



Queensland Health

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Seasonal Workers Health Management and International Quarantine Plans Direction (No. 2)

Summary

Effective from: 12.40pm 3 November 2020

Posted: 3 November 2020

Direction from Chief Health Officer in accordance with emergency powers arising from the declared public health emergency

Public Health Act 2005 (Qld)

Section 362B

On 29 January 2020, under the *Public Health Act 2005*, the Minister for Health and Minister for Ambulance Services made an order declaring a public health emergency in relation to coronavirus disease (COVID-19). The public health emergency area specified in the order is for 'all of Queensland'. Its duration has been extended by regulation to 29 June 2021 and may be further extended.

Further to this declaration, I, Dr Jeannette Young, Chief Health Officer, reasonably believe it is necessary to give the following directions pursuant to the powers under s 362B of the *Public Health Act 2005* to assist in containing, or to respond to, the spread of COVID-19 within the community.

Preamble

1. This Public Health Direction replaces the Public Health Direction referred to as the Seasonal Workers Health Management Plans Direction given 5 May 2020.

Citation

2. This Public Health Direction may be referred to as the Seasonal Workers Health Management and International Quarantine Plans Direction (No. 2).
3. This Public Health Direction is to be read in conjunction with other Public Health Directions issued under section 362B of the *Public Health Act 2005* that have not expired or been revoked.

Revocation

4. The Seasonal Workers Health Management Plans Direction given on 5 May 2020 is revoked from the time of publication of this direction.

Commencement

5. This Public Health Direction applies from time of publication until the end of the declared public health emergency, unless it is revoked or replaced.

PART 1 — DIRECTION – SEASONAL WORKERS HEALTH MANAGEMENT AND INTERNATIONAL QUARANTINE PLANS

6. A person who owns, controls or operates one or more of the following businesses or service providers must have a **health management plan**:
- a. an agribusiness that employs **seasonal workers**;
 - b. a commercial fisheries business that employs **seasonal workers**;
 - c. a labour hire firm that employs **seasonal workers**; or
 - d. an accommodation facility that houses or is available to house **seasonal workers**; or
 - e. a private or charter workforce transportation provider that provides services to a business described in sub-paragraph 6(a) – (d).

Note: Accommodation facilities are subject to the Restrictions on Business, Activity and Undertakings Direction (No. 8) or its successor.

7. A person required to have a health management plan under paragraph 6 must operate the business in accordance with the health management plan.
8. An **approved employer** of a **PLS/SWP worker** must, in addition to requirements of paragraph 6, have an **endorsed international PLS/SWP quarantine plan** that covers each PLS/SWP worker who is arriving in Queensland from overseas, unless the PLS/SWP worker has completed quarantine in **government-nominated accommodation** under the public health direction Self-quarantine for persons arriving in Queensland from overseas (No. 6¹) or its successor.
9. An approved employer required to have an endorsed international PLS/SWP quarantine plan must:
- a. obtain the endorsed international PLS/SWP quarantine plan prior to the arrival of a PLS/SWP worker covered by the plan; and
 - b. ensure the endorsed international PLS/SWP quarantine plan is complied with; and
 - c. provide a copy of the endorsed international PLS/SWP quarantine plan to each accommodation facility or workforce transportation provider that accommodates or transports a PLS/SWP worker under the plan; and
 - d. provide a copy to an **emergency officer (public health)** on request.
10. The Chief Health Officer may give a person or class of persons in paragraph 6 an exemption from the requirement to have a health management plan if the Chief Health Officer considers:
- a. having a health management plan is not reasonably necessary to contain the spread of COVID-19 within the business or the community due to the particular arrangements of the person's business; or
 - b. other exceptional circumstances exist that merit the person or class of persons not being required to have a health management plan.

Definitions

For the purposes of this Public Health Direction:

11. **Approved employer** means an Australian entity that has had their application to employ a PLS/SWP worker approved by the Australian Government Department of Education, Skills and Employment or Australian Government Department of Foreign Affairs and Trade.
12. **Emergency officer (public health)** means an emergency officer appointed under the *Public Health Act 2005*.

Note: Emergency officers appointed under the Public Health Act 2005 include public health officers and police.

13. **Endorsed international PLS/SWP quarantine plan** means a quarantine management plan that:
- a. complies with the *Guidelines for 'on farm' quarantine of PLS and SWP workers in Queensland* available here as amended from time to time - <https://www.publications.qld.gov.au/dataset/seasonal-work-covid19/resource/a811ca6b-2636-4c65-a7e1-cf5795c4965d>²; and
 - b. is endorsed by Queensland Health; and
 - c. includes any conditions set out in the letter of endorsement provided by Queensland Health and any amendment of the plan endorsed in writing by Queensland Health.

14. **Government-nominated accommodation** means a hotel at the PLS/SWP worker's place of arrival in Queensland from overseas at which the PLS/SWP worker is directed to quarantine by an emergency officer (public health).

Note: Chapter 8, Part 7AA of the Public Health Act 2005 applies to a person required to quarantine in government-nominated accommodation under a public health direction. The person is liable to pay a fee for the cost of quarantine.

15. **Health management plan** means a plan to manage preventing the transmission of COVID-19 amongst employees, seasonal workers and the community that complies with the requirements specified by the Chief Health Officer.
16. **PLS/SWP worker** means a person employed by an **approved employer** under the Australian Government Pacific Labour Scheme or the Australian Government Seasonal Worker Programme.
17. **Seasonal worker** means:

- a. an employee or contractor who usually resides outside of Queensland who:
 - i. holds a letter of appointment from a person in paragraph 6; and
 - ii. travels to Queensland to work in agribusiness or commercial fishing; and
 - iii. travels on an itinerant basis within Queensland to meet seasonal labour needs; or
- b. an employee or contractor who usually resides in Queensland who:
 - i. holds a letter of appointment from a person in paragraph 6; and
 - ii. travels on an itinerant basis within Queensland to work in agribusiness or commercial fishing to meet seasonal labour needs; and
 - iii. does not return to their usual place of residence in Queensland each day.

An employee of a federal, state or local government while working in their official capacity is not a seasonal worker.

PART 2 - PENALTIES

A person to whom the direction applies commits an offence if the person fails, without reasonable excuse, to comply with the direction.

Section 362D of the *Public Health Act 2005* provides:

Failure to comply with public health directions

A person to whom a public health direction applies must comply with the direction unless the person has a reasonable excuse.

Maximum penalty—100 penalty units or 6 months imprisonment.

Dr Jeannette Young
Chief Health Officer

3 November 2020

Published on the Queensland Health website at 12:40 pm

Last updated: 30 December 2020

Understanding this Direction

Information to help you understand what this Direction means for employees, seasonal workers and Queensland's local communities.

[Find out more](#)³

Resources

Additional documents and links to help you understand this Direction.

[Work in Queensland – information for seasonal workers, including temporary visa holders](#)⁴

[Employing seasonal workers in agribusiness and commercial fisheries—COVID-19](#)⁵

[Guidelines for 'on farm' quarantine of PLS and SWP workers in Queensland](#)²

Workplace Health Management Plan Template

Plan to reduce the risk of transmission of COVID-19 into Queensland workplaces and communities

This [Workplace Health Management Plan template \(DOCX 250 kB\)](#)⁶ is for:

- Workplaces in the agribusiness and commercial fishing industry who employ, or have as visitors or contractors, interstate workers or seasonal workers and therefore must submit Workplace Health Management Plans under The Queensland Chief Health Officer Public Health Direction
- Queensland businesses wishing to assess their plans to control COVID-19 associated risks

This template includes a checklist that may be used in conjunction with the Health PlanTemplate as a self-assessment checklist to identify ways to reduce transmission of COVID-19 within a workplace and assist business continuity.

[Industry Guideline: COVID-19 Risk mitigation for food businesses \(PDF 131 kB\)](#)⁷

Guidance for food businesses on ways to restrict the spread of COVID-19 in the workplace and wider community and assist with business continuity.

Accommodation / Transport Health Management Plan Template

Accommodation and private or charter workforce transportation providers

This [Health Management Plan template \(DOCX 247 kB\)](#)⁸ is for:

- Accommodation providers who are required to have a health management plan under the Chief Health Officer Public Health Direction
- Private or charter workforce transportation providers that provide services to certain businesses and accommodation as described under the *Seasonal Workers Health Management Plans Direction*
- Queensland businesses wishing to assess their plans to control COVID-19 associated risks.

[Industry Guideline: Certain accommodation and transport providers \(PDF 131 kB\)](#)⁹

This guideline has been prepared to assist those accommodation and transport providers who are required to have a health management plan under a Chief Health Officer Public Health Direction, and describes the measures that can be implemented to minimise risk of COVID-19 transmission.

Links

1. <https://www.health.qld.gov.au/system-governance/legislation/cho-public-health-directions-under-expanded-public-health-act-powers/self-quarantine-for-persons-arriving-in-queensland-from-overseas-direction>
2. <https://www.publications.qld.gov.au/dataset/seasonal-work-covid19/resource/a811ca6b-2636-4c65-a7e1-cf5795c4965d>
3. <https://www.qld.gov.au/health/conditions/health-alerts/coronavirus-covid-19/current-status/public-health-directions/seasonal-workers-health-management-plans-direction>
4. <https://www.health.qld.gov.au/system-governance/legislation/cho-public-health-directions-under-expanded-public-health-act-powers/seasonal-workers/aside-resources/work-in-queensland-information-for-seasonal-workers,-including-temporary-visa-holders>
5. <https://www.health.qld.gov.au/system-governance/legislation/cho-public-health-directions-under-expanded-public-health-act-powers/seasonal-workers/aside-resources/employing-seasonal-workers-in-agribusiness-and-commercial-fisheriescovid-19>
6. https://www.health.qld.gov.au/__data/assets/word_doc/0039/959880/health-management-plan-template-workplace.docx
7. https://www.health.qld.gov.au/__data/assets/pdf_file/0047/959897/guideline-risk-mitigation-for-food-businesses.pdf
8. https://www.health.qld.gov.au/__data/assets/word_doc/0039/959907/health-management-plan-template-accommodation-transport.docx
9. https://www.health.qld.gov.au/__data/assets/pdf_file/0033/959910/guideline-risk-mitigation-for-accommodation-transport.pdf

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Right to information (<https://www.health.qld.gov.au/system-governance/contact-us/access-info>).

Accessibility (<https://www.qld.gov.au/help/accessibility/>).

Jobs in Queensland Government (https://smartjobs.qld.gov.au/jobtools/jncustomsearch.jobsearch?in_organid=14904).

Other languages (<https://www.qld.gov.au/languages/>).

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