

Directions from Chief Health Officer in accordance with emergency powers arising from declared state of emergency

Victorian Border Crossing Permit Directions (No 2)

Public Health and Wellbeing Act 2008 (Vic)

Section 200

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer, consider it reasonably necessary to eliminate or reduce the serious risk to public health—and reasonably necessary to protect public health—to give the following directions pursuant to section 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008 (Vic) (PHW Act)**:

1 Preamble

- (1) These directions replace the **Victorian Border Crossing Permit Directions** and make minor clarifications to some restrictions currently in place, in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions must be read together with the **Directions currently in force**.

2 Citation

These directions may be referred to as the **Victorian Border Crossing Permit Directions (No 2)**.

3 Commencement, revocation and transitional provisions

- (1) The **Victorian Border Crossing Permit Directions** are revoked at 11:59:00pm on 12 January 2021.
- (2) These directions commence at 11:59:00pm on 12 January 2021.
- (3) Any permit issued under a **revoked Border Crossing Permit Scheme Direction** continues to have effect until the validity period expires under the **revoked Border Crossing Permit Scheme Direction**.

Note: a person who has a permit under previous directions may continue to enter Victoria under that permit.

- (4) Any request for exemption submitted under a **revoked Border Crossing Permit Scheme Direction** continues to have effect.

Note: a person who has made a request for exemption under previous directions will be contacted to confirm whether or not the request for exemption is still required.

- (5) Any exemption granted under a **revoked Border Crossing Permit Scheme Direction** continues to have effect.

4 Restrictions on persons entering Victoria

- (1) A **prohibited person** must not enter Victoria from any other State or a Territory unless the prohibited person:
- (a) has a valid **transit permit** under clause 9; or
 - (b) has a valid **specified worker permit** under clause 10(1); or
 - (c) has a valid **freight worker permit** under clause 10(4); or
 - (d) is an **excepted person** under clause 12; or
 - (e) has a valid exemption under clause 3(5) or 13.
- (2) A **restricted person** must not enter Victoria from any other State or a Territory unless the restricted person:
- (a) has a valid **green zone permit** under clause 5; or
 - (b) has a valid **orange zone permit** under clause 6; or
 - (c) is a **cross border community member** under clause 7; or
 - (d) has a valid transit permit under clause 9; or
 - (e) has a valid specified worker permit under clause 10(1); or
 - (f) has a valid freight worker permit under clause 10(4); or
 - (g) is an excepted person under clause 12; or
 - (h) has a valid exemption under clause 3(5) or 13.

5 Green zone permit

Eligibility

- (1) Subject to the requirements in subclause (2), the following restricted persons who are in a green zone at the time of applying for a green zone permit, may enter Victoria from any other State or a Territory:
- (a) a person who has not been in an area that is a red zone or an orange zone at the time of applying for a green zone permit in the 14 days prior to entry; or
 - (b) a person who has been in a red zone or orange zone in the 14 days prior to entry only for the purpose of:
 - (i) completing the required period of **hotel quarantine** in any other State or a Territory immediately followed by direct and **short term transit** through a red zone or orange zone to Victoria; or
 - (ii) direct and short term transit through a red zone or orange zone to Victoria.
- (2) A restricted person referred to in subclause (1)(b) is permitted to enter Victoria if in transiting to Victoria the restricted person has:
- (a) travelled directly from their place of departure to Victoria and:

- (i) if they travelled by air, the person has travelled directly from their place of departure to the airport and did not leave the airport until departure to Victoria; and
 - (ii) if they travelled by sea, the person travelled directly from their place of departure to the seaport and did not leave the seaport until departure for Victoria; and
 - (iii) if they travelled by rail, the person travelled directly from their place of departure to the railway station and did not leave the railway station until departure for Victoria; and
 - (iv) if they travelled by road, the person travelled directly from their place of departure to the vehicle and did not leave the vehicle until departure for Victoria; and
- (b) practised physical distancing when in a red zone or orange zone in the 14 days prior to entry; and
- (c) kept detailed records of each place they stop (including accommodation) in a red zone in the 14 days prior to entry; and
- (d) wore a face covering at all times in all:
- (i) indoor public places; and
 - (ii) outdoor public spaces (where it is not practicable to practise physical distancing); and
 - (iii) vehicles, if the restricted person or prohibited person is in a vehicle with any other person (unless the other person ordinarily resides with the person),
- unless the person was exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Victoria)**; and
- (e) if applicable, wore a face covering at all times during any flight to Victoria unless the person was exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Victoria)**.

Requirements for entry

- (3) A restricted person referred to in subclause (1) may enter Victoria from any other State or a Territory if the restricted person:
- (a) has a valid green zone permit which includes:
 - (i) the person's full name; and
 - (ii) the person's contact phone number; and
 - (iii) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and
 - (iv) the address from which the person is departing when entering Victoria; and

- (v) the current address where the person ordinarily resides; and
- (vi) the date of entry into Victoria; and
- (vii) if applicable, any planned date of departure from Victoria; and
- (viii) an attestation by the person stating that (as at the date of attestation) the person (and any person under the age of 18 or other dependant entering Victoria with the person):
 - (A) has not been in a red zone or orange zone in the past 14 days, or has been in a red zone or orange zone in the past 14 days but only for the purpose of:
 - 1. completing the required period of hotel quarantine in any other State or a Territory immediately followed by direct and short term transit through a red zone or orange zone to Victoria; or
 - 2. direct and short term transit through a red zone or orange zone to Victoria,
 whilst complying with the conditions set out in clause 5(2); and
 - (B) is not a **diagnosed person** or a close contact of a diagnosed person and/or required to self-isolate or self-quarantine in any State or Territory; and
 - (C) is not experiencing SARS-CoV-2 symptoms; and
 - (D) has provided information in the permit that is true and correct; and
 - (E) will not re-enter Victoria using a valid green zone permit, if they have entered a red zone or an orange zone in the 14 days preceding the attempted re-entry, other than where subclause (3)(a)(viii)(A)1 or 2 applies; and
 - (F) will comply with the conditions in subclause (4).

Obligations after entry

- (4) A restricted person who enters Victoria under subclause (1) must:
- (a) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (i) a valid green zone permit; and
 - (ii) photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and

Example: photographic personal identification includes a driver's licence issued by any State or Territory or a passport issued by Australia. Evidence of the current address where the person ordinarily resides includes a driver's licence or any other document issued by any

*State or Territory or any **municipal district**, local government area or unincorporated local government area (not including Lord Howe Island), including a rates notice.*

- (iii) if the restricted person has entered Victoria in accordance with subclause (1)(b)(i) (after completing the required period of hotel quarantine in any other State or a Territory), documentary evidence that the person has completed hotel quarantine in any other State or a Territory; and
- (b) comply with all Directions currently in force; and
- (c) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms.

Validity and revocation

- (5) A green zone permit:
 - (a) is valid for 14 days from the date the restricted person first enters Victoria (unless revoked earlier); and
 - (b) may be used by the restricted person to enter Victoria multiple times during the validity period in paragraph (a); and
 - (c) is revoked immediately if the restricted person enters a red zone or orange zone after the delivery of the permit, or has been in a red zone or orange zone in the 14 days preceding the date of delivery of the green zone permit.

6 Orange zone permit

Eligibility

- (1) Subject to the requirements in subclause (2), the following restricted persons who are in an orange zone at the time of applying for an orange zone permit, may enter Victoria from any other State or a Territory:
 - (a) a person who has not been in an area that is a red zone at the time of applying for an orange zone permit in the 14 days prior to entry; or
 - (b) a person who has been in a red zone in the 14 days prior to entry only for the purpose of direct and short term transit through a red zone to Victoria.
- (2) A restricted person referred to in subclause (1)(b) is permitted to enter Victoria if in transiting to Victoria the restricted person has:
 - (a) practised physical distancing when in a red zone; and
 - (b) kept detailed records of each place they stop (including accommodation) in a red zone; and
 - (c) wore a face covering at all times in all:
 - (i) indoor public places; and
 - (ii) outdoor public spaces (where it is not practicable to practise physical distancing); and

- (iii) vehicles, if the restricted person or prohibited person is in a vehicle with any other person (unless the other person ordinarily resides with the person),

unless the person was exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Victoria)**; and

- (d) if applicable, wore a face covering at all times during any flight to Victoria unless the person was exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Victoria)**.

Requirements for entry

- (3) A restricted person referred to in subclause (1) may enter Victoria from any other State or a Territory if the restricted person has a valid orange zone permit which includes:

- (a) the person's full name; and
- (b) the person's contact phone number; and
- (c) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and
- (d) the address from which the person is departing when entering Victoria; and
- (e) the current address where the person ordinarily resides; and
- (f) the date of entry into Victoria; and
- (g) if applicable, any planned date of departure from Victoria; and
- (h) an attestation by the person stating that (as at the date of attestation) the person (and any person under the age of 18 or other dependant entering Victoria with the person):
 - (i) has not been in a red zone in the past 14 days, or has been in a red zone in the past 14 days but only for the purpose of direct and short term transit through a red zone to Victoria, whilst complying with the conditions set out in clause 6(2); and
 - (ii) is not a diagnosed person or a close contact of a diagnosed person and/or required to self-isolate or self-quarantine in any State or Territory; and
 - (iii) is not experiencing SARS-CoV-2 symptoms; and
 - (iv) has provided information in the permit that is true and correct; and
 - (v) will comply with the conditions in subclause (4).

Obligations after entry

- (4) A restricted person who enters Victoria under subclause (1) must:

- (a) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (i) a valid orange zone permit; and
 - (ii) photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and
- (b) get tested for SARS-CoV-2 within 72 hours of the time the restricted person first enters Victoria; and
- (c) travel immediately and directly to, and self-quarantine at, the premises at which the person ordinarily resides or another premises that is suitable for the person to reside in for the purpose of self-quarantine until the person receives a negative SARS-CoV-2 test result; and
- (d) reside at the premises described in paragraph (c) and not leave the premises except:
 - (i) to obtain medical care or medical supplies; or
 - (ii) to get tested for SARS-CoV-2; or
 - (iii) in an emergency situation; or
 - (iv) if required to do so by law,
 during the period of self-quarantine under paragraph (c); and
- (e) if the person leaves the premises described in paragraph (c) in accordance with paragraph (d), wear a face covering in all:
 - (i) indoor public places; and
 - (ii) outdoor public places where the person is unable to practise physical distancing; and
 - (iii) vehicles, if the restricted person or prohibited person is in a vehicle with any other person (unless the other person ordinarily resides with the person),
 unless the person is exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Victoria)**; and
- (f) comply with all Directions currently in force; and
- (g) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms.

Validity and revocation

- (5) An orange zone permit:
 - (a) is valid for 14 days from the date the restricted person first enters Victoria (unless revoked earlier); and
 - (b) may only be used once by a restricted person to enter Victoria during the validity period in paragraph (a); and

- (c) is revoked immediately if the restricted person enters a red zone after the delivery of the permit.

7 Cross border community members

- (1) Despite clauses 5 and 6, a restricted person may enter Victoria from a **cross border community area** without a permit if the restricted person or prohibited person:
 - (a) is a cross border community member; and
 - (b) is not a diagnosed person or a close contact of a diagnosed person and/or required to self-isolate or self-quarantine in any State or Territory; and
 - (c) is not experiencing SARS-CoV-2 symptoms; and
 - (d) if the person has been in an orange zone outside of the cross border community area in the 14 days before the person enters Victoria, the person has been tested for SARS-CoV-2 since they last left the orange zone and has received a negative result; and
 - (e) has not been in a red zone outside of the cross border community area in the 14 days before the person enters Victoria.
- (2) A cross border community member who enters Victoria under subclause (1) must:
 - (a) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (i) proof that the person is a cross border community member (unless the person is under the age of 18); and
 - (ii) photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and

Example: photographic personal identification includes a driver's licence issued by Victoria or New South Wales or a passport issued by Australia. Evidence of the current address where the person ordinarily resides includes a driver's licence issued by Victoria or New South Wales or any other document issued by a municipal district, local government area or unincorporated local government area (not including Lord Howe Island), including a rates notice.
 - (b) comply with all Directions currently in force; and
 - (c) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms.

8 Aircrew

- (1) Despite clauses 5 and 6, a prohibited person or a restricted person who is an **aircrew services worker** may enter Victoria from any other State or a Territory if the person:

- (a) subject to subclause (2), whose ordinary place of residence is outside of Victoria and within a designated red zone or orange zone in the 14 days prior to entry, and is required to enter and be physically present in Victoria for the purpose of providing aircrew services; or
 - (b) subject to subclause (3), whose ordinary place of residence is outside of Victoria and within a designated green zone in the 14 days prior to entry, is required to enter and be physically present in Victoria for the purpose of providing aircrew services; or
 - (c) subject to subclause (4), whose ordinary place of residence is in Victoria (but is required to enter and be physically present in any other State or a Territory for the purpose of providing aircrew services) for the purpose of returning to their ordinary place of residence in Victoria; and
 - (d) is not a diagnosed person or a close contact of a diagnosed person and/or required to self-isolate or self-quarantine in any State or Territory; and
 - (e) is not experiencing SARS-CoV-2 Symptoms.
- (2) An aircrew services worker who enters Victoria under subclause (1) must:
- (a) wear a face covering during each flight to and from Victoria and when travelling between the designated crew hotel and the airport (unless the person is exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Victoria)**); and
 - (b) travel directly by private transport between the designated crew hotel and any airport of arrival or departure; and
 - (c) not leave the designated crew hotel other than:
 - (i) to travel to the airport of departure; or
 - (ii) in an emergency; or
 - (iii) to undertake required simulator training or emergency procedures training; and
 - (d) otherwise comply with relevant airline requirements and airline **COVIDSafe Plan** whilst in Victoria and in any other State or a Territory.
- (3) An aircrew services worker who enters Victoria under subclause (1)(b) must comply with their respective airline's COVIDSafe Plan while travelling to and from a red zone or orange zone in the 14 days prior to entry.
- (4) An aircrew services worker who enters Victoria under subclause (1)(c), who travels to or from a designated red zone or orange zone in the 14 days prior to entry must:
- (a) travel directly by private transport between the designated crew hotel and any airport of arrival or departure; and
 - (b) not leave the designated crew hotel whilst in the red zone or orange zone, other than:
 - (i) to travel to the airport of departure; or

- (ii) in an emergency; and
- (c) otherwise comply with relevant airline requirements and airline COVIDSafe Plan whilst in Victorian and in any other State or a Territory.

9 Transit through Victoria

- (1) Despite clauses 5 and 6, a restricted person whose ordinary place of residence is not in Victoria may enter Victoria from any other State or a Territory if:
 - (a) the person is required to enter and be physically present in Victoria for the purpose of direct and short term transit through Victoria by air, sea, rail or road; and
 - (b) the person has a valid transit permit which includes:
 - (i) the person's full name; and
 - (ii) the person's contact phone number; and
 - (iii) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and
 - (iv) the address from which the person is departing when entering Victoria; and
 - (v) the current address where the person ordinarily resides; and
 - (vi) the date of entry into Victoria; and
 - (vii) if applicable, any planned date of departure from Victoria; and
 - (viii) an attestation by the person stating that (as at the date of attestation) the person (and any person under the age of 18 or other dependant entering Victoria with the person):
 - (A) is entering Victoria for purpose of direct and short term transit through Victoria by air, sea, rail or road; and
 - (B) is not a diagnosed person or a close contact of a diagnosed person and/or required to self-isolate or self-quarantine in any State or Territory; and
 - (C) is not experiencing SARS-CoV-2 symptoms; and
 - (D) has provided information in the permit that is true and correct; and
 - (E) will comply with the conditions in subclause (2) and (3) (as applicable).
- (2) A restricted person who enters Victoria under subclause (1) must:
 - (a) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):

- (i) a valid transit permit; and
- (ii) photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and

Example: photographic personal identification includes a driver's licence issued by any State or Territory or a passport issued by Australia. Evidence of the current address where the person ordinarily resides includes a driver's licence or any other document issued by any State or Territory or any municipal district, local government area or unincorporated local government area (not including Lord Howe Island), including a rates notice.

- (b) comply with all Directions currently in force; and
 - (c) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms.
- (3) Without limiting subclause (2), if a restricted person has been in a red zone or orange zone in the 14 days before the person enters Victoria, must:
- (a) minimise contact with other persons in Victoria (except in an emergency); and
 - (b) practise physical distancing; and
 - (c) keep detailed records of each place they stop (including accommodation) in Victoria; and
 - (d) wear a face covering in all public places, unless the person is exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Victoria)**; and
 - (e) if applicable, wear a face covering during each flight to Victoria unless the person is exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Victoria)**.
- (4) A transit permit:
- (a) is valid for 24 hours from the time and date the restricted person or prohibited person first enters Victoria (unless revoked earlier); and
 - (b) may only be used once by a restricted person or prohibited person to enter Victoria during the validity period in paragraph (a).

10 Specified workers

Specified worker permit

- (1) Despite clauses 5 and 6, a prohibited person or a restricted person who is a **specified worker** may enter Victoria from any other State or a Territory if:
- (a) the person is a specified worker and required to enter and be physically present in Victoria for the purpose of providing **specified work**; or

Note: the list of specified workers who can apply for a specified worker permit is available on the Department's website -

<https://www.coronavirus.vic.gov.au/travellers-eligible-apply-permit-under-permitted-workers-categories>.

- (b) the person's ordinary place of residence is in Victoria (but such person is required to enter and be physically present in any other State or a Territory for the purpose of providing specified work) and the person is entering Victoria for the purpose of returning to their ordinary place of residence in Victoria; and
 - (c) the person has a valid specified worker permit which includes:
 - (i) the person's full name; and
 - (ii) the person's contact phone number; and
 - (iii) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and
 - (iv) the address from which the person is departing when entering Victoria; and
 - (v) the current address where the person ordinarily resides; and
 - (vi) the date of entry into Victoria; and
 - (vii) if applicable, any planned date of departure from Victoria; and
 - (viii) an attestation by the person stating that (as at the date of attestation) the person (and any person under the age of 18 or other dependant entering Victoria with the person):
 - (A) is a specified worker and is entering Victoria for the relevant purpose in paragraph (a) or (b); and
 - (B) is not a diagnosed person or a close contact of a diagnosed person and/or required to self-isolate or self-quarantine in any State or Territory; and
 - (C) is not experiencing SARS-CoV-2 symptoms; and
 - (D) has provided information in the permit that is true and correct; and
 - (E) will comply with the conditions in subclause (2).
- (2) A restricted person or prohibited person who enters Victoria under subclause (1) must:
- (a) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (i) a valid specified worker permit; and
 - (ii) photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and

- (b) unless the person's ordinary place of residence is in Victoria, only remain in Victoria for the period reasonably necessary to provide the specified work; and
- (c) subject to paragraph (d), get tested for SARS-CoV-2 at least once every 7 days during each specified worker permit validity period in subclause (3); and

Note: nothing in paragraph (c) is intended to require a person to be tested for SARS-CoV-2 more than twice in any 14 day period, including where a person enters Victoria more than once in any 14 day period.

- (d) if the person is a worker at an **offshore petroleum or gas storage facility** who cannot reasonably get tested for SARS-CoV-2 while working, get tested for SARS-CoV-2 within 72 hours of the time the restricted person first enters Victoria during each specified worker permit validity period in subclause (3); and
- (e) if the person is:
 - (i) a restricted person and has been in an orange zone in the 14 days before the person enters Victoria and has not received a negative SARS-CoV-2 test result since last entering Victoria; or
 - (ii) a prohibited person and has been in a red zone in the 14 days before the person enters Victoria,

the person must:

- (iii) carry and provide documentary evidence that the person has been tested in accordance with paragraph (c) and (d) (including evidence of the person's most recent test) to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) when requested to do so; and
- (iv) minimise contact with other persons;
- (v) only if the restricted person or prohibited person has also been outside a cross border community area into an orange zone or red zone:
 - (A) travel immediately and directly to, and self-quarantine at, the premises at which the person ordinarily resides or another premises that is suitable for the person to reside in for the purpose of self-quarantine, for 14 days, commencing from the date the person was last outside the cross border community area in an orange zone or a red zone; and
 - (B) reside at the premises described in sub-subparagraph (v)(A) and not leave the premises except:
 - 1. to undertake the relevant purpose in subclause (1)(a); or

2. to obtain takeaway food and drink; or
3. to access toilet and bathroom facilities; or
4. to get tested for SARS-CoV-2; or
5. in an emergency situation; or
6. if required to do so by law; or
7. to leave Victoria,

during the period of self-quarantine under sub-subparagraph (v)(A); and

(C) wear a face covering in all:

1. indoor public places; and
2. outdoor public places where the person is unable to practise physical distancing; and
3. vehicles, if the restricted person or prohibited person is in a vehicle with any other person (unless the other person ordinarily resides with the person),

unless the person is exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Victoria)**.

Note: a specified worker may be accompanied by a dependent child under the age of 18 years or other dependent person, such as an adult with a disability, if the dependant is to receive emergency or essential medical care or other urgent care, provided the dependant complies with the requirements under subclause (2) whilst in Victoria.

(3) A specified worker permit:

- (a) is valid for 14 days from the date the restricted person or prohibited person first enters Victoria (unless revoked earlier); and
- (b) may be used by a restricted person or prohibited person to enter Victoria multiple times during the validity period in paragraph (a).

Commercial freight workers

(4) Despite clauses 5 and 6, a prohibited person or a restricted person who has been in an orange zone in the 14 days before the restricted person enters Victoria, and who is a **commercial freight worker**:

- (a) who is required to enter and be physically present in Victoria for the purpose of providing commercial freight services; or
- (b) whose ordinary place of residence is in Victoria (but such person is required to enter and be physically present in any other State or Territory for the purpose of providing commercial freight services) and the person is entering Victoria the purpose of returning to their ordinary place of residence in Victoria,

may enter Victoria from any other State or a Territory if:

- (c) during all times the person has been in an orange zone in the 14 days before the person enters Victoria, the person:
 - (i) has not carried any person as a passenger in the vehicle, other than for the purpose of providing commercial freight services; and
 - (ii) has minimised contact with other persons (except in cases of emergency); and
 - (iii) has practised physical distancing; and
- (d) during all times the person has been in a red zone in the 14 days before the person enters Victoria, the person:
 - (i) has not carried any person as a passenger in the vehicle, other than for the purpose of providing commercial freight services; and
 - (ii) has kept detailed records of all travel and each place they stop (including accommodation); and
 - (iii) has worn a face covering at all times in all:
 - (A) indoor public places; and
 - (B) outdoor public places; and
 - (C) vehicles, if the restricted person or prohibited person is in a vehicle with any other person (unless the other person ordinarily resides with the person); and
 - (iv) has minimised contact with other persons (except in cases of emergency); and
 - (v) has practised physical distancing; and
- (e) the person has a valid freight worker permit which includes:
 - (i) the person's full name;
 - (ii) the person's contact phone number; and
 - (iii) the full names of any person under the age of 18, or other dependants for whom the person is a parent, guardian or carer, entering Victoria with the person; and
 - (iv) the address from which the person is departing when entering Victoria; and
 - (v) the current address where the person ordinarily resides; and
 - (vi) the date of entry into Victoria; and
 - (vii) if applicable, any planned date of departure from Victoria; and
 - (viii) an attestation by the person stating that (as at the date of attestation) the person (and any person under the age of 18 or other dependant entering Victoria with the person):

- (A) is a commercial freight worker and is entering Victoria for the relevant purpose in (a) or (b); and
 - (B) is not a diagnosed person or a close contact of a diagnosed person and/or required to self-isolate or self-quarantine in any State or Territory; and
 - (C) is not experiencing SARS-CoV-2 symptoms; and
 - (D) has provided information in the permit that is true and correct; and
 - (E) will comply with the conditions in subclause (5).
- (5) A restricted person or prohibited person who enters Victoria under subclause (4):
- (a) must carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (i) a valid freight worker permit; and
 - (ii) photographic personal identification and evidence of the current address where the person ordinarily resides (unless the person is under the age of 18); and
 - (b) must not work while experiencing SARS-CoV-2 symptoms; and
 - (c) must, unless the person's ordinary place of residence is in Victoria, only remain in Victoria for the period reasonably necessary to provide commercial freight services; and
 - (d) must get tested for SARS-CoV-2 at least once every 7 days during each freight worker permit validity period in subclause (6); and

Note: nothing in paragraph (d) is intended to require a person to be tested for SARS-CoV-2 more than twice in any 14 day period, including where a person enters Victoria more than once in any 14 day period.
 - (e) who is:
 - (i) a restricted person and has been in an orange zone in the 14 days before the person enters Victoria and has not received a negative SARS-CoV-2 test result since last entering Victoria; or
 - (ii) a prohibited person and has been in a red zone in the 14 days before the person enters Victoria,
 must:
 - (iii) carry and provide documentary evidence that the person has been tested in accordance with paragraph (d) (including evidence of the person's most recent test) to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) when requested to do so; and

- (iv) minimise contact with other persons; and
- (v) wear a face covering, unless the person is exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Victoria)**, for 14 days commencing from when the person enters Victoria or, if the person is a person referred to in subparagraph (i), until the person receives a negative SARS-CoV-2 test result, when in:
 - (A) an indoor place; and
 - (B) an outdoor public places where the person is unable to practise physical distancing; and
 - (C) a vehicle if the person is in the vehicle with any other person with whom the person does not ordinarily reside at a private premises; and
- (f) comply with all Directions currently in force; and
- (g) monitor for SARS-CoV-2 symptoms and get tested for SARS-CoV-2 if experiencing SARS-CoV-2 symptoms.

Note: a commercial freight worker may be accompanied by a dependent child under the age of 18 years or other dependent person, such as an adult with a disability, if the dependant is to receive emergency or essential medical care or other urgent care, provided the dependant complies with the requirements under subclause (5) whilst in Victoria.

- (6) A freight worker permit:
 - (a) is valid for 14 days from the date the restricted person or prohibited person first enters Victoria (unless revoked earlier); and
 - (b) may be used by a restricted person or prohibited person to enter Victoria multiple times during the validity period in paragraph (a).

11 Applications for a permit

- (1) A person may apply for a **permit** using a digital system provided by the **Service Victoria CEO** and other parts of the Victorian Government.
- (2) An application for a permit must contain all information reasonably required by the **Department** from time to time, for the purpose of protecting public health.
- (3) The Service Victoria CEO:
 - (a) may deliver a permit to a person if clause:
 - (i) 5 (green zone permit); or
 - (ii) 6 (orange zone permit); or
 - (iii) 9 (transit permit); or
 - (iv) 10(1)(specified worker permit); or
 - (v) 10(4) (freight worker permit),

- applies, the person makes an application under subclause (1) and the application complies with the requirements under subclause (2); and
- (b) may provide a copy of the permit to the Department; and
 - (c) will provide any information contained in an application to the Department on behalf of the person.
- (4) A person must not give information, or make a statement, in an application for a permit that is false or misleading in a material particular.

12 Excepted persons

- (1) A restricted person or prohibited person may enter Victoria from any other State or a Territory without a permit:
- (a) to provide, receive or accompany a dependant who is to receive, emergency or essential medical care or other urgent care; or
 - Example: essential medical care includes medical care requiring continuity of treatment, such as chemotherapy or dialysis treatment.*
 - Example: other urgent care may include essential care for a person with a disability or a dependant of a person, if there are no alternate care arrangements available, but does not include ordinary child-minding services.*
 - (b) if the person's ordinary place of residence is in Victoria and the person is returning to Victoria after leaving Victoria to provide, receive or accompany a dependant who received, emergency or essential medical care or other urgent care; or
 - (c) to provide or receive emergency services or to ensure the provision of telecommunications, critical infrastructure, essential prevention and recovery from emergencies and essential public services (including **emergency workers**, healthcare workers, care facility workers and child protection workers); or
 - Note: a person entering Victoria under paragraph (c) is required to carry a letter from their employer evidencing the need for that worker to enter Victoria for under paragraph (c).*
 - (d) if the person's ordinary place of residence is in Victoria and the person is returning to Victoria after leaving Victoria to provide, receive emergency services or ensure the provision of telecommunications, critical infrastructure, essential prevention and recovery from emergencies and essential public services (including emergency workers, healthcare workers, care facility workers and child protection workers); or
 - (e) to escape harm or the risk of harm, including harm relating to family violence or violence of another person; or
 - (f) if the person's ordinary place of residence is in Victoria and the person is returning to Victoria after leaving Victoria to escape harm or the risk

of harm, including harm relating to family violence or violence of another person; or

- (g) if the person is a **school** student travelling on a bus undertaking a usual or regular route to or from the school that the student is enrolled at; or
- (h) if the person remains on the same premises where that premises is both in the State of Victoria and either:
 - (i) the State of New South Wales; or
 - (ii) the State of South Australia; or
- (i) for purposes related to the administration of justice in Victoria; or
Example: prison transfers.
- (j) if the person's ordinary place of residence is in Victoria and the person is returning to Victoria after leaving Victoria for purposes related to the administration of justice; or
Example: following attendance at a court hearing in another State or a Territory.
- (k) for purposes related to shared custody arrangements (court ordered or non-court ordered); or
- (l) if the person's ordinary place of residence is in Victoria and the person is returning to Victoria after leaving Victoria for purposes related to shared custody arrangements (court ordered or non-court ordered); or
- (m) as required or authorised by law or;
- (n) if the person's ordinary place of residence is in Victoria and the person is returning to Victoria after leaving Victoria as required or authorised by law; or
- (o) for the purposes of state security or **national security**; or
- (p) if the person's ordinary place of residence is in Victoria and the person is returning to Victoria after leaving Victoria for the purposes of state security or national security; or
- (q) if the person leaves Victoria to travel along the Murray River but only if the person:
 - (i) does not set foot on the banks of the Murray River on the New South Wales side or South Australian side of the Murray River (unless the person is a restricted person from a cross border community area); and
 - (ii) prohibits or prevents any prohibited person from travelling on the Murray River with them or entering Victoria with them.

(2) A restricted person who enters Victoria as an excepted person under subclause (1) (except where the restricted person enters Victoria as an excepted person in accordance with subclause (1)(g) or (h)) must:

- (a) where the person is entering Victoria from a green zone:

- (i) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) photographic personal identification and evidence of the address where the person ordinarily resides (unless the person is under the age of 18); and
 - (ii) comply with all Directions currently in force; and
 - (iii) monitor for SARS-CoV-2 symptoms; and
 - (iv) only remain in Victoria for the period reasonably necessary for the purpose they entered Victoria (unless Victoria is their normal place of residence); and
 - (v) if they are a diagnosed person or someone who has been in close contact with a diagnosed person, comply with the requirements of the **Diagnosed Persons and Close Contacts Direction**; or
- (b) where the person is entering Victoria from an orange zone:
- (i) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) photographic personal identification and evidence of the address where the person ordinarily resides (unless the person is under the age of 18); and
 - (ii) be tested for SARS-CoV-2 within 72 hours of entering Victoria; and
 - (iii) self-quarantine at the premises at which the person ordinarily resides or another premises that is suitable for the person to reside in for the purpose of self-quarantine for 14 days or until the person receives a negative SARS-CoV-2 test result (whichever is earlier) and not leave the premises except:
 - (A) perform the activity for which they were permitted to enter Victoria; or
 - (B) to obtain medical care or medical supplies; or
 - (C) to get tested for SARS-CoV-2; or
 - (D) in an emergency situation; or
 - (E) if required to do so by law; or
 - (F) if the prohibited person has entered Victoria to escape harm, only self-quarantine to the extent it is reasonably practicable to do so in all the circumstances,

during the period of self-quarantine under this paragraph; and
 - (iv) provide documentary evidence that the person has been tested in accordance with paragraph (ii) (including evidence of the person's most recent test) to an authorised officer, a Victoria

Police member or a Protective Services Officer (or other person under such person's direction) when requested to do so; and

- (v) comply with all Directions currently in force; and
 - (vi) monitor for SARS-CoV-2 symptoms; and
 - (vii) the prohibited person must wear a face covering when in public for a period of 14 days from entry into Victoria or until the person receives a negative SARS-CoV-2 test result (whichever is earlier) (over and above the Directions currently in force), unless the person is exempt from the requirement to wear a face covering in accordance with clause 5(7) and (8) of the Stay Safe Directions (Victoria)); and
 - (viii) if they are a diagnosed person or someone who has been in close contact with a diagnosed person, comply with the requirements of the **Diagnosed Persons and Close Contacts Direction**; or
- (3) A prohibited person who enters Victoria as an excepted person under subclause (1) must:
- (a) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction), photographic personal identification and evidence of the address where the person ordinarily resides (unless the person is under the age of 18); and
 - (b) be tested for SARS-CoV-2 within 72 hours of entering Victoria; and
 - (c) self-quarantine at the premises at which the person ordinarily resides or another premises that is suitable for the person to reside in for the purpose of self-quarantine for 14 days and not leave the premises except:
 - (i) perform the activity for which they were permitted to enter Victoria; or
 - (ii) to obtain medical care or medical supplies; or
 - (iii) to get tested for SARS-CoV-2; or
 - (iv) in an emergency situation; or
 - (v) if required to do so by law; or
 - (vi) if the prohibited person has entered Victoria to escape harm, only self-quarantine to the extent it is reasonably practicable to do so in all the circumstances,during the period of self-quarantine under this paragraph; and
 - (d) provide documentary evidence that the person has been tested in accordance with paragraph (b) (including evidence of the person's most recent test) to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction) when requested to do so; and

- (e) comply with all Directions currently in force; and
- (f) monitor for SARS-CoV-2 symptoms; and
- (g) only remain in Victoria for the period reasonably necessary for the purpose (except in case of emergency);
- (h) minimise contact with other persons in Victoria; and
- (i) practise physical distancing; and
- (j) keep detailed records of each place they stop (including accommodation) in Victoria; and
- (k) wear a face covering:
 - (i) in all public places; and
 - (ii) during each flight to and from Victoria; and
 - (iii) when in public for a period of 14 days from entry into Victoria (over and above the Directions currently in force); and
 unless the person is exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Victoria)**; and
- (l) if they are a diagnosed person or someone who has been in close contact with a diagnosed person, comply with the requirements of the **Diagnosed Persons and Close Contacts Direction**.

13 Exemption power

Request for exemption

- (1) A restricted person or a prohibited person is not required to comply with a requirement of these directions if the person is granted an exemption from that requirement under:
 - (a) subclause (6) (specific circumstances); or
 - (b) subclause (11).
- (2) A restricted person or a prohibited person may request an exemption by:
 - (a) using a digital system provided by the Service Victoria CEO and other parts of the Victorian Government; or
 - (b) contacting the Department by phone (or other method determined by the Department from time to time).
- (3) A request for exemption must contain all information reasonably required by the Department from time to time, for the purpose of protecting public health.
- (4) The Service Victoria CEO will provide any information contained in a request for exemption under subclause (2)(a) to the Department.

Exemptions for specific circumstances

- (5) A restricted person or a prohibited person may request an exemption from any or all requirements contained in these directions:
 - (a) to attend a funeral or end of life event; or

- (b) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal; or
 - (c) to return to the person's ordinary place of residence for health, wellbeing, care or compassionate reasons; or
 - (d) to effect an emergency relocation; or
 - (e) to effect a military transfer.
- (6) The Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the public health branch of the Department) may exempt a restricted person or a prohibited person from any or all requirements contained in these directions, 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 PHW Act, as appropriate.
- (7) Before granting any exemption under subclause (6) the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the public health branch of the Department) must consider:
- (a) if the restricted person or a prohibited person is:
 - (i) lawfully permitted to leave a State or Territory in accordance with the laws in force in that jurisdiction; and
 - (ii) seeking to enter Victoria:
 - (A) to attend a funeral or end of life event; or
 - (B) if a person owns or has responsibilities in relation to an animal, to meet obligations to sustain the life and wellbeing of that animal; or
 - (C) to return to the person's ordinary place of residence for health, wellbeing, care or compassionate reasons; or
 - (D) to effect an emergency relocation; or
 - (E) to effect a military transfer; and
 - (b) documentary evidence provided by the restricted person or a prohibited person of:
 - (i) the circumstances described in paragraph (a); or
 - (ii) test results or other medical information in relation to the person, including a negative SARS-CoV-2 test result received by the person within 72 hours prior to the person's proposed or actual entry into Victoria; or

Note: a person returning to the person's ordinary place of residence in Victoria may not need to be tested for SARS-CoV-2 in another State or a Territory before entering Victoria but must be tested for SARS-CoV-2 within 72 hours of returning to Victoria.

- (iii) directions or permissions given to that person from a State or Territory not to self-isolate or self-quarantine,

and any further documentary evidence requested by the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the public health branch of the Department) and provided by the person.

- (8) An exemption granted under subclause (6):
 - (a) must:
 - (i) be given by the Department, in writing, to the person who is the subject of the exemption; and
 - (ii) specify the requirement or requirements that the person or need not comply with; and
 - (b) may be subject to additional or different conditions approved by the Chief Health Officer or Deputy Chief Health Officer.
- (9) An exemption granted under subclause (6) does not prevent an authorised officer from exercising an **emergency power** to give the restricted person or a prohibited person a different direction or impose a different requirement or condition of exemption on the restricted person or a prohibited person.

Exemptions, generally

- (10) A restricted person or a prohibited person may request an exemption from any or all requirements contained in these directions.
- (11) The Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the public health branch of the Department) may exempt a person or group of persons from any or all requirements contained in these directions, 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 PHW Act, as appropriate.
- (12) Before granting any exemption under subclause (11) the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the public health branch of the Department) must consider:
 - (a) the circumstances set out in any request; and
 - (b) any documentary evidence provided by the restricted person or a prohibited person, including test results or other medical information in relation to the person; and
 - (c) any further documentary evidence requested by the Chief Health Officer or Deputy Chief Health Officer (or the Secretary or a Deputy Secretary to the Department or an Executive Director or Director in the public health branch of the Department) and provided by the person.
- (13) An exemption under subclause (11):
 - (a) must:

- (i) be given by the Department, in writing, to the person who is the subject of the exemption; or
 - (ii) be published by the Department, in writing, for the purpose of any group of persons who are the subject of the exemption; and
 - (iii) specify the requirement or requirements that the person or group of persons need not comply with; and
- (b) may be subject to additional or different conditions approved by the Chief Health Officer or Deputy Chief Health Officer.
- (14) An exemption granted under subclause (11) does not prevent an authorised officer from exercising an emergency power to give the restricted person or a prohibited person or group of persons a different direction or impose a different requirement on the restricted person or a prohibited person or group of persons.

Conditions of exemption

- (15) A restricted person who enters Victoria under an exemption granted under subclause (11) must:
- (a) enter Victoria at a point of entry and within 72 hours of the time and date set out in the exemption; and

Note: an exemption will expire if the prohibited person does not enter Victoria within 72 hours of the time and date set out in the exemption and the prohibited person will need to re-apply for a new exemption.
 - (b) where the person has been in an orange zone in the previous 14 days, comply with any conditions imposed on the exemption.
- (16) A prohibited person who enters Victoria under an exemption granted under subclause (6) or subclause (11) who has been in a red zone in the 14 days prior to entry into Victoria must:
- (a) enter Victoria at a point of entry and within 72 hours of the time and date set out in the exemption; and

Note: an exemption will expire if the prohibited person does not enter Victoria within 72 hours of the time and date set out in the exemption and the prohibited person will need to re-apply for a new exemption.
 - (b) carry, and present on request to an authorised officer, a Victoria Police member or a Protective Services Officer (or other person under such person's direction):
 - (i) the exemption; and
 - (ii) documentary evidence supporting the grounds for the exemption, if applicable; and
 - (iii) the prohibited person's photographic personal identification including the address at which the prohibited person ordinarily resides (unless the person is under the age of 18); and

- (iv) a SARS-CoV-2 test result from within the preceding 72 hours of the person's entry into Victoria or from within the 72 hours following the person's entry into Victoria; and
- (c) travel directly:
 - (i) if the prohibited person is travelling to Victoria by air, to the airport in the State or Territory and remain at the airport until the person's flight; and
 - (ii) if the prohibited person is travelling to Victoria by road or otherwise, to the point of entry set out in the exemption, minimising contact with other persons; and
- (d) travel directly to the premises at which the prohibited person ordinarily resides or such other premises suitable for the prohibited person to reside in for the purpose of self-quarantine in accordance with paragraph (e); and
- (e) self-quarantine at the premises at which the prohibited person ordinarily resides or another premises that is suitable for the prohibited person to reside in for the purpose of self-quarantine for 14 days, and only leave that premises:
 - (i) to return to the relevant State or Territory; or
 - (ii) to attend a specified event or place, subject to additional requirements set out in the exemption in relation to:
 - (A) the period the prohibited person may spend at the specified event or place; and
 - (B) whether other persons with whom the prohibited person does not ordinarily reside are permitted to be present at the specified event or place; and
 - (C) if the prohibited person is permitted to attend a worksite, record keeping requirements of any worksite the prohibited person attends; or
 - (iii) to obtain medical care or medical supplies; or
 - (iv) to get tested for SARS CoV-2; or
 - (v) in an emergency situation; or
 - (vi) if required to do so by law; and
- (f) wear a face covering when in public (over and above the Directions currently in force, unless the person is exempt from the requirement to wear a face covering in accordance with the **Stay Safe Directions (Victoria)**); and
- (g) practise physical distancing; and
- (h) advise the Department immediately if the prohibited person experiences any SARS-CoV-2 Symptoms.

- (17) Nothing in subclauses (15) and (16) prevents an authorised officer from exercising an **emergency power** to give a restricted person or a prohibited person a different direction or impose a different requirement or condition of exemption on the restricted person or the prohibited person.

14 Definitions

In these directions:

- (1) **aircrew services worker** means a pilot or a member of cabin crew undertaking operational flying duties or proficiency training on an aircraft that is not an aircraft of any part of the Australian Defence Force (including any aircraft that is commanded by a member of that Force in the course of duties as such a member);
- (2) **authorised officer** has the same meaning as in the PHW Act;
- (3) **cleared from self-isolation** has the meaning in the **Diagnosed Persons and Close Contacts Directions**;
- (4) **commercial freight worker** means a person providing commercial freight services who is a heavy vehicle driver, rail crew or a support worker and who is subject to the **freight code**;
- (5) **COVIDSafe Plan** means a COVIDSafe Plan described in clause 6(3) of the **Workplace Directions (No 16)**;
- (6) **cross border community area** means a **municipal district**, local government area or unincorporated local government area adjacent to or in close proximity to the border between the State of New South Wales and Victoria as detailed on the Department's website available at: www.coronavirus.vic.gov.au/victorian-border-crossing-permit;
- (7) **cross border community member** means a person whose ordinary place of residence is in the **cross border community area**;
- (8) **Department** means the Victorian Department of Health and Human Services;
- (9) **diagnosed person** means a person who at any time between midnight on 11 December 2020 and 11:59:00pm on 29 January 2021 has been informed that they have been diagnosed with SARS-CoV-2 (but does not include a person who has been medically assessed as non-infectious and cleared by a medical practitioner and/or **cleared from self-isolation**);
- (10) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No 15)** as amended from time to time;
- (11) **Directions currently in force** has the same meaning as in the **Stay Safe Directions (Victoria)**;
- (12) **emergency powers** has the same meaning as in the PHW Act;
- (13) **emergency worker** has the same meaning as in the **Sentencing Act 1991**;
- (14) **excepted person** has the meaning in clause 11(1);

- (15) **face covering** has the meaning in the **Stay Safe Directions (Victoria)**;
- (16) **freight worker permit** has the meaning in clause 10(4);
- (17) **freight code** means the 'Freight Movement Code for the Domestic Border Controls – Freight Movement Protocol' published by the Australian Government on 7 August 2020, as amended from time to time;
- (18) **green zone** means any location in any other State or a Territory that is not a red zone or an orange zone in the 14 days prior to entry into Victoria;
- (19) **green zone permit** has the meaning in clause 5;
- (20) **hotel quarantine** means a program requiring a person to quarantine at a hotel in accordance with a public health order, public health directions, regulations or any other law of any State, Territory or the Commonwealth made in order to limit the spread **SARS-CoV-2**;
- (21) **municipal district** has the same meaning as in the **Local Government Act 1989**;
- (22) **national security** has the meaning that security has in the **Australian Security Intelligence Organisation Act 1979** of the Commonwealth;
- (23) **offshore petroleum or gas storage facility** has the meaning that facility has in Schedule 3 to the **Offshore Petroleum and Greenhouse Gas Storage Act 2010**;
- (24) **orange zone** means any location in any other State or a Territory assessed as medium risk for SARS-CoV-2 transmission, but only during the specific period for that location detailed on the Department's website available at www.coronavirus.vic.gov.au/victorian-border-crossing-permit, as amended from time to time with the approval of the Chief Health Officer;
- (25) **orange zone permit** has the meaning in clause 6;
- (26) **physical distancing** means the practice of physically maintaining a distance, where it is reasonably practicable to do so, of at least 1.5 metres from any other person except those persons with whom a person ordinarily resides;
- (27) **permit** means the written notice (digital or otherwise) provided under clause 11 and includes:
 - (a) **green zone permit**; and
 - (b) **orange zone permit**; and
 - (c) **specified worker permit**; and
 - (d) **freight worker permit**; and
 - (e) **transit permit**; and
- (28) **prohibited person** means a person who has resided in, visited, been in or travelled through a **red zone** in the 14 days before the person enters Victoria;
- (29) **red zone** means any location in any other State or a Territory assessed as high risk for SARS-CoV-2 transmission, but only during the specific period

for that location detailed on the Department's website available at www.coronavirus.vic.gov.au/victorian-border-crossing-permit, as amended from time to time with the approval of the Chief Health Officer;

- (30) **restricted person** means any person who is not a prohibited person;
- (31) **revoked Border Crossing Permit Scheme Directions** means the following directions:
 - (a) **New South Wales Border Crossing Permit Scheme Directions**, given on 18 December 2020;
 - (b) **New South Wales Border Crossing Permit Scheme Directions (No 2)**, given on 20 December 2020;
 - (c) **New South Wales Border Crossing Permit Scheme Directions (No 3)**, given on 30 December 2020;
 - (d) **New South Wales Border Crossing Permit Scheme Directions (No 4)**, given on 1 January 2021;
 - (e) **New South Wales Border Crossing Permit Scheme Directions (No 5)**, given on 1 January 2021;
 - (f) **New South Wales Border Crossing Permit Scheme Directions (No 6)**, given on 3 January 2021;
 - (g) **New South Wales Border Crossing Permit Scheme Directions (No 7)**, given on 5 January 2021;
 - (h) **New South Wales Border Crossing Permit Scheme Directions (No 8)**, given on 7 January 2021;
 - (i) **New South Wales and Queensland Border Crossing Scheme Directions**, given on 8 January 2021;
 - (j) **Victorian Border Crossing Permit Directions**, given on 11 January 2021;
- (32) **SARS-CoV-2 symptoms** means symptoms consistent with SARS-CoV-2, including but not limited to the following:
 - (a) a fever ($\geq 37.5^{\circ}\text{C}$) or consistent fever of less than 37.5°C (such as night sweats, chills);
 - (b) acute respiratory infection (such as cough, shortness of breath, sore throat);
 - (c) loss of smell;
 - (d) loss of taste;
- (33) **school** means a registered school as defined in the **Education and Training Reform Act 2006**;
- (34) **short term transit** means a transit period of less than 24 hours, except in an emergency;
- (35) **Service Victoria CEO** has the same meaning as in the **Service Victoria Act 2018**;

- (36) **specified work** has the same meaning as in Department’s document titled “Travellers eligible to apply for a permit under permitted workers categories” (<https://www.coronavirus.vic.gov.au/travellers-eligible-apply-permit-under-permitted-workers-categories>), as amended from time to time with the approval of the Chief Health Officer;
- (37) **specified worker** means a person employed or engaged to provide **specified work**;
- (38) **specified worker permit** has the meaning in clause 10(1);
- (39) **Stay Safe Directions (Victoria)** means the **Stay Safe Directions (Victoria) (No 9)** as amended from time to time;
- (40) **transit permit** has the meaning in clause 9.

15 Penalties

- (1) Section 210 of the PHW Act provides:

False or misleading information

- (1) A person must not—
- (a) give information that is false or misleading in a material particular; or
 - (b) make a statement that is false or misleading in a material particular; or
 - (c) produce a document that is false or misleading in a material particular—

to the Secretary, a Council, the Chief Health Officer or an authorised officer under this Act or the regulations without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

Penalty: In the case of a natural person, 60 penalty units;
In the case of a body corporate, 300 penalty units.

Note: currently, 60 penalty units equals \$9,912 and 300 penalty units equals \$49,466.

- (2) A person must not make an entry in a document required to be kept by this Act or the regulations that is false or misleading.

Penalty: In the case of a natural person, 60 penalty units;
In the case of a body corporate, 300 penalty units.

Note: currently, 60 penalty units equals \$9,912 and 300 penalty units equals \$49,466.

- (3) In a proceeding for an offence against subsection (1) or (2) it is a defence to the charge for the accused to prove that at the time at which the offence is alleged to have been committed, the accused believed on reasonable grounds that the information, statement or document was true or was not misleading.

- (2) Section 203 of the PHW Act provides:

Compliance with direction or other requirement

- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.

Penalty: In the case of a natural person, 120 penalty units;
 In the case of a body corporate, 600 penalty units.

Note: currently, 120 penalty units equals \$19,826 and 600 penalty units equals \$99,132.

- (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 with the direction or requirement.
- (3) A person who fails to comply with these directions is liable for an on-the-spot fine of:
 - (a) \$1,652 in the case of a natural person; or
 - (b) \$9,913 in the case of a body corporate; or
 - (c) \$4,957 if the contravention of these directions is constituted by refusing or failing to comply with a requirement to self-isolate or self-quarantine;
 - (d) \$4,957 if the contravention of these directions is constituted by refusing or failing to comply with a requirement in relation to a person travelling from a restricted area (however described) and seeking to enter Victoria without a reasonable excuse or other valid reason or excuse.
- (4) Additionally, a person who fails to comply with these directions may in certain circumstances be liable to prosecution under the PHW Act for the maximum penalties outlined in subclause (2).



Adjunct Clinical Professor Brett Sutton

Chief Health Officer, as authorised to exercise emergency powers under sections 20A and 199(2)(a) of the PHW Act.

12 January 2021