the position of Executive Director of Nursing and Midwifery or equivalent; or
    - (vii) for the purposes of working in a care facility if permitted to do so under the **Public Safety Order**; or
    - (viii) for the purpose of sitting a Senior Secondary examination provided that the person is not a diagnosed person or a probable case; or
    - (ix) for a person who is identified in subclause (1)(b), provided the person wears a face covering at all times when outside the premises, unless, in accordance with the pandemic orders in force, an exception from the requirement to wear a face covering applies to the person:
      - (A) for the purposes of exercising outdoors (including to walk a pet) if the person:
        - (1) is alone and is physically distanced from others; or
        - (2) only exercises with persons who are in self-quarantine at the same premises as the person identified in subclause (1) and are otherwise physically distanced from others; or

- (B) if essential or other arrangements cannot be made, to attend to livestock or animal welfare (excluding non-emergency attendances at a veterinarian) if the person:
    - (1) is alone and is physically distanced from others; or
    - (2) only attends with persons who are in self-quarantine at the same premises as the person identified in subclause (1) and are otherwise physically distanced from others; or
  - (C) if essential or other arrangements cannot be made, for the purpose of transporting another person with whom they reside to, or from, a work premises, an education facility, or healthcare appointment provided that that person is not, or is no longer, required to self-quarantine; or
  - (D) for the purposes of voting in the Australian Federal Election, provided that the person, prior to leaving self-quarantine, undertakes a COVID-19 rapid antigen test from which a negative result is received; and
- (c) subject to (3), 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 **Public Safety 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 32(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 33(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.

**30 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, Deputy Chief Health Officer or a Director or Medical Lead of a designated Local Public Health Unit may exempt a person and the Chief Health Officer or Deputy Chief Health Officer may exempt 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.

**31 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 32(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 10 (if the person is a diagnosed person) or clause 15 (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:
  - (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; 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.

**32 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 29(2)(a) for the purpose of moving to an alternate premises for the remainder of the period of self-isolation or self-quarantine if the person is granted an exemption from the requirement under subclause (2).
- (2) The Chief Health Officer, a Deputy Chief Health Officer or a Director or Medical Lead of a designated Local Public Health Unit may exempt a person or group of persons from any or all requirements in clauses 9(1), 9(2), 14(1), 14(2) (location of self-isolation) or 19 (location of self-quarantine) or 29(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.

**33 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 29(2)(a) for the purpose of the healthcare worker returning to work if the person is granted an exemption from the requirement under subclause (2).
- (2) The Chief Health Officer, a Deputy Chief Health Officer, a Director or Medical Lead of a designated Local Public Health Unit may exempt a person from any or all of the requirements of clause 19 (location of self-quarantine) or clause 29(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.

**34 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.

**35 Transitional provisions**

- (1) A reference in any pandemic order in force to a Revoked Quarantine, Isolation and Testing Order or a Revoked Victorian Border Crossing Order is taken on and after the commencement of this Order to be a reference to that Order.
- (2) Any act, matter or thing that had effect under a Revoked Quarantine, Isolation and Testing Order or a Revoked Victorian Border Crossing Order immediately before it was revoked continues to have effect under that 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 or 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 7 – PENALTIES**

### **36 Penalties**

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

#### **Failure to comply with pandemic order, direction or other requirement**

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

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

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

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

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



**SCHEDULE 1 – DEFINITIONS**

For the purposes of this Order:

**accommodation facility** has the same meaning as in the **Workplace 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 **Public Safety 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 17(1);

**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 Positive Rapid Antigen Test Self-Reporting Form** means the form titled ‘COVID-19 Positive Rapid Antigen Test Self-Reporting Form’, as amended or reissued from time to time by the Secretary of the Department and available at [dhvicgovau.powerappsportals.com/rapid-antigen-test/](http://dhvicgovau.powerappsportals.com/rapid-antigen-test/)

**COVID-19 rapid antigen test 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 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;

**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 7;

**Director or Medical Lead of a designated Local Public Health Unit** means a person with the title of Director or Medical Lead in a designated Local Public Health Unit who is authorised under section 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;

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

**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 **Workplace 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, 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, as the case may be, under clause 30(2), 31(2), 32(2) or 33(2) of this 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);

**healthcare worker** means a worker of a health service managed by a designated Local Public Health Unit;

**hospital** means a public hospital, a denominational hospital, a multi-purpose service, a private hospital, a day procedure centre and includes any retail or other premises operating within a hospital including but not limited to a cafe, newsagent and florist;

**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;

**international arrival** means a person who:

- (1) has been in another country in the 7 days prior to arrival in Victoria; or
- (2) has arrived from another country and is disembarking a maritime vessel at a Victorian maritime port;

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

**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 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 **Public Safety Order**;

**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 12;

**Public Safety Order** means the **Pandemic (Public Safety) Order 2022** as amended or replaced from time to time;

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

**recent confirmed case** means a person:

- (1) who is currently within their infectious period; or
- (2) whose infectious period ended within the previous 12 weeks, except if the infectious period ended in accordance with clause 15(2)(b);

**resident of a care facility** has the same meaning as in the **Public Safety 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. 7)**, or their predecessors;

**Revoked Victorian Border Crossing Order means the Victorian Border Crossing Permit Directions (No. 44) or the Pandemic (Victorian Border Crossing) Order 2022 (No. 7), or their predecessors;**

**risk individual** has the meaning in clause 27;

**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;

**social contact** means a person who is not a close contact, or recent confirmed case and:

- (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;

**symptomatic person in the community** means a person who is not a close contact, social contact or recent confirmed case and is experiencing one or more COVID-19 symptoms, unless those symptoms are caused by an underlying health condition or medication;

**Testing Requirements Policy** means the document titled 'Testing Requirements Policy' 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 (Bioelect on behalf of Novavax);

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

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

**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;

**Workplace Order** means the **Pandemic (Workplace) Order 2022 (No. 8)** as amended or replaced from time to time.

Dated 22 April 2022

MARTIN FOLEY MP  
Minister for Health

**Public Health and Wellbeing Act 2008**

## Section 165AI

## GUIDANCE FOR THE PANDEMIC (WORKPLACE) ORDER 2022 (No. 8)

This Order imposes specific obligations on employers to assist in reducing the frequency of outbreaks of COVID-19 in Victorian workplaces.

An employer must take reasonable steps to ensure that all workers comply with face covering requirements that may apply under the **Public Safety Order** and that they respond appropriately if there is a symptomatic person or a confirmed case in the work premises.

This Order specifies additional obligations on certain categories of hospitals.

A regulated employer must not permit a worker to work outside their ordinary place of residence, or to work at a facility or ceremony (as applicable) if the worker is unvaccinated or partially vaccinated or for certain workers, not fully vaccinated (boosted) in order to limit the spread of COVID-19 within the population of those workers. This does not apply in relation to a general worker if it is not reasonably practicable for the general worker to work at their ordinary place of residence.

Amongst other things, this Order requires certain regulated employers to:

- (1) collect, record and hold certain vaccination information of workers;
- (2) not permit specific unvaccinated or partially vaccinated workers to work outside the worker's ordinary place of residence, or at a facility or ceremony (as applicable);
- (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, or at a facility or ceremony, as applicable.

Exceptions 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 (Workplace) Order 2022 (No. 8) and is for explanatory purposes only.*

**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (WORKPLACE) ORDER 2022 (No. 8)

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**Public Health and Wellbeing Act 2008**

## Section 165AI

## PANDEMIC (WORKPLACE) ORDER 2022 (No. 8)

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 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.
- (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. 8)**.

**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 22 April 2022 and ends at 11:59:00 pm on 12 July 2022.
- (2) The following orders are revoked at 11:59:00 pm on 22 April 2022:
  - (a) **Pandemic COVID-19 Mandatory Vaccination (General Workers) Order (No. 3)**; and
  - (b) **Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order (No. 7)**; and
  - (c) **Pandemic COVID-19 Mandatory Vaccination (Specified Workers) Order (No. 6)**; and
  - (d) **Pandemic (Workplace) Order (No. 7)**; and
  - (e) **Pandemic (Additional Industry Obligations) Order (No. 10)**; and
  - (f) **Pandemic (Open Premises) Order (No. 6)**.

**5 Definitions**

In this Order:

- (1) key definitions are contained in Division 1 of Schedule 4; and
- (2) worker-specific definitions are contained in Division 2 of Schedule 4; and
- (3) facility-specific definitions are contained in Division 3 of Schedule 4; and
- (4) other definitions are contained in Division 4 of Schedule 4.

**6 Application of this Order**

This Order applies to the whole State of Victoria.

**PART 2 – WORKPLACE REQUIREMENTS****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 12.

- (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 have 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, complies with any face covering requirement that may apply to the worker under the **Public Safety Order**.

*Note: face shields on their own do not meet the face covering requirements. Please refer to the Department's guidelines for further information.*

## 9 COVIDSafe Plan

- (1) Subject to subclause (3), an employer must, for each work premises:

- (a) have in place a COVIDSafe Plan, which addresses the health and safety issues arising from COVID-19, including but not limited to:

*Note: employers can use the template plan accessible from the following website for guidance: [www.coronavirus.vic.gov.au/covidsafe-plan](http://www.coronavirus.vic.gov.au/covidsafe-plan) as amended or replaced from time to time by the Victorian Government.*

- (i) where applicable, the employer's process for implementing any record-keeping obligations under this Order;
- (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 at the work premises, taking into account the employer's obligations under this Order and the Case, Contact and Outbreak Management Policy;
- (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 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 Signage requirements

- (1) Where the **Public Safety Order** requires 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 required to wear a face covering under the **Public Safety Order** must wear a face covering when entering the work premises, unless an exception under a pandemic order in force applies.

## Division 2 – Responding to a symptomatic person or a confirmed case

### 11 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 COVID-19 symptoms, an employer must:
  - (a) advise the worker that they are required to comply with the relevant requirements set out in the Testing Requirements Policy and, where applicable, follow the COVID-19 rapid antigen test procedure; and
  - (b) ensure appropriate records are maintained 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 COVID-19 symptoms; and  
*Note: this will include, for example, rosters and worker details 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 Policy and, where applicable, follow the COVID-19 rapid antigen test procedure if they develop COVID-19 symptoms.

### 12 Responding to a confirmed case in a work premises

- (1) As soon as practicable after becoming aware of a diagnosed person or a probable case who has attended the work premises in their 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 workers who attended the work premises during the relevant infectious period that a diagnosed person or probable case has attended 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 Policy and, where applicable, follow the COVID-19 rapid antigen test procedure, if they develop COVID-19 symptoms; and
- (2) As soon as practicable after becoming aware that the number of confirmed cases that attended the work premises within a 7 day period has reached the workplace outbreak threshold under the Case, Contact and Outbreak Management Policy, the operator must notify the Department (or other entity nominated by the Department on its website) and 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.

### **13 Notifications by the operator of an education facility**

An education operator who has been informed 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 a probable case has attended the education facility during their 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 Policy and, where applicable, follow the COVID-19 rapid antigen test procedure.

### **14 Collection of information by operators of an education facility**

- (1) The education operator must collect, record and store the following information:
  - (a) the dates on which they were notified 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 education operator is authorised to use any information that it holds under subclause (1).

## **Division 3 – Additional Obligations for Hospitals**

### **15 Additional obligations for 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 – VACCINATION INFORMATION AND NOTIFICATIONS FOR REGULATED EMPLOYERS****Division 1 – Vaccination information****16 Vaccination status***Specified workers*

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

*General workers*

- (2) A general employer must collect, record and hold vaccination information about a general worker if:
  - (a) it is reasonably practicable for the person to work at the person’s ordinary place of residence; and
  - (b) the employer permits the person to work outside the person’s ordinary place of residence.

*Facility workers*

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

*Ceremony workers*

- (4) If a ceremony worker is or may be scheduled to work at a ceremonial space, the ceremony organiser must collect, record and hold vaccination information about the ceremony worker.

**17 Booster information about specified workers and specified facility workers**

- (1) If:
  - (a) a specified worker or specified facility 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 specified employer or the specified facility operator (as applicable) must collect, record and hold the following vaccination information about the specified worker or facility worker:
  - (d) whether the specified worker or specified facility worker is fully vaccinated (boosted); and
  - (e) if the specified worker or specified facility worker is fully vaccinated (boosted) – the date on which the person became fully vaccinated (boosted).
- (2) If an exception under clause 32 or 34 applies to a specified worker or specified facility worker, the specified employer or a specified facility operator (as applicable) 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.

- (3) If a specified employer or a specified facility operator is not required to comply with clause 26(2) or 27(2) in relation to a worker specified in subclause (1) because the exception in clause 32 applies to the worker, the specified employer or specified facility operator must collect, record and hold information regarding the entry of the worker into Australia from another country including the date of entry.

## 18 Timing

- (1) A regulated employer must comply with the obligations in clause 16 as soon as reasonably practicable after the commencement of this Order.
- (2) A specified employer or specified facility operator must comply with the obligations in clause 17(1) before the booster deadline.

## Division 2 – Authorisation and disclosure of vaccination information

### 19 Authorisation to use vaccination information

A regulated employer is authorised to use any information about a worker that it holds under clause 16 or 17, except a worker's Individual Healthcare Identifier, for the purposes of complying with Part 4 and 5.

*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.*

### 20 Disclosure to authorised officers

- (1) An authorised officer may request a regulated employer to produce to the authorised officer any vaccination information held by the regulated employer under clause 16, except any Individual Healthcare Identifiers that the regulated 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.*

### 21 Disclosure by facility operators

If a facility operator is obliged to comply with Part 4 in relation to a facility worker and the facility operator is not the person who:

- (1) employed the worker; or
- (2) engaged the worker to work at the facility,

the facility operator is authorised to disclose to the person who employed or engaged the worker that the facility operator is obliged to comply with Part 4 in relation to the worker.

## Division 3 – Notification to workers

### 22 Notification to current workers

*Specified workers*

- (1) Unless an exception applies under this Order, a specified employer must, as soon as reasonably practicable after the commencement of this Order, inform each specified worker who is, or may be, scheduled to work outside the worker's ordinary place of residence that:
- (a) clause 16 obliges the specified employer to collect, record and hold the information specified in that clause in relation to the specified worker; and
- (b) clause 26(1) obliges the specified employer not to permit a specified worker to work for that employer outside the specified worker's ordinary place of residence unless the specified worker is fully vaccinated or an excepted person; and
- (c) if a booster deadline is specified in relation to a specified worker and the specified worker is aged 18 years or over, clause 26(2) obliges the specified employer not to permit the specified worker to work for that employer outside the specified worker's ordinary place of residence unless the specified worker is fully vaccinated (boosted) or an excepted person.

*Facility workers*

- (2) Unless an exception applies under this Order, a facility operator must, as soon as reasonably practicable after the commencement of this Order, inform each facility worker who is, or may be, scheduled to work at the facility that:
- (a) clause 16 obliges the facility operator to collect, record and hold the information specified in that clause in relation to the worker; and
  - (b) clause 26(1) obliges the facility operator to take all reasonable steps to ensure that a worker does not enter, or remain on, the premises of a 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 facility worker and the worker is aged 18 years or over, clause 26(2) obliges the facility operator to take all reasonable steps to ensure that the worker does not enter, or remain on, the premises of the facility for the purposes of working at the facility unless the worker is fully vaccinated (boosted) or an excepted person.

*Exception*

- (3) Subclause (1) and (2) do not apply to the extent that the specified employer or the facility operator has previously notified the worker of the matters specified in that subclause under a Revoked Pandemic (Workplace) Order or its predecessors.

**23 Notification to new workers***Specified workers*

- (1) Unless an exception applies under this Order, if a specified employer engages a specified worker who is, or may be, scheduled to work outside the specified worker's ordinary place of residence, the employer must inform the worker, as soon as reasonably practicable after engaging the worker, that:
- (a) clause 16 obliges the specified employer to collect, record and hold the information specified in that clause in relation to the worker; and
  - (b) clause 26(1) obliges the specified 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 specified worker, and the worker is aged 18 years or over, clause 26(2) obliges the specified employer not to permit the worker to work for that specified employer outside the worker's ordinary place of residence unless the worker is fully vaccinated (boosted) or an excepted person.

*Facility workers*

- (2) Unless an exception applies under this Order, if a facility operator engages a facility worker who is, or may be, scheduled to work at the facility, the facility operator must inform the worker, as soon as reasonably practicable after engaging the worker, that:
- (a) clause 16 obliges the facility operator to collect, record and hold the information specified in that clause in relation to the worker; and
  - (b) clause 27(1) obliges the facility operator to take all reasonable steps to ensure that a facility worker does not enter, or remain on, the premises of a 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 facility worker and the worker is aged 18 years or over, clause 26(2) obliges the operator to take all reasonable steps to ensure that the worker does not enter, or remain on, the premises of the facility for the purposes of working at the facility unless the worker is fully vaccinated (boosted) or an excepted person.

**Division 4 – Exceptions to vaccination and booster information obligations****24 Exception for fully vaccinated, fully vaccinated (boosted) and excepted persons**

- (1) Clause 16(1)(a) and 16(3)(a) do not apply in relation to a specified worker or a specified facility worker if the specified employer or specified facility operator (as applicable) already holds, in relation to the relevant worker, 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.

**25 Exception for information already held**

Clauses 16(1)(b), 16(3)(b) and 17(1) do not apply in relation to a specified worker or a facility worker if the specified employer or facility operator (as applicable) already holds the information specified in those subclauses.

**PART 4 – EMPLOYER MUST ENSURE UNVACCINATED WORKERS DO NOT WORK OUTSIDE ORDINARY PLACE OF RESIDENCE****Division 1 – Specified workers****26 No work outside ordinary place of residence**

*Unvaccinated and partially vaccinated workers*

- (1) A specified employer must not permit a specified 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 specified worker and the worker is aged 18 years and over, the specified 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 exceptions under this Order apply.

*Where employer does not hold information about vaccination status*

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

**Division 2 – Facility workers****27 Prevention of entry to premises**

*Unvaccinated and partially vaccinated workers*

- (1) A facility operator must take all reasonable steps to ensure that a facility worker does not enter, or remain on, the premises of a facility for the purposes of working at the facility unless the worker is:
- (a) fully vaccinated and 12 years or 2 months of age or above; or
  - (b) an excepted person.

*Booster deadlines*

- (2) If a booster deadline is specified in relation to a specified facility worker and the worker is aged 18 years and over, a specified facility operator 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 a facility operator does not hold information about the vaccination status of a facility worker, the facility operator must treat the worker as if the worker is unvaccinated.

### **Division 3 – General workers**

#### **28 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,
- a general employer in relation to that person must not permit the person to work for that employer outside the person's ordinary place of residence, unless:
- (c) the general employer has collected vaccination information about the person under clause 16; 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.*

### **Division 4 – Ceremony workers**

#### **29 Prevention of entry to ceremonial space**

- (1) A ceremony organiser 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.

## **PART 5 – EXCEPTIONS**

### **30 Agricultural and forestry workers**

Despite clause 26(1), a specified 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.

### **31 Not eligible for booster**

Despite clauses 26(2) and 27(2), a specified employer or a facility operator may permit a specified worker or facility worker referred to in those clauses to work for the specified

employer or facility operator (as applicable) outside of the worker's ordinary place of 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, and an operator can only permit the worker to work at the facility, after the booster deadline if the worker is fully vaccinated (boosted).*

### 32 Recent international arrival

Despite clauses 26(2) and 27(2), a specified employer or a facility operator may permit a specified worker or facility worker referred to in those clauses to work for the specified employer or facility operator (as applicable), outside of the worker's ordinary place of residence if the worker:

- (1) is fully vaccinated; and
- (2) entered Australia from another country in the previous 4 weeks; and
- (3) has a booking to receive a booster dose within 4 weeks of entering Australia; and
- (4) has provided evidence to the specified employer or facility operator (as applicable) 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, and an operator can only permit the worker to work at the facility, after the booster deadline if the worker is fully vaccinated (boosted).*

### 33 No longer excepted person

Despite clauses 26(2) and 27(2), a specified employer or a facility operator may permit a specified worker or facility worker referred to in those clauses to work for the specified employer or facility operator (as applicable) 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, and an operator can only permit the worker to work at the facility, after the booster deadline if the worker is fully vaccinated (boosted).*

### 34 Self-quarantine or self-isolation

Despite clauses 26(2) and 27(2), a specified employer or a facility operator may permit a specified worker or facility worker referred to in those clauses to work for the specified employer or facility operator (as applicable) 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, and an operator can only permit the worker to work at the facility, after the booster deadline if the worker is fully vaccinated (boosted).*

### 35 Recent diagnosed persons or probable cases

Despite clauses 26(2) and 27(2), a specified employer or a facility operator may permit a specified worker or facility worker referred to in those clauses to work for the specified employer or facility operator (as applicable) outside of the worker's ordinary place of residence, if the worker is fully vaccinated and:

- (1) was a diagnosed person whose infectious period ended within the previous 4 months;  
or

- (2) was a probable case whose infectious period ended within the previous 4 months, and:
- (a) if the worker's infectious 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 infectious 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 infectious period.

*Note 1: to demonstrate to an employer or operator that a worker is covered by this exception, the worker may provide the employer or 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 employer can only permit the worker to work for that employer outside of the worker's ordinary place of residence, and an employer can only permit the worker to work at a facility, after the booster deadline if the worker is fully vaccinated (boosted).*

### **36 Community and recreation facilities**

The obligations in Part 3 and Part 4 do not apply:

- (1) in relation to any indoor space or outdoor space at a physical recreation facility if that space is being operated for the purpose of conducting a community sport activity; or
- (2) in relation to a worker attending a physical recreation premises to perform work or participate in essential training in an indoor space or outdoor space at a physical recreation facility or community facility and:
  - (a) the physical recreation facility or community facility is not the worker's usual place of work; and
  - (b) the facility operator only permits the minimum number of persons necessary to access the physical recreation facility or community facility for that purpose.

### **37 Outdoor drive-in cinema**

The obligations in Part 3 and Part 4 do not apply in relation to an outdoor drive-in cinema except at a food and drink facility within the drive-in cinema facility.

### **38 State or Federal elections**

The obligations in Part 3 and Part 4 do not apply in relation to an indoor space or outdoor space at a 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.

### **39 Exceptional circumstances**

- (1) A specified employer or a facility operator is not required to comply with clause 26 or 27 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 a 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 to continue essential operations 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 self-quarantine or self-isolation obligations.*

*Example 2: a medical practitioner is required to work at a premises 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.  
*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) applies, the specified employer or facility operator must take all reasonable steps to ensure that the worker:
- (a) in the case of a specified employer – 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; or
  - (b) in the case of a facility operator – remains upon the premises of the facility only for the period of time necessary to respond to the exceptional circumstances.
- (4) If a circumstance specified in subclause (2)(a) applies in relation to a specified facility, the specified facility operator does not have the obligation in subclause (3)(b).
- (5) If a circumstance specified in subclause (2) applies in relation to a residential aged care facility or healthcare facility, the relevant facility operator must take all reasonable steps to ensure that the specified facility worker wears, at all times while on the premises of the facility, PPE that includes, at a minimum, a surgical mask and face shield.

## **PART 6 – SERVICE VICTORIA AUTHORISATION**

### **40 Notification of eligibility for booster and collection of information**

- (1) The Service Victoria CEO is authorised to notify a person through the Service Victoria App that the person:
- (a) is eligible to receive a booster dose; or
  - (b) 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.
- (2) 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.
- (3) For the purposes of subclause (2)(a), the Service Victoria CEO is authorised to collect the following information:
- (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.

- (4) In handling any information collected under subclause (2), Service Victoria and/or another operator of the Victorian Government QR code system must destroy the information following 28 days after the attendance at the work premises unless a statutory requirement permits or requires the personal information to be retained.

## **PART 7 – GENERAL PROVISIONS**

### **41 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 (1) must be published on a website controlled by the Department.
- (3) A person referred to in a protocol made under subclause (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.

### **42 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.

### **43 Transitional provisions**

- (1) A reference in any pandemic order in force to a Revoked Pandemic (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 any Order listed in subclause (1) 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 any Order listed in subclause (1) was subject immediately before it was revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.

## **PART 8 – PENALTIES**

### **44 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 – RESTRICTIONS ON ELECTIVE SURGERY**

<b>Work premises (Column 1)</b>	<b>Elective surgery restrictions (Column 2)</b>
<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 <b>Workplace (Additional Industry Obligations) Directions (No. 51)</b>.</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"> <li>(i) all activity undertaken on behalf of public health services or public hospitals; and</li> <li>(ii) emergency surgery.</li> </ul>

<b>Work premises (Column 1)</b>	<b>Elective surgery restrictions (Column 2)</b>
All public health services in Victoria.	<p>(a) Subject to paragraph (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"> <li>(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</li> <li>(ii) all patients requiring elective surgery must be prioritised based on clinical need; and</li> <li>(iii) COVID-19 demand is met; and</li> <li>(iv) workforce pressures are manageable to support the resumption of non-urgent elective surgery.</li> </ul> <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> <p>(e) An employer of a public health service operating a COVID-19 streaming area must:</p> <ul style="list-style-type: none"> <li>(i) continue to focus on supporting patients with COVID-19; and</li> <li>(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.</li> </ul> <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"> <li>(i) provide required capacity to support the COVID-19 pandemic response; and</li> <li>(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.</li> </ul>

**SCHEDULE 2 – SPECIFIED WORKERS**

<b>Row</b>	<b>Worker (Column 1)</b>	<b>Booster deadline (Column 2)</b>	<b>Worker-specific definitions</b>
1.	accommodation worker	Not applicable	Schedule 4, Division 2, Clause 4
2.	agricultural and forestry worker	Not applicable	Schedule 4, Division 2, Clause 5
3.	airport worker	Not applicable	Schedule 4, Division 2, Clause 6
4.	ancillary, support and welfare worker	Not applicable	Schedule 4, Division 2, Clause 7
5.	authorised officer	Not applicable	Schedule 4, Division 2, Clause 8
6.	care worker	Not applicable	Schedule 4, Division 2, Clause 9
7.	community worker	Not applicable	Schedule 4, Division 2, Clause 10
8.	creative arts worker	Not applicable	Schedule 4, Division 2, Clause 11
9.	custodial worker	12 March 2022	Schedule 4, Division 2, Clause 12
10.	disability worker	12 March 2022	Schedule 4, Division 2, Clause 13
11.	emergency service worker	12 March 2022	Schedule 4, Division 2, Clause 14
12.	entertainment and function worker	Not applicable	Schedule 4, Division 2, Clause 15
13.	food distribution worker	12 March 2022	Schedule 4, Division 2, Clause 16
14.	funeral worker	Not applicable	Schedule 4, Division 2, Clause 17
15.	higher education worker	Not applicable	Schedule 4, Division 2, Clause 18
16.	justice worker	Not applicable	Schedule 4, Division 2, Clause 19
17.	manufacturing worker	Not applicable	Schedule 4, Division 2, Clause 20
18.	marriage celebrant	Not applicable	Schedule 4, Division 2, Clause 21
19.	meat and seafood processing worker	12 March 2022	Schedule 4, Division 2, Clause 22
20.	media and film production worker	Not applicable	Schedule 4, Division 2, Clause 23
21.	mining worker	Not applicable	Schedule 4, Division 2, Clause 24
22.	physical recreation worker	Not applicable	Schedule 4, Division 2, Clause 25
23.	port or freight worker	Not applicable	Schedule 4, Division 2, Clause 26
24.	professional sports, high-performance sports or racing person	Not applicable	Schedule 4, Division 2, Clause 27
25.	professional services worker	Not applicable	Schedule 4, Division 2, Clause 28
26.	public sector worker	Not applicable	Schedule 4, Division 2, Clause 29
27.	quarantine accommodation worker	12 March 2022	Schedule 4, Division 2, Clause 30
28.	real estate worker	Not applicable	Schedule 4, Division 2, Clause 31
29.	religious worker	Not applicable	Schedule 4, Division 2, Clause 32



<b>Row</b>	<b>Worker (Column 1)</b>	<b>Booster deadline (Column 2)</b>	<b>Worker-specific definitions</b>
30.	repair and maintenance worker	Not applicable	Schedule 4, Division 2, Clause 33
31.	retail worker	Not applicable	Schedule 4, Division 2, Clause 34
32.	science and technology worker	Not applicable	Schedule 4, Division 2, Clause 35
33.	social and community service worker	Not applicable	Schedule 4, Division 2, Clause 36
34.	transport worker	Not applicable	Schedule 4, Division 2, Clause 37
35.	utility and urban worker	Not applicable	Schedule 4, Division 2, Clause 38
36.	veterinary and pet/animal care worker	Not applicable	Schedule 4, Division 2, Clause 39

## SCHEDULE 3 – FACILITIES

Row	Facility (Column 1)	Facility operator (Column 2)	Facility worker (Column 3)	Booster deadline (Column 4)	Facility- specific definitions
1.	accommodation facility	The operator of the accommodation facility	A person engaged or employed by the operator of the accommodation facility to work at the accommodation facility.	Not applicable	Clause 40 of Schedule 4
2.	adult education or higher education facility	The operator of the adult or higher education facility.	A person engaged or employed by the operator of the adult education or higher education facility to work at the adult education or higher education facility.	Not applicable	Clause 41 of Schedule 4
3.	community facility	The operator of the community facility.	A person engaged or employed by the operator of the community facility to work at the community facility.	Not applicable	Clause 42 of Schedule 4
4.	construction site	<b>principal contractor</b> for that construction site	any person (paid or unpaid) performing work at a construction site, including: (a) an employee of the operator; and (b) any contractor engaged by the operator or by a third party.	Not applicable	Clause 43 of Schedule 4
5.	creative arts facility	The operator of the creative arts facility.	A person engaged or employed by the operator of the creative arts facility to work at the creative arts facility.	Not applicable	Clause 44 of Schedule 4
6.	education facility	<b>education operator</b>	<b>education worker</b>	25 March 2022	Clause 45 of Schedule 4
7.	entertainment and function facility	The operator of the entertainment and function facility.	A person engaged or employed by the operator of the entertainment and function facility to work at the entertainment and function facility.	Not applicable	Clause 46 of Schedule 4

Row	Facility (Column 1)	Facility operator (Column 2)	Facility worker (Column 3)	Booster deadline (Column 4)	Facility- specific definitions
8.	food and drink facility	The operator of the food and drink facility.	A person engaged or employed by the operator of the food and drink to work at the food and drink facility.	Not applicable	Clause 47 of Schedule 4
9.	gaming machine facility	The operator of the gaming machine facility.	A person engaged or employed by the operator of the gaming machine facility to work at the gaming machine facility.	Not applicable	Clause 48 of Schedule 4
10.	healthcare facility	<b>healthcare operator</b>	<b>healthcare worker</b>	29 March 2022	Clause 49 of Schedule 4
11.	physical recreation facility	The operator of the physical recreation facility.	A person engaged or employed by the operator of the physical recreation facility to work at the physical recreation facility.	Not applicable	Clause 50 of Schedule 4
12.	residential aged care facility	<b>approved provider</b> with responsibility for that residential aged care facility	<b>residential aged care facility worker</b>	12 March 2022	Clause 51 of Schedule 4
13.	restricted retail facility	The operator of the restricted retail facility.	A person engaged or employed by the operator of the restricted retail facility to work at the restricted retail facility.	Not applicable	Clause 52 of Schedule 4
14.	tours and tourism	The operator of the tours and tourism.	A person engaged or employed by the operator of the tours and tourism to work at the tours and tourism.	Not applicable	Clause 53 of Schedule 4

**SCHEDULE 4 – 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:
  - (a) 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;
    - (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.
- (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) a current Immunisation History Statement displayed through the Medicare App, that states that the person is unable to receive a dose of a COVID vaccine that is available in Australia (whether that person has already received one or two doses of a COVID vaccine); or
  - (d) 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 2 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

- (1) For the purposes of this Order, **vaccination information** is information relating to a person's vaccination status and includes:
  - (a) 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
  - (b) the name or type of any dose of COVID-19 vaccine received by the person; and
  - (c) 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.*
- (2) For the purposes of this Order, a person may display their vaccination information by:
  - (a) a current COVID-19 digital certificate issued by Services Australia and displayed through the Medicare App, Service Victoria App or equivalent smartphone wallet; or
  - (b) a printed version of the COVID-19 digital certificate referred to in subparagraph (a); or
  - (c) in relation to an excepted person, an acceptable certification.

## Division 2 – Worker-specific definitions

### 3 Employers and workers

For the purpose of this Order:

- (1) **ceremony worker** means a person engaged or employed by a ceremony organiser to work at a ceremonial space;
- (2) **ceremony organiser** means a person who is primarily responsible for organising a ceremony;
- (3) **employee** includes a person who is self-employed;
- (4) **employer** means a person who owns, operates or controls work premises (or a work premises) and includes a person who is self-employed;
- (5) **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;
- (6) **facility** means a facility identified in Column 1 of Schedule 3 for the purposes of this Order, except in relation to Division 3, 4 and 5 of Schedule 4;
- (7) **facility operator** means:
  - (a) a person identified in Column 2 of Schedule 3; or
  - (b) where an indoor space or outdoor space at a facility that is not a specified facility has been leased or hired for use for a period of time, the person whom that space has been leased or hired for that period of time;
- (8) **facility worker** means:
  - (a) a specified facility worker; or
  - (b) in relation to a facility that is not a specified facility, a person identified in Column 3 of Schedule 3 for that facility, but does not include an excluded worker;
- (9) **general employer** means a person who employs or engages a general worker, or if the general worker is self-employed – the general worker;
- (10) **general worker** means a person who does work, but does not include:
  - (a) a person under 12 years and two months of age;
  - (b) a specified worker;
  - (c) a facility worker;
  - (d) an excluded worker;
- (11) **regulated employer** means:
  - (a) a specified employer;
  - (b) a facility operator;
  - (c) a general employer;
  - (d) a ceremony organiser;
- (12) **specified employer** means a person who employs or engages a specified worker, or if the specified worker is self-employed – the specified worker;
- (13) **specified facility** means a facility identified in rows 4, 6, 10 and 12 of Column 1 of Schedule 3;
- (14) **specified facility operator** means a person identified in rows 4, 6, 10 and 12 of Column 2 of Schedule 3;
- (15) **specified facility worker** means a person identified in rows 4, 6, 10 and 12 of Column 3 of Schedule 3, except for a person under 12 years and two months of age;

- (16) **specified worker** means a person identified in Column 1 of Schedule 2, 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;
- (17) **worker** includes employees, subcontractors (and their employees), volunteers and any other person engaged or permitted by an employer to perform work.

#### 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 premises, 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; or
- (9) a **licensed premises** to the extent that it is operated as a **premises** specified in (1) to (8).

#### 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 premises or an organisation providing community services, whether operated on a for profit or not-for-profit basis, including but not limited to:

- (1) a premises 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 2, 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 premises;
- (5) a rehearsal conducted in a theatre that has a seated capacity of more than 1000 people and ordinarily conducts performances on a commercial basis;
- (6) a rehearsal conducted by a National Performing Arts Partnership Company.

**24 Mining worker**

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

**25 Physical recreation worker**

For the purposes of this Order:

- (1) **physical recreation** worker means a person:
  - (a) who works at or in connection with:
    - (i) a facility used or partly used for sport, sport racing or physical recreation;
    - (ii) a play centre;
    - (iii) a trampolining centre;
    - (iv) a swimming pool, hydrotherapy pool, spa, sauna, steam room or spring facility; or
  - (b) who provides personal training services;
- (2) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes;
- (3) **play centre** means a premises, whether indoor or outdoor, that has play equipment to be used or partly used by children under the age of 12 years but does not mean a playground;
- (4) **spring facility** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer.

**26 Port or freight worker**

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

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

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

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

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

**28 Professional services worker**

For the purposes of this Order:

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

**29 Public sector worker**

For the purposes of this Order:

- (1) **local government worker** means:
  - (a) a Chief Executive Officer within the meaning of the **Local Government Act 2020**;
  - (b) a member of Council staff appointed under section 48 of the **Local Government Act 2020**;
- (2) **public sector worker** means:
  - (a) a Ministerial officer employed under section 98 of the **Public Administration Act 2004**;
  - (b) a local government worker;
  - (c) a person who is a public sector employee within the meaning of the **Public Administration Act 2004**, except:
    - (i) a person who is a member of the staff of Court Services Victoria within the meaning of the **Court Services Victoria Act 2014**;
    - (ii) a parliamentary officer within the meaning of the **Parliamentary Administration Act 2005**;
    - (iii) a person employed or engaged by the Chief Executive Officer of the Victorian Civil and Administrative Tribunal.

**30 Quarantine accommodation worker**

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

**31 Real estate worker**

For the purposes of this Order:

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

**32 Religious worker**

For the purposes of this Order:

- (1) **religious worker** means a person who works at or in connection with a place of worship, but does not include a person who:
  - (a) conducts services of public worship and acknowledgments of faith;
  - (b) performs marriages, funerals and special memorial services according to tradition and ecclesiastical and civil law;
  - (c) visits members of the community in their homes, hospitals and other institutions to provide advice and religious comfort for the purpose of end of life faith reasons;
- (2) **place of worship** has the same meaning as in the **Heritage Act 2017**.

**33 Repair and maintenance worker**

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

- (1) laundry services;
- (2) dry cleaning services;
- (3) car washing services;
- (4) commercial cleaning service;
- (5) locksmith services;
- (6) roadside assistance services;
- (7) pool and spa maintenance services for commercial pools and spas;
- (8) vehicle and mechanical repair services;
- (9) outdoor maintenance, repairs, and cleaning, including at occupied premises;
- (10) outdoor home installations;
- (11) home solar panel installations that involve outdoor work or in roof cavities with external access;
- (12) critical repairs to any premises where required for emergency or safety.

**34 Retail worker**

For the purposes of this Order:

- (1) **bottle shop** means an area that is physically attached to a licensed premises where packaged alcohol is sold to be consumed off the premises;
- (2) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (3) **food and drink facility** means a café, restaurant, licensed premises, fast-food store, cafeteria, canteen, winery, food truck or food court;

*Note: a food and drink facility includes a food and drink facility at a stadium or arena.*

- (4) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**;

- (5) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (6) **licensed premises** means a business characterised as a pub, bar, club, nightclub or hotel that supplies alcohol under a general licence, an on-premises licence, a late night licence, a producer's licence, a club licence, a packaged liquor licence, or a restaurant and café licence;
- (7) **market** means a public market, whether indoor or outdoor, including a food market and includes individual stalls at a market;
- (8) **nightclub** means a facility:
  - (a) to which a late night licence applies; and
  - (b) with a dancefloor; and
  - (c) which does not serve food prepared at the facility for consumption on the premises;
- (9) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (10) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (11) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (12) **restaurant and café licence** has the same meaning as in the **Liquor Control Reform Act 1998**;
- (13) **retail facility** means a premises, or part of a premises, at which a business operates to provide for the sale or hire of goods by retail, or the provision of services by retail, including but not limited to a:
  - (a) market, but only to obtain groceries or fresh food;
  - (b) retail shopping centre;
  - (c) supermarket, grocery store, bakery, butcher, fruit and vegetable store or fishmonger;
  - (d) food and drink facility;
  - (e) post office;
  - (f) news agent;
  - (g) petrol station (including a petrol station that sells groceries);
  - (h) bottle shop;
  - (i) pet store;
  - (j) facility that provides 'click and collect' services;
- (14) **retail worker** means a person who works at or in connection with a **retail facility** or a wholesale or distribution facility;
- (15) **retail shopping centre** has the same meaning as in the **Retail Leases Act 2003**.

### 35 Science and technology worker

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

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

**36 Social and community service worker**

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

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

**37 Transport worker**

For the purposes of this Order:

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

**38 Utility and urban worker**

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

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

For the purposes of this Order:

**40 Accommodation facility**

For the purposes of this Order:

- (1) **accommodation facility** means any of the following:
  - (a) a camping ground;
  - (b) a caravan park;
  - (c) a hotel;
  - (d) a hostel;
  - (e) a bed and breakfast;
  - (f) a private holiday rental facility, including Airbnbs;
  - (g) a motel;
  - (h) a serviced apartment; or
  - (i) a **licensed premises** to the extent that it is operated as a **premises** specified in paragraphs (a) to (h).

**41 Adult education or higher education facility**

For the purposes of this Order:

- (1) **adult education or higher education facility** means a premises that operates for the purpose of providing higher education services; and
- (2) **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.

**42 Community facility**

For the purposes of this Order:

- (1) **community facility** means any of the following, whether operated on a for profit or not-for-profit basis:
  - (a) a community centre or community hall;
  - (b) a public library (including a toy library, but not the State Library);
  - (c) a youth centre;
  - (d) a playground;
  - (e) a skatepark in an outdoor space; or
  - (f) a premises that has outdoor communal exercise equipment,

but does not include:

- (g) a creative arts premises;
  - (h) a physical recreation premises; or
  - (i) a premises that has a swimming pool, hydrotherapy pool, spa, sauna, steam room or spring; and
- (2) **early childhood education or care services** means onsite early childhood education and care services or children's services provided under the:
- (a) **Children's Services Act 1996** including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs; or
  - (b) **Education and Care Services National Law Act 2010** and the **Education and Care Services National Regulations 2011** including long day care services, kindergarten/preschool and family day care services, but does not include outside school hours care services.

### 43 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**.

### 44 Creative arts facility

For the purposes of this Order:

- (1) **creative arts facility** means any of the following, whether operated on a for profit or not-for-profit basis:
- (a) an art studio;
  - (b) a ceramics studio;
  - (c) a music room or studio;
  - (d) a rehearsal room or studio;
  - (e) any other premises that is used for creative art,
- but does not include:
- (f) a physical recreation premises;
  - (g) a community premises; or
  - (h) a place of worship; and
- (2) **place of worship** has the same meaning as in the **Heritage Act 2017**.

**45 Education facility**

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 day care 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;

but does not include any indoor space or outdoor space when that space is used as a polling place for the purposes of voting in an election conducted by the Australian Electoral Commission or Victorian Electoral Commission.

- (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:

- (h) a person attending an education facility outside of the education facility's normal operating hours, where the facility is hired, leased, operated or controlled by a community group; or

*Example: workers attending an education facility for community sporting activities outside of normal operating hours.*

- (i) a person attending an education facility outside of the education facility's normal operating hours for the purposes of polling activities for an election conducted by the Australian Electoral Commission or Victorian Electoral Commission, provided no children or students that attend the educational facility are present.

*Example: a candidate for a state or federal election attending an educational facility for a site visit outside of normal operating 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**.

#### 46 **Entertainment and function facility**

For the purposes of this Order:

- (1) **animal facility** means any of the following:
  - (a) a zoological park;
  - (b) a wildlife centre;
  - (c) a petting zoo;
  - (d) an aquarium;
  - (e) an animal farm that is not being operated for the purpose of producing food; and
- (2) **entertainment and function facility** means any of the following, whether operated on a for profit or not-for-profit basis:
  - (a) a theatre;
  - (b) a cinema;
  - (c) a music hall, concert hall or auditorium;
  - (d) a gallery or a museum;
  - (e) the State Library;
  - (f) an arena or stadium;
  - (g) an arcade;
  - (h) an amusement park;
  - (i) a gaming machine premises;
  - (j) a brothel, sex on premises venue or sexually explicit entertainment venue;
  - (k) a bingo centre;
  - (l) a karaoke premises;
  - (m) a nightclub;
  - (n) an animal premises;
  - (o) a function premises;
  - (p) a convention centre;
  - (q) an escape room;
  - (r) a licensed premises to the extent that it is operated as a premises specified in subparagraphs (a) to (q);
  - (s) a premises specified in subparagraphs (a) to (r) that is located within an accommodation facility; and
- (3) **function facility** means a building, room or space that is used for the purpose of holding events, functions, conferences or receptions; and
- (4) **National Performing Arts Company** means an organisation funded through the National Performing Arts Partnership Framework; and
- (5) **nightclub** means a premises:
  - (a) to which a late night licence applies; and
  - (b) with a dancefloor; and
- (6) **State Library** means the State Library Victoria; and
- (7) **zoological park** has the same meaning as in the **Zoological Parks and Gardens Act 1995**.

**47 Food and drink facilities**

For the purposes of this Order:

- (1) **club licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
- (2) **food court** has the same meaning as in the **Liquor Control Reform Act 1998**; and
- (3) **food and drink facility** means:
  - (a) a cafe;
  - (b) a restaurant;
  - (c) a fast-food store;
  - (d) a cafeteria;
  - (e) a canteen;
  - (f) a winery;
  - (g) a food court;
  - (h) a **licensed premises** to the extent it operates as a premises specified in subparagraphs (a) to (g);
  - (i) a premises specified in subparagraphs (a) to (h) that is located within an accommodation facility; and
- (4) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
- (5) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
- (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 or a packaged liquor licence; and
- (7) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
- (8) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
- (9) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
- (10) **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 facility**

For the purposes of this Order:

- (1) **gaming machine** has the same meaning as in the **Gambling Regulation Act 2003**; and
- (2) **gaming machine facility** has the same meaning as 'gaming machine area' in the **Gambling Regulation Act 2003**.

**49 Healthcare facility**

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.

**50 Physical recreation facility**

For the purposes of this Order:

- (1) **hydrotherapy pool** means a pool designed to be used for hydrotherapy or rehabilitation purposes; and
- (2) **physical recreation facility** means any of the following, whether operated on a for profit or not-for-profit basis:
  - (a) 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.*
  - (b) 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.*
  - (c) 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).*
  - (d) a skatepark in an indoor space;
  - (e) a trampolining centre;
  - (f) a premises that has a swimming pool, hydrotherapy pool, spa, sauna, steam room or spring;
  - (g) a premises specified in subparagraphs (a) to (f) that is located within an accommodation premises,  
but does not include:
    - (h) a premises that has a skatepark in an outdoor space;
    - (i) a premises that has outdoor communal exercise equipment; or
    - (j) 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'.*
- (3) **spring** means a hot, sweet, geothermal or mineral pool, spa or bath fed by groundwater from an aquifer.

**51 Residential aged care facility**

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.

## 52 Restricted retail facility

For the purposes of this Order:

- (1) **beauty therapy facility** means a premises at which beauty therapy and personal care services are provided; and
- (2) **beauty therapy** has the same meaning as in the **Public Health and Wellbeing Act 2008**; and
- (3) **hairdressing facility** means a premises at which hairdressing services are provided; and
- (4) **hairdressing** has the same meaning as in the **Public Health and Wellbeing Act 2008**; and
- (5) **restricted retail facility** means:
  - (a) a beauty therapy facility; or
  - (b) a hairdressing facility.

## 53 Tours and tourism

For the purposes of this Order:

- (1) **licensed tourism operator** means a person:
  - (a) granted a tour operator licence under:
    - (i) section 21B of the **Crown Land (Reserves) Act 1978**; or
    - (ii) section 57F of the **Forests Act 1958**; or
    - (iii) section 140I of the **Land Act 1958**; or
    - (iv) section 27D of the **National Parks Act 1975**; or
    - (v) section 21B of the **Wildlife Act 1975**; or
  - (b) providing a tour of an entertainment and function facility; and
- (2) **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 5 – Other definitions**

For the purposes of this Order:

**Case, Contact and Outbreak Management Policy** means the policy published by the Victorian Department of Health that describes the State's approach to case, contact and exposure site and outbreak management, as amended from time to time;

**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;

**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 a facility;

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

**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;

**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 rapid antigen test procedure** has the same meaning as in the **Quarantine, Isolation and Testing Order**;

**COVID-19 streaming area** means any patient treatment area nominated by the relevant health service as an area dedicated to treating a confirmed case or confirmed cases, including negative pressure rooms for COVID-19 patients;

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

- (1) a fever ( $\geq 37.5^{\circ}\text{C}$ ) or consistent fever of less than  $37.5^{\circ}\text{C}$  (such as night sweats, 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 one dose COVID-19 vaccine or a two dose COVID-19 vaccine;

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

**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;

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

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

**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**;

**education and care 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;

**education premises** has the same meaning as in the **Public Safety Order**;

**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;

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

(1) save a person's life; or

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

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

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

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

**hospital** means a public hospital, a denominational hospital, a multi-purpose service, a private hospital, a day procedure centre and includes any retail or other premises operating within a hospital including but not limited to a cafe, newsagent and florist;

**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;

**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** 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**;

**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**;

**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:
  - (c) 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
  - (d) 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;

**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**;

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

**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;

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

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

**outdoor space** means an area, room or premises that is not an indoor space;

**owner** has the same meaning as in the **Commercial Passenger Vehicle Industry Act 2017**;

**owners corporation** has the same meaning as in the **Owners Corporation Act 2006**;

**passenger services** has the same meaning as in the **Transport Integration Act 2010**;

**pandemic orders in force** has the same meaning as in the **Public Safety Order** as amended or replaced from time to time;

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

**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 unless the place of residence is used for business purposes;

*Example: a residential home from which a worker operates a remedial massage business.*

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

**probable case** has the same meaning as in the **Pandemic (Quarantine, Isolation and Testing) Order**;

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

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

**Public Safety Order** means the **Pandemic (Public Safety) Order 2022**;

**Quarantine, Isolation and Testing Order** means the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 8)**;

**reasonably practicable** is to have its ordinary and common sense meaning;

**registered facility** means a private hospital or a day procedure centre that is registered with the Department as a ‘private hospital’ or ‘day procedure centre’;

**Revoked Pandemic (Workplace) Orders** means;

- (1) the **Workplace Directions (No. 57)** or the **Pandemic (Workplace) Order (No. 7)**, or their predecessors;
- (2) 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;
- (3) the **COVID-19 Mandatory Vaccination (Specified Facilities) Directions (No. 13)** or the **Pandemic COVID-19 Mandatory Vaccination (Specified Facilities) Order 2022 (No. 7)**, or their predecessors;
- (4) the **COVID-19 Mandatory Vaccination (General Workers) Directions (No. 3)** or the **Pandemic COVID-19 Mandatory Vaccination (General Workers) Order 2022 (No. 4)**, or their predecessors;
- (5) the **Workplace (Additional Industry Obligations) Directions (No. 58)** or the **Pandemic (Additional Industry Obligations) Order 2022 (No. 10)**, or their predecessors;
- (6) the **Open Premises Directions (No. 7)** or the **Pandemic (Open Premises) Order 2022 (No. 6)**, or their predecessors;
- (7) the **Stay Safe Directions (Victoria) (No. 30)** or the **Pandemic (Movement and Gathering) 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. 7)**, 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 the **Quarantine, Isolation and Testing Order**;

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

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

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

**signage requirements** has the meaning in clause 10;

**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 Policy** means the document titled ‘Testing Requirements Policy’ 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 (Gamaleya Research Institute);
- (9) Nuvaxovid (Biocelect on behalf of Novavax);

**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;

**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.*

**workplace outbreak threshold** means the number of confirmed cases constituting a workplace outbreak as set out in the Case Contact and Outbreak Management Policy;

**WorkSafe** means WorkSafe Victoria.

Dated 22 April 2022

MARTIN FOLEY MP  
Minister for Health

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**Public Health and Wellbeing Act 2008**

Section 165AI

GUIDANCE FOR REVOCATION OF THE PANDEMIC (DETENTION) ORDER 2022 (No. 5)

This instrument revokes the Pandemic (Detention) Order 2022 (No. 5). That Order specified circumstances and conditions in which a person could be detained in Victoria to limit the transmission of COVID-19 and the period of, and requirements for, that detention.

**Public Health and Wellbeing Act 2008**

Section 165AI

REVOCATION OF PANDEMIC (DETENTION) ORDER 2022 (No. 5)

**TABLE OF PROVISIONS**

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**Public Health and Wellbeing Act 2008**

Section 165AI

REVOCATION OF PANDEMIC (DETENTION) ORDER 2022 (No. 5)

I, Martin Foley, Minister for Health, make this instrument which revokes the Pandemic (Detention) Order 2022 (No. 5), which was made under the **Public Health and Wellbeing Act 2008**, in the belief that that order is no longer reasonably necessary to protect public health throughout Victoria from the serious risk arising from the coronavirus (COVID-19) pandemic disease.

**1. Revocation**

The Pandemic (Detention) Order 2022 (No. 5) is revoked with effect from 11:59 pm on 22 April 2022.

**2. References in other orders**

A reference in any other order to the Pandemic (Detention) Order 2022 (No. 5) is of no effect from 11:59 pm on 22 April 2022.

Dated 22 April 2022

MARTIN FOLEY MP  
Minister for Health

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**Water Act 1989****NOTICE OF DECLARATION OF SERVICED PROPERTIES DECLARATION NO. 834**

Central Highlands Water declares the properties as described below to be serviced properties for the purpose of the **Water Act 1989** on and from Thursday 30 June 2022.

<b>Property</b>	<b>Towns</b>	<b>Type</b>
PS837924E Lot 1 and 2	Alfredton	water/sewer
PS845785V Lot 1 and 2	Daylesford	water
PS816376D Lot 1–10 incl.	Hepburn Springs	water/sewer
PS804609Y Lot 1–5 incl.	Sebastopol	water/sewer
PS846138B Lot 1 and 2	Soldiers Hill	water/sewer
PS844948Y Lot 1–7 incl.	Wendouree	water/sewer

For more information contact Central Highlands Water on 1800 061 514.

**Water Industry Act 1994**  
**COSTS OF THE ESSENTIAL SERVICES COMMISSION**  
**UNDER PART 1A FOR 2021 TO 2023**

I, Lisa Neville, Minister for Water and Minister responsible for administering Part 1A of the **Water Industry Act 1994** (the Act):

1. Under section 4H(1)(a) of the Act, in consultation with the Minister administering the **Essential Services Commission Act 2001**; and
2. Under section 4H(1)(b) of the Act, having regard to the total amount of the costs and expenses of the Essential Services Commission that are incurred or are likely to be incurred by the Essential Services Commission in the exercise of its powers for or in connection with the performance of its functions and the achievement of its objectives in relation to the regulated water industry;

make the following determination specifying the amount to be contributed towards those costs and expenses by each regulated entity for the respective financial years.

<b>Water Corporation</b>	<b>2021–22</b>	<b>2022–23</b>
Melbourne Water Corporation	\$1,037,102	\$1,037,102
Greater Western Water Corporation	\$527,905	\$527,905
South East Water Corporation	\$832,033	\$832,033
Yarra Valley Water Corporation	\$872,024	\$872,024
Barwon Region Water Corporation	\$179,331	\$179,331
Central Highlands Region Water Corporation	\$80,288	\$80,288
Coliban Region Water Corporation	\$109,882	\$109,882
East Gippsland Region Water Corporation	\$31,113	\$31,113
Central Gippsland Region Water Corporation	\$113,319	\$113,319
Goulburn Valley Region Water Corporation	\$66,480	\$66,480
Grampians Wimmera Mallee Water Corporation	\$58,278	\$58,278
Lower Murray Urban and Rural Water Corporation	\$57,827	\$57,827
North East Region Water Corporation	\$43,680	\$43,680
South Gippsland Region Water Corporation	\$28,330	\$28,330
Wannon Region Water Corporation	\$60,140	\$60,140
Westernport Region Water Corporation	\$20,839	\$20,839
Goulburn-Murray Rural Water Corporation	\$75,503	\$75,503
Gippsland and Southern Rural Water Corporation	\$27,408	\$27,408

Dated: 5 May 2022

THE HON. LISA NEVILLE MP  
 Minister for Water

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**ORDERS IN COUNCIL**

**Cemeteries and Crematoria Act 2003**

**ORDER TO INCLUDE ADDITIONAL RESERVED CROWN LAND INTO THE  
COBDEN CEMETERY**

Order in Council

The Governor in Council under section 4(4)(b) of the **Cemeteries and Crematoria Act 2003** orders that the land permanently reserved for cemetery purposes and known as Crown Allotment 2024 and Crown Allotment 2025, Parish of Tandarook, be included into the public cemetery known as Cobden Cemetery.

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

Dated: 3 May 2022

Responsible Minister:  
MARTIN FOLEY MP  
Minister for Health

ALEXANDRA DEBELJAKOVIC  
Clerk of the Executive Council

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**Financial Management Act 1994**

**ORDER TO DECLARE A CLASS OF ENTITIES AS SPECIFIED ENTITIES**

Order in Council

The Governor in Council under section 54AA (1) of the **Financial Management Act 1994** declares that the declaration of a class of specified entities by Order made on 27 April 2021 is amended to exclude R&L Services Victoria Pty Ltd (ACN 657 005 493) and CP Services Victoria Pty Ltd (ACN 657 005 439) from that class.

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

Dated 3 May 2022

Responsible Minister:  
THE HON. DANNY PEARSON MP  
Assistant Treasurer

ALEXANDRA DEBELJAKOVIC  
Clerk of the Executive Council

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**SUBORDINATE LEGISLATION ACT 1994  
NOTICE THAT STATUTORY RULES ARE  
OBTAINABLE**

Notice is hereby given under section 17(3) of the **Subordinate Legislation Act 1994** that the following Statutory Rules were first obtainable from TIMG Bookshop, Level 10, 575 Bourke Street, Melbourne 3000, on the date specified:

24. *Statutory Rule:* City of Melbourne  
(Electoral)  
Regulations 2022
- Authorising Act:* City of Melbourne  
Act 2001  
Local Government  
Act 2020
- Date first obtainable:* 3 May 2022
- Code C*
-

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