



## **Masks, PCR tests, vaccinations and lockdowns**

**require an INDIVIDUAL Human Biosecurity Order or an INDIVIDUAL Public Health Order**

They CANNOT be imposed on an entire community or group of people!

### **Human Biosecurity Order issued under the Biosecurity Act 2015 (Cth)**

#### **Section 60 – Human Biosecurity order can only be imposed on an INDIVIDUAL**

*“(2) A human biosecurity control order may be imposed on an individual only if the officer is satisfied that:*

*(a) the individual has one or more signs or symptoms of a listed human disease; or*

*(b) the individual has been exposed to:*

*(i) a listed human disease; or*

*(ii) another individual who has one or more signs or symptoms of a listed human disease; or*

*(c) the individual has failed to comply with an entry requirement in subsection 44(6) in relation to a listed human disease.”*

[http://classic.austlii.edu.au/au/legis/cth/consol\\_act/ba2015156/s60.html](http://classic.austlii.edu.au/au/legis/cth/consol_act/ba2015156/s60.html)

#### **Section 88 – Masks**

*“(1) An individual may be required by a human biosecurity control order to wear either or both specified clothing and equipment that is designed to prevent a disease from emerging, establishing itself or spreading.*

*(2) The order must specify the following:*

*(a) the circumstances in which the individual is required to wear the clothing and equipment;*

*(b) the period during which, or the times at which, the individual is required to wear the clothing and equipment;*

*(c) instructions for wearing the clothing and equipment.”*

[http://classic.austlii.edu.au/au/legis/cth/consol\\_act/ba2015156/s88.html](http://classic.austlii.edu.au/au/legis/cth/consol_act/ba2015156/s88.html)

#### **Section 90 – PCR testing**

*“An individual may be required by a human biosecurity control order to undergo, at a specified medical facility, a specified kind of examination relating to determining the presence in the individual of:*

*(a) the listed human disease specified in the order; and*

*(b) any other listed human disease.”*

[http://classic.austlii.edu.au/au/legis/cth/consol\\_act/ba2015156/s90.html](http://classic.austlii.edu.au/au/legis/cth/consol_act/ba2015156/s90.html)

#### **Section 92 – Vaccinations**

*“An individual may be required by a human biosecurity control order to receive, at a specified medical facility:*



(a) a specified vaccination; or

(b) a specified form of treatment;

in order to manage the listed human disease specified in the order, and any other listed human disease.”

[http://classic.austlii.edu.au/au/legis/cth/consol\\_act/ba2015156/s92.html](http://classic.austlii.edu.au/au/legis/cth/consol_act/ba2015156/s92.html)

## **Public Health order issued under the Public Health and Wellbeing Act 2008 (Vic)**

### **Section 117 - Public Health order can only be imposed on an INDIVIDUAL**

“(3) A public health order must—

(a) be in writing;

(b) identify the person to whom the order applies;

(c) specify the purpose of the order;

(d) specify the infectious disease which the Chief Health Officer believes the person has or has been exposed to;

(e) explain why the Chief Health Officer believes that the person is infected with the infectious disease or has been exposed to the infectious disease in circumstances where a person is likely to contract the infectious disease;

(f) subject to subsection (4), specify the period for which the public health order continues to have effect;

(g) explain the person's rights and entitlements under this Act and the process for making an application for review to VCAT;

(h) contain a statement that the person should seek legal advice;

(i) explain that if the person does not comply with the order, the person commits an offence and is liable to a penalty not exceeding 120 penalty units.”

[http://classic.austlii.edu.au/au/legis/vic/consol\\_act/phawa2008222/s117.html](http://classic.austlii.edu.au/au/legis/vic/consol_act/phawa2008222/s117.html)

### **Section 113 – Examination and Testing orders**

“(2) An examination and testing order must

(a) be in writing;

(b) identify the person to whom the order applies;

(c) specify the purpose of the order;

(d) specify the infectious disease which the Chief Health Officer believes the person has or has been exposed to;

(e) explain why the Chief Health Officer believes that the person is infected with the infectious disease or has been exposed to the infectious disease in circumstances where a person is likely to contract the infectious disease;

(f) explain that if the person does not comply with the order, the person commits an offence and is liable to a penalty not exceeding 60 penalty units.”

[http://classic.austlii.edu.au/au/legis/vic/consol\\_act/phawa2008222/s113.html](http://classic.austlii.edu.au/au/legis/vic/consol_act/phawa2008222/s113.html)