

Guidance for the Pandemic (Public Safety) Order 2022 (No. 3)

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

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

This Order also prohibits certain visitors and workers attending care facilities to protect vulnerable persons from harm caused by the transmission of COVID-19.

An operator of a care facility must not permit visitors to enter the premises unless they have received a negative result from a COVID-19 rapid antigen test or fall under a relevant exception.

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

- (1) facilitate telephone, video or other electronic communication with residents and family and support persons to ensure the physical, emotional and social wellbeing of residents; and
- (2) ensure that an excluded person does not enter the premises; and
- (3) keep a record of visitors who are care facility excluded persons undertaking an end of life visit, and times of entry and exit for those visitors, for at least 28 days from the day of entry.

Failure to comply with this Order may result in penalties.

This guidance does not form part of the Pandemic (Public Safety) Order 2022 (No. 3) and is for explanatory purposes only.

Pandemic (Public Safety) Order 2022 (No. 3)

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Pandemic (Public Safety) Order 2022 (No. 3)

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

Part 1 – Preliminary

1 Objective

The objective of this Order is to address the serious public health risk posed to the State of Victoria by the spread of COVID-19 by requiring everyone in the State of Victoria to carry and wear face coverings in certain settings and to restrict access to care facilities in order to limit the spread of COVID-19 within a particularly vulnerable population.

2 Citation

This Order may be referred to as the **Pandemic (Public Safety) Order 2022 (No. 3)**.

3 Authorising provision

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

4 Commencement and revocation

- (1) The **Pandemic (Public Safety) Order 2022 (No. 3)** commences at 11:59:00pm on 12 July 2022 and ends at 11:59:00pm on 12 October 2022.
- (2) The **Pandemic (Public Safety) Order 2022 (No. 2)** is revoked at 11:59:00pm on 12 July 2022.

5 Definitions

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

6 Application of this Order

This Order applies to the whole State of Victoria.

Part 2 – Work and face covering requirements for individuals

7 Work

A person must not perform work outside of the person's ordinary place of residence or enter, or remain on, a work premises to perform work, if the employer of the person or the operator of their work premises, is not permitted to allow the person to do so under the Workplace Order.

8 Face covering requirements

(1) A person must:

- (a) carry a face covering at all times, except where subclause (2)(a), (2)(b), (2)(c), (2)(d), (2)(e) or (2)(f) applies; and
- (b) wear a face covering:
 - (i) while in an indoor space that is a publicly accessible area of a healthcare premises; or
 - (ii) while working in an indoor space:
 - (A) that is a publicly accessible area of a court or justice centre; or
 - (B) at a prison, police gaol, remand centre, youth residential centre, youth justice centre or post-sentence facility; or
 - (C) in a resident-facing role at a care facility, including when not interacting with residents; or
 - (iii) while visiting a hospital or a care facility; or
 - (iv) while on public transport or in a commercial passenger vehicle or in a vehicle being operated by a licensed tourism operator; or
 - (v) if the person is required to self-isolate, self-quarantine or is a close contact under the **Quarantine, Isolation and Testing Order** and leaves the premises in accordance with that Order; or
 - (vi) if the person has been tested for COVID-19 and is awaiting the results of that test, except where that test was taken as part of a surveillance or other asymptomatic testing program; or
 - (vii) where required to do so in accordance with any other pandemic orders in force.

Note 1: face shields on their own do not meet the face covering requirements. For further information, please refer to the Department of Health's guidelines as amended or replaced from time to time by the Victorian Government, available at: www.coronavirus.vic.gov.au/face-masks.

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

(2) Subclause (1)(b) does not apply if a person complies with any other requirements under any other pandemic orders in force and:

- (a) the person is an infant or a child under the age of 8 years; or
- (b) the person is a prisoner in a prison (either in their cell or common areas), subject to any policies of that prison; or
- (c) the person is detained in a remand centre, youth residential centre or youth justice centre (either in their room or common areas), subject to any policies of that centre; or
- (d) the person is a resident in a post-sentence facility (either in their room or common areas), while they are at the facility and subject to any policies of that facility; or
- (e) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or

Examples: persons who have obstructed breathing, a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.

- (f) it is not practicable for the person to comply with subclause (1)(b) because the person is escaping harm or the risk of harm, including harm relating to family violence or violence of another person; or
- (g) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (h) the nature of a person's work means that wearing a face covering creates a risk to their health and safety; or
- (i) the nature of a person's work means that clear enunciation or visibility of the mouth is essential; or

Example: broadcasting.

- (j) the person is working by themselves in an enclosed indoor space (unless and until another person enters that indoor space); or
- (k) the person is a professional sportsperson when training or competing; or

- (l) the person is engaged in any strenuous physical exercise; or
Examples: jogging, running, swimming, cycling.
- (m) the person is riding a bicycle or motorcycle; or
- (n) the person is consuming:
 - (i) medicine; or
 - (ii) food or drink; or
- (o) the person is smoking or vaping (including e-cigarettes) while stationary; or
- (p) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
- (q) the person is receiving a service and it is not reasonably practicable to receive that service wearing a face covering; or
- (r) the person is providing a service and it is not reasonably practicable to provide that service wearing a face covering; or
- (s) the person is asked to remove the face covering to ascertain identity; or
Example: a person may be asked by police, security, bank or post office staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.
- (t) for emergency purposes; or
- (u) when required or authorised by law; or
- (v) when doing so is not safe in all the circumstances.

9 Face covering requirements on aircraft

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

Note: face shields on their own do not meet the face covering requirements. For further information, please refer to the Department of Health's guidelines as amended or

replaced from time to time by the Victorian Government, available at: www.coronavirus.vic.gov.au/face-masks.

- (2) Subclauses (1)(b) and (1)(c) do not apply if a person complies with any other requirements under any other pandemic orders in force and:
- (a) the person is an infant or a child under the age of 12 years; or
 - (b) the person has a physical or mental health illness or condition, or disability, which makes wearing a face covering unsuitable; or
- Examples: persons who have obstructed breathing, a serious skin condition on their face, an intellectual disability, a mental health illness, or who have experienced trauma.*
- (c) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
 - (d) the nature of a person's work means that wearing a face covering creates a risk to their health and safety; or
 - (e) the nature of a person's work means that clear enunciation or visibility of the mouth is essential; or
 - (f) the person is consuming food, drink or medicine; or
 - (g) the person is undergoing dental or medical care or treatment to the extent that such care or treatment requires that no face covering be worn; or
 - (h) the person is receiving a service and it is not reasonably practicable to receive that service wearing a face covering; or
 - (i) the person is providing a service and it is not reasonably practicable to provide that service wearing a face covering; or
 - (j) the person is asked to remove the face covering to ascertain identity; or
- Examples: a person may be asked by police, security, or airport staff to remove a face covering to ascertain identity or when purchasing alcohol or cigarettes.*
- (k) for emergency purposes; or
 - (l) when required or authorised by law; or
 - (m) when doing so is not safe in all the circumstances.
- (3) An authorised officer may require a person to attest in writing that they have complied with the requirements of subclause (1) to wear a face covering on an aircraft (subject to subclause (2)).

Part 3 – Entry Requirements for Care Facilities

10 Prohibition on entry

A person must not enter, or remain on, the premises of a care facility unless:

- (1) the person is a resident of the facility; or
- (2) the person is a care facility worker in relation to the facility, as defined in clause 2 of Schedule 1, and the entry is not otherwise prohibited under this Order; or
- (3) the person is a visitor of a resident of the facility and the visit is not otherwise prohibited under this Order; or
- (4) the person is visiting as a prospective resident of the facility, or a visitor that is a support person to a prospective resident of the facility, and the visit is not otherwise prohibited under this Order; or
- (5) the person is an essential visitor listed in the Benchmark Essential Visitors List and the visit is not otherwise prohibited under this Order.

11 Entry Requirement

An operator of a care facility must not permit:

- (1) a visitor of a resident of the care facility; or
- (2) a visitor who is visiting as a prospective resident of the care facility; or
- (3) a visitor that is a support person to a prospective resident of the care facility; or
- (4) a visitor who is an essential visitor listed in the Benchmark Essential Visitors List (unless the person is a care facility worker),

to enter, or remain at, the care facility except if they have received a negative result from a COVID-19 rapid antigen test undertaken on the same day the visitor attends the care facility.

Note 1: for all visitors, face covering requirements contained within Part 2 continue to apply.

Note 2: the visitor must provide a declaration that they have received a negative result from the COVID-19 rapid antigen test, consistent with the visitor declaration requirements in clause 17.

12 Exceptions to Entry Requirements

The obligations in clause 11 do not apply to an operator of a care facility in relation to the following persons:

- (1) a person who is visiting for the purpose of undertaking an end of life visit to a resident of the care facility; or
- (2) a person that is seeking to enter the care facility for the purpose of providing urgent support for a resident's immediate physical, cognitive or emotional wellbeing, where it is not practicable for the person to take a COVID-19 rapid antigen test prior to entering the care facility; or

Example: a person providing urgent assistance to settle a resident experiencing severe symptoms related to dementia.
- (3) a person who has undertaken a COVID-19 PCR test within 24 hours prior to visiting the care facility and provided acceptable evidence of a negative result from that test to the operator of the care facility; or
- (4) a person providing professional patient care, including but not limited to:
 - (a) emergency workers in the event of an emergency; and
 - (b) ambulance workers; and
 - (c) visiting healthcare professionals.

13 Care facility excluded persons

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

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

- (1) Despite clause 13, a person referred to in paragraph (3) of the definition of care facility excluded person may enter, or remain on, the premises of the care facility if:
 - (a) the person's presence at the facility is for the purposes of undertaking an end of life visit to a resident of the care facility; and
 - (b) the person is authorised to enter or remain at the care facility by:
 - (i) an officer of the care facility with the position of Director of the facility or equivalent; and
 - (ii) either;
 - (A) the Chief Health Officer or Deputy Chief Health Officer; or

- (B) a Director or Medical Lead of a designated Local Public Health Unit.
- (2) A person authorised to enter or remain at the care facility under subclause (1) must comply with any directions or conditions to which that authorisation is subject.
- (3) An officer of a care facility referred to in subclause (1)(b)(i) must keep, in relation to each person to whom they give authorisation under that subclause, a record of:
 - (a) the contact details of the person; and
 - (b) the date and time at which that person entered and left the care facility.
- (4) A record under subclause (3) must be kept for at least 28 days from the day the authorisation is given.

15 Essential visitors to care facilities

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

16 Operator to take all reasonable steps

The operator of a care facility must take all reasonable steps to ensure that:

- (1) a person does not enter or remain on the premises of the care facility if the person is prohibited from doing so by clause 10; and
- (2) the care facility facilitates telephone, video or other means of electronic communication with the parents, guardians, partners, carers, support persons and family members of residents to support the physical, emotional and social wellbeing (including mental health) of residents.

17 Visitor declarations

- (1) The operator of a care facility must require visitors in relation to the care facility to declare in writing at the start of each visit, but before entering any area of the care facility that is freely accessible to residents, whether the visitor:
 - (a) is free of COVID-19 symptoms other than symptoms caused by an underlying health condition or medication; and
 - (b) has received a negative result from a COVID-19 rapid antigen test on the same day that they attend the care facility; and

- (c) is not currently required to self-isolate, self-quarantine or is a close contact but is not required to self-quarantine in accordance with the **Quarantine, Isolation and Testing Order**.
- (2) Where a visitor of a resident of a care facility is aged under 18 years, a parent, carer or guardian of the visitor may make the declaration required of the visitor by the operator of a care facility under subclause (1) on the visitor's behalf.

Part 4 – General provisions

18 Relationship with other Orders

- (1) Where the premises of a care facility are located within the premises of a hospital, the care facilities requirements in this Order apply, in relation to the premises of the care facility and to matters that relate to the care facility.
- (2) This Order operates alongside, and is not intended to derogate from, obligations imposed on operators of care facilities under the **Workplace Order**.
- (3) If there is any inconsistency between Part 2 of this Order and the **Quarantine, Isolation and Testing Order**, Part 2 of this Order is inoperative to the extent of any inconsistency.
- (4) If there is any inconsistency between this Order and any other pandemic order in force or other requirement contained in a **Detention Notice**, this Order is inoperative to the extent of the inconsistency.
- (5) If there is any inconsistency between Part 2 of this Order and Part 3 of this Order, Part 2 of this Order is inoperative to the extent of any inconsistency.
- (6) Unless the context otherwise requires, a reference in any pandemic order in force, in any **Detention Notice**, or in any approved form under a pandemic order in force or a **Detention Notice** to:
 - (a) a pandemic order in force or this Order, or a defined term in a pandemic order in force or this Order, will be taken to mean that Order (and hence that defined term) as amended or replaced from time to time; or
 - (b) an earlier version of a particular pandemic order in force or this Order will be taken to be a reference to the current version of that particular pandemic order.

19 Transitional provisions

- (1) A reference in any pandemic order in force to a Revoked Public Safety Order or a Revoked Visitors to Hospitals and Care Facilities Order or a Revoked Movement and Gathering Order is taken on and after the commencement of this Order to be a reference to this Order.

- (2) Any act, matter or thing that had effect under a Revoked Public Safety Order or a Revoked Visitors to Hospitals and Care Facilities Order or a Revoked Movement and Gathering Order immediately before it was revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which a Revoked Public Safety Order or a Revoked Visitors to Hospitals and Care Facilities Order or a Revoked Movement and Gathering Order was subject immediately before it was revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.

20 Severability

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

Part 5 – Penalties

21 Penalties

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

Failure to comply with pandemic order, direction or other requirement

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

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

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

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

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

Schedule 1 - Definitions

1 Definition of care facility

A **care facility** is a facility in Victoria that is:

- (1) an alcohol and drug residential service;
- (2) a homelessness residential service;
- (3) a residential aged care facility;
- (4) a disability residential service;
- (5) an eligible SDA enrolled dwelling;
- (6) a secure welfare service;
- (7) a short-term accommodation and assistance dwelling;
- (8) a supported residential service;
- (9) the Thomas Embling Hospital.

2 Definition of care facility worker

A person is a **care facility worker** in relation to a care facility if:

- (1) the person is the operator of a care facility or an employee or contractor in relation to the care facility; or
- (2) the person is a student under the supervision of an employee or contractor in relation to the care facility; or
- (3) the person's presence at the premises of the care facility is for the purposes of providing goods or services that are necessary for the effective operation of the care facility, whether the goods or services are provided for consideration or on a voluntary basis; or
- (4) the person's presence at the premises of the care facility is for the purposes of providing any of the following goods or services to a resident of the care facility, whether the goods or services are provided for consideration or on a voluntary basis:
 - (a) health, medical, or pharmaceutical goods or services; or
 - (b) behavioural support services; or
 - (c) functional and well-being support services; or

- (d) other support services; or
- (5) in the case of a disability residential service or an eligible SDA enrolled dwelling—the person's presence at the premises of the facility is for the purposes of providing treatment under a treatment plan to a resident of the facility, whether the treatment is provided for consideration or on a voluntary basis; or
- (6) in the case of a secure welfare service—the person's presence at the premises of the facility is for the purposes of providing educational services to a resident of the facility, whether the goods or services are provided for consideration or on a voluntary basis; or
- (7) the person's presence at the premises of the care facility is authorised or required for the purposes of emergency management, law enforcement, or the performance of a duty, function or power under a law.

Note: this includes advocates with a legislated role such as the National Aged Care Advocacy Program and the Community Visitors Scheme.

3 Other definitions

For the purposes of this Order:

aircraft means an aircraft that is mainly used for the purpose of, or is engaged, or is intended or likely to be engaged, in a flight wholly within Australia;

airport means an aerodrome at which facilities are available for the arrival or departure of aircraft into or from the State of Victoria;

alcohol and drug residential service means any of the following:

- (1) a treatment centre within the meaning of the **Severe Substance Dependence Treatment Act 2010**;
- (2) a residential treatment service (however described) that provides drug or alcohol withdrawal or rehabilitation services in a residential setting to people dependent on alcohol or other drugs;
- (3) a service that provides supported accommodation to a person after the person has received residential treatment services of the kind referred to in subclause (2);

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

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

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

care facility has the meaning in clause 1 of this Schedule;

care facility excluded person means a person who:

- (1) is required to self-isolate under the **Quarantine, Isolation and Testing Order**;
or
- (2) is required to self-quarantine under the **Quarantine, Isolation and Testing Order**; or
- (3) has COVID-19 symptoms unless those symptoms are caused by an underlying health condition or medication; or

Note: for the purposes of this Order, COVID-19 symptoms, including but not limited to acute respiratory infection (such as cough, shortness of breath, sore throat), loss of smell, and loss of taste do not include those symptoms where caused by an underlying health condition or medication.

- (4) in the case of a visitor—has been tested for COVID-19, and has not yet received the results of that test;

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

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

confirmed case means a person who has been diagnosed with COVID-19 and includes the period of time prior to the diagnosis during which the confirmed case is considered infectious;

Note: the period during which a person is considered infectious is generally considered to be 48 hours prior to the onset of COVID-19 symptoms, however, alternative infectious periods may be determined at the discretion of an officer or nominated representative of the Department of Health (for instance, in high-risk settings or if the confirmed case is asymptomatic).

commercial passenger vehicle has the same meaning as in the **Workplace Order**;

court means any premises in the State of Victoria that is:

- (1) the Supreme Court; or
- (2) the County Court; or
- (3) the Magistrates' Court; or
- (4) the Children's Court; or

- (5) any Federal Court; or
- (6) the Coroner's Court; or
- (7) the Victorian Civil and Administrative Tribunal; or
- (8) any other court or tribunal of Victoria conducting in-person hearings;

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

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

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

- (1) a fever ($\geq 37.5^{\circ}\text{C}$) or consistent fever of less than 37.5°C (such as night sweats or chills);
- (2) acute respiratory infection (such as cough, shortness of breath, sore throat);
- (3) loss of smell;
- (4) loss of taste;

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

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

designated Local Public Health Unit means:

- (1) Western Public Health Unit;
- (2) South Eastern Public Health Unit;
- (3) North Eastern Public Health Unit;
- (4) Barwon South West Public Health Unit;
- (5) Grampians Wimmera Southern Mallee Public Health Unit;
- (6) Loddon-Mallee Public Health Unit;
- (7) (Hume) Goulburn Valley Public Health Unit;
- (8) (Hume) Albury-Wodonga Public Health Unit;
- (9) Gippsland Public Health Unit;

Detention Notice means a notice given to a person requiring the person to be detained for a specified period under the **Public Health and Wellbeing Act 2008**;

Director or Medical Lead of a designated Local Public Health Unit means a person with the title of Director or Medical Lead in a designated Local Public Health Unit who is authorised under section 165AW(2)(a) of the **Public Health and Wellbeing Act 2008** to exercise the pandemic management powers or to exercise public health risk powers;

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

disability residential service means a residential service within the meaning of the **Disability Act 2006** and to avoid doubt, includes the facility called the Intensive Residential Treatment Program of the Statewide Forensic Service;

Note: the Intensive Residential Treatment Program of the Statewide Forensic Service is often referred to as “DFATS”.

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

disability service provider has the same meaning as in the **Disability Act 2006**;

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

eligible SDA enrolled dwelling means a Specialist Disability Accommodation (SDA) enrolled dwelling that is provided under an SDA residency agreement within the meaning of section 498B of the **Residential Tenancies Act 1997**;

employee or contractor in relation to a care facility, means a person employed or engaged as a contractor by the operator of a care facility, and includes a person who provides labour hire services to the operator of a care facility;

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

end of life in relation to a patient or a resident:

- (1) means a situation where the person’s death is expected within days (including periods of 28 days or less), or where the person, with or without existing conditions, is at risk of dying from a sudden acute event;
- (2) does not mean a situation where a person has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the person is expected to die within 12 months (except where the situation also falls within subclause (1));

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

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

face covering means a fitted face mask that covers the nose and mouth to provide the wearer protection against infection (but does not include a face shield);

healthcare premises means:

- (1) a community health centre, including mental health, child and maternity, and drug and alcohol counselling services centres; or
- (2) a general practice; or
- (3) a COVID-19 related healthcare site, including testing sites, vaccination centres and hotel quarantine premises; or
- (4) a dental surgery and dental practice; or
- (5) a health clinic, including medical specialist and/or allied health professional operated clinics; or
- (6) a diagnostic and medical imaging centre; or
- (7) a premises at which mobile health services are provided; or
- (8) a premises at which blood donation services are provided;

homelessness residential service means a service that is funded by government to provide a staffed residential service to people who are homeless or at risk of being homeless;

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

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

justice centre means a Justice Service Centre as established by the Department of Justice and Community Safety;

licensed tourism operator has the same meaning as in the **Workplace Order**;

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

operator of a care facility means:

- (1) for an alcohol and drug treatment facility—the operator of the facility;
- (2) for a homelessness residential service—the entity that receives government funding to provide the service;

- (3) for a residential aged care facility—the operator of the facility;
- (4) for a disability residential service—the disability service provider that operates the service;
- (5) for an eligible SDA enrolled dwelling—the disability service provider or the registered NDIS provider that operates the service;
- (6) for a short-term accommodation and assistance dwelling—the registered NDIS provider or the disability service provider that operates the service;
- (7) for a secure welfare service—the Secretary to the Department of Families, Fairness and Housing;
- (8) for a supported residential service—the proprietor of the supported residential service;
- (9) for the Thomas Embling Hospital—the Victorian Institute of Forensic Mental Health;

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

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

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

parent, carer or guardian in relation to a patient aged under 18 means an adult in a significant primary caring role, including biological, adoptive, or foster parents, kinship carers, step-parents and legal guardians;

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

police gaol has the same meaning as in the **Corrections Act 1986**;

post-sentence facility means a residential facility or residential treatment facility under the **Serious Offenders Act 2018**;

premises means:

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

prison has the same meaning as in the **Corrections Act 1986**;

prisoner has the same meaning as in the **Corrections Act 1986**;

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

proprietor of a supported residential service has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;

provides labour hire services has the same meaning as in the **Labour Hire Licensing Act 2018**;

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

Public Safety Order means the **Pandemic (Public Safety) Order 2022 (No. 3)** as amended or replaced from time to time;

public transport means a vehicle operated by a passenger transport company or by a bus company in the provision of public transport service;

public transport service has the same meaning as in the **Transport (Compliance and Miscellaneous) Act 1983**;

Quarantine, Isolation and Testing Order means the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 10)** as amended or replaced from time to time;

registered NDIS provider has the same meaning as in the National Disability Insurance Scheme Act 2013 of the Commonwealth;

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

resident of a care facility includes a patient or resident of the care facility;

residential aged care facility means premises at which accommodation and personal care or nursing care or both are provided to a person in respect of whom a residential care subsidy or a flexible care subsidy is payable under the Aged Care Act 1997 of the Commonwealth;

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

Revoked Movement and Gathering Order means the **Stay Safe Directions (Victoria) (No. 30)** or the **Pandemic (Movement and Gathering) Order 2022 (No. 5)**, or their predecessors;

Revoked Public Safety Order means the **Pandemic (Public Safety) Order 2022 (No. 2)**, or its predecessors;

Revoked Visitors to Hospitals and Care Facilities Order means the **Care Facilities Directions (No 50)**, the **Hospital Visitor Directions (No 40)** or the **Pandemic (Visitors to Hospitals and Care Facilities) Order 2022 (No. 5)**, or their predecessors;

SDA enrolled dwelling has the same meaning as in the **Disability Act 2006**;

SDA provider has the same meaning as in the **Disability Act 2006**;

secure welfare service has the same meaning as in the **Children, Youth and Families Act 2005**;

short-term accommodation and assistance dwelling has the same meaning as in the **Disability Act 2006**;

supported residential service has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;

Thomas Embling Hospital means the hospital of that name operated by the Victorian Institute of Forensic Mental Health;

treatment plan has the same meaning as in the **Disability Act 2006**;

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

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

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

Workplace Order means the **Pandemic (Workplace) Order 2022 (No. 10)** as amended or replaced from time to time;

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

youth residential centre has the same meaning as in the **Children, Youth and Families Act 2005**.



The Hon. Mary-Anne Thomas MP, Minister for Health

11 July 2022