

Guidance for specialist worker (agribusiness, commercial fishing and food manufacturing) exemption requests under Border Restrictions Direction

Purpose of this document

The current [Border Restrictions Direction](#) (the direction) places strict controls on people moving into Queensland from declared COVID-19 hotspots. The declared COVID-19 hotspots have expanded to include all of New South Wales and the Australian Capital Territory, as well as Victoria.

Under the direction, the Queensland border is closed to anyone who has been in a COVID-19 hotspot in the last 14 days, except returning Queensland residents and others meeting very strict criteria, subject to relevant quarantine requirements.

Under very limited circumstances, the direction provides for exemptions for 'specialist workers' travelling from a declared COVID-19 hotspot into Queensland to conduct essential activities, including for agribusiness, commercial fishing and food manufacturing businesses.

The Chief Health Officer has recently provided a [class exemption](#) for Queensland and New South Wales residents who need to move across the Queensland/New South Wales border to undertake essential agribusiness services, farm activities, or care for livestock, if they meet the criteria.

The Chief Health Officer has asked the Department of Agriculture and Fisheries (DAF) to provide advice to help determine if an application for a specialist worker exemption under the direction meets the criteria for a specialist worker. The criteria are set by the Chief Health Officer and are not set by the Department of Agriculture and Fisheries.

All applications are assessed with very strict criteria to comply with the intent of the direction, which is to stop COVID-19 transmission into Queensland from hotspots. Approval of exemptions can *only* be granted by the Chief Health Officer (or delegate).

Alternative arrangements compliant with the direction should be considered in the first instance before applying for a specialist worker exemption. An application will not be approved because it is inconvenient or difficult to source the service from within Queensland or from a new supplier.

Exemption applications for 'business as usual' activities are unlikely to be approved where there is no information or evidence that the business has attempted to identify other ways of sourcing the service or essential activity.

Class exemption for farm and agribusiness workers

The Chief Health Officer has issued a class exemption under the Border Restrictions Declaration (No. 12) for farmers and agribusiness workers needing to move between Queensland and New South Wales to perform essential agribusiness services or farming activities, such as tending to livestock or crops (commencing 22 August 2020 and valid for one month).

People covered by the exemption include:

1. Queensland residents who need to re-enter Queensland after travelling to New South Wales to perform essential agribusiness services for the agriculture supply chain or farming activities
2. Queensland residents who need to re-enter Queensland after entering New South Wales to access or provide timely veterinary services, or to provide care for livestock
3. New South Wales residents who need to enter Queensland to perform essential agribusiness services for the agriculture supply chain or farming activities
4. New South Wales residents who need to access Queensland to access or provide timely veterinary services, or to provide care for livestock.

If you meet one of these criteria, you do not have to apply for a specialist worker exemption, but can follow the process below. The class exemption does not apply to seasonal workers.

If you fall within the farmer and agribusiness worker class exemption, you will need to provide the following information on arrival in Queensland:

- a copy of the Chief Health Officer [class exemption letter](#)
- evidence of your identity, confirming place of residence
- evidence you are an agribusiness essential worker, for example a letter of employment, business contract, evidence of property ownership or lease, or evidence of agistment arrangements.

You do not need to complete an **electronic** Queensland Border Declaration Pass, however you may need to complete a **written** Queensland Border Declaration Pass upon arrival.

When working under the farmer and agribusiness worker class exemption:

- Queensland residents must remain isolated from the general public at the agribusiness or farm until the person returns to Queensland.
- New South Wales residents must remain isolated from the general public at the agribusiness or farm until the person departs Queensland or for 14 days, whichever period is shorter; and only remain in Queensland for the time necessary to perform the essential agribusiness or farming activities.

All businesses must have a plan in place to prevent the introduction and transmission of COVID-19 among workers and the community. Agribusinesses and essential workers needing to cross the border are also encouraged to have a worker-specific quarantine plan demonstrating how they will minimise interactions with the community while working in Queensland. All workers needing to leave or enter Queensland to perform essential agribusiness and farm activities are encouraged to carry a copy of the quarantine plan.

Under the class exemption, farmers and agribusiness workers must travel directly to and from the relevant farm or premises without stopping.

Specialist worker exemptions

A specialist worker is defined as a person who provides emergency services or continuity of government or government funded services, industry, infrastructure or utilities critical to Queensland, in industries

including agribusiness, commercial fishing and food manufacturing (for example, critical agricultural operations necessary to maintain food supply).

Under the direction, a specialist worker must meet certain specifications. Your application should clearly demonstrate and provide documented evidence on **all** of the following criteria:

- a) the activity is critical to Queensland (that is, that there would be a detrimental consequence to the industry or government if the person was refused entry to Queensland)
- b) the services provided by the person cannot be obtained in Queensland (or from an area that is not a declared COVID-19 hotspot)
- c) the service must be provided without delay, or within a specified time-critical period
- d) the person must be physically present in Queensland to provide the service or perform the duty.

Your application must also include as attachments:

- the employer's plan to prevent COVID-19 transmission among other employees and the community (for example, a [workplace health management plan](#) or [workplace health and safety plan](#))
- a [quarantine management plan](#) for the specialist worker/s, describing how the worker/s will minimise contact with others.

What sort of specialist workers will be considered for exemptions?

In general terms, applications will only be considered where work is critical to Queensland (for example, plays a significant role in maintaining food supply). Examples of situations where an exemption may be considered include:

- critical machinery maintenance/upgrades identified as essential to meet workplace health and safety requirements
- emergency work related to a workplace safety incident
- specialist skills that are not available anywhere else in Queensland or from another state or territory that is not a COVID-19 hotspot
- specialist veterinary/agronomy work needed to meet export conditions or a biosecurity outbreak.

IMPORTANT: Just because you fit within this category does not mean that you will automatically get an exemption. All criteria must be met for an application to be considered.

What will not be considered?

Applications for a specialist worker exemption will only be considered where there are no other possible alternative arrangements compliant with the direction. This is discussed in more detail in the relevant section below. Evidence of your inability to undertake such alternative arrangements is required in your application.

The following reasons are unlikely to be considered a justifiable reason for an exemption:

- you have existing supply contracts with companies in a COVID-19 hotspot
- it will inconvenience your business (for example, it would require effort to source a new supplier)
- it will take effort to source a new employee

- the worker is familiar with your business or property
- you have always done it that way
- you are a company manager seeking to enter Queensland for routine business reasons
- you are considering purchasing property in Queensland and want to undertake a pre-purchase inspection.

How do I make an exemption application?

To apply for a specialist worker exemption for agribusiness, commercial fishing, food manufacturing and forestry and timber manufacturing, you need to complete the online application form for specialist worker exemption, and upload all documentation and evidence necessary to support your application.

Specialist worker exemption applications **must be submitted by the employer**, government agency or entity that the specialist worker is working/contracting for in Queensland. If the primary employer of the specialist worker is not in Queensland, supporting information from the Queensland business will also be required.

What information do I need to include?

Industry

The Department of Agriculture and Fisheries only considers applications relating to agribusiness, commercial fishing, food manufacturing and forestry and timber manufacturing.

Applications relating to other industries, including food retail, construction and engineering, will not be considered by the Department of Agriculture and Fisheries. You will need to apply via the Exemption Portal www.healthserviceportal.health.qld.gov.au/hdsp.

Business or company details

You should include information for the employer of the specialist worker. Applications from individuals will not be considered.

If your application is for a business or company in a COVID-19 hotspot that has a contract to deliver activities in Queensland, it is preferable that the application is submitted by the Queensland business seeking the services. If the contractor submits the application, other supporting information from the Queensland business/es will also need to be provided, including:

- evidence the contract is in place
- proof that the services cannot be obtained in Queensland
- a description of the impacts to Queensland if the exemption is not granted.

Applications without evidence from a Queensland business cannot be assessed.

Specialist worker details

Details on specialist workers should include all contact details for all workers that are seeking an exemption, including the correct addresses of all work addresses and residential addresses while in Queensland.

If there is more than one specialist worker seeking entry for the same essential activity at the same time and location, a single application should be submitted, listing all details for all workers.

The public health assessment should be completed for all workers at the time of the application. If an exemption is granted, a further assessment will be required for all workers at the time of entry to Queensland as part of the Border Declaration Pass.

Applications that do not include all addresses in Queensland, or all other relevant details, or documented evidence, cannot be assessed.

Description of essential activity

The activity description should include a complete description of the activity that the specialist worker will be performing, including the industry to which it relates, details of the job being performed, locations of work and travel arrangements if relevant.

Describe any detrimental consequences to the industry or government if the person is refused entry into Queensland

Provide a description of the broader impacts that would arise if the person is refused entry. The impacts should be broader than just impacts to an individual business (for example, details of the likely disruption to the food supply chain or significant disruption to production) that would impact the supply chain, activities related to workplace health and safety requirements, or emergency work.

Issues considered in the assessment of your application include (but are not limited to):

- how important the business is to the industry or Queensland as a whole
- if the business supplies/supports other agribusinesses
- the impact on the whole supply chain if this function could not be undertaken
- the longer-term impacts if the function/service cannot be conducted.

Applications that only provide information on impacts to individual businesses are not likely to be approved.

What evidence is there that the service cannot be obtained in Queensland, or from outside a COVID-19 hotspot?

Provide information on how the business or company has attempted to source the service or skills from within Queensland. This could include evidence that the service can only be provided by a particular company, or that other service providers are not available in a time-critical period.

Provide evidence that the specific specialist worker/s have specialised skills and that these skills are not available within Queensland. If a business provides specialist services on contract that are not available in Queensland, evidence should be provided for both the business and the individual worker/s in the application.

Issues considered in the assessment of your application include (but are not limited to):

- the skills, knowledge or expertise are not available in Queensland or a non-COVID-19 hotspot

- there are commercial-in-confidence or other issues that would negatively impact the business or prevent using another specialist
- there are liability issues for the business if a contract cannot be fulfilled.

Applications for 'business as usual' activities are unlikely to be approved where there is no information or evidence that the business has attempted to identify other ways of sourcing the service or essential activity.

Your application will not be approved because it is inconvenient, or difficult to source the service from within Queensland or from a new supplier—this is insufficient justification for the application to be approved.

Employers are strongly encouraged to have resourcing and workforce plans in place and not rely on exemptions being granted.

Why is this activity time-critical?

Provide information and evidence that the activity is urgent and could not be foreseen, or that it must be performed within a specified timeframe. Businesses are asked to consider alternative business arrangements compliant with the direction in the first instance, and, if this is not possible, to plan ahead and apply for an exemption well ahead of when it's needed. Due to the number of applications being received, there is no mechanism for prioritising applications.

If the activity is not urgent, a specialist worker may be allowed to enter Queensland on the condition that they undertake 14 days mandatory quarantine in a government nominated accommodation at their own expense.

Why must the person be physically present in Queensland to complete the activity, and why can't the activity be performed remotely?

Provide sufficient detail about that nature of the activity to describe why a physical presence is required.

Applications for activities that could be performed remotely (for example, general management, attending meetings, training courses, some audits and inspections) will not be approved. Your application should demonstrate that you have investigated whether the service could be delivered using other means and why the alternative methods are inadequate.

Note for Queensland residents seeking to perform an essential activity in a COVID-19 hotspot and return to Queensland without quarantine

Most Queensland residents wishing to leave to perform an essential activity will be able to travel under the class exemption outlined above.

You can apply for a specialist worker exemption for a Queensland resident wishing to enter a COVID-19 hotspot to perform an essential activity and return to Queensland without quarantine. Provide sufficient detail in the activity description to make this situation clear.

Evidence will be required that both the activity in the hotspot **and** the activity in Queensland meet the criteria set out for specialist workers. Information should also be provided around why the worker could

not quarantine on their return into Queensland. Sufficient information and evidence should be provided to satisfy all the above criteria in relation to the activity in the COVID-19 hotspot and in relation to the 14 days after entry to Queensland.

If an exemption is not granted, the worker can leave to perform the essential activity and return to Queensland, but will be required to undertake 14 days mandatory quarantine in a government nominated accommodation at their own expense.

Quarantine requirements

An application can be for entry only (required for non-Queensland residents), where the specialist worker will undertake 14 days mandatory quarantine in a government nominated accommodation at their own expense; or for entry and exemption from quarantine.

If you are seeking exemption from quarantine, you will need to provide evidence of the time-critical nature of the activity.

It is likely that exemption from quarantine will only be granted for the most urgent cases. In most cases where approval for entry is granted for a specialist worker, it is likely that the worker will still be required to quarantine for 14 days in a government nominated accommodation at their own expense.

Public health assessment

The application must include a public health declaration for each specialist worker for the 14 days prior to the application being made.

If the exemption is approved, the public health declaration will need to be made again as part of the border pass application process, prior to entry to Queensland.

COVID-19 management plan

All businesses must manage the risks of COVID-19 in the workplace. Your application must include the COVID-19 management plan of the business **in Queensland** that is seeking to bring the specialist worker into Queensland.

If the specialist worker is employed by another business (and will be on contract to a Queensland business), you should attach the COVID-19 management plan of **both** the employer and the Queensland business.

Examples of COVID-19 management plans are [workplace health management plans](#) (as required for agribusinesses employing seasonal workers), or [workplace health and safety plans](#) that have been updated to address risks from COVID-19.

Plans should include (where relevant) details of staff training and communication, hygiene requirements, measures to ensure social distancing, health screening, personal protective equipment, and record keeping for contact tracing.

Applications that do not include a plan cannot be assessed. Simple information on hygiene requirements (for example, a handwashing poster) does not constitute a COVID-19 management plan.

Quarantine management plan

The application must include a [quarantine management plan](#) for the specialist worker, including information on measures to minimise contact with others, health screening, transport arrangements, and isolation arrangements.

Applications that do not include a quarantine management plan cannot be assessed.

Supplementary evidence

Attach any evidence that supports your claims that the service is critical. This could include evidence that the service can't be provided from within Queensland, of the specialist skills of the worker, or the time-critical nature of the activity.

Information from the Queensland business seeking to bring in the specialist worker **must** be attached if the business making the application is not in Queensland.

What happens next?

You will receive a confirmation email on submission of your application. Applications will require at least five working days to assess.

The Department of Agriculture and Fisheries will provide advice to Queensland Health on whether the application meets the criteria for a specialist worker in agribusiness, commercial fishing, food manufacturing and forestry and timber manufacturing. The Department of Agriculture and Fisheries cannot approve an application.

If the application is not successful, you will receive an email from the Department of Agriculture and Fisheries identifying which criteria were not met.

If you wish to have your application considered further, you will need to submit a new application providing more information and evidence for the criteria listed above.

If you are not satisfied, you may request a review of the recommendation. The request should be made in writing by email to DAFCOVID19Enquiries@daf.qld.gov.au, and include the grounds on which you are seeking the review, based on criteria in the direction.

Please note Queensland Health have advised that an application to enter Queensland will only be approved in very limited cases. Employers are strongly encouraged to have resourcing and workforce plans in place and not rely on exemptions being granted.

The Chief Health Officer (or delegate) must approve all exemptions under the direction. An application may be approved for entry only (with mandatory quarantine), or for entry and exemption from quarantine. If an application is successful, you will receive a letter from the Chief Health Officer, stating any conditions that relate to the exemption (including quarantine requirements).

What do I need to enter Queensland?

An approved specialist worker will also need to complete a [Border Declaration Pass](#) (Essential Activity) prior to entry to Queensland.

As a specialist worker you must provide the following on arrival in Queensland:

- your border declaration pass
- evidence of your status as an approved specialist worker (the letter of exemption from the Chief Health Officer)
- the name of your employer (a letter of employment is recommended)
- evidence that you are entering Queensland to go directly to work
- the location of the worksite
- the location of your accommodation in Queensland while performing the essential activity.

Last updated 26 August 2020

Disclaimer - While every care is taken to ensure the accuracy of this information, The Department of Agriculture and Fisheries (DAF) does not invite reliance upon it, nor accept responsibility for any loss or damage caused by actions based on it.