

## Pandemic orders giving effect to the Andrew's Government contentious pandemic response framework have commenced operation

Further to our [Bulletin](#) of 16 December 2021 and our [Bulletin](#) of 6 December 2021 pandemic orders giving effect to the Andrew's Government's contentious pandemic response framework under *Public Health and Wellbeing Act 2008- Part 8A* (the Act) commenced operation at 11.59 pm on Wednesday 15 December 2021.

The previous public health directions of the Victorian Chief Health Officer were revoked on 15 December 2021 and in effect they were replaced by the first pandemic orders by the Minister for Health, Martin Foley, under the Act. The COVID-19 related State of Emergency declaration also came to an end on 15 December 2021.

While the previous State of Emergency framework, under the *Public Health and Wellbeing Act 2008*, was intended to respond to serious but short-term health related events, the new framework is designed to ensure that the Victorian Government maintains its stronghold. This is not only in relation to the management of the State's response to the COVID-19 pandemic from December 2021 onwards but also in relation to any future pandemics.

The changes introduced by the pandemic orders reflect the Government's seemingly cautious approach to the further easing of coronavirus restrictions, in view of the Omicron variant concerns.

The following list of orders have been added to the Pandemic Order Register which are of note to VACC members:

- [Pandemic COVID-19 Mandatory Vaccination \(Specified Workers\) Order 2021 \(No. 1\)](#)
- [Pandemic COVID-19 Mandatory Vaccination \(General Workers\) Order 2021 \(No. 1\)](#)
- [Pandemic \(Open Premises\) Order 2021 \(No. 1\)](#)
- [Pandemic \(Workplace\) Order 2021 \(No. 1\)](#)
- [Pandemic \(Movement and Gathering\) Order 2021 \(No. 1\)](#)

**A summary of the key COVIDSafe Setting changes are provided below:**

### Face Masks

The new pandemic orders have not changed this requirement.

Face masks must be carried at all times and worn by workers and customers whilst in **an indoor space** that is a publicly accessible area of a retail premises (except if an exemption applies). It is recommended that masks continue to be worn where physical distancing cannot be maintained, if individuals have any symptoms consistent with COVID-19 or for those who may be particularly vulnerable to COVID-19.

An employer must take reasonable steps to ensure that all workers carry and wear a face covering where required.

## QR Code requirements

The electronic record keeping requirements through the Victorian Government QR Code Service continue to apply throughout Victoria. The requirement to make reasonable efforts to ensure people check-in and to prominently display QR Code signage at each entrance and points of sale remains unchanged.

Patrons will no longer need to show their vaccination status at non-essential retail settings **e.g. vehicle dealerships, auto parts retailers, car rentals.**

## COVIDSafe plans

### Deep cleaning requirements

Workplaces exposed to a positive coronavirus case **will no longer need to be deep cleaned.**

### COVIDSafe Plans

COVIDSafe Plans will still need to be maintained.

VACC recommends that COVIDSafe Plans should be reviewed to ensure it is tailored to your business and remains up-to-date; and that face coverings, cleaning, signage, record-keeping and other requirements applicable to your business (including responses to suspected or confirmed cases of COVID-19 at the work premises) are being adhered to and communicated with all relevant staff.

Failure to comply with this pandemic order may result in significant penalties.

Members are encouraged to contact the VACC OHSE Unit for any further information or assistance, including in relation to their COVIDSafe Plan obligations on 03 9829 1265.

## COVID-19 Mandatory vaccination requirements

**Pandemic COVID-19 Mandatory Vaccination (Specified Workers) Order 2021 (No. 1)** revokes the *COVID-19 Mandatory Vaccination (Workers) Directions (No 8)* public health order, but immediately reintroduces mandatory vaccination requirements for all workers in specified industries, including (but not limited to) petrol stations, vehicle and mechanical repair services and car washes.

**All workers must continue to be fully vaccinated to attend work or must hold acceptable proof of a medical exemption, enabling them to work at the workplace without being fully vaccinated.**

Members are reminded that acceptable certification as proof of vaccination or a medical exemption includes:

- a current COVID-19 digital certificate issued by Services Australia and displayed through the Medicare App, Service Victoria App or equivalent smartphone wallet, that states that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia;
- or
- a printed version of the COVID-19 digital certificate referred above.

## **Vaccination requirements for food and drinks premises**

Pandemic (Open Premises) Order 2021 (No.1) applies to food and drink premises which includes roadhouses. Visitors to food and drink premises who are above 18 years of age must show acceptable evidence that they are fully vaccinated or are an excepted person, on every occasion when they attend the premises. This system must include a worker placed at each accessible entrance of the food and drink premises with a total area of all indoor spaces and outdoor spaces accessible to patrons **of more than 100 square metres**, VACC members who operate food and drink premises must:

- take reasonable steps to exclude patrons who do not comply with the operator's system, or are not fully vaccinated or exempt;
- not permit any person to work at the premises unless that person is fully vaccinated or exempt. A partially vaccinated worker may work on the premises when no patrons are present at the time.
- collect, record and hold vaccination information for all workers;
- not permit the number of patrons to exceed the patron limits if specified in the Order, unless an exception has been permitted under the Order.

Members seeking further advice or assistance are encouraged to contact VACC's Workplace Relations team on 03 9829 1123 or [ir@vacc.com.au](mailto:ir@vacc.com.au)

**VACC Workplace Relations Team**