

Exemption of Specific Workers who are close contacts in respect of the Pandemic (QIT) Order and Directions given as conditions applicable in respect of the Exemption

I, Adjunct Clinical Professor Brett Sutton, Chief Health Officer consider it reasonably necessary to mitigate potential workforce staffing shortages—and reasonably necessary to protect public health—to grant an exemption pursuant to clause 30(2) of the Pandemic (QIT) Order to a group of persons who fall within a specific class of workers (exempted workers) returning to their workplace after they have been identified as close contacts and in respect of the exemption granted to also direct the exempted group of persons to comply with conditions I make pursuant to the exercise of a power under section 165BA(1)(a) of the *Public Health and Wellbeing Act 2008* (Vic).

1 Preamble

- (1) The purpose of this exemption is to mitigate potential staffing shortages to specific classes of workers (exempted workers) that could occur as a result of increased community spread in the State of Victoria of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) The purpose of the directions made as conditions in respect of the exemption granted to exempted workers who are close contacts is to manage the potential risk associated with the exemption being granted and the return of exempted workers to their workplace.
- (3) This exemption and its conditions and the other directions must be read together with the **Pandemic (QIT) Order**.

2 Citation

This document may be referred to as the **Exemption of Specific Workers - Contacts Conditions and Other Directions (No. 8)**.

3 Exemption period and revocation

- (1) For the purposes of the exemption, the exemption period is the period beginning at 11:59:00pm on 10 June 2022 and ending at the date and time the Pandemic (QIT) Order is either:
 - (a) amended to remove the power of the Chief Health Officer to grant an exemption from any or all of the requirements of the Pandemic (QIT) Order; or
 - (b) revoked and not immediately replaced.
- (2) The **Exemption of Specific Workers – Contacts Conditions and Other Directions (No. 7)** is revoked at 11:59:00pm on 10 June 2022.

4 Grant of exemption

- (1) Pursuant to clause 30(2) of the **Pandemic (QIT) Order**, applicable only in respect of attending their workplace in order to work, when requested by their employer, and subject to the conditions set out in clause 5, all exempted workers who:
 - (a) are close contacts; and
 - (b) do not have any symptoms of COVID-19,are hereby exempted from the restriction on visiting a hospital or care facility set out in clause 22(1)(c) of the **Pandemic (QIT) Order**.
- (2) The exemption under subclause (1) is granted on the basis that I am satisfied it is appropriate, having regard to:
 - (a) the need to protect public health; and
 - (b) the principles in sections 5 to 10 of the *Public Health and Wellbeing Act 2008* (Vic) (**PHW Act**), as appropriate.
- (3) The exemption under subclause (1) does not prevent:
 - (a) the Chief Health Officer or Deputy Chief Health Officer exercising any power the Chief Health Officer or Deputy Chief Health Officer is authorised to exercise under the **PHW Act**; or
 - (b) an authorised officer from exercising any power the authorised officer is authorised to exercise under the **PHW Act**, including ensuring compliance with:
 - (i) the extent of an exemption granted under subclause (1) (including any conditions on an exemption as set out in clause 5); or
 - (ii) the requirements of the **Pandemic (QIT) Order** and any other pandemic orders in force.

5 Conditions applicable to the exemption

- (1) The exemption granted under clause 4 is made subject to the following conditions that are directed pursuant to the exercise of a power under section 165BA(1)(a) of the **PHW Act** and as applicable to the described categories:

Exempted worker status	Conditions for exemption from self-quarantine to return to workplace
Close contacts	<p>(1) If the employer requests and consents to the exempted worker's return to the workplace where their attendance at work is required to ensure service delivery.</p> <p>(2) The employer must not require an exempted worker to leave quarantine to work outside the premises designated for</p>

	<p>their self-quarantine, if the exempted worker does not consent to do so.</p> <p>(3) An exempted worker (other than a healthcare worker) must wear a face covering (at minimum, a surgical mask) at all times when at the work premises.</p> <p>(4) If the exempted worker is a healthcare worker, they must wear a face covering (an N95/P2 respirator) at all times when at the work premises.</p> <p>(5) Paragraphs (3) and (4) do not apply to an exempted worker if:</p> <ul style="list-style-type: none"> (i) it is not practicable because the person is escaping harm or the risk of harm, including harm relating to family violence or violence of another person; (ii) the person is riding a bicycle or motorcycle; (iii) the person is consuming: <ul style="list-style-type: none"> (A) medicine; (B) food or drink; (iv) the person is smoking or vaping (including e-cigarettes) while stationary; (v) for emergency purposes; (vi) when required or authorised by law. <p><i>Note: unless specified in paragraph (5), other exceptions to the requirement to wear a face covering permitted under the Public Safety Order do not apply.</i></p> <p>(6) An exempted worker must not visit a hospital or care facility, unless:</p> <ul style="list-style-type: none"> (i) in relation to a hospital for a purpose other than work, the person is permitted to do so by an officer of that hospital with the position of Executive Director of Nursing and Midwifery or equivalent; or (ii) in relation to a care facility for a purpose other than work, the person is permitted to do so under the Public Safety Order; or (iii) in relation to either a hospital or care facility, it is the person's workplace for the purposes of attending work.
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	(7) An exempted worker must comply with all other applicable requirements under the Pandemic (QIT) Order .
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6 Definitions

For the purposes of this document:

- (1) **care worker** means a person who works at:
 - (a) an alcohol and drug residential service;
 - (b) a disability residential service;
 - (c) services provided to an NDIS participant in any setting;
 - (d) a homelessness residential service;
 - (e) a secure welfare service;
 - (f) a supported residential service;
 - (g) essential relief activities including the activities provided at Neighbourhood Houses;
 - (h) an eligible SDA enrolled dwelling;
 - (i) a short-term accommodation and assistance dwelling;
 - (j) a mental health residential service including the service provided at a Community Care Unit or a Prevention and Recovery Centre;
 - (k) a retirement village that provides direct care for residents;
 - (l) child protection services;
 - (m) family violence and sexual assault support services;
 - (n) homelessness support services;
 - (o) public housing support services;
 - (p) mental health services;
 - (q) any essential social services provided or contracted by the government to support members of the community who have a particular need because of family violence, homelessness, illness or a chronic health condition, infirmity, disability, contact with the justice system or other essential support service; or
 - (r) interpreter, cultural, or support services;
- (2) **close contact** has the same meaning as in clause 17(1) of the **Pandemic (QIT) Order**, that is: a person is a close contact if the person is not a recent confirmed case and before, on or after the commencement of the Pandemic (QIT) Order:
 - (1) 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 17(2); or (2) 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;

- (3) **employer** means in relation to an exempted worker:
 - (a) the person who employs or engages the exempted worker;
 - (b) if the worker is self-employed—the worker;
- (4) **exempted worker** means a person who is a healthcare worker or a care worker;
- (5) **healthcare worker** means:
 - (a) a person who directly provides or coordinates the delivery of the following at a hospital, or primary healthcare facility including on-call and after hours:
 - (i) healthcare services including:
 - (A) medical practitioners, dental professionals, nurses and midwives;
 - (B) allied health professionals (including those that work within a discipline classified by the Victorian Department of Health as allied health, or are registered with the Australian Health Practitioner Regulation Agency);
 - (C) palliative care workers;
 - (D) personal care attendants;
 - (E) phlebotomists and pathology workers;
 - (F) social workers;
 - (G) formal language and interpretation services;
 - (H) students (ie students on clinical placement);
 - (I) coroners;
 - (J) lifestyle and social therapists;
 - (K) volunteers;
 - (ii) administrative or ancillary roles, including:
 - (A) an administrative, clerical and managerial worker and each of their assistants' delegates;
 - (B) food preparation, cleaning and laundry services;
 - (C) patient service assistants and porters;
 - (D) operating theatre technicians;
 - (E) security, maintenance and repair;
 - (F) information technology;
 - (G) gardening and landscaping;

- (H) work at a retail business operating within a hospital, including cafes, restaurants, newsagents and florists;
- (b) a worker who is engaged to provide ambulance and paramedics services, or air ambulance and medical retrieval services (including Royal Flying Doctor Service), and is providing a service in connection with a hospital;
- (c) a **residential aged care facility worker**, which means a person (including a volunteer) that is:
 - (i) employed, or engaged as a contractor, by an operator that operates a residential aged care facility to perform work at the residential aged care facility including:
 - (A) direct care workforce including nurses, personal care workers, allied health professionals, and allied health assistants;
 - (B) administration staff including reception and management staff;
 - (C) ancillary staff including food preparation, cleaning, laundry and essential maintenance staff;
 - (D) dental practitioners;
 - (E) phlebotomists (pathology nurses);
 - (F) lifestyle and social staff, such as those delivering music or art therapy;
 - (G) transport drivers who are responsible for collecting and transporting residents to and from the residential aged care facility for outings;
 - (H) volunteers engaged by the residential aged care facility to undertake duties at the facility;
 - (I) students on placement;
 - (J) medical practitioners and allied health professionals who attend the residential aged care facility to provide care to residents of the facility;
 - (ii) a medical practitioner, dental practitioner or allied health professional who is employed or engaged by a resident of a residential aged care facility to provide care to the resident;
- (d) a **disability worker**, which has the same meaning as in the **Disability Service Safeguards Act 2018**;
- (e) a pharmacy worker;
- (f) a person who directly provides or coordinates the delivery of the following services:

- (i) COVID-19 testing services at a facility that solely undertakes COVID-19 testing;
 - (ii) administrative or ancillary services supporting the delivery of the services in subparagraph (i) and to ensure the orderly operation of those services, including:
 - (A) essential administrative, clerical and managerial workers;
 - (B) security, traffic control, maintenance and repair workers;
 - (C) workers who pick-up and deliver COVID-19 testing samples; or
 - (g) a person who is employed or engaged by the Victorian Institute for Forensic Medicine and is essential to:
 - (i) mortuary or coronial systems;
 - (ii) clinical forensic medicine services; or
 - (iii) Donor Tissue Bank of Victoria services;
- (6) **hospital** has the same meaning as in Schedule 1 of the **Pandemic (QIT) Order** that is: hospital means a public hospital, a denominational hospital, (a multi-purpose service, a private hospital a day procedure centre and includes any retail or other premises operating within a hospital including but not limited to a cafe, newsagent and florist;
- (7) **Pandemic Orders** means orders made under section 165AI of the **PHW Act**;
- (8) **pandemic orders in force** has the same meaning as in the **Public Safety Order**;
- (9) **Pandemic (QIT) Order** means the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 8)** as amended or replaced from time to time;
- (10) **Public Safety Order** means the **Pandemic (Public Safety) Order 2022** as amended or replaced from time to time;
- (11) **worker** has the same meaning as in Schedule 1 of the **Pandemic (QIT) Order**, that is: includes employees, subcontractors (and their employees), volunteers and any other person engaged or permitted by an employer to perform work;
- (12) **workplace** means the place at which a person works and/or provides goods and services;
- (13) the following expressions have the same meaning that they have in the **Pandemic (QIT) Order**:
 - (a) **diagnosed person**;
 - (b) **employer**;
 - (c) **indoor space**;
 - (d) **infectious period**;
 - (e) **probable case**;

- (f) **recent confirmed case;**
- (g) **work premises;**
- (14) the following expressions have the same meaning that they have in the **Pandemic (Workplace) Order 2022 (No. 8)** as amended or replaced from time to time:
 - (a) **residential aged care facility;**
 - (b) **alcohol and drug residential service;**
 - (c) **disability residential service;**
 - (d) **eligible SDA enrolled dwelling;**
 - (e) **homelessness residential service;**
 - (f) **mental health residential service;**
 - (g) **retirement village;**
 - (h) **secure welfare service;**
 - (i) **short-term accommodation and assistance dwelling;**
 - (j) **supported residential service;**



Adjunct Clinical Professor Brett Sutton, Chief Health Officer, as authorised under clause 30(2) of the Pandemic (QIT) Order and as an authorised officer authorised to exercise powers under section 165BA of the *Public Health and Wellbeing Act 2008*.

10 June 2022