

Directions from Chief Health Officer in accordance with emergency powers arising from declared state of emergency

Diagnosed Persons and Close Contacts Directions (No 32)

Public Health and Wellbeing Act 2008 (Vic)

Section 200

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

1 Preamble

- (1) The purpose of these directions is to require persons:
 - (a) diagnosed with severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**) to self-isolate;
 - (b) who are living with a **diagnosed person**, or who have been in close contact with a diagnosed person, to self-quarantine,in order to limit the spread of SARS-CoV-2.
- (2) These directions replace the **Diagnosed Persons and Close Contacts Directions (No 31)**.

2 Citation

These directions may be referred to as the **Diagnosed Persons and Close Contacts Directions (No 32)**.

3 Commencement and revocation

- (1) These directions commence at 6:00:00pm on 29 October 2021 and end at 11:59:00pm on 18 November 2021.
- (2) The **Diagnosed Persons and Close Contacts Directions (No 31)** are revoked at 6:00:00pm on 29 October 2021.

4 Self-isolation for diagnosed persons

Who is a diagnosed person?

- (1) A person is a **diagnosed person** if the person:
 - (a) at any time between midnight on 25 March 2020 and 11:59:00pm on 18 November 2021 has been informed that they have been diagnosed with SARS-CoV-2; and

- (b) has not been given, or is not taken to have been given, **clearance from self-isolation** under clause 5.

Requirement to self-isolate

- (2) A diagnosed person must self-isolate under these directions:
 - (a) if the diagnosis is communicated to the person on or after the commencement of these directions; or
 - (b) if the diagnosis was communicated to the person before the commencement of these directions.

*Note: the requirements of self-isolation are specified in clause 8. A diagnosed person can still leave the **premises** at which they are self-isolating to obtain medical care.*

Location of self-isolation

- (3) A diagnosed person must self-isolate:
 - (a) if subclause (2)(a) applies, at the premises chosen by the person under subclause (4); or
 - (b) if subclause (2)(b) applies, at the premises at which the person was required to reside under a **Revoked Isolation Direction**.
- (4) For the purposes of subclause (3)(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 8(2)(a) and 8(4).

- (5) If a diagnosed person who has chosen a premises under subclause (4) 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.

Self-isolation period

- (6) For the purposes of subclause (2), the period of self-isolation begins:
 - (a) if subclause (2)(a) applies, when the diagnosis is communicated to the person; or
 - (b) if subclause (2)(b) applies, upon the commencement of these directions.
- (7) For the purposes of subclause (2), the period of self-isolation ends when the person is given clearance from self-isolation under clause 5.

Notifications by the diagnosed person

- (8) Immediately after choosing a premises under subclause (4), 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 SARS-CoV-2; and
 - (ii) the diagnosed person has chosen to self-isolate at the premises; and
 - (b) notify the **Department** of:
 - (i) the address of the premises chosen by the diagnosed person; and
 - (ii) the name of any other person who is residing at the premises chosen by the diagnosed person.
- (9) If, during the period that a diagnosed person is self-isolating at a premises for the purposes of clause 4, another person informs the diagnosed person that they intend to commence residing at the premises chosen by the diagnosed person:
 - (a) the diagnosed person must inform the other person of their diagnosis; and
 - (b) if the other person commences residing at the premises, the diagnosed person must notify the Department that a person has commenced residing with the diagnosed person and of the name of that person.

5 Clearance from self-isolation

- (1) A diagnosed person is given clearance from self-isolation if:
 - (a) an officer or nominated representative of the Department makes a determination under subclause (2) in relation to the person; and
 - (b) the person is given notice of the determination in accordance with subclause (3).
- (2) For the purposes of subclause (1)(a), an officer or nominated representative of the Department may make a determination in relation to a person if the officer or nominated representative is satisfied that the person meets the criteria for discharge from self-isolation under existing **Departmental Requirements**.
- (3) For the purposes of subclause (1)(b), the notice must be in writing but is not required to be in a particular form.
- (4) A person who has been given clearance from self-isolation, however expressed, under a Revoked Isolation Direction is taken to have been given clearance from self-isolation under this clause.

6 Self-quarantine for close contacts

Who is a close contact?

- (1) For the purposes of this clause, a person is a **close contact** if:
 - (a) an officer or nominated representative of the Department has made a determination under subclause (2) in relation to the person; and
 - (b) between midnight on 11 May 2020 and 11:59:00pm on 18 November 2021, the person has been given notice of the determination in accordance with subclause (3).
- (2) For the purposes of subclause (1)(a), an officer or nominated representative of the Department may make a determination in relation to a person if the officer or nominated representative is satisfied that the person is a close contact of a diagnosed person, having regard to whether the person has had face to face contact or shared a closed space with a diagnosed person during their **infectious period**, where there is a reasonable risk of transmission based on a risk assessment conducted in accordance with Departmental Requirements.

Note: the Departmental Requirements describe the different types of close contacts and the public health risks associated with each type of close contact (e.g. household close contacts, workplace close contacts, school exposure site close contacts and other exposure site close contacts).

- (3) For the purposes of subclause (1)(b), 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.

Period of self-quarantine

- (4) Subject to subclause (9), for the purposes of this clause, a close contact is no longer required to self-quarantine:
 - (a) if the person is **fully vaccinated** and is not a **household close contact**, seven days after the time (including by reference to an event); or
 - (b) if the person is not fully vaccinated or is a household close contact, 14 days after the time (including by reference to an event),determined by an officer or nominated representative of the Department having regard to, and in accordance with, Departmental Requirements and notified to the person by an officer or nominated representative of the Department.

Note 1: a person who is not fully vaccinated, including persons who are ineligible or unable to be vaccinated, will be required to self-quarantine for 14 days pursuant to subclause (b).

Note 2: subclause (4) applies to any person who is required to self-quarantine under these Directions on or after 6:00:00pm on 29 October 2021.

- (5) For the purposes of subclause (4), 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.

Requirement to self-quarantine

- (6) Subject to subclause (10), a close contact must self-quarantine under these directions.

Note: the requirements of self-quarantine are specified in clause 8.

Location of self-quarantine

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

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

Note 2: once a person has chosen the premises at which to self-quarantine, the person must reside at that premises for the entirety of the period of self-quarantine unless an exemption to move to and self-quarantine at an alternate premises has been given: see clauses 8(2)(a) and 8(4).

- (8) If, at the time a person is given a notice under subclause (1)(b), the person is not at the premises chosen by the person under subclause (7), the person must immediately and directly travel to those premises.

End of period of self-quarantine

- (9) For the purposes of this clause, the period of self-quarantine ends:
- (a) subject to subclauses (b) and (c), at the time specified in the notice given under subclause (4) as given or as varied under subclause (12) or extended under clause 7(1) or 7(3); or
 - (b) the notice given to the person under subclause (1)(b) is revoked under subclause (12), at the time that revocation takes effect; or
 - (c) if the person becomes a diagnosed person following a test for SARS-CoV-2, when the diagnosis is communicated to the person.

Note 1: a close contact who becomes a diagnosed person will then be required to self-isolate under clause 4, for a period ending when the person is given clearance from self-isolation under clause 5.

Note 2: a close contact's period of self-quarantine may be extended if the person is waiting to receive test result under clause 7(1) or has refused to undertake a test under clause 7.

Exception — previous clearance

- (10) A close contact is not required to self-quarantine under this clause if the person has been given clearance from self-quarantine by the **Expert Review Panel** in accordance with subclause (11).
- (11) For the purposes of subclause (10):
- (a) the Expert Review Panel may make a determination in relation to a person if the Expert Review Panel is satisfied that the person is at negligible risk of infection of SARS-CoV-2, on the basis that the person has previously been a diagnosed person and has since been given clearance from self-isolation in accordance with clause 5(1) and must give the person notice of the decision; and
 - (b) for the purposes of subclause (a), the notice must be in writing but is not required to be in a particular form.

Review of determination and notice

- (12) The Chief Health Officer, a Deputy Chief Health Officer or an **authorised officer** who is authorised to exercise **emergency powers** under section 199(2)(a) of the PHW Act, may review a determination made under subclause (2) or (4) and, if satisfied that it is appropriate, having regard to Departmental Requirements, may:
- (a) vary or revoke the notice given to the person under subclause (3); or
 - (b) vary the notice given to the person under subclause (5),
- and must give the person notice of the decision.
- (13) For the purposes of subclause (12), the notice must be given in writing but is not required to be in a particular form.

Transitional provision — close contacts under Revoked Isolation Directions

- (14) If a person was a close contact under a Revoked Isolation Direction:
- (a) a determination made, or taken to have been made, under the Revoked Isolation Direction in relation to the person's status as a close contact is taken to be a determination made under subclause (2); and
 - (b) a notice given, or taken to have been given, to the person under the Revoked Isolation Direction in relation to the determination referred to in subclause (a) is taken to be a notice given under subclause (1)(b); and
 - (c) for the purposes of subclause (7), the person is taken to have chosen to self-quarantine at the premises at which the person was required to self-quarantine under the Revoked Isolation Direction.

Notifications by the close contact

- (15) Immediately after choosing a premises under subclause (7), a close contact required to self-quarantine under clause 6 must notify the Department of:
- (a) the address of the premises chosen by the close contact; and

- (b) the name of any other person who is residing at the premises chosen by the close contact.
- (16) If a close contact is required to self-quarantine under clause 6 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:
- (a) the close contact must inform the other person of their self-quarantine; and
 - (b) if the other person commences residing at the premises, the close contact must notify the Department that a person has commenced residing with the close contact and of the name of that person.

7 Testing of persons in self-quarantine

- (1) If a close contact is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person:
- (a) is tested for SARS-CoV-2; and
 - (b) the period of self-quarantine expires during the period in which the person is awaiting the result of that test,

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

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

Note 2: in some circumstances, the Chief Health Officer or Deputy Chief Health Officer may consider it appropriate to exempt a person from the extension of the period of self-quarantine period under subclause (1), having regard to the need to protect public health and relevant principles in the PHW Act as they apply in the person's individual circumstances: clause 9.

Note 3: a person is not required to continue to self-quarantine under subclause (1) if the person is exempted in accordance with clause 9, either before or after the period of self-quarantine is extended pursuant to subclause (1).

- (2) If a close contact is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person receives a test result stating that they have been diagnosed with SARS-CoV-2, the person becomes a diagnosed person and must self-isolate under clause 4.
- (3) If a close contact is required to self-quarantine under clause 6 and, during the period of self-quarantine, the person receives a test result stating that they have not been diagnosed with SARS-CoV-2, the person:
- (a) if the period of self-quarantine has not expired—must continue to self-quarantine under clause 6 for the remainder of the self-quarantine period; or
 - (b) if the period of self-quarantine was extended under subclause (1)—may cease self-quarantining immediately; or

- (c) if the period of self-quarantine was extended under subclause (4)—may cease self-quarantining at the time referred to in subclause (4)(c) and, if that time has already passed, may cease self-quarantining immediately.
- (4) If a close contact is required to self-quarantine under clause 6 and:
- (a) clause 6(4)(a) applies to the person and the person refuses or otherwise fails to take a test for SARS-CoV-2 when offered on the sixth day of their period of self-quarantine; and
 - (b) clause 6(4)(b) applies to the person and the person refuses or otherwise fails to take a test for SARS-CoV-2 when offered on the thirteenth day of their period of self-quarantine,

then the Chief Health Officer, a Deputy Chief Health Officer or an **authorised officer** authorised to exercise **emergency powers** under section 199(2)(a) of the PHW Act, may make a determination in relation to a person that the period of self-quarantine is extended until the earlier of:

- (c) a period specified in the notice (which must not exceed 14 days); or
- (d) the person receives a test result stating that they have not been diagnosed with SARS-CoV-2,

and must give the person notice of the decision.

Note 1: close contacts of diagnosed persons will be offered a test for SARS-CoV-2 on day 6 (if the relevant period is 7 days) or day 13 (if the relevant period is 14 days), as testing at this time is likely to detect the presence of SARS-CoV-2 even if the person has not yet developed symptoms. As a person may be infectious for up to 14 days after the 14 day incubation period, if this test does not occur an authorised officer may give a further direction under section 200(1)(d) and subclause (4) to extend the period of self-quarantine for an additional period, being the period specified in the notice (which must not exceed 14 days) or the person receives a test result stating that they have not been diagnosed with SARS-CoV-2 (whichever is earlier). Such extended period of self-quarantine is required to prevent a person who develops SARS-CoV-2 towards the end of the likely incubation period, even if not symptomatic, transmitting SARS-CoV-2 to the broader community.

Note 2: in some circumstances, the Chief Health Officer or Deputy Chief Health Officer may consider it appropriate to exempt a person from the extension of the period of self-quarantine period under subclause (4) under clause 9, having regard to the need to protect public health and relevant principles in the PHW Act as they apply in the person's individual circumstances.

Note 3: a person is not required to continue to self-quarantine under subclause (4) if the person is exempted in accordance with clause 9, either before or after the period of self-quarantine is extended under subclause (4).

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

8 Requirements of self-isolation and self-quarantine

- (1) This clause applies to a person who is required to:
- (a) self-isolate at a premises under clause 4; or

- (b) self-quarantine at a premises under clause 6.
- (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 getting tested for SARS-CoV-2; or
 - (iii) in any emergency situation; or
 - (iv) if required to do so by law; or
 - (v) for the purposes of visiting a patient in hospital if permitted to do so under the **Hospital Visitor Directions**; or
 - (vi) for the purposes of working in a **care facility** if permitted to do so under the **Care Facilities Directions**; or
 - (vii) for the purpose of sitting a **Senior Secondary examination** provided that the person is not a diagnosed person; and
 - (c) must not permit any other person to enter the premises unless:
 - (i) that other person:
 - (A) ordinarily resides at the premises; or
 - (B) is required to self-isolate or self-quarantine at the premises under these directions; 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 **Care Facilities Directions** govern who can enter a care facility.*

- (4) Despite subclause (2)(a):

- (a) a diagnosed person who is required to self-isolate; or
- (b) a close contact who is required to self-quarantine,

may apply under clause 9(6) 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 9(10) 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.

9 Exemption power

General exemption power

- (1) A person is not required to comply with a requirement of these directions if the person is granted an exemption from that requirement under subclause (2).
- (2) The Chief Health Officer or Deputy Chief Health Officer may exempt a person or a group of persons, from any or all requirements contained in these directions, if satisfied that an exemption is appropriate, having regard to the:
 - (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the PHW Act, as appropriate.
- (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 an emergency power to give a person or a group of persons a different direction or impose a different requirement on the person or group of persons.

Exemption power – alternate premises for self-quarantine or self-isolation

- (5) A person is not required to comply with the requirement to remain at the premises chosen for the purposes of clause 8(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 (6).

- (6) 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 4(3), 4(4) (location of self-isolation) or 6(7) (location of self-quarantine) or 8(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 PHW Act, as appropriate.
- (7) An exemption under subclause (6) 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.
- (8) An exemption granted to a person under subclause (6) does not prevent an authorised officer from exercising an emergency power to give the person a different direction or impose a different requirement on the person.

Exemption power – healthcare worker who is a close contact - return to work

- (9) 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 8(2)(a) for the purpose of the healthcare worker returning to work if the person is granted an exemption from the requirement under subclause (10).
- (10) The Chief Health Officer, a Deputy Chief Health Officer, a Director or Medical Lead of a designated Local Public Health Unit may exempt person from any or all of the requirements of clause 6(7) (location of self-quarantine) or clause 8(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 PHW Act, as appropriate.
- (11) An exemption under subclause (10) 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.
- (12) An exemption granted to a person under subclause (10) does not prevent an authorised officer from exercising an emergency power to give the person a different direction or impose a different requirement on the person.

Transitional provision — exemption

- (13) Any exemption granted under any Revoked Isolation Direction continues to have effect.
- (14) Any application for exemption under any Revoked Isolation Direction continues to have effect.

10 Definitions

In these directions:

- (1) **authorised officer** has the same meaning as in the **PHW Act**;
- (2) **Care Facilities Directions** means the **Care Facilities Directions (No 48)** as amended or replaced from time to time;
- (3) **care facility** has the same meaning as in the **Care Facilities Directions**;
- (4) **clearance from self-isolation** has the meaning in clause 5(1);
- (5) **close contact** has the meaning in clause 6(1);
- (6) **COVID-19 Mandatory Vaccination (Workers) Directions** means the **COVID-19 Mandatory Vaccination (Workers) Directions (No 6)** as amended or replaced from time to time;
- (7) **COVID-19 vaccine** means a vaccine to protect a person against SARS-CoV-2 that:
 - (a) has been registered or provisionally registered by the Therapeutic Goods Administration; or
 - (b) has been approved by a comparable overseas regulator, as determined by the Therapeutic Goods Administration under regulation 16DA(3) of the **Therapeutic Goods Regulation 1990** of the Commonwealth;
- (8) **Department** means the Victorian Department of Health;
- (9) **Departmental Requirements** means the document titled 'Case and contact management guidelines for health services and general practitioners' available at www.dhhs.vic.gov.au/health-services-and-professionals-coronavirus-covid-19, 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;
- (10) **designated Local Public Health Unit** means:
 - (a) Western Public Health Unit;
 - (b) South Eastern Public Health Unit;
 - (c) North Eastern Public Health Unit;
 - (d) Barwon South West Public Health Unit;
 - (e) Grampians Wimmera Southern Mallee Public Health Unit;
 - (f) Loddon-Mallee Public Health Unit;
 - (g) (Hume) Goulburn Valley Public Health Unit;
 - (h) (Hume) Albury-Wodonga Public Health Unit;
 - (i) Gippsland Public Health Unit;
- (11) **diagnosed person** has the meaning in clause 4(1);
- (12) **Director or Medical Lead of a designated Local Public Health Unit** means a person with the title of Director or Medical Lead in a **designated**

Local Public Health Unit who is authorised under section 199(2)(a) of the **PHW Act** to exercise **emergency powers** or to exercise public health risk powers;

- (13) **emergency powers** has the same meaning as in the **PHW Act**;
- (14) **employee** includes a person who is self-employed;
- (15) **employer** means a person who owns, operates or controls **Work Premises** (or a Work Premises) and includes a person who is self-employed;
- (16) **excepted person** has the same meaning as in the **Open Premises Directions**;
- (17) **exemption** means an exemption granted by the Chief Health Officer or the Deputy Chief Health Officer, or a **Director or Medical Lead of a designated Local Public Health Unit** under clause 9(2), 9(6), 9(10) of these directions or the equivalent provision in any **Revoked Isolation Direction**;
- (18) **Expert Review Panel** means the group of public health specialists convened on an as-required basis to review the available medical, epidemiological and laboratory information for the purposes of clinical assessments, case review, close contact designations and to provide evidence-based advice to the Chief Health Officer and Deputy Chief Health Officer. The panel is comprised of experts from public health medicine, infectious disease, microbiology, epidemiology and Department of Health representatives from Intelligence, Case and Contact Outbreak Management and Pathology;
- (19) **fully vaccinated** has the same meaning as in the **Open Premises Directions**;
- (20) **healthcare worker** means a **worker** of a health service managed by a **designated Local Public Health Unit**;
- (21) **hospital** has the same meaning as in the **Hospital Visitor Directions**;
- (22) **Hospital Visitor Directions** means the **Hospital Visitor Directions (No 38)** as amended or replaced from time to time;
- (23) **household close contact** means a person who resides with, stays with or otherwise shares accommodation with a **diagnosed person** during the diagnosed person's **infectious period**;
- (24) **infectious period** means either:
 - (a) from 48 hours before the onset of symptoms of SARS-CoV-2, until the person is given clearance from self-isolation in accordance with clause 5(1);
 - (b) if the person has not experienced symptoms of SARS-CoV-2, from 48 hours before the person is first tested for SARS-CoV-2 until the person is given clearance from self-isolation in accordance with clause 5(1);
or
 - (c) a period determined by an officer or nominated representative of the Department having regard to, and in accordance with, Departmental

Requirements and notified to the person by an officer or nominated representative of the Department;

- (25) **medical contraindication** has the same meaning as in the **Open Premises Directions**;
- (26) **medical practitioner** has the same meaning as in the **COVID-19 Mandatory Vaccination (Workers) Directions**;
- (27) **Open Premises Directions** means the **Open Premises Directions (No 3)** as amended or replaced from time to time;
- (28) **premises** means:
 - (a) a building, or part of a building; and
 - (b) any land on which the building is located, other than land that is available for communal use;
- (29) **resident of a care facility** has the same meaning as in the **Care Facilities Directions**;
- (30) **Revoked Isolation Direction** means the following directions:
 - (a) **Isolation (Diagnosis) Direction**, given on 25 March 2020;
 - (b) **Isolation (Diagnosis) Direction (No 2)**, given on 13 April 2020;
 - (c) **Diagnosed Persons and Close Contacts Directions**, given on 11 May 2020;
 - (d) **Diagnosed Persons and Close Contacts Directions (No 2)**, given on 31 May 2020;
 - (e) **Diagnosed Persons and Close Contacts Directions (No 3)**, given on 21 June 2020;
 - (f) **Diagnosed Persons and Close Contacts Directions (No 4)**, given on 1 July 2020;
 - (g) **Diagnosed Persons and Close Contacts Directions (No 5)**, given on 15 July 2020;
 - (h) **Diagnosed Persons and Close Contacts Directions (No 6)**, given on 19 July 2020;
 - (i) **Diagnosed Persons and Close Contacts Directions (No 7)**, given on 22 July 2020;
 - (j) **Diagnosed Persons and Close Contacts Directions (No 8)**, given on 3 August 2020;
 - (k) **Diagnosed Persons and Close Contacts Directions (No 9)**, given on 13 August 2020;
 - (l) **Diagnosed Persons and Close Contacts Directions (No 10)**, given on 16 August 2020;
 - (m) **Diagnosed Persons and Close Contacts Directions (No 11)**, given on 13 September 2020;

- (n) **Diagnosed Persons and Close Contacts Directions (No 12)**, given on 11 October 2020;
- (o) **Diagnosed Persons and Close Contacts Directions (No 13)**, given on 8 November 2020;
- (p) **Diagnosed Persons and Close Contacts Directions (No 14)**, given on 6 December 2020;
- (q) **Diagnosed Persons and Close Contacts Directions (No 15)**, given on 3 January 2021;
- (r) **Diagnosed Persons and Close Contacts Directions (No 16)**, given on 29 January 2021;
- (s) **Diagnosed Persons and Close Contacts Directions (No 17)**, given on 26 February 2021;
- (t) **Diagnosed Persons and Close Contacts Directions (No 18)**, given on 15 March 2021;
- (u) **Diagnosed Persons and Close Contacts Directions (No 19)**, given on 26 March 2021;
- (v) **Diagnosed Persons and Close Contacts Directions (No 20)**, given on 27 March 2021;
- (w) **Diagnosed Persons and Close Contacts Directions (No 21)**, given on 9 April 2021;
- (x) **Diagnosed Persons and Close Contacts Directions (No 22)**, given on 7 May 2021;
- (y) **Diagnosed Persons and Close Contacts Directions (No 23)**, given on 3 June 2021;
- (z) **Diagnosed Persons and Close Contacts Directions (No 24)**, given on 1 July 2021;
- (aa) **Diagnosed Persons and Close Contacts Directions (No 25)**, given on 29 July 2021;
- (bb) **Diagnosed Persons and Close Contacts Directions (No 26)**, given on 26 August 2021;
- (cc) **Diagnosed Persons and Close Contacts Directions (No 27)**, given on 23 September 2021;
- (dd) **Diagnosed Persons and Close Contacts Directions (No 28)**, given on 29 September 2021;
- (ee) **Diagnosed Persons and Close Contacts Directions (No 28)**, given on 30 September 2021;
- (ff) **Diagnosed Persons and Close Contacts Directions (No 29)**, given on 19 October 2021;
- (gg) **Diagnosed Persons and Close Contacts Directions (No 30)**, given on 21 October 2021;

(hh) **Diagnosed Persons and Close Contacts Directions (No 31)**, given on 23 October 2021.

- (31) **Senior Secondary examination** means an examination relating to a senior secondary certificate;
- (32) **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;
- (33) **worker** includes **employees**, subcontractors (and their employees), volunteers and any other person engaged or permitted by an **employer** to perform work;
- (34) the following expressions have the same meaning that they have in the **Disability Service Safeguards Act 2018**:
- (a) **disability**;
 - (b) **disability service**;
 - (c) **disability worker**.

11 Penalties

Section 203 of the PHW Act provides:

Compliance with direction or other requirement

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

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

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

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



Adjunct Clinical Professor Brett Sutton

Chief Health Officer, as authorised to exercise emergency powers under section 20A and 199(2)(a) of the PHW Act.

29 October 2021