

# Guidance for the Pandemic (Workplace) Order 2022 (No. 9)

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 if the worker is under 18 years of age and is not fully vaccinated, or the worker is 18 years or over and is not fully vaccinated (boosted), in order to limit the spread of COVID-19 within the population of those workers.

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

- (1) collect, record and hold certain vaccination information of workers;
- (2) not permit workers to work outside their ordinary place of residence unless the worker is under 18 years of age and is fully vaccinated, or the worker is 18 years or over and is fully vaccinated (boosted), or an excepted person or unless an exception applies to the worker; and
- (3) 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 not fully vaccinated (for workers under 18 years of age) or not fully vaccinated (boosted) (for workers aged 18 years or over) from working outside the worker's ordinary place of residence, or at a facility, 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 9) and is for explanatory purposes only.*

*Public Health and Wellbeing Act 2008*  
**Pandemic (Workplace) Order 2022 (No. 9)**

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*Public Health and Wellbeing Act 2008*  
**Pandemic (Workplace) Order 2022 (No. 9)**

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. 9)**.

### **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 24 June 2022 and ends at 11:59:00pm on 12 July 2022.
- (2) The **Pandemic (Workplace) Order 2022 (No. 8)** is revoked at 11:59:00pm on 24 June 2022.

### **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**

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

Where the **Public Safety Order** requires a face covering to be worn in a work premises or part of a work premises:

- (1) an employer in relation to that work premises; or
- (2) 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 that a worker who is a symptomatic person 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.

##### *Facility workers*

- (2) 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 facility worker became fully vaccinated.

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

- (1) If:
  - (a) a specified worker or facility worker is aged 18 years or over; and
  - (b) the worker is, or may be, scheduled to work outside the worker's ordinary place of residence,

the specified employer or the facility operator (as applicable) must collect, record and hold the following vaccination information about the specified worker or facility worker:

- (c) whether the specified worker or facility worker is fully vaccinated (boosted); and
  - (d) if the specified worker or facility worker is fully vaccinated (boosted) – the date on which the person became fully vaccinated (boosted).
- (2) If an exception under clause 29 applies to a specified worker or facility worker, the specified employer or a 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 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 29 applies to the worker, the specified employer or 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**

A regulated employer must comply with the obligations in clause 16 and 17 as soon as reasonably practicable after the commencement of this Order.

## **Division 2 — Authorisation and disclosure of vaccination information**

### **19 Authorisation to hold or use vaccination information**

- (1) 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.
- (2) If a "regulated employer", as defined under the **Pandemic (Workplace) Order (No. 8)**, was required to collect, record or hold vaccination information under a Revoked Pandemic (Workplace) Order, they are authorised to hold that information.

*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 or 17, 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 under 18 years of age 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 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 aged 18 years or over 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 27(1) obliges the facility operator to take all reasonable steps to ensure that the worker under 18 years of age 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 the facility worker is aged 18 years or over, clause 27(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 specified worker under 18 years of age to work for that employer outside the worker's ordinary place of residence, unless the specified worker is fully vaccinated or an excepted person; and
  - (c) if the specified 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 aged 18 years or over 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 under 18 years of age 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 the facility worker is aged 18 years or over, clause 27(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**

Clause 16(1) and 16(2) do not apply in relation to a specified worker or a facility worker if the specified employer or facility operator (as applicable) already holds, in relation to the relevant worker, information that the worker:

- (1) is fully vaccinated or fully vaccinated (boosted) (as applicable); or
- (2) 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 and 17 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**

*Fully vaccinated requirement for workers under 18 years*

- (1) If a specified worker is under 18 years of age, the specified employer of the worker must not permit the 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 requirement for workers aged 18 years and over*

- (2) If a specified worker is aged 18 years and over, the specified employer of the worker must not permit the worker to work for that employer outside the worker's ordinary place of residence unless the worker is fully vaccinated (boosted) or an excepted person, 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.

*Exception – risk of harm*

- (4) Subclauses (1) and (2) do not apply if it is not reasonable for the specified worker to work from their ordinary place of residence because of a risk of harm (including harm relating to family violence or violence of another person at the premises).

## **Division 2 – Facility workers**

### **27 Prevention of entry to premises**

*Fully vaccinated requirement for workers under 18 years*

- (1) If a facility worker is under 18 years of age, a facility operator must take all reasonable steps to ensure that the 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.

*Booster requirement for workers aged 18 years and over*

- (2) If a facility worker is aged 18 years and over, a facility operator must 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, 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.

*Exception – risk of harm*

- (4) Subclauses(1) and(2) do not apply if it is not reasonable for the facility worker to work from their ordinary place of residence because of a risk of harm (including harm relating to family violence or violence of another person at the premises).

## Part 5 — Exceptions

### 28 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 aged 18 years and over 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, if the worker is fully vaccinated (boosted).*

### 29 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 aged 18 years and over 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 if the worker is fully vaccinated (boosted).*

### 30 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 aged 18 years and over 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 if the worker is fully vaccinated (boosted).*

### **31 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 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 period of self-isolation for a worker aged 18 years and over 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 if the worker is fully vaccinated (boosted).*

### **32 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.

### **33 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 facility, the facility operator does not have the obligation in subclause (3)(b).
- (5) If a circumstance specified in subclause (2) applies in relation to a facility, the relevant facility operator must take all reasonable steps to ensure that the 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**

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

The Service Victoria CEO is authorised to notify a person through the Service Victoria App that the person:

- (1) is eligible to receive a booster dose; or

- (2) will shortly become eligible to receive a booster dose,

by using the information contained in the person's COVID-19 digital certificate issued by Services Australia and displayed through the Service Victoria App.

## **Part 7 – General provisions**

### **35 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.

### **36 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.

### **37 Transitional provisions**

- (1) A reference in any pandemic order in force (other than this Order) 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

### 38 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;

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

Work premises (Column 1)	Elective surgery restrictions (Column 2)
<p>Private hospitals (excluding day procedure centres) in the local government area of the City of Ballarat, the City of Greater Shepparton, the City of Greater Bendigo, the City of Latrobe, the Rural City of Wangaratta and the City of Greater Geelong.</p> <p>Private hospitals and day procedure centres in Metropolitan Melbourne.</p>	<p>(a) An employer may only permit elective surgery (including multi-day surgery and non-urgent surgery) to be performed if the employer does not exceed the volume cap on elective surgery procedures in paragraph (b).</p> <p>(b) An employer must ensure that the volume of elective surgery procedures performed per week at each registered facility does not exceed 100 per cent of the usual volume of allocated list time prior to the introduction of restrictions on elective surgery procedures under the revoked <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>
<p>All public health services in Victoria.</p>	<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>



**Work premises (Column 1) Elective surgery restrictions**

**(Column 2)**

	<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>
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## Schedule 2 — Specified Workers

Row	Worker (Column 1)	Worker-specific definitions
1.	custodial worker	Schedule 4, Division 2, Clause 12
2.	disability worker	Schedule 4, Division 2, Clause 13
3.	emergency service worker	Schedule 4, Division 2, Clause 14

### Schedule 3 – Facilities

<b>Row</b>	<b>Facility (Column 1)</b>	<b>Facility operator (Column 2)</b>	<b>Facility worker (Column 3)</b>	<b>Facility-specific definitions</b>
<b>1.</b>	healthcare facility	<b>healthcare operator</b>	<b>healthcare worker</b>	Clause 45 of Schedule 4
<b>2.</b>	residential aged care facility	<b>approved provider</b> with responsibility for that residential aged care facility	<b>residential aged care facility worker</b>	Clause 46 of Schedule 4
<b>3.</b>	specialist school facility	<b>specialist school operator</b>	<b>specialist education worker</b>	Clause 47 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 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) **employee** includes a person who is self-employed;
- (2) **employer** means a person who owns, operates or controls work premises (or a work premises) and includes a person who is self-employed;
- (3) **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;
- (4) **facility** means a facility identified in Column 1 of Schedule 3 for the purposes of this Order, except in relation to Division 3 and 4 of Schedule 4;
- (5) **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 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;
- (6) **facility worker** means a person identified in Column 3 of Schedule 3 for that facility, but does not include an excluded worker;
- (7) **regulated employer** means:
  - (a) a specified employer;
  - (b) a facility operator;
- (8) **specified employer** means a person who employs or engages a specified worker, or if the specified worker is self-employed – the specified worker;
- (9) **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;
- (10) **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:

- (1) an accommodation worker; or
- (2) agricultural and forestry worker; or
- (3) airport worker; or
- (4) ancillary, support and welfare worker; or
- (5) authorised officer; or
- (6) care worker; or
- (7) community worker; or
- (8) creative arts worker; or
- (9) custodial worker; or
- (10) emergency service worker; or
- (11) entertainment and function worker; or
- (12) food distribution worker; or
- (13) funeral worker; or
- (14) higher education worker; or
- (15) justice worker; or
- (16) manufacturing worker; or
- (17) marriage celebrant; or

- (18) meat and seafood processing worker; or
- (19) media and film production worker; or
- (20) mining worker; or
- (21) physical recreation worker; or
- (22) port or freight worker; or
- (23) professional sports, high performance sports or racing person; or
- (24) professional services worker; or
- (25) public sector worker; or
- (26) quarantine accommodation worker; or
- (27) real estate worker; or
- (28) religious worker; or
- (29) repair and maintenance worker; or
- (30) retail worker; or
- (31) science and technology worker; or
- (32) social and community service worker; or
- (33) transport worker; or
- (34) utility and urban worker; or
- (35) veterinary and pet/animal care worker,

who:

- (36) directly provides a disability service to a person with a disability; or
- (37) supervises or manages another person who directly provides a disability service to a person with a disability,

but does not include a person who:

- (38) 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

- (39) 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**

#### **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 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.

#### 42 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) **vehicle** has the same meaning as in the **Public Health and Wellbeing Act 2008**.

#### 43 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 daycare services, but not including outside school hours care services; and
  - (b) **Children's Services Act 1996**, including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;
- (2) **education facility** means:
- (a) premises at which a childcare or early childhood service is provided;
  - (b) premises at which an outside school hours care service is provided;
  - (c) a school;
  - (d) school boarding premises;
- 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) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
  - (5) **school boarding premises** means a registered school boarding premises, as defined in the **Education and Training Reform Act 2006**.

#### **44 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 **food court** has the same meaning as in the **Liquor Control Reform Act 1998**; and
- (2) **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
- (3) **general licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
  - (4) **late night licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
  - (5) **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
  - (6) **on-premises licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
  - (7) **packaged liquor licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and
  - (8) **producer's licence** has the same meaning as in the **Liquor Control Reform Act 1998**; and

#### **45 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.

#### **46 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.

#### **47 Specialist school facility**

For the purposes of this Order:

- (1) **registered school** has the same meaning as in the **Education and Training Reform Act 2006**;
- (2) **specialist school facility** means a registered school established for the main purpose of providing instruction for students with a disability,

*Note: where a multi-campus school includes a campus the main purpose of which is to provide instruction for students with a disability, a reference to "specialist school" is taken to be a reference to that campus and not other campuses of the school that are established for other purposes.*



- (3) **specialist school operator** means a person who operates a specialist school facility;
- (4) **specialist education worker** means:
- (a) any person who is employed by a specialist school operator to work in a specialist school facility (including teachers, early childhood educators and educational support staff);
  - (b) a person contracted to work at a specialist school facility and who will or may be in close proximity to children, students or staff, whether or not engaged by the specialist school 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 a specialist school facility (such as allied health personnel or Authorised Officers);
  - (d) staff of any other entity who attends a specialist school facility;
  - (e) volunteers that attend a specialist school facility and that work in close proximity to children, students or staff (including parent helpers);
  - (f) students on placements at a specialist school facility;
  - (g) a person providing healthcare services at a specialist school facility,
- but does not include:
- (h) a person attending a specialist school facility outside of the specialist school facility's normal operating hours, where the facility is hired, leased, operated or controlled by a community group; or
- Example: workers attending a specialist school facility for community sporting activities outside of normal operating hours.*
- (i) a person attending a specialist school facility outside of the specialist school 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 specialist school facility are present.

*Example: a candidate for a state or federal election attending a specialist school facility for a site visit outside of normal operating hours.*

## **Division 4 — 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;

**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;

**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:
  - (a) been attributed to a previous dose of a COVID-19 vaccine by an experienced immunisation provider or medical specialist (and not attributed to any another identifiable cause); and
  - (b) been reported to State adverse event programs and/or the Therapeutic Goods Administration;

**medical practitioner** means:

- (1) a general practice registrar on an approved 3GA training placement; or
- (2) a public health physician; or
- (3) an infectious disease physician; or
- (4) a clinical immunologist; or
- (5) a general practitioner who is vocationally registered; or
- (6) a general practitioner who is a fellow of the Royal Australian College of General Practitioners (RACGP); or
- (7) a general practitioner who is a fellow of the Australian College of Rural and Remote Medicine (ACRRM); or
- (8) a paediatrician; or
- (9) a medical practitioner who is a fellow of the Royal Australasian College of Physicians;

**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;

**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 **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 (No. 2)**;

**Quarantine, Isolation and Testing Order** means the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 9)**;

**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. 8)**, 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;

**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;

**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.



**Martin Foley MP, Minister for Health**

20 June 2022