

## **Guidance for the Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 3)**

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 undertake testing; or
- (3) exposed persons, social contacts or symptomatic persons in the community to observe relevant testing requirements issued by the Department.

There are different requirements for self-quarantine and testing depending on the level of exposure to someone diagnosed with COVID-19.

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. 3) and it is for explanatory purposes only.*

# **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 3)**

## TABLE OF PROVISIONS

Part 1 - Preliminary.....	4
1. Objective.....	4
2. Citation.....	4
3. Authorising provision .....	4
4. Commencement and revocation.....	4
5. Definitions .....	4
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 .....	7
15. Self-isolation period.....	8
16. Notification by the probable case .....	8
Part 4 – Self-quarantine for close contacts .....	9
17. Who is a close contact?.....	9
18. Requirement to self-quarantine.....	10
19. Location of self-quarantine .....	10
20. Period of self-quarantine.....	10
21. End of period of self-quarantine .....	11
22. Exception — previous clearance .....	11
23. Review of determination and notice .....	12
24. Notifications by the close contact.....	12

25.	Testing of persons in self-quarantine .....	12
Part 5 – Exposed persons .....		13
26.	Who is an exposed person?.....	13
27.	Notifications by the operator of an education facility .....	13
28.	Testing Requirements of exposed persons.....	13
29.	Collection of information by operators of an education facility.....	14
Part 6 – Social contacts and symptomatic persons in the community .....		14
30.	Who is a social contact?.....	14
31.	Testing of social contacts.....	15
32.	Who is a symptomatic person in the community? .....	15
33.	Testing of symptomatic person in the community.....	15
34.	Notification of exposure by the Department.....	15
Part 7 – General provisions.....		15
35.	Requirements of self-isolation and self-quarantine .....	15
36.	General exemption power .....	17
37.	Exemption power – alternate premises for self-quarantine or self-isolation .....	18
38.	Exemption power – healthcare worker who is a close contact - return to work.....	18
39.	Severability .....	19
40.	Transitional provisions .....	19
Part 8 - Penalties .....		19
41.	Penalties .....	19
Schedule 1 - Definitions .....		21

# **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 3)**

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 undertake testing;
- (3) who are exposed persons, social contacts or symptomatic persons in the community 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. 3)**.

### **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 6 January 2022 and ends at 11:59:00pm on 12 January 2022.
- (2) The **Pandemic (Quarantine, Isolation and Testing) Order 2021 (No. 2)** is revoked at 11:59:00pm on 6 January 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 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.
- (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 35. 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(2) 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 35(2)(a) and 35(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, the period of self-isolation ends seven days after the date on which the person undertook a COVID-19 PCR test, from which they were diagnosed with COVID-19.

## **11. Notifications by the diagnosed person**

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

- (2) If, during the period that a diagnosed person is self-isolating at a premises for the purposes of clause 8, another person informs the diagnosed person that they intend to commence residing at the premises chosen by the diagnosed person:
  - (a) the diagnosed person must inform the other person of their diagnosis; and
  - (b) if the other person commences residing at the premises, the diagnosed person must notify the Department that a person has commenced residing with the diagnosed person and the name of that person.
- (3) The diagnosed person must 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 subclause (a).*
  - (b) 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.
- (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**

- (1) A probable case must self-isolate under this Order regardless of whether the Order was in effect at the time of receiving a positive result from a COVID-19 rapid antigen test.

*Note: the requirements of self-isolation are specified in clause 35. 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 at the premises chosen by the person under subclause (2).
- (2) For the purposes of subclause (1), 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 35(2)(a) and 35(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 when the probable case received a positive result from a COVID-19 rapid antigen test.
- (2) For the purposes of clause 13, the period of self-isolation ends on the earlier of:
  - (a) seven days after 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 after the COVID-19 rapid antigen test from which the person became a probable case.

## **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:
  - (i) the positive result from the COVID-19 Rapid antigen test;
  - (ii) the address of the premises chosen by the probable case; and
  - (iii) the name of any other person who is residing at 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/](https://dhvicgovau.powerappsportals.com/rapid-antigen-test/) 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:
  - (a) the probable case must inform the other person of their positive result from a COVID-19 rapid antigen test; and
  - (b) if the other person commences residing at the premises, the probable case must notify the Department that a person has commenced residing with the probable case and the name of that person.
- (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 subclause (a).*

- (b) any person who is a close contact or a social contact of the probable case, to the extent the diagnosed person 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 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 premises 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 clause 22, a close contact must self-quarantine under this Order.

*Note: the requirements of self-quarantine are specified in clause 35.*

## **19. Location of self-quarantine**

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

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

*Note 2: once a person has chosen the premises at which to self-quarantine, the person must reside at that premises for the entirety of the period of self-quarantine unless an exemption to move to and self-quarantine at an alternate premises has been given: see clauses 35(2)(a) and 35(4).*

- (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.

## **20. Period of self-quarantine**

- (1) Subject to clause 21, if a close contact self-quarantines at the same premises where the diagnosed person or the probable case is self-isolating, the close contact must self-quarantine for seven days:

- (a) from the date on which the diagnosed person undertook a COVID-19 PCR test, from which they were diagnosed with COVID-19; or
  - (b) from the date on which the probable case received a positive result from a COVID-19 rapid antigen test.
- (2) Subject to clause 21, if a close contact self-quarantines at a different premises from where the diagnosed person is self-isolating, the close contact must self-quarantine for seven days from when the close contact most recently had contact with the diagnosed person.

## **21. End of period of self-quarantine**

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

- (1) subject to subclauses (2) to 0, at the time specified in clause 20 or as varied or revoked under clause 23; or
- (2) if the notice given to the person under clause 17(1)(a) is revoked under clause 23, 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 after the COVID-19 rapid antigen test from which the person became a probable case.

*Note: 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 7 day self-isolation period.*

## **22. Exception — previous clearance**

- (1) A close contact is not required to self-quarantine under this clause if the person has been given clearance from self-quarantine by the Director or Medical Lead of a designated Local Public Health Unit in accordance with subclause (2).
- (2) For the purposes of subclause (1):

- (a) the Director or Medical Lead of a designated Local Public Health Unit may make a determination in relation to a person if the Director or Medical Lead of a designated Local Public Health Unit is satisfied that the person is at negligible risk of infection of COVID-19, on the basis that the person has previously been a diagnosed person 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 subclause (a), the notice must be in writing but is not required to be in a particular form.

### **23. Review of determination and notice**

- (1) The Chief Health Officer, a Deputy Chief Health Officer or an authorised officer who is authorised to exercise the pandemic management powers under section 165AW(2) of the **Public Health and Wellbeing Act 2008**, may review a determination made under clause 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.

### **24. 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.

### **25. Testing of persons in self-quarantine**

- (1) A close contact must comply with the relevant requirements set out in the Testing Requirements for Contacts and Exposed Persons 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 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 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 – Exposed persons**

### **26. Who is an exposed person?**

For the purposes of this clause, a person is an **exposed person** if:

- (1) the person has attended a work premises or education facility; and
- (2) the person is not already determined to be a close contact; and
- (3) the person has spent at least:
  - (a) 15 minutes of face-to-face contact; or
  - (b) two hours in an indoor space,at the work premises or education facility with a diagnosed person or a probable case during the diagnosed person's or the probable case's infectious period.

### **27. Notifications by the operator of an education facility**

- (1) An operator of an education facility who has been informed under 11(3)(a) 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 persons enrolled at the education facility who constitute exposed persons that those persons enrolled at the education facility may have been exposed to COVID-19.
- (2) In addition to subclause (1), an operator of an education facility must take reasonable steps to notify exposed persons at the education facility that those persons must produce to the operator of the education facility acceptable evidence of a negative result from any COVID-19 test they are required to complete in accordance with the Testing Requirements for Contacts and Exposed Persons before being permitted to return to the education facility.

### **28. Testing Requirements of exposed persons**

- (1) A person who has been notified under clause 27(1) that they may have been exposed to COVID-19 must comply with the relevant requirements set out in the Testing Requirements for Contacts and Exposed Persons and, where applicable, follow the COVID-19 rapid antigen test procedure.

- (2) In addition to subclause (1), if a person who has been notified under clause 27 is enrolled at an education facility, they must produce to the operator of the education facility acceptable evidence of a negative result from any COVID-19 test they are required to complete in accordance with the Testing Requirements for Contacts and Exposed Persons within 24 hours of receiving the negative result and before returning to the education facility.

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

## **29. Collection of information by operators of an education facility**

- (1) The operator of an education facility must collect, record and store the following information:
  - (a) a list of persons enrolled at the education facility who have been notified under clause 27(1) that they may have been exposed to COVID-19; and
  - (b) any results of tests for COVID-19 of those employees or persons enrolled at the education facility who may have been exposed to COVID-19, including the acceptable evidence of a negative test result for COVID-19 provided to the operator of the education facility under clause 28(2).
- (2) For the purposes of complying with this clause, an operator of an education facility is authorised to use any information that it holds under subclause (1).

## **Part 6 – Social contacts and symptomatic persons in the community**

### **30. Who is a social contact?**

A person is a **social contact** if:

- (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; and

the person is not already determined to be:

- (3) a close contact; or
- (4) an exposed person.

**31. Testing of social contacts**

A social contact must comply with the relevant requirements set out in the Testing Requirements for Contacts and Exposed Persons and, where applicable, follow the COVID-19 rapid antigen test procedure.

**32. Who is a symptomatic person in the community?**

A person is a **symptomatic person in the community** if the person is experiencing one or more COVID-19 symptoms, unless those symptoms are caused by an underlying health condition or medication.

**33. Testing of symptomatic person in the community**

A symptomatic person in the community must comply with the relevant requirements set out in the Testing Requirements for Contacts and Exposed Persons and, where applicable, follow the COVID-19 rapid antigen test procedure.

**34. Notification of exposure by the Department**

The Service Victoria CEO:

- (1) may provide exposure notifications to persons through the Service Victoria App advising that they may have been exposed to COVID-19 in accordance with data managed by the Department; and
- (2) persons who receive a notification under subclause (1) must follow any direction contained in the notification received through the Service Victoria App.

## **Part 7 – General provisions**

**35. 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 under the **Visitors to Hospitals and Care Facilities Order**; or
  - (vii) for the purposes of working in a care facility if permitted to do so under the **Visitors to Hospitals and Care Facilities Order**; or
  - (viii) for the purpose of sitting a Senior Secondary examination provided that the person is not a diagnosed person; or
- (c) must not permit any other person to enter the premises unless:
- (i) that other person:
    - (A) ordinarily resides at the premises; or
    - (B) is required to self-isolate or self-quarantine at the premises under this Order; or
  - (ii) it is necessary for the other person to enter for medical or emergency purposes; or
  - (iii) the other person is a disability worker, and it is necessary for the disability worker to enter for the purpose of providing a disability service to a person with a disability; or
  - (iv) it is necessary for the other person to enter for the purpose of providing personal care or household assistance to the person as a result of that person's age, disability or chronic health condition; or  
  
*Examples: personal care includes assistance with showering, toileting, eating; household assistance includes help with cooking, house cleaning, laundry and gardening.*
  - (v) the entry is otherwise required or authorised by law.



- (3) Subclause (2)(c) does not apply to a person who is a resident of a care facility.

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

- (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 37(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 38(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.

### **36. General exemption power**

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

**37. 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 35(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 35(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.

**38. 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 35(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 35(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.

### **39. 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.

### **40. Transitional provisions**

- (1) A reference in any pandemic order in force to a Revoked Quarantine, Isolation and Testing 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 Quarantine, Isolation and Testing 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 Quarantine, Isolation and Testing Order 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**

### **41. Penalties**

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

#### **Failure to comply with pandemic order, direction or other requirement**

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

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

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

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

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

## Schedule 1 - Definitions

For the purposes of this Order:

**acceptable evidence** means evidence of the matters described in clauses 27(2), 28(2) and 29(1)(b) that the relevant operator of the education facility determines is acceptable;

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

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

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

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

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

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

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

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

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

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

**COVID-19 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 [dhvicgovau.powerappsportals.com/rapid-antigen-test/](https://dhvicgovau.powerappsportals.com/rapid-antigen-test/);

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

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

- (a) 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
- (b) if the result of the first COVID-19 rapid antigen test is positive, or the result of the second COVID-19 rapid antigen test is invalid such that it is not possible to conclude that the result is negative, 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:

- (a) fever;
- (b) chills or sweats;
- (c) cough;
- (d) sore throat;
- (e) shortness of breath;
- (f) runny nose;
- (g) loss of or change in sense of smell or taste;

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

**Department** means the Victorian Department of Health;

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

**designated Local Public Health Unit** means:

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

(i) Gippsland Public Health Unit;

**diagnosed person** has the meaning in clause 7;

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

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

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

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

**education facility** means:

- (a) premises at which a childcare or early childhood service is provided;
- (b) premises at which an outside school hours care service is provided;
- (c) a school;
- (d) school boarding premises;

**employee** includes a person who is self-employed;

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

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

**exemption** means an exemption granted by the Chief Health Officer or the Deputy Chief Health Officer, or a Director or Medical Lead of a designated Local Public Health Unit under clause 36(2), 37(2), 38(2) of these directions;

**exposed person** has the meaning in clause 26;

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

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

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

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

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

**infectious period** means the period:

- (a) commencing:
  - (i) if the person undertook a COVID-19 PCR test 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
  - (ii) 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
- (b) concluding:
  - (i) seven days after 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
  - (ii) such other time as specified by an officer or nominated representative of the Department;

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

**Open Premises Directions** means the **Pandemic (Open Premises) Order 2022 (No. 2)** as amended or replaced from time to time;

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

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

**premises** means:

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



**probable case** has the meaning in clause 12;

**resident of a care facility** has the same meaning as in the **Visitors to Hospitals and Care Facilities 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 2021 (No. 2)**, or their predecessors;

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

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

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

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

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

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

**social contact** has the meaning in clause 30;

**symptomatic person in the community** has the meaning in clause 32;

**Testing Requirements for Contacts and Exposed Persons** means the document titled 'Testing Requirements for Contacts and Exposed Persons' 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:

- (a) Vaxzevria (AstraZeneca);
- (b) Comirnaty (Pfizer);
- (c) Spikevax (Moderna);
- (d) Coronvac (Sinovac);
- (e) Covishield (Astrazeneca/Serum Institute of India);
- (f) Covaxin (Bharat Biotech);
- (g) BBIP-CorV (Sinopharm);

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

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

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

A handwritten signature in blue ink, appearing to read 'M. Foley', with a stylized flourish at the end.

**Martin Foley MP, Minister for Health**

6 January 2022 at 9.50 PM