

Exemption of Critical Food Industry Distribution Workers who are close contacts in respect of the Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 4) and Directions given as conditions applicable in respect of the Exemption

I, Professor Ben Cowie, Acting Chief Health Officer:

- a. consider it reasonably necessary to mitigate potential critical food industry distribution staffing shortages — and reasonably necessary to protect public health — to grant an exemption pursuant to clause 36(2) of the Pandemic (Quarantine, Isolation and Testing) Order 2022 (No.4) to a group of persons who are critical food industry distribution 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 critical food industry distribution staffing shortages 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 critical food industry distribution workers who are close contacts is to manage the potential risk associated with the exemption being granted and the return of critical food industry distribution workers to their workplace.
- (3) This exemption and its conditions must be read together with the Pandemic (Quarantine, Isolation and Testing) Order 2022 (No.4) (as amended or replaced from time to time) (**the Pandemic (QIT) Order 2022 (No.3)**).

2 Citation

This document may be referred to as the Exemption of Critical Food Industry Distribution Workers – Contacts, Conditions and Other Directions (No. 1).

3 Exemption period

For the purposes of the exemption, the exemption period is the period beginning at 11:59:00pm on 12 January 2022 and ending at 11:59:00pm on 23 February 2022.

4 Grant of exemption

- (1) Pursuant to section 36(2) of the Pandemic (QIT) Order 2022 (No.4), applicable only in respect of attending their workplace in order to work, when their employer determines that their attendance at their workplace is

necessary for continual operations of the critical food industry distribution service, and subject to the conditions set out in clause 5, all critical food industry distribution workers who are:

- (a) close contacts; and
- (b) do not have any symptoms of COVID-19,

are hereby exempted from the quarantine requirement set out in clause 18 of the Pandemic (QIT) Order 2022 (No.4).

- (2) The exemption under sub-clause (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 sub-clause (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 2022 (No.4) and any other Pandemic Orders currently 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:

Critical food industry distribution worker status	Conditions for exemption from self-quarantine to return to workplace
Close contacts	If the critical food industry distribution worker does not have any symptoms of COVID-19, they may return to the workplace on the following conditions: <ul style="list-style-type: none"> - The worker must notify their employer that they are a close contact and that they meet the conditions for exemption from self-quarantine to return to the

	<p>workplace.</p> <ul style="list-style-type: none"> - Following this notification to the employer, the employer must determine that the worker's attendance at the workplace is necessary for the continual operations of the critical food industry distribution service and requests and consents to the worker's return to the workplace. - The worker must undertake daily COVID-19 rapid antigen testing and return a negative result prior to attending the workplace for 5 days following notification as a close contact, performed prior to attending the workplace (this requirement is in addition to the Testing Requirements for Contacts and Exposed Persons provided by the Pandemic (QIT) Order 2022 (No.4)). - If the worker returns a positive result, the exemption no longer applies and the worker must immediately notify their employer. - The worker must travel directly to and from the premises where they are self-quarantining to the workplace, minimising contact with other persons. - When travelling to the workplace, the worker must not use car pooling and where possible avoid public transport. - The worker must wear a face covering (preferably an N95/P2 respirator) at all times when required to wear a face covering, as well as when physical distancing cannot be maintained (except if the person is consuming medicine, food or drink or when doing so is not safe in all the circumstances). - While in the workplace, the worker must not enter shared break
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	<p>areas.</p> <ul style="list-style-type: none"> - The worker must comply with any employer policy, procedures, directions and orders that may apply in respect of their attendance at the workplace. - The worker must immediately advise the employer that the exemption no longer applies, if they no longer meet any of these conditions. - The worker must comply with all other applicable requirements under the Pandemic (QIT) Order 2022 (No.4).
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6 Definitions

For the purposes of this document:

- (1) **close contact** has the same meaning as in clause 17(1) of the Pandemic (QIT) Order 2022 (No.4), that is: (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 (2); or 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;
- (2) **critical food industry distribution** means processing, warehousing and distribution services in relation to food or beverages (including abattoirs and meat processing facilities, poultry processing facilities, perishable food work premises, seafood processing facilities and supermarkets), but excluding a retail facility other than a supermarket;
- (3) **critical food industry distribution worker** means a person who:
 - (a) is a worker at a critical food industry distribution workplace; or
 - (b) works at or in connection with a premises used for the distribution of food or beverages (excluding a retail facility other than a supermarket) and is a:
 - (i) agricultural and forestry worker;
 - (ii) manufacturing worker;
 - (iii) meat and seafood processing worker;
 - (iv) port or freight worker;

- (4) **face covering** has the same meaning as in the **Pandemic (Movement and Gathering) Order 2021 (No.3)** as amended or replaced from time to time;
- (5) **Pandemic Orders** means orders made under section 165AI of the PHW Act;
- (6) **supermarket** has the same meaning as “supermarket business” in the **Food Act 1984**, and includes supermarket distribution and warehousing (including in relation to liquor products);
- (7) **worker** has the same meaning as in Schedule 1 of the Pandemic (QIT) Order 2022 (No.4), that is: includes employees, subcontractors (and their employees), volunteers and any other person engaged or permitted by an employer to perform work;
- (8) **workplace** means the place at which a person works and/or provides goods and services as a critical food industry distribution worker;
- (9) the following expressions have the same meaning that they have in the Pandemic (Additional Industry Obligations) Order 2022 (No.3):
 - (a) **abattoirs;**
 - (b) **meat processing facility;**
 - (c) **perishable food work premises;**
 - (d) **poultry processing facility;**
 - (e) **seafood processing facility;**
- (10) the following expressions have the same meaning that they have in the Pandemic (QIT) Order 2022 (No.4):
 - (a) **diagnosed person;**
 - (b) **employer;**
 - (c) **indoor space;**
 - (d) **infectious period;**
 - (e) **probable case;**
 - (f) **work premises;**
- (11) the following expressions have the same meaning that they have in the Pandemic COVID-19 Mandatory Vaccination (Specified Workers) Order 2022 (No.2):
 - (a) **agricultural and forestry worker;**
 - (b) **manufacturing worker;**
 - (c) **meat and seafood processing worker;**
 - (d) **port or freight worker;**
 - (e) **retail facility.**



Professor Ben Cowie

Acting Chief Health Officer, as authorised under clause 36(2) of the Pandemic (Quarantine, Isolation and Testing) Order 2022 (No.3) and as an authorised officer authorised to exercise powers under section 165BA of the *Public Health and Wellbeing Act 2008*.

12 January 2022