

Guidance for the Pandemic (Quarantine, Isolation and Testing) Order 2021 (No. 1)

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

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

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

Failure to comply with this Order may result in penalties.

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

Pandemic (Quarantine, Isolation and Testing) Order 2021 (No. 1)

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Pandemic (Quarantine, Isolation and Testing) Order 2021 (No. 1)

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

Part 1 - Preliminary

1. Objective

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

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

2. Citation

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

3. Authorising provision

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

4. Commencement and revocation

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

5. Definitions

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

6. Application of this Order

- (1) This Order applies to the whole State of Victoria.

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

Part 2 – Self-isolation for diagnosed persons

7. Who is a diagnosed person?

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

8. Requirement to self-isolate

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

*Note: the requirements of self-isolation are specified in clause 25. A diagnosed person can still leave the **premises** at which they are self-isolating to obtain medical care.*

9. Location of self-isolation

- (1) A diagnosed person must self-isolate:
- (a) if clause 8(1)(a) applies, at the premises chosen by the person under subclause (2); or
 - (b) if clause 8(1)(b) applies, at the premises at which the person was required to reside under the **Diagnosed Persons and Close Contacts Directions (No. 35)**.
- (2) For the purposes of subclause (1)(a), the diagnosed person may choose to self-isolate at:

- (a) a premises at which they ordinarily reside; or
- (b) another premises that is suitable for the person to reside in for the purpose of self-isolation.

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

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

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

10. Self-isolation period

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

11. Notifications by the diagnosed person

- (1) Immediately after choosing a premises under clause 9(2), the diagnosed person must:
 - (a) if any other person is residing at the premises chosen by the diagnosed person, notify the other person that:
 - (i) the diagnosed person has been diagnosed with COVID-19; and
 - (ii) the diagnosed person has chosen to self-isolate at the premises; and
 - (b) notify the Department of:
 - (i) the address of the premises chosen by the diagnosed person; and
 - (ii) the name of any other person who is residing at the premises chosen by the diagnosed person.

- (2) If, during the period that a diagnosed person is self-isolating at a premises for the purposes of clause 8(1), another person informs the diagnosed person that they intend to commence residing at the premises chosen by the diagnosed person:
- (a) the diagnosed person must inform the other person of their diagnosis; and
 - (b) if the other person commences residing at the premises, the diagnosed person must notify the Department that a person has commenced residing with the diagnosed person and the name of that person.
- (3) The diagnosed person must notify the persons listed below that the diagnosed person has been diagnosed with COVID-19, and of the diagnosed person's infectious period:
- (a) the operator of any work premises at which the diagnosed person ordinarily works, if the diagnosed person attended an indoor space at the work premises during their infectious period; or
 - (b) the operator of any education facility at which they are enrolled, if the diagnosed person attended an indoor space at the education facility during their infectious period.

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

Part 3 – Self-quarantine for close contacts

12. Who is a close contact?

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

13. Requirement to self-quarantine

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

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

14. Location of self-quarantine

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

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

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

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

15. Period of self-quarantine

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

16. End of period of self-quarantine

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

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

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

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

17. Exception — previous clearance

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

18. Review of determination and notice

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

19. Notifications by the close contact

If a close contact is required to self-quarantine under clause 13 and, during the period of self-quarantine, another person informs the close contact that they intend to commence residing at the premises chosen by the close contact the close contact must inform the other person of their self-quarantine.

20. Testing of persons in self-quarantine

- (1) If a close contact is required to self-quarantine under clause 13 and, during the period of self-quarantine, the person:
 - (a) undertakes a COVID-19 PCR test; and

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

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

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

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

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

- (2) If a close contact is required to self-quarantine under clause 13 and, during the period of self-quarantine, the person receives a test result stating that they have been diagnosed with COVID-19, the person becomes a diagnosed person and must self-isolate under clause 8.
- (3) If a close contact is required to self-quarantine under clause 13 and, during the period of self-quarantine, the person receives a test result stating that they have not been diagnosed with COVID-19, the person:
 - (a) if the period of self-quarantine has not expired—must continue to self-quarantine under clause 13 for the remainder of the self-quarantine period; or
 - (b) if the period of self-quarantine was extended under subclause (1)—may cease self-quarantining immediately; or
 - (c) if the period of self-quarantine was extended under subclause (4)—may cease self-quarantining at the time referred to in subclause (4)(c) and, if that time has already passed, may cease self-quarantining immediately.
- (4) If a close contact is required to self-quarantine under clause 13 and:
 - (a) clause 15(1) applies to the person and the person refuses or otherwise fails to take a COVID-19 PCR test when offered on the sixth day of their period of self-quarantine; and
 - (b) clause 15(2) applies to the person and the person refuses or otherwise fails to take a COVID-19 PCR test when offered on the thirteenth day of their period of self-quarantine,

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

- (c) a period specified in the notice (which must not exceed 14 days); or
- (d) the person receives a test result stating that they have not been diagnosed with COVID-19,

and must give the person notice of the decision.

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

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

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

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

Part 4 – Exposed persons

21. Notifications by the operator

- (1) An operator of a work premises or an education facility who has been informed under clause 11(3) that a diagnosed person attended an indoor space at that work premises or education facility during the diagnosed person's infectious period, must take reasonable steps to notify:
 - (a) their employees or persons enrolled at the education facility who were present in the same indoor space as the diagnosed person during their infectious period, as the case may be, that those employees or persons enrolled at the education facility:

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

22. Self-quarantine of exposed persons

- (1) A person who has been notified under clause 21(1) that they may have been exposed to COVID-19 must:
- (a) self-quarantine immediately from the time they were notified that they may have been exposed to COVID-19; and
 - (b) undertake a COVID-19 PCR test; and
 - (c) remain in self-quarantine until they receive a negative result from the COVID-19 PCR test; and
 - (d) notify the operator of the relevant work premises or education facility of the result of the COVID-19 PCR test.
- (2) In addition to subclause (1), if a person who has been notified under clause 21(1) is enrolled at an education facility, they must produce to the operator of the education facility acceptable evidence of a negative result from the COVID-19 PCR test within 24 hours of receiving the negative result and before returning to the education facility.

Note: the exposed person's parent, guardian or carer may notify the operator of the education facility on behalf of the exposed person, for the purpose of subclause (1)(d) and (2).

23. Collection of information by operators

- (1) The operator of a work premises or education facility must collect, record and store the following information:
 - (a) a list of employees or persons enrolled at the education facility who have been notified under clause 21(1) that they may have been exposed to COVID-19; and
 - (b) the results of the tests for COVID-19 of those employees or persons enrolled at the education facility who may have been exposed to COVID-19, including the acceptable evidence of a negative test result for COVID-19 provided to the operator of the education facility under clause 22(2).
- (2) For the purposes of complying with this clause, an operator of a work premises or education facility is authorised to use any information that it holds under subclause (1).

24. Notification of exposure by the Department

- (1) A person who has been notified by the Department that they may have been exposed to COVID-19 must:
 - (a) self-quarantine immediately from the time they were notified that they may have been exposed to COVID-19; and
 - (b) undertake a COVID-19 PCR test within 24 hours of being notified that they may have been exposed to COVID-19; and
 - (c) remain in self-quarantine until they receive a negative test result for COVID-19.
- (2) The Service Victoria CEO:
 - (a) may provide exposure notifications to persons through the Service Victoria App advising that they may have been exposed to COVID-19 in accordance with data managed by the Department of Health; and
 - (b) persons who receive a notification under subclause (a) must follow any direction contained in the notification received through the Service Victoria App.

Part 5 – General provisions

25. Requirements of self-isolation and self-quarantine

- (1) This clause applies to a person who is required to:
 - (a) self-isolate at a premises under clause 8; or

- (b) self-quarantine at a premises under clause 13.
- (2) The person identified in subclause (1):
- (a) must reside at the premises for the entirety of the period of self-isolation or self-quarantine, as the case requires, except for any period that the person is admitted to a hospital or other facility for the purposes of receiving medical care; and
 - (b) must not leave the premises, except:
 - (i) for the purposes of obtaining medical care or medical supplies; or
 - (ii) for the purposes of transporting another person with whom they reside to or from a hospital if the person identified in subclause (1) is asymptomatic for COVID-19; or
 - (iii) for the purposes of getting tested for COVID-19; or
 - (iv) in any emergency situation; or
 - (v) if required to do so by law; or
 - (vi) for the purposes of visiting a patient in hospital if permitted to do so under the **Visitors to Hospitals and Care Facilities Order**; or
 - (vii) for the purposes of working in a care facility if permitted to do so under the **Visitors to Hospitals and Care Facilities Order**; or
 - (viii) for the purpose of sitting a Senior Secondary examination provided that the person is not a diagnosed person; or
 - (ix) where:
 - (A) the person is a close contact but is not residing at the same premises where a diagnosed person is self-isolating; and
 - (B) the person:
 - (1) was enrolled at an education facility at the time they became a close contact; and
 - (2) is unvaccinated or an excepted person,

to attend that education facility for a relevant purpose on and from day 8 of their period of self-quarantine, only if the person or the person's parent, guardian or carer:

 - (C) obtains confirmation from the operator of the education facility that it is maintaining a system to collect, hold and

record the information provided to it under subclauses (D) and (E);

(D) provides acceptable evidence to the operator of the education facility prior to the person's first attendance at the education facility since becoming a close contact that the person:

(1) is not residing with a diagnosed person; and

(2) has undertaken a COVID-19 PCR test on day 6 of their period of self-quarantine and received a test result that they have not been diagnosed with COVID-19; and

(E) provides acceptable evidence to the operator of the education facility prior to the person entering an indoor space at the education facility on each day on and from day 8 of their period of self-quarantine that the person has undertaken a COVID-19 rapid antigen test and received a negative test result; and

(c) must not permit any other person to enter the premises unless:

(i) that other person:

(A) ordinarily resides at the premises; or

(B) is required to self-isolate or self-quarantine at the premises under this Order; or

(ii) it is necessary for the other person to enter for medical or emergency purposes; or

(iii) the other person is a disability worker, and it is necessary for the disability worker to enter for the purpose of providing a disability service to a person with a disability; or

(iv) it is necessary for the other person to enter for the purpose of providing personal care or household assistance to the person as a result of that person's age, disability or chronic health condition; or

Examples: personal care includes assistance with showering, toileting, eating; household assistance includes help with cooking, house cleaning, laundry and gardening.

(v) the entry is otherwise required or authorised by law.

(3) A person who is required to complete a COVID-19 rapid antigen test in accordance with subclause (2)(b)(ix)(E) must:

- (a) undertake a second COVID-19 rapid antigen test as soon as possible if the person receives an invalid test result from the COVID-19 rapid antigen test, such that it is not possible to conclude that the result is a negative test result; and
 - (b) if the result of the first COVID-19 rapid antigen test is positive, or the result of the second COVID-19 rapid antigen test is invalid, such that it is not possible to conclude that the result is negative:
 - (i) complete a COVID-19 PCR test within 24 hours; and
 - (ii) not attend the education facility until the person receives a negative test result for COVID-19.
- (4) In the event that a person receives a positive test result from either a COVID-19 rapid antigen test or a COVID-19 PCR test referred to in subclauses (2)(b)(ix)(D), (2)(b)(ix)(E) and (3), the person or the person's parent, guardian or carer must notify the operator of the education facility of the test result by the next day that the education facility is operational following receipt of the test result.
- (5) The operator of an education facility may maintain a system to collect, hold and record the information provided to it under subclauses (2)(b)(ix)(D), (2)(b)(ix)(E) and (4).
- (6) An operator of an education facility is authorised to use any information that it has been provided under the system maintained under subclause (5).
- (7) Subclause (2)(c) does not apply to a person who is a resident of a care facility.

*Note: the **Visitors to Hospitals and Care Facilities Order** governs who can enter a care facility.*

- (8) Despite subclause (2)(a):
- (a) a diagnosed person who is required to self-isolate; or
 - (b) a close contact who is required to self-quarantine,

may apply under clause 27(2) to the Chief Health Officer, a Deputy Chief Health Officer, a Director or Medical Lead of a designated Local Public Health Unit for an exemption from the requirement to remain at the premises chosen for the purposes of subclause (2)(a) for the purpose of moving to an alternate premises for the remainder of the period of self-quarantine or self-isolation.

- (9) Despite subclause (2)(a), a healthcare worker who is a close contact and required to self-quarantine, may apply to the Chief Health Officer, a Deputy Chief Health Officer or a Director or Medical Lead of a designated Local Public Health Unit under clause 28(2) for an exemption from the requirement to remain at the premises chosen for the purposes of subclause (2)(a) for the purpose of a healthcare worker who is a close contact returning to work.

26. General exemption power

- (1) A person is not required to comply with a requirement of this Order if the person is granted an exemption from that requirement under subclause (2).
- (2) The Chief Health Officer or Deputy Chief Health Officer may exempt a person or a group of persons, from any or all requirements contained in this Order, if satisfied that an exemption is appropriate, having regard to the:
 - (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the **Public Health and Wellbeing Act 2008**, as appropriate.
- (3) An exemption under subclause (2) must:
 - (a) be given, in writing, to the person or a group of persons the subject of the exemption; and
 - (b) specify the requirement or requirements that the person or a group of persons need not comply with.
- (4) An exemption granted to a person or group of persons under this clause does not prevent an authorised officer from exercising a pandemic management power to give a person or a group of persons a different order or impose a different requirement on the person or group of persons.

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

- (1) A person is not required to comply with the requirement to remain at the premises chosen for the purposes of clause 25(2)(a) for the purpose of moving to an alternate premises for the remainder of the period of self-isolation or self-quarantine if the person is granted an exemption from the requirement under subclause (2).
- (2) The Chief Health Officer, a Deputy Chief Health Officer or a Director or Medical Lead of a designated Local Public Health Unit may exempt a person or group of persons from any or all requirements in clauses 9(1), 9(2) (location of self-isolation) or 14 (location of self-quarantine) or 25(2)(a), if satisfied that an exemption from a requirement is appropriate having regard to the:
 - (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the **Public Health and Wellbeing Act 2008**, as appropriate.
- (3) An exemption under subclause (2) must:
 - (a) be given, in writing, to the person the subject of the exemption; and

- (b) specify the requirement or requirements that the person need not comply with.
- (4) An exemption granted to a person under subclause (2) does not prevent an authorised officer from exercising a pandemic management power to give the person a different order or impose a different requirement on the person.

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

- (1) A healthcare worker who is a close contact is not required to comply with a requirement to remain at the premises chosen for the purposes of clause 25(2)(a) for the purpose of the healthcare worker returning to work if the person is granted an exemption from the requirement under subclause (2).
- (2) The Chief Health Officer, a Deputy Chief Health Officer, a Director or Medical Lead of a designated Local Public Health Unit may exempt a person from any or all of the requirements of clause 14(location of self-quarantine) or clause 25(2)(a), if satisfied that an exemption from that requirement is appropriate having regard to the:
 - (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the **Public Health and Wellbeing Act 2008**, as appropriate.
- (3) An exemption under subclause (2) must:
 - (a) be given, in writing, to the person the subject of the exemption; and
 - (b) specify the requirement or requirements that the person need not comply with.
- (4) An exemption granted to a person under subclause (2) does not prevent an authorised officer from exercising a pandemic management power to give the person a different order or impose a different requirement on the person.

29. Severability

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

30. Transitional provisions

- (1) A reference in any pandemic order in force (other than a revoked direction) to the **Diagnosed Persons and Close Contacts Directions (No. 35)** is taken on and after the revocation of the **Diagnosed Persons and Close Contacts Directions (No. 35)** to be a reference to this Order.

- (2) Any act matter or thing that had effect under the **Diagnosed Persons and Close Contacts Directions (No. 35)** immediately before they were revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which the **Diagnosed Persons and Close Contacts Directions (No. 35)** were subject immediately before they were revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.
- (5) In this clause:

revoked direction means a direction that is:

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

Part 6 - Penalties

31. Penalties

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

Failure to comply with pandemic order, direction or other requirement

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

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

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

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

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

Schedule 1 - Definitions

For the purposes of this Order:

acceptable evidence means evidence of the matters described in clauses 21(2), 23(1)(b), 25(2)(b)(ix)(D) and 25(2)(b)(ix)(E) that the relevant operator of the education facility determines is acceptable;

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

adult education or higher education premises means a premises that operates for the purpose of providing **higher education services**;

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

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

childcare or early childhood service means onsite early childhood education and care services or children's services provided under the:

- (a) **Education and Care Services National Law and the Education and Care Services National Regulations**, including long day care services, kindergartens and/or preschool and family daycare services, but not including outside **school** hours care services; and
- (b) **Children's Services Act 1996**, including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;

close contact has the meaning in clause 12(1);

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

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

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

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

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

Department means the Victorian Department of Health;

Departmental Requirements means the document titled 'Case, Contact and Outbreak Management Policy', as amended or reissued from time to time by the Victorian Government with the approval of the Chief Health Officer or a Deputy Chief Health Officer;

designated Local Public Health Unit means:

- (a) Western Public Health Unit;
- (b) South Eastern Public Health Unit;
- (c) North Eastern Public Health Unit;
- (d) Barwon South West Public Health Unit;
- (e) Grampians Wimmera Southern Mallee Public Health Unit;
- (f) Loddon-Mallee Public Health Unit;
- (g) (Hume) Goulburn Valley Public Health Unit;
- (h) (Hume) Albury-Wodonga Public Health Unit;
- (i) Gippsland Public Health Unit;

diagnosed person has the meaning in clause 7(1);

Director or Medical Lead of a designated Local Public Health Unit means a person with the title of Director or Medical Lead in a designated Local Public Health Unit who is authorised under section 199(2)(a) of the **Public Health and Wellbeing Act 2008** to exercise the pandemic management powers or to exercise public health risk powers;

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

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

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

education facility means:

- (a) premises at which a childcare or early childhood service is provided;
- (b) premises at which an outside school hours care service is provided;
- (c) a school;
- (d) school boarding premises;
- (e) for the purposes of clause 25 only, an adult education or higher education premises;

employee includes a person who is self-employed;

employer means a person who owns, operates or controls work premises (or a work premises) and includes a person who is self-employed;

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

exemption means an exemption granted by the Chief Health Officer or the Deputy Chief Health Officer, or a Director or Medical Lead of a designated Local Public Health Unit under clause 26(2), 27(2), 28(2) of these directions;

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

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

higher education services means educational services provided at or by a university, vocational education and training providers (including registered training organisations), technical and further education (TAFE) institutes, adult community and further education, senior secondary certificates and other post-compulsory education or training;

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

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

- (a) permanent or temporary; or
- (b) open or closed;

infectious period means the period:

- (a) commencing:
 - (i) if the person undertook a COVID-19 PCR test (from which they were diagnosed with COVID-19) without experiencing symptoms of COVID-19, 48 hours before the person undertook the COVID-19 PCR test; or
 - (ii) if the person was experiencing symptoms of COVID-19 at the time they undertook a COVID-19 PCR test (from which they were diagnosed with COVID-19), 48 hours before the person first experienced symptoms; and
- (b) concluding:
 - (i) 10 days after the date on which the person undertook the COVID-19 PCR test (from which they were diagnosed with COVID-19); or
 - (ii) such other time as specified by an officer or nominated representative of the Department;

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

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

outbreak means a declaration made by the Chief Health Officer, a Deputy Chief Health Officer, a Director or Medical Lead of a designated Local Public Health Unit in relation to a

specific location at which diagnosed persons were present at a specific time, which presents a public health risk of the transmission of COVID-19;

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

premises means:

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

relevant purpose means the purpose of:

- (a) participating in any activity that is onsite at the education facility other than at an adult education or higher education premises; or
- (b) for secondary school students, undertaking a senior secondary certificate (the Victorian Certificate of Education (VCE) or the Victorian Certificate of Applied Learning (VCAL)) or Vocational Education and Training (VET) at an adult education or higher education premises;

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

revoked direction has the meaning in clause 30(5);

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

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

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

Service Victoria App means the digital system provided by the Service Victoria CEO and other parts of the Victorian Government;

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

Senior Secondary examination means an examination relating to a senior secondary certificate;

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

- (a) Vaxzevria (AstraZeneca);
- (b) Comirnaty (Pfizer);
- (c) Spikevax (Moderna);
- (d) Coronvac (Sinovac);

- (e) Covishield (Astrazeneca/Serum Institute of India);
- (f) Covaxin (Bharat Biotech);
- (g) BBIP-CorV (Sinopharm);

unvaccinated has the same meaning as in the **COVID-19 Mandatory Vaccination (Specified Workers) Order**;

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

work premises means the premises of an employer in which work is undertaken, including any vehicle whilst being used for work purposes, but excluding a worker's ordinary place of residence;

worker includes employees, subcontractors (and their employees), volunteers and any other person engaged or permitted by an employer to perform work.



Martin Foley MP, Minister for Health

15 December 2021