

Victorian Parliament passes contentious Pandemic Bill

On 2 December 2021, the Andrews Government's contentious *Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021* (the Pandemic Bill) successfully passed through the Victorian Parliament.

The passage of the Pandemic Bill into [legislation](#) was achieved by the Andrews Government after it agreed to amendments that secured the vote of Transport Matters MP, Ron Barton – who joined Greens Leader Samantha Ratnam, Animal Justice MP Andy Meddick and Reason Party MP Fiona Patten in voting the Pandemic Bill through the Legislative Council.

As a result, the Victorian *Public Health and Wellbeing Act 2008* (the Act) will be amended to enable the Victorian Premier, following consultation with the Minister for Health and the Chief Health Officer, to make, vary extend or revoke a pandemic declaration on reasonable grounds – with the current 21-month time limit removed in relation to the emergency declaration of the COVID-19 pandemic.

Under other amendments to the Act, the current public health directions issued by Victoria's Chief Health Officer will be replaced by **pandemic orders** issued by the Minister for Health.

It is likely that the first pandemic orders will be issued on or around 11:59pm on 15 December 2021, being the expiry of the current Directions issued by the Chief Health Officer – enabling the current COVID Settings requirements to continue. In this regard, members should note that the new section 165AK of the Act provides the following example in regard to vaccination status, confirming that a pandemic order might:

“differentiate between persons or classes of person on the basis of their vaccination status in relation to a pandemic disease or a disease of pandemic potential, by restricting persons who are unvaccinated from engaging in specified activities unless they are exempt from vaccination.”

Therefore, as previously foreshadowed to members, the practical effect of the amendments will be that Victorian Government mandated requirements relating to COVID-19, including those relating to the vaccination status of workers and COVIDSafe Plans, will continue via pandemic orders and extend into 2022.

VACC will continue to keep members informed of developments.

Current certification requirements for COVID-19 vaccination medical exemptions

VACC notes that there has been a recent increase in queries from members regarding employees claiming to hold acceptable proof of a medical exemption enabling them to return to the workplace without being fully vaccinated. This may be in part due to the winding down of the Australian Government's COVID-19 Disaster Payment.

Members are therefore reminded that under the relevant Directions currently in force - e.g. *COVID-19 Mandatory Vaccination (Workers) Directions (No. 8)*, a person is an **excepted person** if the person holds **acceptable certification** that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia due to a medical contraindication; or an acute medical illness (including where the person has been diagnosed with COVID-19).

For the purpose of the Directions, **acceptable certification** means:

- 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 to above.

Members seeking further information are encouraged to contact VACC's Workplace Relations team on 03 9829 1123 or ir@vacc.com.au.

Updated VACC Employee Handbook now available

A new edition of the VACC Employee Handbook is now available to members, incorporating recent legislative changes in relation to casual employment and sexual harassment.

The Employee Handbook is a collection of essential workplace policies for businesses, providing employees with an overview of their terms, conditions, rights and obligations relating to their employment.

VACC encourages members to take appropriate steps to implement the Employee Handbook to ensure that both the business and employees have a clear understanding of the policies and procedures to ensure that they can be effectively enforced.

Members can access the order form for the updated Employee Handbook [here](#) and are encouraged to contact VACC's Workplace Relations team on 03 9829 1123 or ir@vacc.com.au for further advice or assistance.

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