

Guidance for the Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 8)

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

- (1) diagnosed with COVID-19 or probable cases to self-isolate; or
- (2) close contacts to self-quarantine and/or undertake testing, as applicable; or
- (3) risk individuals to observe relevant testing requirements issued by the Department.

This Order also sets out the conditions under which a person may be granted an exemption from this Order.

Failure to comply with this Order may result in penalties.

This guidance does not form part of the Pandemic (Quarantine Isolation and Testing) Order 2022 (No. 8) and it is for explanatory purposes only.

Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 8)

TABLE OF PROVISIONS

Part 1 - Preliminary.....	4
1 Objective	4
2 Citation	4
3 Authorising provision.....	4
4 Commencement and revocation.....	4
5 Definitions.....	5
6 Application of this Order.....	5
Part 2 – Self-isolation for diagnosed persons	5
7 Who is a diagnosed person?.....	5
8 Requirement to self-isolate	5
9 Location of self-isolation	5
10 Self-isolation period	6
11 Notifications by the diagnosed person	6
Part 3 – Self-isolation for probable cases.....	7
12 Who is a probable case?.....	7
13 Requirement to self-isolate	7
14 Location of self-isolation	8
15 Self-isolation period	8
16 Notification by the probable case	9
Part 4 – Self-quarantine for close contacts.....	10
17 Who is a close contact?.....	10
18 Requirement to self-quarantine.....	11

19 Location of self-quarantine	11
20 Self-quarantine period	11
21 End of period of self-quarantine.....	12
22 Exception – surveillance testing	13
23 Exception — previous clearance	14
24 Review of determination and notice.....	14
25 Notifications by the close contact.....	14
26 Testing of persons in self-quarantine	14
Part 5 – Risk individuals	15
27 Who is a risk individual?.....	15
28 Testing of risk individuals.....	15
Part 6 – General provisions.....	15
29 Requirements of self-isolation and self-quarantine.....	15
30 General exemption power	18
31 Exemption power – variation to the period of self-isolation for a diagnosed person or a probable case.....	19
32 Exemption power – alternate premises for self-quarantine or self-isolation	19
33 Exemption power – healthcare worker who is a close contact – return to work	20
34 Severability	21
35 Transitional provisions	21
Part 7 - Penalties	21
36 Penalties.....	21
Schedule 1 - Definitions.....	23

Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 8)

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

Part 1 - Preliminary

1 Objective

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

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

2 Citation

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

3 Authorising provision

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

4 Commencement and revocation

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

5 Definitions

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

6 Application of this Order

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

Part 2 – Self-isolation for diagnosed persons

7 Who is a diagnosed person?

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

8 Requirement to self-isolate

A diagnosed person must self-isolate under this Order:

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

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

9 Location of self-isolation

- (1) A diagnosed person must self-isolate:
 - (a) if clause 8(1) applies, at the premises chosen by the person under subclause (2); or
 - (b) if clause 8(2) applies, at the premises at which the person was required to reside under a Revoked Quarantine, Isolation and Testing Order.

(2) For the purposes of subclause (1)(a), the diagnosed person may choose to self-isolate at:

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

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

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

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

10 Self-isolation period

(1) For the purposes of clause 8, the period of self-isolation begins:

- (a) if clause 8(1) applies, when the diagnosis is communicated to the person; or
- (b) if clause 8(2) applies, upon the commencement of this Order.

(2) For the purposes of clause 8 and subject to clause 31, the period of self-isolation ends at 12.01:00am on the seventh day from the date on which the person undertook a COVID-19 PCR test, from which they were diagnosed with COVID-19.

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

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

11 Notifications by the diagnosed person

(1) Immediately after choosing a premises under clause 9(2), the diagnosed person must:

- (a) if any other person is residing at the premises chosen by the diagnosed person, notify the other person that:
 - (i) the diagnosed person has been diagnosed with COVID-19; and
 - (ii) the diagnosed person has chosen to self-isolate at the premises; and
 - (b) notify the Department of the address of the premises chosen by the diagnosed person.
- (2) If, during the period that a diagnosed person is self-isolating at a premises for the purposes of clause 8, another person informs the diagnosed person that they intend to commence residing at the premises chosen by the diagnosed person, the diagnosed person must inform the other person of their diagnosis.
- (3) The diagnosed person must as soon as practicable notify the persons listed below that the diagnosed person has been diagnosed with COVID-19, and of the diagnosed person's infectious period:
- (a) the operator of any education facility at which they are enrolled, if the diagnosed person attended an indoor space at the education facility during their infectious period; and
Note: the diagnosed person's parent, guardian or carer may notify the operator of the education facility on behalf of the diagnosed person for the purpose of paragraph (a).
 - (b) the operator of any work premises at which they ordinarily work, if the diagnosed person attended an indoor space at the work premises during their infectious period; and
 - (c) any person who is a close contact or a social contact of the diagnosed person, to the extent the diagnosed person is able to reasonably ascertain and notify such person.

Part 3 – Self-isolation for probable cases

12 Who is a probable case?

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

13 Requirement to self-isolate

A probable case must self-isolate under this Order:

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

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

14 Location of self-isolation

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

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

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

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

15 Self-isolation period

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

- (a) 12.01:00am on the seventh day from the date on which the probable case received a positive result from a COVID-19 rapid antigen test; or
- (b) the day on which a negative result is received by the probable case from a COVID-19 PCR test that was undertaken within 48 hours after the COVID-19 rapid antigen test from which the person became a probable case.

Note 1: if the probable case undertakes a COVID-19 PCR test within 48 hours after receiving the positive result from the COVID-19 rapid antigen test and receives a positive result from the COVID-19 PCR test, the probable case is not required to restart their self-isolation period; that period still begins from the relevant date under subclause (1).

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

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

16 Notification by the probable case

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

Note: notification to the Department is to occur by the submission of the COVID-19 Positive Rapid Antigen Test Self-Reporting Form online at

dhvicgovau.powerappsportals.com/rapid-antigen-test/ as amended or reissued from time to time by the Secretary of the Department or by calling the Department's COVID-19 hotline on 1300 651 160.

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

Note: the probable case's parent, guardian or carer may notify the operator of the education facility on behalf of the probable case for the purpose of paragraph (a).
 - (b) the operator of any work premises at which they ordinarily work, if the probable case person attended an indoor space at the work premises during their infectious period; and
 - (c) any person who is a close contact or a social contact of the probable case, to the extent the probable case is able to reasonably ascertain and notify such person.

Part 4 – Self-quarantine for close contacts

17 Who is a close contact?

- (1) A person is a close contact if the person is not a recent confirmed case and before, on or after the commencement of this Order:
 - (a) an officer or nominated representative of the Department makes a determination that the person is a close contact of a diagnosed person or a probable case, including in the event of an outbreak, and has given that person a notice of the determination in accordance with subclause (2); or
 - (b) the person has spent more than four hours in an indoor space at a private residence, accommodation facility or care facility with a diagnosed person or a probable case during their infectious period.
- (2) For the purposes of subclause (1)(a), the notice:

- (a) may be given orally or in writing, and, if given orally, must be confirmed in writing as soon as reasonably practicable; and
- (b) is not required to be in a particular form.

18 Requirement to self-quarantine

Subject to clauses 22 and 23, a close contact must self-quarantine under this Order:

- (1) if the person becomes a close contact on or after the commencement of this Order; or
- (2) if the person became a close contact before the commencement of this Order.

Note: the requirements of self-quarantine are specified in clause 29.

19 Location of self-quarantine

- (1) A close contact may choose to self-quarantine:
 - (a) if clause 18(1) applies, at:
 - (i) a premises at which they ordinarily reside; or
 - (ii) another premises that is suitable for the person to reside in for the purpose of self-quarantine; or
 - (b) if clause 18(2) applies, at a premises at which the person was permitted to reside under a Revoked Quarantine, Isolation and Testing Order.
- (2) If, at the time a person becomes aware or is given notice that they are a close contact, the person is not at the premises chosen by the person under subclause (1), the person must immediately and directly travel to those premises.

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

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

20 Self-quarantine period

- (1) Subject to clauses 22 and 23 and if clause 18(1) applies, if a close contact self-quarantines at the same premises where the diagnosed person or the probable case is self-isolating, the close contact's period of self-quarantine begins:

- (a) on the date the diagnosed person undertook a COVID-19 PCR test, from which they were diagnosed with COVID-19; or
 - (b) on the date the probable case received a positive result from a COVID-19 rapid antigen test.
- (2) Subject to clause 22 and 23 and if clause 18(1) applies, if a close contact self-quarantines at a different premises from where the diagnosed person or the probable case is self-isolating, the close contact's period of self-quarantine begins from the date the close contact most recently had in-person contact with the diagnosed person or the probable case.
 - (3) Subject to clause 22 and 23 and if clause 18(2) applies, a close contact period of self-quarantine begins upon the commencement of this Order.

21 End of period of self-quarantine

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

- (1) subject to subclauses (2) to (5), at 12.01:00am on the seventh day from the relevant date specified under clause 20(1) or 20(2) or as varied or revoked under clause 24; or

Example: a person who resides with a diagnosed person where the diagnosed person undertook a COVID-19 test which was positive on Monday, the first Monday of the month, would end their self-isolation period at 12.01:00am on the following Monday, the second Monday of the month, unless the person themselves tests positive for COVID-19 during the period.

- (2) if the notice given to the person under clause 17(1)(a) is revoked under clause 24, at the time that revocation takes effect; or
- (3) if the person becomes a diagnosed person, when the diagnosis is communicated to the person; or

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

- (4) if the person becomes a probable case, the date the person receives a positive result from a COVID-19 rapid antigen test; or

Note: a close contact who becomes a probable case will then be required to self-isolate under clause 13.

- (5) if the person is a close contact of a probable case, the date the probable case receives a negative test result from a COVID-19 PCR test that was undertaken within 48 hours after the COVID-19 rapid antigen test from which the person became a probable case.

Note 1: a close contact of a probable case may end self-quarantine early if the probable case receives a negative COVID-19 PCR test result before the seven day self-isolation period

provided that the COVID-19 PCR test is undertaken within 48 hours of the COVID-19 rapid antigen test.

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

22 Exception – surveillance testing

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

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

23 Exception — previous clearance

- (1) A close contact is not required to self-quarantine under clause 18 if the person has been given clearance from self-quarantine by the Director or Medical Lead of a designated Local Public Health Unit in accordance with subclause (2).
- (2) For the purposes of subclause (1):
 - (a) the Director or Medical Lead of a designated Local Public Health Unit may make a determination in relation to a person if the Director or Medical Lead of a designated Local Public Health Unit is satisfied that the person is at negligible risk of infection of COVID-19, on the basis that the person has previously been a diagnosed person or probable case and has since been given clearance from self-isolation and must give the person notice of the decision; and
 - (b) for the purposes of paragraph (a), the notice must be in writing but is not required to be in a particular form.

24 Review of determination and notice

- (1) The Chief Health Officer, a Deputy Chief Health Officer, a Director or Medical Lead of a designated Local Public Health Unit or an authorised officer who is authorised to exercise the pandemic management powers under section 165AW(2) of the **Public Health and Wellbeing Act 2008**, may review a determination made under clause 17(1)(a) and, if satisfied that it is appropriate, having regard to Departmental Requirements, may vary or revoke the notice given to the person under clause 17(1)(a) and must give the person notice of the decision.
- (2) For the purposes of subclause (1), the notice must be given in writing but is not required to be in a particular form.

25 Notifications by the close contact

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

26 Testing of persons in self-quarantine

- (1) A close contact must comply with the relevant requirements set out in the Testing Requirements Policy and, where applicable, follow the COVID-19 rapid antigen test procedure.
- (2) If a close contact is required to self-quarantine under clause 18 and, during the period of self-quarantine, the person receives a COVID-19 PCR test result

stating that they have been diagnosed with COVID-19, the person becomes a diagnosed person and must self-isolate under clause 8.

- (3) If a close contact is required to self-quarantine under clause 18 and, during the period of self-quarantine, the person receives a positive result from a COVID-19 rapid antigen test, the person becomes a probable case and must self-isolate under clause 13.
- (4) If a close contact of a diagnosed person or a probable case is required to self-quarantine under clause 18 and, during the period of self-quarantine, the person receives a negative result from a COVID-19 rapid antigen test or a COVID-19 PCR test result stating that they have not been diagnosed with COVID-19, the person must, if the period of self-quarantine has not expired, continue to self-quarantine under clause 18 for the remainder of the self-quarantine period.

Part 5 – Risk individuals

27 Who is a risk individual?

A person is a risk individual if the person is:

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

28 Testing of risk individuals

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

Part 6 – General provisions

29 Requirements of self-isolation and self-quarantine

- (1) This clause applies to a person who is required to:
 - (a) self-isolate at a premises under clauses 8 or 13; or
 - (b) self-quarantine at a premises under clause 18.
- (2) The person identified in subclause (1):
 - (a) must reside at the premises for the entirety of the period of self-isolation or self-quarantine, as the case requires, except for any period that the

person is admitted to a hospital or other facility for the purposes of receiving medical care; and

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

- (1) is alone and is physically distanced from others;
or
 - (2) only attends with persons who are in self-quarantine at the same premises as the person identified in subclause (1) and are otherwise physically distanced from others; or
 - (C) if essential or other arrangements cannot be made, for the purpose of transporting another person with whom they reside to, or from, a work premises, an education facility, or healthcare appointment provided that that person is not, or is no longer, required to self-quarantine; or
 - (D) for the purposes of voting in the Australian Federal Election, provided that the person, prior to leaving self-quarantine, undertakes a COVID-19 rapid antigen test from which a negative result is received; and
- (c) subject to (3), must not permit any other person to enter the premises unless:
 - (i) that other person:
 - (A) ordinarily resides at the premises; or
 - (B) is required to self-isolate or self-quarantine at the premises under this Order; or
 - (ii) it is necessary for the other person to enter for medical or emergency purposes; or
 - (iii) the other person is a disability worker, and it is necessary for the disability worker to enter for the purpose of providing a disability service to a person with a disability; or
 - (iv) it is necessary for the other person to enter for the purpose of providing personal care or household assistance to the person as a result of that person's age, disability or chronic health condition; or

Examples: personal care includes assistance with showering, toileting, eating; household assistance includes help with cooking, house cleaning, laundry and gardening.
 - (v) the entry is otherwise required or authorised by law.
- (3) Subclause (2)(c) does not apply to a person who is a resident of a care facility.

*Note: the **Public Safety Order** governs who can enter a care facility.*

- (4) Despite subclause (2)(a):
- (a) a diagnosed person or a probable case who is required to self-isolate; or
 - (b) a close contact who is required to self-quarantine,
- may apply under clause 32(2) to the Chief Health Officer, a Deputy Chief Health Officer, a Director or Medical Lead of a designated Local Public Health Unit for an exemption from the requirement to remain at the premises chosen for the purposes of subclause (2)(a) for the purpose of moving to an alternate premises for the remainder of the period of self-quarantine or self-isolation.
- (5) Despite subclause (2)(a), a healthcare worker who is a close contact and required to self-quarantine, may apply to the Chief Health Officer, a Deputy Chief Health Officer or a Director or Medical Lead of a designated Local Public Health Unit under clause 33(2) for an exemption from the requirement to remain at the premises chosen for the purposes of subclause (2)(a) for the purpose of a healthcare worker who is a close contact returning to work.

30 General exemption power

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

31 Exemption power – variation to the period of self-isolation for a diagnosed person or a probable case

- (1) If a person is granted an exemption from the requirement under subclause 32(2), they:
 - (a) are not required to comply with the requirement to remain in self-isolation for the period specified in clause 10 (if the person is a diagnosed person) or clause 15 (if the person is a probable case); and
 - (b) must comply with the period of self-isolation specified in the exemption.
- (2) The Chief Health Officer, a Deputy Chief Health Officer or a Director or Medical Lead of a designated Local Public Health Unit may:
 - (a) exempt a person or group of persons from requirement to remain in self-isolation for the period specified in clause 10 (if the person is a diagnosed person) or clause 15 (if the person is a probable case); and
 - (b) require the person or group of persons to self-isolate for a shorter period of time,if satisfied that an exemption is appropriate having regard to the:
 - (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the **Public Health and Wellbeing Act 2008**, as appropriate.
- (3) An exemption under subclause (2) must:
 - (a) be given, in writing, to the person the subject of the exemption; and
 - (b) specify the requirement or requirements that the person need not comply with; and
 - (c) the period of time during which they must self-isolate.
- (4) An exemption granted to a person under subclause (2) does not prevent an authorised officer from exercising a pandemic management power to give the person a different order or impose a different requirement on the person.

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

- (1) A person is not required to comply with the requirement to remain at the premises chosen for the purposes of clause 29(2)(a) for the purpose of moving to an alternate premises for the remainder of the period of self-isolation or self-quarantine if the person is granted an exemption from the requirement under subclause (2).

- (2) The Chief Health Officer, a Deputy Chief Health Officer or a Director or Medical Lead of a designated Local Public Health Unit may exempt a person or group of persons from any or all requirements in clauses 9(1), 9(2), 14(1), 14(2) (location of self-isolation) or 19 (location of self-quarantine) or 29(2)(a), if satisfied that an exemption from a requirement is appropriate having regard to the:
 - (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the **Public Health and Wellbeing Act 2008**, as appropriate.
- (3) An exemption under subclause (2) must:
 - (a) be given, in writing, to the person the subject of the exemption; and
 - (b) specify the requirement or requirements that the person need not comply with.
- (4) An exemption granted to a person under subclause (2) does not prevent an authorised officer from exercising a pandemic management power to give the person a different order or impose a different requirement on the person.

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

- (1) A healthcare worker who is a close contact is not required to comply with a requirement to remain at the premises chosen for the purposes of clause 29(2)(a) for the purpose of the healthcare worker returning to work if the person is granted an exemption from the requirement under subclause (2).
- (2) The Chief Health Officer, a Deputy Chief Health Officer, a Director or Medical Lead of a designated Local Public Health Unit may exempt a person from any or all of the requirements of clause 19 (location of self-quarantine) or clause 29(2)(a), if satisfied that an exemption from that requirement is appropriate having regard to the:
 - (a) need to protect public health; and
 - (b) principles in sections 5 to 10 of the **Public Health and Wellbeing Act 2008**, as appropriate.
- (3) An exemption under subclause (2) must:
 - (a) be given, in writing, to the person the subject of the exemption; and
 - (b) specify the requirement or requirements that the person need not comply with.

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

34 Severability

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

35 Transitional provisions

- (1) A reference in any pandemic order in force to a Revoked Quarantine, Isolation and Testing Order or a Revoked Victorian Border Crossing Order is taken on and after the commencement of this Order to be a reference to that Order.
- (2) Any act, matter or thing that had effect under a Revoked Quarantine, Isolation and Testing Order or a Revoked Victorian Border Crossing Order immediately before it was revoked continues to have effect under that Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which a Revoked Quarantine, Isolation and Testing Order or a Revoked Victorian Border Crossing Order was subject immediately before it was revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.

Part 7 - Penalties

36 Penalties

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

Failure to comply with pandemic order, direction or other requirement

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

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

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

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

*Note: the **Public Health and Wellbeing Regulations 2019** provide for infringement notices to be served on any person who has refused or failed to comply (without a reasonable excuse)*

with a pandemic order, or a direction given or a requirement made in the exercise of a pandemic management power. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.

Schedule 1 - Definitions

For the purposes of this Order:

accommodation facility has the same meaning as in the **Workplace Order**;

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

care facility has the same meaning as in the **Public Safety Order**;

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

- (1) **Education and Care Services National Law 2010** and **the Education and Care Services National Regulations 2011**, including long day care services, kindergartens and/or preschool and family daycare services, but not including outside school hours care services; and
- (2) **Children's Services Act 1996**, including limited hours services, budget based funded services, occasional care services, early childhood intervention services, mobile services and (if applicable) school holiday care programs;

close contact has the meaning in clause 17(1);

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

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

COVID-19 Positive Rapid Antigen Test Self-Reporting Form means the form titled 'COVID-19 Positive Rapid Antigen Test Self-Reporting Form', as amended or reissued from time to time by the Secretary of the Department and available at dhvicgov.vau.powerappsportals.com/rapid-antigen-test/;

COVID-19 rapid antigen test procedure means if a person completed a COVID-19 rapid antigen test:

- (1) the person must undertake a second COVID-19 rapid antigen test as soon as possible if the person receives an invalid test result from the first COVID-19 rapid antigen test, such that it is not possible to conclude that the result is a negative test result; and
- (2) if the result of the second COVID-19 rapid antigen test is invalid such that it is not possible to conclude that the result is negative, the person must complete a COVID-19 PCR test within 24 hours and remain in self-quarantine until the person receives a negative test result;

COVID-19 symptoms means the following symptoms that a person may experience:

- (1) fever;

- (2) chills or sweats;
- (3) cough;
- (4) sore throat;
- (5) shortness of breath;
- (6) runny nose;
- (7) loss of or change in sense of smell or taste;

COVID-19 vaccine means a vaccine to protect a person against COVID-19 that:

- (1) has been registered, provisionally registered or recognised by the Therapeutic Goods Administration; or
- (2) has been approved by a comparable overseas regulator, as determined by the Therapeutic Goods Administration, under regulation 16DA(3) of the **Therapeutic Goods Regulation 1990** of the Commonwealth;

Department means the Victorian Department of Health;

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

designated Local Public Health Unit means:

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

diagnosed person has the meaning in clause 7;

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

under section 165AW(2)(a) of the **Public Health and Wellbeing Act 2008** to exercise the pandemic management powers or to exercise public health risk powers;

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

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

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

education facility means:

- (1) premises at which a childcare or early childhood service is provided;
- (2) premises at which an outside school hours care service is provided;
- (3) a school;
- (4) school boarding premises;

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

employee includes a person who is self-employed;

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

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

exemption means an exemption granted by the Chief Health Officer or the Deputy Chief Health Officer, or a Director or Medical Lead of a designated Local Public Health Unit, or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the COVID-19 Response Division of the Department, as the case may be, under clause 30(2), 31(2), 32(2) or 33(2) of this Order;

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

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

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

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

- (1) permanent or temporary; or
- (2) open or closed;

infectious period means the period:

- (1) commencing:
 - (a) if the person undertook a COVID-19 PCR test or COVID-19 rapid antigen test (from which they were diagnosed with COVID-19) without experiencing symptoms of COVID-19, 48 hours before the person undertook the COVID-19 PCR test or COVID-19 rapid antigen test; or
 - (b) if the person was experiencing symptoms of COVID-19 at the time they undertook a COVID-19 PCR test or COVID-19 rapid antigen test (from which they were diagnosed with COVID-19), 48 hours before the person first experienced symptoms; and
- (2) concluding:
 - (a) seven days from the date on which the person undertook the COVID-19 PCR test or COVID-19 rapid antigen test (from which they were diagnosed with COVID-19); or
 - (b) where a person is a probable case, on the date which the probable case undertook the COVID-19 PCR test from which a negative result was received; or
 - (c) such other time as specified by an officer or nominated representative of the Department;

international arrival means a person who:

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

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

outbreak means a declaration made by the Chief Health Officer, a Deputy Chief Health Officer, a Director or Medical Lead of a designated Local Public Health Unit in relation to a specific location at which diagnosed persons or probable cases were present at a specific time, which presents a public health risk of the transmission of COVID-19;

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

pandemic orders in force has the same meaning as in the **Public Safety Order**;

premises means:

- (1) a building, or part of a building; and

- (2) any land on which the building is located, other than land that is available for communal use;

probable case has the meaning in clause 12;

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

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

recent confirmed case means a person:

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

resident of a care facility has the same meaning as in the **Public Safety Order**;

Revoked Quarantine, Isolation and Testing Order means the **Diagnosed Persons and Close Contacts Directions (No 35)** or the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 7)**, or their predecessors;

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

risk individual has the meaning in clause 27;

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

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

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

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

- (1) the person has spent more than 15 minutes of face-to-face contact with a diagnosed person or a probable case during the diagnosed person's or a probable case's infectious period; or
- (2) the person has spent more than two hours in an indoor space with a diagnosed person or a probable case during the diagnosed person's or the probable case's infectious period;

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

Testing Requirements Policy means the document titled 'Testing Requirements Policy' as amended or reissued from time to time by the Secretary of the Department of Health;

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

- (1) Vaxzevria (AstraZeneca);
- (2) Comirnaty (Pfizer);
- (3) Spikevax (Moderna);
- (4) Coronavac (Sinovac);
- (5) Covishield (Astrazeneca/Serum Institute of India);
- (6) Covaxin (Bharat Biotech);
- (7) BBIP-CorV (Sinopharm);
- (8) Sputnik V (Gamaleva Research Institute);
- (9) Nuvaxovid (Bioelect on behalf of Novavax);

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

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

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

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

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



Martin Foley MP, Minister for Health

22 April 2022