

Dear [REDACTED]

### **DECISION ON YOUR ACCESS APPLICATION**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (FOI Act), received by ACT Health Directorate (ACTHD) on **Wednesday 23 February 2022**.

This application requested access to:

*'all documents which are relevant to two distinct decisions:*

- 1. The decision to not mandate that prison officers be vaccinated.*
- 2. The decision to not include prison officers among the category of workers who could not enter the CHS clinic located in the Alexander Maconochie Centre noting that it was mandated that security officers at all other CHS clinics across Canberra be vaccinated.'*

I am an Information Officer appointed by the Director-General of ACT Health Directorate (ACTHD) under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act. ACTHD was required to provide a decision on your access application by **Thursday 24 March 2022**.

I have identified 21 documents holding the information within scope of your access application. These are outlined in the schedule of documents included at [Attachment A](#) to this decision letter.

#### **Decisions**

I have decided to:

- grant partial access to 19 documents; and
- refuse access to 2 documents.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as [Attachment B](#) to this letter.

In reaching my access decision, I have taken the following into account:

- The FOI Act;
- The contents of the documents that fall within the scope of your request;
- The views of relevant third parties; and
- The *Human Rights Act 2004*.

#### **Refuse Access**

I have decided to refuse access to two documents at references 1 and 5. The documents are comprised of information that is subject to legal professional privilege and therefore taken to be contrary to the public interest to release, under *Schedule 1.2 Information that would be privileged from production or admission into evidence in a legal proceeding on the ground of legal professional privilege*.

In addition, further information was identified under *Schedule 2.2 (a)(ii) prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004*, containing mobile phone numbers of ACT government employees.

### **Partial Access**

The document at reference 2 is partially comprised of information classified as Cabinet submission documents, and under Schedule 1.6 Cabinet Information, they are taken to be contrary to the public interest to release. This document contains further redactions made under *Schedule 2.2 (a)(ii)*, to the mobile phone numbers of ACT government employees.

The document at reference 7 contains redacted information under Schedule 1.2, referencing information subject to legal professional privilege. This document contains additional redactions under *Schedule 2.2 (a)(ii)*, to the mobile phone numbers of ACT government employees.

The documents at reference 3-4, 6, and 8-21, contain information that I consider, on balance, to be contrary to the public interest to disclose under the test set out in section 17 of the Act as the information contained in these folios is partially comprised of personal information.

### **Public Interest Factors Favouring Disclosure**

The following factors were considered relevant in favour of the disclosure of the documents:

- Schedule 2, 2.1(a)(i) promote open discussion of public affairs and enhance the government's accountability; and
- Schedule 2, 2.1(a)(ii) contribute to positive and informed debate on important issues or matters of public interest.

### **Public Interest Factors Favouring Non-Disclosure**

The following factors were considered relevant in favour of the non-disclosure of the documents:

- Schedule 2, Schedule 2.2 (a)(ii) prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.

Therefore, I have decided this factor outweighs the public interest factors in the disclosure of mobile phone numbers and email addresses of both ACT and non-ACT government employees.

### **Charges**

Processing charges are not applicable to this request.

### **Disclosure Log**

Under section 28 of the FOI Act, ACTHD maintains an online record of access applications called a disclosure log. The scope of your access application, my decision and documents released to you will be published in the disclosure log not less than three days but not more than 10 days after the date of this decision. Your personal contact details will not be published.

<https://www.health.act.gov.au/about-our-health-system/freedom-information/disclosure-log>.

### **Ombudsman review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in ACT Health's disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601  
Via email: [ACTFOI@ombudsman.gov.au](mailto:ACTFOI@ombudsman.gov.au)  
Website: [ombudsman.act.gov.au](http://ombudsman.act.gov.au)

ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore St  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

**Further assistance**

Should you have any queries in relation to your request, please do not hesitate to contact the FOI Coordinator on (02) 5124 9831 or email [HealthFOI@act.gov.au](mailto:HealthFOI@act.gov.au).

Yours sincerely



Charmaine Smith  
**Executive Branch Manager**  
COVID-19 Vaccine Program

24 March 2022

## FREEDOM OF INFORMATION SCHEDULE OF DOCUMENTS

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government's Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately.

Information about what is published on open access is available online at: <http://www.health.act.gov.au/public-information/consumers/freedom-information>

APPLICANT NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	FILE NUMBER
[REDACTED]	<p><i>'all documents which are relevant to two distinct decisions:</i></p> <ol style="list-style-type: none"> <li><i>1. The decision to not mandate that prison officers be vaccinated.</i></li> <li><i>2. The decision to not include prison officers among the category of workers who could not enter the CHS clinic located in the Alexander Maconochie Centre noting that it was mandated that security officers at all other CHS clinics across Canberra be vaccinated.'</i></li> </ol>	ACTHDFOI21-22.39

Ref Number	Page Number	Description	Date	Status Decision	Factor	Open Access release status
1.	1 – 14	Email with attachment – Public Health (Healthcare Workers COVID-19 Vaccination) Emergency Direction 2021	22 September 2021	Refuse Release	Schedule 1.2 Legal & Schedule 2.2 (a)(ii) Privacy	No
2.	15 – 42	Email with attachment – FW: Mandatory Vaccination of Health Care Workers	23 September 2021	Partial Release	Schedule 1.6 Cabinet & Schedule 2.2 (a)(ii) Privacy	Yes
3.	43 – 44	Email – FW: Consultation: mandatory vaccination	30 September 2021	Partial Release	Schedule 2.2 (a)(ii) Privacy	Yes

4.	45 – 46	Email – FW: Mandatory vaccination: next steps	30 September 2021	Partial Release	Schedule 2.2 (a)(ii) Privacy	Yes
5.	47 – 55	Email with attachment – Public Health (Health Care and Support Workers COVID-19 Vaccination) Emergency Direction 2021_JFv3	23 October 2021	Refuse Release	Schedule 1.2 Legal & Schedule 2.2 (a)(ii) Privacy	No
6.	56 – 57	Email – Fwd: correspondence from NGO	23 October 2021	Partial Release	Schedule 2.2 (a)(ii) Privacy	Yes
7.	58 – 62	Email – RE: correspondence from NGO	25 October 2021	Partial Release	Schedule 1.2 Legal & Schedule 2.2 (a)(ii) Privacy	Yes
8.	63 – 66	Email – RE: correspondence from NGO	25 October 2021	Partial Release	Schedule 2.2 (a)(ii) Privacy	Yes
9.	67 – 71	Email – RE: correspondence from NGO	25 October 2021	Partial Release	Schedule 2.2 (a)(ii) Privacy	Yes
10.	72 – 77	Email – RE: correspondence from NGO	26 October 2021	Partial Release	Schedule 2.2 (a)(ii) Privacy	Yes
11.	78 – 81	Email – FW: correspondence from NGO	31 October 2021	Partial Release	Schedule 2.2 (a)(ii) Privacy	Yes
12.	82 – 88	Email – RE: correspondence from NGO	14 November 2021	Partial Release	Schedule 2.2 (a)(ii) Privacy	Yes
13.	89 – 101	Email with attachment – RE: correspondence from NGO	15 November 2021	Partial Release	Schedule 2.2 (a)(ii) Privacy	Yes
14.	102 – 115	Email with attachment – FW: Healthcare worker briefing	28 November 2021	Partial Release	Schedule 2.2 (a)(ii) Privacy	Yes
15.	116 – 122	Email with attachment – FW: SIGNED BY MINISTER : MIN21/2232 : Initiated Brief - Minister for Health - Expansion of COVID-19 vaccination requirements for healthcare workers	7 December 2021	Partial Release	Schedule 2.2 (a)(ii) Privacy	Yes
16.	123 – 130	Email – FW: correspondence from NGO	24 December 2021	Partial Release	Schedule 2.2 (a)(ii) Privacy	Yes

17.	131 – 136	Email – FW: correspondence from NGO	24 December 2021	Partial Release	Schedule 2.2 (a)(ii) Privacy	Yes
18.	137 – 139	Email – FW: UPDATED 19 Jan 2022: correspondence from NGO	10 February 2022	Partial Release	Schedule 2.2 (a)(ii) Privacy	Yes
19.	140 – 142	Email – RE: UPDATED 19 Jan 2022: correspondence from NGO	10 February 2022	Partial Release	Schedule 2.2 (a)(ii) Privacy	Yes
20.	143 – 145	Email – RE: UPDATED 19 Jan 2022: correspondence from NGO	10 February 2022	Partial Release	Schedule 2.2 (a)(ii) Privacy	Yes
21.	146 – 148	Email – INFO ONLY: Information regarding the scope of the Public Health (Health Care and Support Workers COVID-19 Vaccination) Emergency Direction	10 February 2022	Partial Release	Schedule 2.2 (a)(ii) Privacy	Yes
<b>Total Number of Documents</b>						
<b>21</b>						

































**Lowes, Shannon (Health)**

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**From:** Brighton, Meg (Health)  
**Sent:** Thursday, 23 September 2021 7:21 PM  
**To:** Dal Molin, Vanessa (Health)  
**Cc:** Connell, Patrick (Health); Ryan, Liam (Health); Whybrow, Kirsty (Health); Favaloro, Joshua (Health); Johnston, Vanessa (Health); Coleman, Kerryn (Health)  
**Subject:** FW: Mandatory Vaccination of Health Care Workers  
**Attachments:** Cabinet Submission - Mandatory COVID-19 vaccination policy for health care workers.docx; DRAFT - Mandatory COVID-19 vaccination policy for health care workers.docx; Draft - COVID-19 Vaccination Exemption Policy - HCW.docx; Vaccination Exemption Form - HCW.docx; Sample Vaccination Exemption Certificate - HCW.docx

Hi Vanessa

Thanks to all the various hands .for all the work on this.

1. Comments on the sub attached (including a query about the policy)
2. Can we add an attachment that has a jurisdiction comparison of the health worker directions

I haven't reviewed the detail exemption policy yet  
 Meg

**Meg Brighton** | Deputy Director-General **ACT Health Directorate** | ACT Government

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**From:** Dal Molin, Vanessa (Health) <Vanessa.DalMolin@act.gov.au>  
**Sent:** Thursday, 23 September 2021 1:02 PM  
**To:** Brighton, Meg (Health) <Meg.Brighton@act.gov.au>; Smith, Charmaine (Health) <Charmaine.Smith@act.gov.au>  
**Cc:** Connell, Patrick (Health) <Patrick.CConnell@act.gov.au>; Ryan, Liam (Health) <Liam.Ryan@act.gov.au>; Whybrow, Kirsty (Health) <Kirsty.Whybrow@act.gov.au>; Favaloro, Joshua (Health) <Joshua.Favaloro@act.gov.au>; Johnston, Vanessa (Health) <Vanessa.Johnston@act.gov.au>; Coleman, Kerryn (Health) <Kerryn.Coleman@act.gov.au>  
**Subject:** Mandatory Vaccination of Health Care Workers

**OFFICIAL**

Hi Meg and Charmaine

Please find attached a first go at the Submission and policy for the mandatory vaccination of health care workers. Proposing that this go to SEMC on Tuesday.

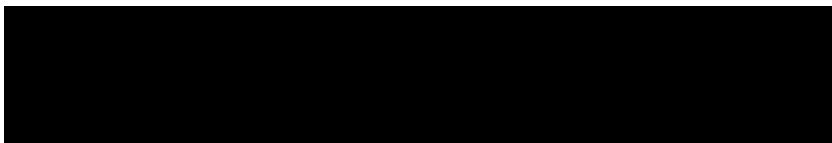
Kate did a great job at pulling this together for us – which is wonderful. I've played a little bit and have included a few questions in the attached. Kirsty has also pulled together the exemption policy, based on the RACF one, which we could also attach to the submission.

I just wondered whether it might be worth a quick catch up with Colm/Dave and Damian W also?

Happy to discuss further when you have time.

Many thanks  
 Vanessa

**Vanessa Dal Molin, Executive Branch Manager – COVID-19 Policy and Support**  
Ph: 02-5124 9401 | Mob: [REDACTED] | Email: [vanessa.dalmolin@act.gov.au](mailto:vanessa.dalmolin@act.gov.au)  
**Office of the Chief Health Officer | ACT Health Directorate**  
[health.act.gov.au](http://health.act.gov.au)























# Mandatory COVID-19 vaccination policy for health care workers

## Purpose

1. The *Mandatory COVID-19 Vaccination Policy for Health Care Workers* (the policy);
  - a. clarifies requirements for the ACT's mandatory vaccination approach to ensure the ongoing public health management of workers in health care settings is prioritised and maintained; and
  - b. provides guidance to health care operators and workers about mandatory COVID-19 vaccination requirements for health care workers after 31 October 2021.

## Background

2. Coronavirus disease (COVID-19) is an infectious disease caused by the SARS-COV-2 virus. COVID-19 is highly contagious and is a potentially fatal condition. As a result, Public Health authorities, both internationally and nationally, have been monitoring and responding to outbreaks of COVID-19.
3. The ACT Government has been most recently responded to an outbreak in the ACT which has seen an extended lockdown period being implemented. The scale of risk resulting from this outbreak is significantly higher than in the previous year, noting the highly infectious 'Delta' variant of concern. There are significant and ongoing challenges being faced at a national level to suppress the spread of the virus, which is likely to continue into the future.
4. Health care settings have a high likelihood of caring for people with COVID-19 and, therefore, there are higher rates of potential exposure for all workers in healthcare settings.
5. All State and Territory Governments are supporting the implementation of a rollout of vaccinations across their communities. Higher vaccination rates will make outbreaks much less likely, and will likely reduce the need for tightened public health restrictions to be implemented, assisting to reduce the health, social and economic impacts which the COVID-19 pandemic has presented so far.
6. While a fully vaccinated person may still be infected with the COVID-19 virus, vaccines authorised in Australia provide strong protection against severe outcomes and death, and reduce the risk of onward transmission of COVID-19 to patients, residents, other workers in health care settings and the wider community.
7. The Chief Health Officer will sign and notify the Public Health (Healthcare workers COVID-19 Vaccination) Emergency Direction 2021 by 15 October 2021 to mandate vaccination requirements for health care workers.

## Application

8. This policy commences from **15 October 2021** upon the commencement of the *Public Health (Healthcare Workers COVID-19 Vaccination) Emergency Direction 2021* (the Direction).
9. Under the Direction, health care workers are required to provide proof of vaccination to their employer by the following dates.
  - a. A minimum first dose of a registered COVID-19 vaccine is required by no later than **31 October 2021**.
  - b. A minimum second dose of a registered COVID-19 vaccine is required by no later than **31 December 2021**.

## Instructions

### Health care settings and workers covered under the direction

10. Under the Direction, a **health care facility** includes:
  - a. Public Health settings including public hospitals, public health clinics, ambulance services, patient transport services and other health services managed by the ACT Government, including a COVID-19 testing clinic and a COVID-19 vaccination community clinic.
  - b. Private health facilities, including private hospitals, day procedure centres and specialist outpatient services.
11. Health care workers are defined, under the Direction as:
  - a. Any employee of Canberra Health Services, including but not limited to any person who provides health, medical, nursing, pathology, pharmaceutical, social work or allied health services to a patient in a health care facility, including in a voluntary or unpaid capacity.
  - b. A person who provides direct care to a patient at a health care facility (eg Assistant in Nursing);
  - c. A person who is a student and in on a placement at a health care facility as a formal part of their education;
  - d. An ambulance officer;
  - e. Any person who provides goods or services at a healthcare facility, including in a voluntary or unpaid capacity including:
    - o A person who is employed or engaged by a third party, including another ACT Government Directorate that is not Canberra Health Services, who provides goods and services at the health care facility, including a labour hire firm who provides staff to supplement the permanent workforce;
    - o A direct care worker, including a personal care worker;

**Commented [DMV(1):** Assume we will not include other private providers such as GPs, consulting offices at this stage.

? education settings that manage health care student placements, registration and internships clinical settings?

**Commented [BM(2R1):** Colleges are suggesting a more expansive definition (as will HCCA I expect)

**Commented [DMV(3):** Is this sufficient to cover all workers involved, including for example VMOs etc, or do we need to be more specific?

**Commented [DMV(4):** Is this sufficient from ESA perspective ?  
Do we need to include South Care too – how to describe?

**Commented [DMV(5):** Looking to try and capture DSD staff here and potentially ESA staff – is this too broad?

**Commented [BM(6R5):** Broad is consistent with other jurisdictions I believe



- An administrative staff member, including those engaged by another ACT Government Agency, including a person working in administration, management or reception services;
- An ancillary staff member, including a cleaner, a laundry staff member, a person performing food preparation services, a security officer and a person providing maintenance services.
- A person providing lifestyle and social care, including a person providing music or art therapy or a transport driver who transports patients of the health care facility
- A person who provides commercial activities at a premises that constitutes a health care facility, whether pursuant to any lease, licence or otherwise.
- A pastoral care worker or clergy who is engaged as a contractor by a healthcare facility;

Commented [DMV(7)]: Check for relevancy.

12. Persons who are excluded from the mandatory vaccination requirement include:

- a. An ad hoc volunteer
- b. A person who is a family member or friend of a patient
- c. Any of the following in-reach service providers or contractors (unless employed or otherwise engaged (including on a voluntary or unpaid capacity) by the health care facility):
  - A delivery driver or person providing one-off trade deliveries
  - A trades person
  - A legal practitioner;
  - A guardian if attendance is necessary to exercise functions for a patient.

### Vaccination Evidence

13. Health care workers are required to provide evidence to their employer, or an authorised person as determined by their employer, of their vaccination status from the Australian Immunisation Register (kept under the *Australian Immunisation Register Act 2015 (Cth)*) to confirm they have received one or more doses of a COVID-19 vaccine.

- a. A minimum first dose of a registered COVID-19 vaccine is required by no later than 31 October 2021.
- b. A minimum second dose of a registered COVID-19 vaccine is required by no later than 31 December 2021.

Commented [DMV(8)]: Are these dates okay?

14. Health care facilities should establish their own policies and mechanisms to record vaccination status of employees and other persons who are captured by the Direction as requiring vaccination.

## Exemptions

15. Some health care workers may not be suitable to receive a COVID-19 vaccination. In these instances, the Chief Health Officer may exempt a person (in writing) from mandatory vaccination who:
  - a. is unable, due to a medical contraindication, to receive a COVID-19 vaccination; or
  - b. for whom a COVID-19 vaccination is not reasonably available.
16. Exemptions will not be considered for health care workers who hold a conscientious objection to the COVID-19 vaccination, and who refuse to get vaccinated on these grounds.
17. Requests for exemption must be made in writing to the Office of the Chief Health Officer, in accordance with the exemption policy at [Attachment X](#) and will be considered on a case by case basis.
18. Evidence of any exemption must be provided to the employer or authorised person of the health care operator before the health care worker will be allowed to work.
19. The employer should consider putting in place risk mitigation measures and controls to manage workers who have received an exemption to manage work health and safety of the broader workforce.



**ACT**  
Government

**ACT Health**

# ACT COVID-19 Vaccination Exemption Policy for Healthcare Workers

**Issue Date: September 2021**

ISSUED BY:

THE CHIEF HEALTH OFFICER

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DRAFT

## Introduction

- The Public Health (Healthcare Workers COVID-19 Vaccination) Emergency Direction 2021 (the Direction) commenced on **16 September 2021**.
- The purpose of the Direction is to limit the spread of coronavirus disease 2019 (COVID-19), caused by the novel coronavirus SARS-CoV-2 within a particularly vulnerable population by restricting access by unvaccinated workers to healthcare facilities.
- There may be occasions or exceptional circumstances whereby a worker at a healthcare facility is unable to fulfil the requirement to receive at least one dose of a COVID-19 vaccination before commencing work.

## Application

- The ACT COVID-19 Exemption Policy for Healthcare Workers applies to persons covered under Attachment A of the *Public Health (Healthcare Workers COVID-19 Vaccination) Emergency Direction 2021*. The Direction provides that:
  - The Chief Health Officer may, in writing and subject to any conditions that the Chief Health Officer considers necessary, exempt a person from the Direction.
  - The Chief Health Officer may provide an exemption from the Direction to:
    - a person who is unable, due to a medical contraindication, to receive a COVID-19 vaccination; or
    - a person for whom a COVID-19 vaccination is not reasonably available.
  - If the Chief Health Officer exempts a person from the Direction, or a stated requirement under this Direction, that person must comply with the conditions of the exemption.

## Principles

- If a worker (as defined by the Direction) at a healthcare facility is unable to fulfil the requirement to receive at least one dose of a COVID-19 vaccination before **16 September 2021**, they are able to apply to the Chief Health Officer for an exemption.
- Exemptions will only be considered for:
  - a person who is unable, due to a medical contraindication, to receive a COVID-19 vaccination
  - a person for whom a COVID-19 vaccination is not reasonably available.
- Workers must complete a Vaccination Exemption form.
- If the exemption is required for a medical contraindication, the worker must ensure Sections A and B of the Vaccination Exemption form are completed by an approved health professional.
- For medical contraindications, Sections A and B of the Vaccination Exemption form can only be completed by the following:
  - General practice registrars on an approved 3GA training placement
  - Paediatricians
  - Public health physicians
  - Infectious disease physicians
  - Clinical immunologists

- GPs who meet certain criteria:
  - i. Vocationally registered; OR
  - ii. A fellow of the Royal Australian College of General Practitioners (RACGP); OR
  - iii. A fellow of the Australian College of Rural and Remote Medicine (ACRRM).
- All exemption applications must also include an acknowledgement letter from the worker's employer.

## Procedure

- Operators at a healthcare facility are asked to write to all workers to advise them of the exemption process. A form letter is provided at [Attachment B](#) for use if required. The Vaccination Exemption form at [Attachment C](#) should be attached to the letter.
- Workers should contact the operator of the healthcare facility if they wish to apply for an exemption in order to seek a letter of acknowledgement.
- Workers should complete the Vaccination Exemption form, noting that if an exemption is required for a medical contraindication, Sections A and B must be completed by an appropriate health professional.
- The number of exemption requests processed will be reported to the Department of Health by ACT Health.

## Process for Submitting a Request for Exemption

- Workers should submit their exemption request to [ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au). The request must include the letter of acknowledgement from the operator of the healthcare facility and a Vaccination Exemption form.
- The operator of the healthcare facility is also able to submit an exemption request on behalf of their worker, provided the Vaccination Exemption form is signed by the worker. A letter of acknowledgement from the operator is not required in this situation.
- The exemption request will be processed within three days of receipt, subject to all required documentation being provided.
- If approved, an exemption certificate with conditions will be provided by the Chief Health Officer to the applicant and the operator of the healthcare facility.
- If not approved, the applicant and the operator of the healthcare facility will be advised.

## Criteria

- The application must include appropriate supporting documentation:
  - A letter of acknowledgement from the operator of the healthcare facility; and
  - A correctly completed Vaccination Exemption form.
- The exemption application must fall under one of the two exemption provisions in the Direction.
- Unless supported by a health professional, the following types of scenarios are not valid reasons for exemption:
  - pre-existing conditions of any kind, including auto-immune disorders and hypertension, diabetes, asthma, pulmonary, liver and kidney disease, as well as chronic infections that are stable and controlled.
  - needle phobia
  - transport problems
  - family care requirements
  - mild illness without fever—meaning temperature is below 38.5°C
  - any family history of adverse events following immunisation
  - history of convulsions
  - treatment with antibiotics

- treatment with locally acting steroids, inhaled or low dose topical
- replacement corticosteroids
- asthma, eczema, atopy, hay fever or sniffles
- neurological conditions
- pregnancy
- breastfeeding
- recent or planned surgery.
- Exemptions can be considered if a medical professional suggests a person has:
  - a compromised immune system
  - are severely frail
  - has a past confirmed infection with COVID-19 (noting that it is not a contraindication to vaccination, however ATAGI recommends deferring COVID-19 vaccination for up to 6 months after the acute illness).
- Or has otherwise suggested a delay due to the following medical contraindications\*:
  - having a history of confirmed mastocytosis with recurrent anaphylaxis that requires treatment
  - having ever been diagnosed with capillary leak syndrome
  - having a history of heparin induced thrombocytopenia (HIT), central venous sinus thrombosis (CVST), blood clots in the abdominal veins (splanchnic veins) or antiphospholipid syndrome associated with blood clots
  - have had myocarditis and/or pericarditis
  - currently have or recently had acute rheumatic fever or endocarditis
  - having congenital heart disease
  - having dilated cardiomyopathy (for people under 30 years of age)
  - having severe heart failure
  - being a recipient of a heart transplant
  - have a bleeding disorder or are receiving anticoagulant therapy (a blood thinner)
  - have had COVID-19 in the past, or have ongoing illness from COVID-19
  - have received any vaccine in the last 7 day

\* [COVID-19 vaccination – Preparing for COVID-19 vaccination \(health.gov.au\)](https://www.health.gov.au)

- Exemptions can also be considered if the applicant is unable to attend a COVID-19 Vaccine Appointment before commencing work due to being:
  - unwell with fever, cough, runny nose or other symptoms that could be from COVID-19
  - are awaiting COVID-19 test results
  - have tested positive with COVID-19 and are in isolation
  - are in quarantine
  - are a close contact of someone with COVID-19

In the above scenarios, the exemption will be provided for a limited time period, noting that the person should not be attending work at this time either.

- If exemption requests are approved, they will be provided for a six month validity only unless there are substantial medical contraindications.
- Exemption approvals may include additional testing requirements until the applicant is able to have their first dose.

## Further Information

- [Public Health \(Aged Care Workers COVID-19 Vaccination\) Emergency Direction 2021 | Notifiable instruments \(act.gov.au\)](https://www.act.gov.au)

## Review

- This policy is due for review 12 months from the last issued or reviewed date, or earlier where there are changes that affect the operation of the policy.

Document name: ACT COVID-19 Vaccination Exemption Policy for Healthcare Workers	Prepared by: Office of the Chief Health Officer
Policy Number: 1	Feedback to: <a href="mailto:ACTHealthOCHO@act.gov.au">ACTHealthOCHO@act.gov.au</a>
Issue Date: 17 September 2021	Review Date: 1

## Approval Authority

Dr Kerryn Coleman

Chief Health Officer for the ACT

17 September 2021

DRAFT



## Attachment A – Letter to Healthcare Facilities from CHO

To: Healthcare Facility

Dear xx

The Public Health (Healthcare Workers COVID-19 Vaccination) Emergency Direction 2021 (the Direction) commenced on 16 September 2021.

The purpose of the Direction is to limit the spread of coronavirus disease 2019 (COVID-19), caused by the novel coronavirus SARS-CoV-2 within a particularly vulnerable population by restricting access by unvaccinated workers to healthcare facilities.

More information COVID-19 and healthcare facilities can be found on the ACT Government website – [www.covid19.act.gov.au](http://www.covid19.act.gov.au).

There may be occasions or exceptional circumstances whereby one of your workers is unable to fulfil the requirement to receive at least one dose of a COVID-19 vaccination before they work at your premises.

This could include:

- a person who is unable, due to a medical contraindication, to receive a COVID-19 vaccination
- a person for whom a COVID-19 vaccination is not reasonably available.

The Direction allows for workers to apply for an exemption in exceptional circumstances. Please find attached the ACT COVID-19 Vaccination Exemption Policy for Healthcare Workers and a form letter and Vaccination Exemption form explaining how to apply for an exemption which you may wish to circulate to your workers.

Yours sincerely

Dr Kerryn Coleman  
Chief Health Officer

September 2021

## Attachment B – Letter to workers

Dear Worker

The Public Health (Healthcare Workers COVID-19 Vaccination) Emergency Direction 2021 (the Direction) commenced on **16 September 2021**.

The purpose of the Direction is to limit the spread of coronavirus disease 2019 (COVID-19), caused by the novel coronavirus SARS-CoV-2 within a particularly vulnerable population by restricting access by unvaccinated workers to healthcare facilities.

More information COVID-19 and aged care facilities can be found on the ACT Government website – [www.covid19.act.gov.au](http://www.covid19.act.gov.au). If you would like to read the Direction, you can find it at <https://www.legislation.act.gov.au/ni/2021-501/>.

There may be occasions or exceptional circumstances whereby a worker at a healthcare facility is unable to fulfil the requirement to receive at least one dose of a COVID-19 vaccination before commencing work.

This could include:

- a person who is unable, due to a medical contraindication, to receive a COVID-19 vaccination
- a person for whom a COVID-19 vaccination is not reasonably available.

If you feel that your situation warrants an exemption, please do the following:

- Advise me if you require an exemption so that this organisation can provide a letter of acknowledgement.
- Complete the attached Vaccination Exemption form, noting that if an exemption is required for a medical contraindication, Sections A and B can only be completed by the following health professionals:
  - General practice registrars on an approved 3GA training placement
  - Paediatricians
  - Public health physicians
  - Infectious disease physicians
  - Clinical immunologists
  - GPs who meet certain criteria:
    - i. Vocationally registered; OR
    - ii. A fellow of the Royal Australian College of General Practitioners (RACGP); OR
    - iii. A fellow of the Australian College of Rural and Remote Medicine (ACRRM).

Once completed, you should submit my letter of acknowledgement and the completed Vaccination Exemption form to [ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au) at least three days prior to being required. Alternatively, I would be happy to submit the form on your behalf.

Yours sincerely

xxx

## **Attachment C – Vaccination Exemption Application Form**

See attached.

## **Attachment D – SAMPLE Vaccination Exemption Certificate**

See attached.

DRAFT



**ACT**  
Government

**ACT Health**

OFFICE OF THE CHIEF HEALTH OFFICER  
ACT HEALTH DIRECTORATE



**COVID-19 VACCINATION EXEMPTION APPLICATION FORM**

For workers at a residential aged care facility as defined under the *Public Health (Healthcare Workers COVID-19 Vaccination) Emergency Direction*.

I am applying for an exemption as I am:

- a person who is unable, due to a medical contraindication, to receive a COVID-19 vaccination (your \*health professional must complete Sections A and B); or
- a person for whom a COVID-19 vaccination is not reasonably available (you must complete Section C).

**Applicant Details**

Family Name	
Given Name	
Date of Birth	DD / MM / YYYY
Sex	
Residential Address	
Place of work (residential aged care facility)	

**SECTION A** – A person who is unable, due to a medical contraindication<sup>1</sup>, to receive a COVID-19 vaccination due to<sup>2</sup>: (\*to be completed by an appropriate health professional):

<input type="checkbox"/>	Acute major illness, being	
<input type="checkbox"/>	Significant immunocompromise of short duration, being	
<input type="checkbox"/>	<sup>3</sup> Confirmed infection with SARS-CoV-2 within the last 6 months	Date of Diagnosis:
<input type="checkbox"/>	Other medical condition requiring temporary vaccine exemption, being	

**SECTION B** – Health Professional Details

Name	
Address	
Telephone	
Email	
Registration Number	
Signature	
Date	DD / MM / YYYY



**SECTION C – a person for whom a COVID-19 vaccination is not reasonably available**

Please fully state your reason for seeking an exemption

**Notes:**

**\*Appropriate health professional**

For medical contraindications, Sections A and B of this form can only be completed by the following:

- General practice registrars on an approved 3GA training placement
- Paediatricians
- Public health physicians
- Infectious disease physicians
- Clinical immunologists
- GPs who meet certain criteria:
  - i. Vocationally registered; OR
  - ii. A fellow of the Royal Australian College of General Practitioners (RACGP); OR
  - iii. A fellow of the Australian College of Rural and Remote Medicine (ACRRM).

<sup>1</sup> Medical contraindication can only be recorded for up to 6 months - if the contraindication persists beyond this time the person will require a further review by an appropriate health professional and will need to submit a new Vaccination Exemption Application Form.

<sup>2</sup> A patient must have medical contraindications to all of the COVID-19 vaccines available for use in Australia in order to be exempted from COVID-19 vaccination requirements under the public health direction.

<sup>3</sup> Past confirmed infection with SARS-CoV-2 is not a contraindication to vaccination, however ATAGI recommends deferring COVID-19 vaccination for up to 6 months after the acute illness.

**Checklist:**

- I have filled out all sections
- I have an acknowledgement letter from the operator of my healthcare facility

Please email your completed form and your acknowledgement letter to

[ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au)

Please allow at least 72 hours for a response

## SAMPLE

# VACCINATION EXEMPTION CERTIFICATE

Made under the *Public Health (Healthcare Workers COVID-19 Vaccination) Emergency Direction 2021*

Exemption in accordance with Paragraphs 11 and 12 of the **Public Health (Healthcare Workers COVID-19 Vaccination) Emergency Direction 2021 2021 [NI2021-501]**.

1. I, Dr Kerryn Coleman, Chief Health Officer for the Australian Capital Territory, in accordance with paragraphs 11 and 12 of the *Public Health (Healthcare Workers COVID-19 Vaccination) Emergency Direction 2021* grant the exemption as set out below.

### **PART A VACCINATION REQUIREMENT NOT TO APPLY TO (name) WORKING AT (HEALTHCARE FACILITY)**

2. The person named in Part A is exempt until (date) from the requirement in Part 1, paragraph 1 of the Direction to receive a least one dose of a COVID-19 vaccination
3. If an exemption is still required after this date, the person named in Part A must reapply for a new vaccination exemption.

### **PART B EXEMPTION CONDITIONS**

4. (name) must endeavour to must take all reasonable steps to book in and receive a COVID-19 vaccination before the date outlined in Part A(2).
5. Until a COVID-19 vaccination is received, the person named in Part A must undertake a COVID-19 test every 7 days and provide the negative result to the operator of the healthcare facility.

### **PART C DEFINITIONS**

For the purposes of this exemption certificate:

6. **Direction** means the *Public Health (Healthcare Workers COVID-19 Vaccination) Emergency Direction 2021*, or any Public Health Emergency Direction which revokes and replaces it.

## NOTES

Be advised that:

- information about all exemptions granted may be shared with other Government agencies (including ACT Policing and Government agencies outside the ACT Government) for the purposes of identity verification and the monitoring and enforcement of compliance with public health laws.
- I have considered human rights in issuing this exemption.

**Dr Kerryn Coleman**  
**Chief Health Officer**

Xx September 2021

### OFFENCE AND PENALTIES

Failure to comply with conditions of an exemption granted the Public Health (Check In Requirements) Emergency Direction 2021 will constitute a breach of the Direction itself.

Failing to comply with an ACT Public Health Emergency Direction is an offence under section 120 (4) of the *Public Health Act 1997*, which provides that:

**A person must not, without reasonable excuse, fail to comply with a direction under this section.**

**Maximum Penalty:** In the case of a natural person, \$8,000 (50 penalty units).  
In the case of a body corporate, \$40,500 (50 penalty units).

#### Accessibility

If you have difficulty reading a standard printed document and would like an alternative format, please phone 13 22 81.



If English is not your first language and you need the Translating and Interpreting Service (TIS), please call 13 14 50.

For further accessibility information, visit: [www.health.act.gov.au/accessibility](http://www.health.act.gov.au/accessibility)

[www.health.act.gov.au](http://www.health.act.gov.au) | Phone: 132281

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## Lowes, Shannon (Health)

---

**From:** Dal Molin, Vanessa (Health)  
**Sent:** Thursday, 30 September 2021 10:20 AM  
**To:** Favalaro, Joshua (Health); Connell, Patrick (Health)  
**Subject:** FW: Consultation: mandatory vaccination

OFFICIAL

FYI. We will need to think about this!

---

**From:** Brighton, Meg (Health) <Meg.Brighton@act.gov.au>  
**Sent:** Thursday, 30 September 2021 10:01 AM  
**To:** Dal Molin, Vanessa (Health) <Vanessa.DalMolin@act.gov.au>  
**Cc:** Smith, Charmaine (Health) <Charmaine.Smith@act.gov.au>; Brighton, Meg (Health) <Meg.Brighton@act.gov.au>  
**Subject:** RE: Consultation: mandatory vaccination

Thanks Vanessa

I think the issue arises when we use “facilities” in conjunction with the term “hospitals”.

Regards  
 Meg

**Meg Brighton** | Deputy Director-General **ACT Health Directorate** | ACT Government

T: +61 2 512 46240 | E: [meg.brighton@act.gov.au](mailto:meg.brighton@act.gov.au) | M: [REDACTED]  
 Level 5, 6 Bowes Street, Phillip, 2606 Woden Valley | GPO [Box 158 Canberra ACT 2601](#) | [www.health.act.gov.au](http://www.health.act.gov.au)

---

**From:** Dal Molin, Vanessa (Health) <[Vanessa.DalMolin@act.gov.au](mailto:Vanessa.DalMolin@act.gov.au)>  
**Sent:** Thursday, 30 September 2021 9:51 AM  
**To:** Brighton, Meg (Health) <[Meg.Brighton@act.gov.au](mailto:Meg.Brighton@act.gov.au)>  
**Cc:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>  
**Subject:** RE: Consultation: mandatory vaccination

OFFICIAL

Thanks Meg.

I think Kerryn was pretty clear that first stage was to cover private hospital facilities only (including day hospitals) – I’m not sure that Marie Stopes would fall into that category, but I will follow up to see what category they fall into..

---

**From:** Brighton, Meg (Health) <[Meg.Brighton@act.gov.au](mailto:Meg.Brighton@act.gov.au)>  
**Sent:** Thursday, 30 September 2021 9:02 AM  
**To:** Dal Molin, Vanessa (Health) <[Vanessa.DalMolin@act.gov.au](mailto:Vanessa.DalMolin@act.gov.au)>  
**Cc:** Brighton, Meg (Health) <[Meg.Brighton@act.gov.au](mailto:Meg.Brighton@act.gov.au)>; Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>  
**Subject:** Consultation: mandatory vaccination

Hi Vanessa

In our consultation paper on mandatory vaccination I think we need to define “private health care facilities” as we may end up capturing too broad a field. Assume that we want Marie Stopes included but not those things akin to primary care (like SHFPACT)? Or perhaps Marie Stopes is in the next stage as one of our regulated entities.

Regards

Meg

**Meg Brighton** | Deputy Director-General **ACT Health Directorate** | ACT Government

T: +61 2 512 46240 | E: [meg.brighton@act.gov.au](mailto:meg.brighton@act.gov.au) | M: [REDACTED]

Level 5, 6 Bowes Street, Phillip, 2606 Woden Valley | GPO [Box 158 Canberra ACT 2601](#) | [www.health.act.gov.au](http://www.health.act.gov.au)

## Lowes, Shannon (Health)

---

**From:** Dal Molin, Vanessa (Health)  
**Sent:** Thursday, 30 September 2021 10:46 PM  
**To:** Connell, Patrick (Health); Ryan, Liam (Health)  
**Cc:** Favaloro, Joshua (Health); Whybrow, Kirsty (Health)  
**Subject:** FW: Mandatory vaccination: next steps

OFFICIAL

Hey there  
 Let's chat tomorrow. Another Cabinet Paper.....(yippee!)

Thanks!  
 Vanessa

---

**From:** Brighton, Meg (Health) <Meg.Brighton@act.gov.au>  
**Sent:** Thursday, 30 September 2021 7:59 PM  
**To:** Dal Molin, Vanessa (Health) <Vanessa.DalMolin@act.gov.au>  
**Cc:** Connell, Patrick (Health) <Patrick.CConnell@act.gov.au>; Whybrow, Kirsty (Health) <Kirsty.Whybrow@act.gov.au>; Johnston, Vanessa (Health) <Vanessa.Johnston@act.gov.au>; Coleman, Kerryn (Health) <Kerryn.Coleman@act.gov.au>; DDGHSPR <DDGHSPR@act.gov.au>; Brighton, Meg (Health) <Meg.Brighton@act.gov.au>; Martin, Victor (Health) <Victor.Martin@act.gov.au>  
**Subject:** Mandatory vaccination: next steps

Dear Vanessa

Thank you to you and the team for the great work on CAB21/660 Mandatory vaccination for workers at health care facilities. Minister and I have debriefed after cabinet discussion and propose the following:

1. Clarify the scope to:
  - a. *All healthcare facilities operated by Canberra Health Services (CHS), and private ~~healthcare facilities and hospitals, including any ancillary facilities located on the land on which the healthcare facility is located and the land itself.~~*
    - i. *A hospital will be defined as a public hospital, private hospital, day hospital and a hospice.*
  - b. *ambulance services and other patient transport services*

This will ensure that services like the daycare on the hill, red cross and the Canberra Hospital Expansion aren't included in the scope. Please ask Victor to review the health care settings licensing regime to see if there is a definition for day hospital in there we can leverage off.

2. Health care worker definition is fine and already will capture construction who are working in the wards and regular and systematic tradespersons

Next steps:

1. Short updated cabinet paper focusing on what has changed and listing the stakeholders we will consult with
  - a. Attachment x 2 with the amended consultation papers
  - b. Stakeholders – Hospitals, ESA, Education, ANMF, CFMEU, CPSU, AEU, TWU, carers ACT, HCCA
2. Paper to ideally be loaded by Sat (it is pretty short so we could probably do that tomorrow between the two of us) and consideration by SEMC Monday morning so consultation can start Tuesday

regards  
Meg

**Meg Brighton** | Deputy Director-General **ACT Health Directorate** | ACT Government

T: +61 2 512 46240 | E: [meg.brighton@act.gov.au](mailto:meg.brighton@act.gov.au) | M: [REDACTED]

Level 5, 6 Bowes Street, Phillip, 2606 Woden Valley | GPO [Box 158 Canberra ACT 2601](#) | [www.health.act.gov.au](http://www.health.act.gov.au)





















**Lowes, Shannon (Health)**

---

**From:** Coleman, Kerryn (Health)  
**Sent:** Saturday, 23 October 2021 8:00 PM  
**To:** Barbaro, Fiona (Health); Smith, Charmaine (Health); Cross, Rebecca (Health)  
**Subject:** Fwd: correspondence from [REDACTED]

---

**From:** Mooney, Colm (Health) <Colm.Mooney@act.gov.au>  
**Sent:** Friday, October 22, 2021 7:41:03 AM  
**To:** Coleman, Kerryn (Health) <Kerryn.Coleman@act.gov.au>  
**Cc:** Peffer, Dave (Health) <Dave.Peffer@act.gov.au>  
**Subject:** Fwd: correspondence from [REDACTED]

Kerryn

Please see below correspondence received from [REDACTED] regarding mandatory vaccination for health workers and their concern that the public health direction does not apply to wider worker cohort at the AMC beyond CHS staff.

I will call you later this morning to discuss.

Thanks

Colm

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---

**From:** CHECC <CHECC@act.gov.au>  
**Sent:** Thursday, October 21, 2021 5:32 pm  
**To:** Mooney, Colm (Health); CHS, DCEO  
**Cc:** CHECC  
**Subject:** FW:

Dear Colm

Please see correspondence below from Jon Stanhope on behalf of [REDACTED], in relation to mandatory COVID-19 vaccinations for health care workers and the Alexander Maconochie Centre.

Kind regards  
Patrick

**Patrick Wells**  
Phone: 02 5124 3125 | Email: [Patrick.A.Wells@act.gov.au](mailto:Patrick.A.Wells@act.gov.au)  
**Clinical Health Emergency Coordination Centre | ACT Government**  
GPO Box 825, Canberra City ACT 2601 | [health.act.gov.au](http://health.act.gov.au)

---

**From:** [REDACTED]  
**Sent:** Thursday, 21 October 2021 4:09 PM  
**To:** CHECC <CHECC@act.gov.au>  
**Cc:** [REDACTED]  
**Subject:**

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear CHECC

#### MANDATORY COVID-19 VACCINATIONS FOR HEALTH CARE WORKERS

I refer to the letter of 5 October 2021 from M/- Colm Mooney inviting a submission from [REDACTED] on a proposal to mandate COVID-19 vaccinations for health care workers.

In that letter it was advised that the Chief Health Officer proposed, on 15 October 2021 to sign a public health direction, after having considered the feedback received through that consultation.

As you would be aware [REDACTED], provided a detailed submission to CHECC in which she applauded the decision to mandate vaccination for all health care and other staff employed in "all health care facilities operated by Canberra Health Services."

[REDACTED] was in particular pleased that this decision would therefore apply to Canberra Health Services in correctional facilities, most particularly the AMC, and would apply as a matter of course to all prison officers who come into [REDACTED] with detainees.

It is therefore a matter of considerable concern to [REDACTED] to learn today from media reports that the Chief Health Officer had resolved that the proposed health direction would apply to all workers in health care services operated by Canberra Health Services except the health service operated in the AMC in respect of which prison officers, who are involved in the escorting of detainees to and from the health service, are to be exempt from the requirement to vaccinate.

[REDACTED] would be grateful if you would, as a matter of urgency, confirm that is the case and provide her with a copy of the relevant health direction. [REDACTED] would also welcome advice on the factors which the Chief Health Officer took into account in determining that the concerns which she harbours in relation to the possible transmission of COVID-19 should be comprehensively addressed at every health care services operated by Canberra Health Services except the health care service in the AMC.

[REDACTED] would also be grateful if you would provide her with a copy of all submissions received and considered by her in relation to the making of this direction, including from the CPSU and any other union.

Yours sincerely

[REDACTED]





[REDACTED]

---

**From:** Dal Molin, Vanessa (Health) <Vanessa.DalMolin@act.gov.au>  
**Sent:** Monday, 25 October 2021 9:40 AM  
**To:** Coleman, Kerryn (Health) <Kerryn.Coleman@act.gov.au>; Smith, Charmaine (Health) <Charmaine.Smith@act.gov.au>; Barbaro, Fiona (Health) <Fiona.Barbaro@act.gov.au>  
**Cc:** Favaloro, Joshua (Health) <Joshua.Favaloro@act.gov.au>  
**Subject:** RE: correspondence from [REDACTED]

I don't think that interpretation is correct. I am pretty sure the AMC facility is operated by CHS ?? so would be captured under 21(c) of the PH Direction – which indicates that a health care facility means all health care facilities operated by CHS. Then the Attachment of the Direction stipulates that any person who provides health, medical, dental, nursing, pathology.... to a patient at a health care facility, including in a voluntary or paid capacity is captured.

Josh – does that sound correct?

The only problem I foresee is if the AMC Health care facility is not 'operated by CHS'...

---

**From:** Coleman, Kerryn (Health) <[Kerryn.Coleman@act.gov.au](mailto:Kerryn.Coleman@act.gov.au)>  
**Sent:** Monday, 25 October 2021 8:45 AM  
**To:** Dal Molin, Vanessa (Health) <[Vanessa.DalMolin@act.gov.au](mailto:Vanessa.DalMolin@act.gov.au)>; Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>; Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>  
**Subject:** FW: correspondence from [REDACTED]  
**Importance:** High

Is this true re not applying to non-CHS staff at AMC?

What is a quick rectification – eg contractual with [REDACTED]

Who else are we talking about??

**Kerryn**

Public Health, Protection and Regulation | **ACT Health Directorate**  
 PH 5124 9442 | **MOB** [REDACTED]  
 25 Mulley Street, HOLDER ACT 2611 | GPO Box 825, Canberra City ACT 2601  
 E [Kerryn.coleman@act.gov.au](mailto:Kerryn.coleman@act.gov.au) W <https://health.act.gov.au/>

---

**From:** Mooney, Colm (Health) <[Colm.Mooney@act.gov.au](mailto:Colm.Mooney@act.gov.au)>  
**Sent:** Monday, 25 October 2021 8:37 AM  
**To:** Coleman, Kerryn (Health) <[Kerryn.Coleman@act.gov.au](mailto:Kerryn.Coleman@act.gov.au)>; Johnston, Vanessa (Health) <[Vanessa.Johnston@act.gov.au](mailto:Vanessa.Johnston@act.gov.au)>  
**Cc:** Peffer, Dave (Health) <[Dave.Peffer@act.gov.au](mailto:Dave.Peffer@act.gov.au)>  
**Subject:** RE: correspondence from [REDACTED]  
**Importance:** High

Kerryn/Vanessa

See below draft response to [REDACTED] email issued to CHECC last Thursday afternoon.

Given the nature of their requests relates to matters around the formulation of the Public Health Notice about mandatory vaccination for healthcare workers CHS intend to refer the [REDACTED] requests onto ACT Health Directorate for follow up.

Let me know if you have any questions/changes today, otherwise I will respond as per draft below.

Please call me if you have any questions

Best regards

Colm

—

DRAFT

Dear [REDACTED]

Thank you for recent email about mandatory COVID 19 vaccination for health care workers within the ACT.

Canberra Health Services on behalf of the Clinical Health Emergency Coordination Centre (CHECC) undertook consultation on this matter on behalf of the ACT Health Directorate. Consultation closed on 12 October 2021 and all submissions were provided to the Chief Health Officer for consideration as part of the final drafting of the Public Health Direction issued on 15 October 2021.

Given your request relates to matters considered by the CHO I have sent your correspondence to the CHO for follow up and a direct response back to the matters raised in your recent email correspondence.

Best regards

Colm Mooney

END DRAFT

---

**From:** Mooney, Colm (Health) <[Colm.Mooney@act.gov.au](mailto:Colm.Mooney@act.gov.au)>  
**Sent:** Friday, 22 October 2021 7:41 AM  
**To:** Coleman, Kerryn (Health) <[Kerryn.Coleman@act.gov.au](mailto:Kerryn.Coleman@act.gov.au)>  
**Cc:** Pepper, Dave (Health) <[Dave.Pepper@act.gov.au](mailto:Dave.Pepper@act.gov.au)>  
**Subject:** Fwd: correspondence from [REDACTED]

Kerryn

Please see below correspondence received from [REDACTED] regarding mandatory vaccination for health workers and their concern that the public health direction does not apply to wider worker cohort at the AMC beyond CHS staff.

I will call you later this morning to discuss.

Thanks

Colm

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---

**From:** CHECC <[CHECC@act.gov.au](mailto:CHECC@act.gov.au)>  
**Sent:** Thursday, October 21, 2021 5:32 pm  
**To:** Mooney, Colm (Health); CHS, DCEO  
**Cc:** CHECC  
**Subject:** FW:

Dear Colm

Please see correspondence below from [REDACTED] on behalf of [REDACTED], in relation to mandatory COVID-19 vaccinations for health care workers and the Alexander Maconochie Centre.

Kind regards  
 Patrick

**Patrick Wells**

Phone: 02 5124 3125 | Email: [Patrick.A.Wells@act.gov.au](mailto:Patrick.A.Wells@act.gov.au)  
**Clinical Health Emergency Coordination Centre | ACT Government**  
 GPO Box 825, Canberra City ACT 2601 | [health.act.gov.au](http://health.act.gov.au)

---

**From:** [REDACTED]  
**Sent:** Thursday, 21 October 2021 4:09 PM  
**To:** CHECC <[CHECC@act.gov.au](mailto:CHECC@act.gov.au)>  
**Cc:** [REDACTED]  
**Subject:**

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear CHECC

**MANDATORY COVID-19 VACCINATIONS FOR HEALTH CARE WORKERS**

I refer to the letter of 5 October 2021 from M/- Colm Mooney inviting a submission from [REDACTED] on a proposal to mandate COVID-19 vaccinations for health care workers.

In that letter it was advised that the Chief Health Officer proposed, on 15 October 2021 to sign a public health direction, after having considered the feedback received through that consultation.

As you would be aware [REDACTED], provided a detailed submission to CHECC in which she applauded the decision to mandate vaccination for all health care and other staff employed in "all health care facilities operated by Canberra Health Services."

[REDACTED] was in particular pleased that this decision would therefore apply to Canberra Health Services in correctional facilities, most particularly the AMC, and would apply as a matter of course to all prison officers who come into contact with detainees.

It is therefore a matter of considerable concern to [REDACTED] to learn today from media reports that the Chief Health Officer had resolved that the proposed health direction would apply to all workers in health care services operated by Canberra Health Services except the health service operated in the AMC in respect of which prison officers, who are involved in the escorting of detainees to and from the health service, are to be exempt from the requirement to vaccinate.

[REDACTED] would be grateful if you would, as a matter of urgency, confirm that is the case and provide her with a copy of the relevant health direction. [REDACTED] would also welcome advice on the factors which the Chief Health Officer took into account in determining that the concerns which she harbours in relation to the possible

transmission of COVID-19 should be comprehensively addressed at every health care services operated by Canberra Health Services except the health care service in the AMC.

██████████ would also be grateful if you would provide her with a copy of all submissions received and considered by her in relation to the making of this direction, including from the CPSU and any other union.

Yours sincerely

██████████  
████████████████████

**Lowes, Shannon (Health)**

---

**From:** Barbaro, Fiona (Health)  
**Sent:** Monday, 25 October 2021 10:39 AM  
**To:** Dal Molin, Vanessa (Health); Coleman, Kerry (Health); Smith, Charmaine (Health)  
**Cc:** Favaloro, Joshua (Health)  
**Subject:** RE: correspondence from [REDACTED]

**Categories:** Vanessa to READ

**OFFICIAL**

We need to ask Corrections – I think [REDACTED] has their own clinic out there which is fairly separate to the justice health unit. On location, and probably close but they would see themselves as separate and an outreach from their [REDACTED] clinic. Possibly doesn't fall under CHS HCF.

I agree though they should be covered either by a [REDACTED] workforce policy (which I thought the were progressing) or something we lead. They will be included in the phase 2 directions (@Smith, Charmaine (Health) I understand Minister Steven-Smith said last week we're still doing this). If a contract extension takes too long maybe a letter indicating an intention to make a direction, and suggesting they do a workplace policy in the interim given their vulnerable cohort?

Or an amendment to the direction is probably just as fast?

Fiona

---

**From:** Dal Molin, Vanessa (Health) <Vanessa.DalMolin@act.gov.au>  
**Sent:** Monday, 25 October 2021 9:40 AM  
**To:** Coleman, Kerry (Health) <Kerry.Coleman@act.gov.au>; Smith, Charmaine (Health) <Charmaine.Smith@act.gov.au>; Barbaro, Fiona (Health) <Fiona.Barbaro@act.gov.au>  
**Cc:** Favaloro, Joshua (Health) <Joshua.Favaloro@act.gov.au>  
**Subject:** RE: correspondence from [REDACTED]

I don't think that interpretation is correct. I am pretty sure the AMC facility is operated by CHS ?? so would be captured under 21(c) of the PH Direction – which indicates that a health care facility means all health care facilities operated by CHS. Then the Attachment of the Direction stipulates that any person who provides health, medical, dental, nursing, pathology.... to a patient at a health care facility, including in a voluntary or paid capacity is captured.

Josh – does that sound correct?

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**From:** Coleman, Kerry (Health) <[Kerry.Coleman@act.gov.au](mailto:Kerry.Coleman@act.gov.au)>  
**Sent:** Monday, 25 October 2021 8:45 AM  
**To:** Dal Molin, Vanessa (Health) <[Vanessa.DalMolin@act.gov.au](mailto:Vanessa.DalMolin@act.gov.au)>; Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>; Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>  
**Subject:** FW: correspondence from [REDACTED]  
**Importance:** High

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Who else are we talking about??

**Kerryn**

Public Health, Protection and Regulation | **ACT Health Directorate**

PH 5124 9442 | **MOB** [REDACTED]

25 Mulley Street, HOLDER ACT 2611 | GPO Box 825, Canberra City ACT 2601

E [Kerryn.coleman@act.gov.au](mailto:Kerryn.coleman@act.gov.au) W <https://health.act.gov.au/>

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**From:** Mooney, Colm (Health) <[Colm.Mooney@act.gov.au](mailto:Colm.Mooney@act.gov.au)>

**Sent:** Monday, 25 October 2021 8:37 AM

**To:** Coleman, Kerryn (Health) <[Kerryn.Coleman@act.gov.au](mailto:Kerryn.Coleman@act.gov.au)>; Johnston, Vanessa (Health) <[Vanessa.Johnston@act.gov.au](mailto:Vanessa.Johnston@act.gov.au)>

**Cc:** Peffer, Dave (Health) <[Dave.Peffer@act.gov.au](mailto:Dave.Peffer@act.gov.au)>

**Subject:** RE: correspondence from [REDACTED]

**Importance:** High

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Please call me if you have any questions

Best regards

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Thanks

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**Sent:** Thursday, October 21, 2021 5:32 pm  
**To:** Mooney, Colm (Health); CHS, DCEO  
**Cc:** CHECC  
**Subject:** FW:

Dear Colm

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Kind regards  
Patrick

**Patrick Wells**

Phone: 02 5124 3125 | Email: [Patrick.A.Wells@act.gov.au](mailto:Patrick.A.Wells@act.gov.au)

**Clinical Health Emergency Coordination Centre | ACT Government**

GPO Box 825, Canberra City ACT 2601 | [health.act.gov.au](http://health.act.gov.au)

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**To:** CHECC <[CHECC@act.gov.au](mailto:CHECC@act.gov.au)>  
**Cc:** [REDACTED]  
**Subject:** [REDACTED]

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Yours sincerely

[REDACTED]



**Lowes, Shannon (Health)**

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**From:** Barbaro, Fiona (Health)  
**Sent:** Monday, 25 October 2021 10:42 AM  
**To:** Coleman, Kerryn (Health); Dal Molin, Vanessa (Health); Smith, Charmaine (Health)  
**Cc:** Favaloro, Joshua (Health)  
**Subject:** RE: correspondence from [REDACTED]

**Categories:** Vanessa to READ

**OFFICIAL**

Charmaine/Josh - I suggest we need to regroup asap as not sure all of the assumptions we're making are correct...

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**Sent:** Monday, 25 October 2021 9:49 AM  
**To:** Dal Molin, Vanessa (Health) <Vanessa.DalMolin@act.gov.au>; Smith, Charmaine (Health) <Charmaine.Smith@act.gov.au>; Barbaro, Fiona (Health) <Fiona.Barbaro@act.gov.au>  
**Cc:** Favaloro, Joshua (Health) <Joshua.Favaloro@act.gov.au>  
**Subject:** RE: correspondence from [REDACTED]

Copy of communication below – firstly I'm not sure why they communicated 'operated by CHS' as it was all similar healthcare services... I'm hoping they also did private hospitals and calvary...

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**From:** Smith, Charmaine (Health)  
**Sent:** Tuesday, 26 October 2021 12:23 PM  
**To:** Coleman, Kerry (Health)  
**Cc:** Favalaro, Joshua (Health); Dal Molin, Vanessa (Health); Barbaro, Fiona (Health); Ryan, Liam (Health)  
**Subject:** RE: correspondence from [REDACTED]

Hi Kerry

I have chatted with Rory McGuire from Justice Health and [REDACTED] (Office of Commissioner of Corrections Ray Johnston) who confirm:

- Employees of Justice Health who work at AMC are employees of CHS and are subject to mandatory COVID-19 public health direction
- It does not extend to all prison officers who come into contact with detainees

I am providing the correspondence to the Commissioner's office who will give me some dot points to include regarding vaccination coverage for prison officers. It was also noted that a voluntary survey of prison officers vaccination status closes tonight with current responses indicating very high coverage and less than 10 officers not vaccinated...

In stage 2 of the HCW mandate - which Liam is beginning to develop – if we include [REDACTED] and other private GP/health settings then [REDACTED] staff will be within scope. But it still will not cover prison officers per se.

Once I receive wording back from Corrections, I will draft a response to [REDACTED] for you. Would you also like a briefing prepared for Min SS (Health) and Min Davidson (Justice Health) given the sensitivity of the letter where can you include your draft response?

Grateful for your advice

Charmaine

**Charmaine Smith | Executive Branch Manager**

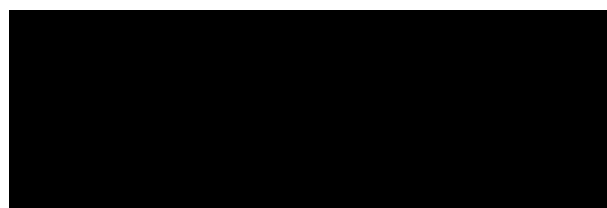
**P** via Teams or (02) 512 46394 | **E** [charmaine.smith@act.gov.au](mailto:charmaine.smith@act.gov.au)

COVID-19 Vaccination Program | **COVID-19 Response | ACT Health Directorate**

Level 3, 2-6 Bowes Street Phillip ACT 2606

[health.act.gov.au](http://health.act.gov.au)

*Making Flexibility Work - if you receive an email from me outside of normal business hours, I'm sending it at a time that suits me. Unless it's marked urgent, I'm not expecting you to read or reply until normal business hours.*



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Phone: 02 5124 3125 | Email: [Patrick.A.Wells@act.gov.au](mailto:Patrick.A.Wells@act.gov.au)

**Clinical Health Emergency Coordination Centre | ACT Government**

GPO Box 825, Canberra City ACT 2601 | [health.act.gov.au](http://health.act.gov.au)

---

**From:** [REDACTED]  
**Sent:** Thursday, 21 October 2021 4:09 PM  
**To:** CHECC <[CHECC@act.gov.au](mailto:CHECC@act.gov.au)>  
**Cc:** [REDACTED]  
**Subject:**

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear CHECC

**MANDATORY COVID-19 VACCINATIONS FOR HEALTH CARE WORKERS**

I refer to the letter of 5 October 2021 from M/- Colm Mooney inviting a submission from [REDACTED] on a proposal to mandate COVID-19 vaccinations for health care workers.

In that letter it was advised that the Chief Health Officer proposed, on 15 October 2021 to sign a public health direction, after having considered the feedback received through that consultation.

As you would be aware [REDACTED]s, provided a detailed submission to CHECC in which she applauded the decision to mandate vaccination for all health care and other staff employed in "all health care facilities operated by Canberra Health Services."

[REDACTED] was in particular pleased that this decision would therefore apply to Canberra Health Services in correctional facilities, most particularly the AMC, and would apply as a matter of course to all prison officers who come into contact with detainees.

It is therefore a matter of considerable concern to [REDACTED] to learn today from media reports that the Chief Health Officer had resolved that the proposed health direction would apply to all workers in health care services operated by Canberra Health Services except the health service operated in the AMC in respect of which prison officers, who are involved in the escorting of detainees to and from the health service, are to be exempt from the requirement to vaccinate.

[REDACTED] would be grateful if you would, as a matter of urgency, confirm that is the case and provide her with a copy of the relevant health direction. [REDACTED] would also welcome advice on the factors which the Chief Health Officer took into account in determining that the concerns which she harbours in relation to the possible transmission of COVID-19 should be comprehensively addressed at every health care services operated by Canberra Health Services except the health care service in the AMC.

[REDACTED] would also be grateful if you would provide her with a copy of all submissions received and considered by her in relation to the making of this direction, including from the CPSU and any other union.

Yours sincerely

A black rectangular redaction box covering the signature area.

## Lowes, Shannon (Health)

---

**From:** Coleman, Kerry (Health)  
**Sent:** Sunday, 31 October 2021 5:31 PM  
**To:** Bergin, Catherine  
**Cc:** Barbaro, Fiona (Health); Smith, Charmaine (Health)  
**Subject:** FW: correspondence from [REDACTED]

Hi Cath – [REDACTED] has written obo of [REDACTED] seeking to understand why prison guards do not come within the scope of the public health direction for health care workers (HCW)? It was sent to Colm (Dep CEO CHS) as follow up to consultation to the HCW mandate and forwarded to me.

My team have had correspondence with Justice Health officials and Office of Corrections Commissioner to develop the draft response below. As the Minister is aware, prison officers are not within the scope of the direction and Minister Gentleman has made Cabinet undertakings that this will be examined through WHS laws.

I propose to send the following response to [REDACTED]. I would be grateful for your and/or the Minister's review, given the sensitivity of the stakeholders involved. I'm not sure whether Minister Gentleman's office would also like to be privy to the possible info exchange...

Regards

Kerry

Draft response to [REDACTED] below in italics.

Dear [REDACTED]

*Thank you for your email regarding the scope of the **Public Health (Health Care and Support Workers COVID-19 Vaccination) Emergency Direction 2021 (the direction)**.*

*The direction provides that workers for a health care facility must have received COVID-19 vaccination (dose one by 29 October, dose two by 1 December). The direction provides that a Health care facility means: a hospital, including a day hospital; or a hospice; or all health care facilities operated by Canberra Health Services. The direction can be viewed at <https://legislation.act.gov.au/View/ni/2021-613/current/html/2021-613.html>*

*As you correctly identify in your email all Canberra Health Services employees who work at the AMC in the justice health facility are subject to the direction. This does not extend to prison officers who are employed by Corrective Services (Justice and Community Safety Directorate). I have not mandated correctional officers for the COVID-19 vaccine.*

*All correctional officers at the AMC have been eligible for the COVID-19 vaccination as a priority under Phase 1B of the vaccine rollout plan. They have been encouraged to be vaccinated at an ACT Government clinic or through a participating general practice.*

*I have referred your email to the Commissioner for Corrections who responded that **'Implementing a workplace policy requiring COVID-19 vaccination is one potential mechanism for reducing COVID-19 risks within the AMC. ACTCS is currently undertaking a survey to better understand the vaccination rate among staff. The survey is voluntary, and participants have the option to remain anonymous. A high level of vaccinations within ACTCS makes mandatory vaccinations for ACTCS staff less valid. To protect detainees, all arrangements setup to reduce***

*the risk of COVID 19 being introduced into the AMC will need to extend to all people entering the facility including visitors, not only staff'*

Kind Regards

**Kerryn**

Public Health, Protection and Regulation | **ACT Health Directorate**

PH 5124 9442 | **MOB** [REDACTED]

25 Mulley Street, HOLDER ACT 2611 | GPO Box 825, Canberra City ACT 2601

E [Kerryn.coleman@act.gov.au](mailto:Kerryn.coleman@act.gov.au) W <https://health.act.gov.au/>

---

**From:** Mooney, Colm (Health) <[Colm.Mooney@act.gov.au](mailto:Colm.Mooney@act.gov.au)>

**Sent:** Monday, 25 October 2021 8:37 AM

**To:** Coleman, Kerryn (Health) <[Kerryn.Coleman@act.gov.au](mailto:Kerryn.Coleman@act.gov.au)>; Johnston, Vanessa (Health) <[Vanessa.Johnston@act.gov.au](mailto:Vanessa.Johnston@act.gov.au)>

**Cc:** Peffer, Dave (Health) <[Dave.Peffer@act.gov.au](mailto:Dave.Peffer@act.gov.au)>

**Subject:** RE: correspondence from [REDACTED]

**Importance:** High

Kerryn/Vanessa

See below draft response to [REDACTED] email issued to CHECC last Thursday afternoon.

Given the nature of their requests relates to matters around the formulation of the Public Health Notice about mandatory vaccination for healthcare workers CHS intend to refer the [REDACTED] requests onto ACT Health Directorate for follow up.

Let me know if you have any questions/changes today, otherwise I will respond as per draft below.

Please call me if you have any questions

Best regards

Colm

—

DRAFT

Dear [REDACTED]

Thank you for recent email about mandatory COVID 19 vaccination for health care workers within the ACT.

Canberra Health Services on behalf of the Clinical Health Emergency Coordination Centre (CHECC) undertook consultation on this matter on behalf of the ACT Health Directorate. Consultation closed on 12 October 2021 and all submissions were provided to the Chief Health Officer for consideration as part of the final drafting of the Public Health Direction issued on 15 October 2021.

Given your request relates to matters considered by the CHO I have sent your correspondence to the CHO for follow up and a direct response back to the matters raised in your recent email correspondence.

Best regards

Colm Mooney

END DRAFT

---

**From:** Mooney, Colm (Health) <[Colm.Mooney@act.gov.au](mailto:Colm.Mooney@act.gov.au)>  
**Sent:** Friday, 22 October 2021 7:41 AM  
**To:** Coleman, Kerryn (Health) <[Kerryn.Coleman@act.gov.au](mailto:Kerryn.Coleman@act.gov.au)>  
**Cc:** Peffer, Dave (Health) <[Dave.Peffer@act.gov.au](mailto:Dave.Peffer@act.gov.au)>  
**Subject:** Fwd: correspondence from [REDACTED]

Kerryn

Please see below correspondence received from [REDACTED] regarding mandatory vaccination for health workers and their concern that the public health direction does not apply to wider worker cohort at the AMC beyond CHS staff.

I will call you later this morning to discuss.

Thanks

Colm

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---

**From:** CHECC <[CHECC@act.gov.au](mailto:CHECC@act.gov.au)>  
**Sent:** Thursday, October 21, 2021 5:32 pm  
**To:** Mooney, Colm (Health); CHS, DCEO  
**Cc:** CHECC  
**Subject:** FW:

Dear Colm

Please see correspondence below from [REDACTED], in relation to mandatory COVID-19 vaccinations for health care workers and the Alexander Maconochie Centre.

Kind regards  
Patrick

**Patrick Wells**

Phone: 02 5124 3125 | Email: [Patrick.A.Wells@act.gov.au](mailto:Patrick.A.Wells@act.gov.au)

**Clinical Health Emergency Coordination Centre | ACT Government**

GPO Box 825, Canberra City ACT 2601 | [health.act.gov.au](http://health.act.gov.au)

---

**From:** [REDACTED]  
**Sent:** Thursday, 21 October 2021 4:09 PM  
**To:** CHECC <[CHECC@act.gov.au](mailto:CHECC@act.gov.au)>  
**Cc:** [REDACTED]  
**Subject:**

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear CHECC

## MANDATORY COVID-19 VACCINATIONS FOR HEALTH CARE WORKERS

I refer to the letter of 5 October 2021 from M/- Colm Mooney inviting a submission from [REDACTED] on a proposal to mandate COVID-19 vaccinations for health care workers.

In that letter it was advised that the Chief Health Officer proposed, on 15 October 2021 to sign a public health direction, after having considered the feedback received through that consultation.

As you would be aware [REDACTED], provided a detailed submission to CHECC in which she applauded the decision to mandate vaccination for all health care and other staff employed in "all health care facilities operated by Canberra Health Services."

[REDACTED] was in particular pleased that this decision would therefore apply to Canberra Health Services in correctional facilities, most particularly the AMC, and would apply as a matter of course to all prison officers who come into contact with detainees.

It is therefore a matter of considerable concern to [REDACTED] to learn today from media reports that the Chief Health Officer had resolved that the proposed health direction would apply to all workers in health care services operated by Canberra Health Services except the health service operated in the AMC in respect of which prison officers, who are involved in the escorting of detainees to and from the health service, are to be exempt from the requirement to vaccinate.

[REDACTED] would be grateful if you would, as a matter of urgency, confirm that is the case and provide her with a copy of the relevant health direction. [REDACTED] would also welcome advice on the factors which the Chief Health Officer took into account in determining that the concerns which she harbours in relation to the possible transmission of COVID-19 should be comprehensively addressed at every health care services operated by Canberra Health Services except the health care service in the AMC.

[REDACTED] would also be grateful if you would provide her with a copy of all submissions received and considered by her in relation to the making of this direction, including from the CPSU and any other union.

Yours sincerely

[REDACTED]

## Lowes, Shannon (Health)

---

**From:** Coleman, Kerry (Health)  
**Sent:** Sunday, 14 November 2021 2:22 PM  
**To:** Smith, Charmaine (Health); ACT Health Office of the Chief Health Officer  
**Cc:** Barbaro, Fiona (Health)  
**Subject:** RE: correspondence from [REDACTED]

Can we try shortening it..also refers to vaccination as one policy to protect – are they using others?  
 Maybe we just strip it back to saying working on a policy??  
 I'm not sure where to go with this – have confirmed we won't be doing a direction

### Kerry

Public Health, Protection and Regulation | **ACT Health Directorate**  
 PH 5124 9442 | **MOB** [REDACTED]  
 25 Mulley Street, HOLDER ACT 2611 | GPO Box 825, Canberra City ACT 2601  
 E [Kerry.coleman@act.gov.au](mailto:Kerry.coleman@act.gov.au) W <https://health.act.gov.au/>

---

**From:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>  
**Sent:** Sunday, 14 November 2021 2:01 PM  
**To:** Coleman, Kerry (Health) <[Kerry.Coleman@act.gov.au](mailto:Kerry.Coleman@act.gov.au)>; ACT Health Office of the Chief Health Officer <[ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au)>  
**Cc:** Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>  
**Subject:** RE: correspondence from [REDACTED]

According to his EO below – he cleared it on Thursday. I'm happy to shorten it or we could put a line in suggesting further discussions with Commissioner?

---

**From:** Coleman, Kerry (Health) <[Kerry.Coleman@act.gov.au](mailto:Kerry.Coleman@act.gov.au)>  
**Sent:** Sunday, 14 November 2021 11:38 AM  
**To:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>; ACT Health Office of the Chief Health Officer <[ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au)>  
**Cc:** Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>  
**Subject:** RE: correspondence from [REDACTED]

Does he really want to say all of that???  
 I'm not entirely sure it will help?

### Kerry

Public Health, Protection and Regulation | **ACT Health Directorate**  
 PH 5124 9442 | **MOB** [REDACTED]  
 25 Mulley Street, HOLDER ACT 2611 | GPO Box 825, Canberra City ACT 2601  
 E [Kerry.coleman@act.gov.au](mailto:Kerry.coleman@act.gov.au) W <https://health.act.gov.au/>

---

**From:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>  
**Sent:** Friday, 12 November 2021 1:43 PM  
**To:** ACT Health Office of the Chief Health Officer <[ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au)>; Coleman, Kerry (Health) <[Kerry.Coleman@act.gov.au](mailto:Kerry.Coleman@act.gov.au)>  
**Cc:** Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>  
**Subject:** RE: correspondence from [REDACTED]



@ACT Health Office of the Chief Health Officer – Hi ACT CHO – for Kerryn clearance on Sunday please. Kerryn is across issue and I needed to go back and check content with Commissioner for Corrections 😊

Let me know if you need more information  
Thanks heaps

Charmaine

Dear [REDACTED]

Thank you for your email regarding the scope of the **Public Health (Health Care and Support Workers COVID-19 Vaccination) Emergency Direction 2021 (the direction)**.

The direction provides that workers for a health care facility must have received COVID-19 vaccination (dose one by 29 October, dose two by 1 December). The direction provides that a Health care facility means: a hospital, including a day hospital; or a hospice; or all health care facilities operated by Canberra Health Services. The direction can be viewed at <https://legislation.act.gov.au/View/ni/2021-613/current/html/2021-613.html>

As you correctly identify in your email all Canberra Health Services employees who work at the AMC in the justice health facility are subject to the direction. This does not extend to prison officers who are employed by Corrective Services (Justice and Community Safety Directorate). I have not mandated correctional officers for the COVID-19 vaccine.

All correctional officers at the AMC have been eligible for the COVID-19 vaccination as a priority under Phase 1B of the vaccine rollout plan. They have been encouraged to be vaccinated at an ACT Government clinic or through a participating general practice.

I have referred your email to the Commissioner for Corrections who responded that 'Implementing a workplace policy requiring COVID-19 vaccination is one potential mechanism for reducing COVID-19 risks within the AMC. ACT Corrective Services (ACTCS) have undertaken a survey to better understand the vaccination rate among staff. The survey was voluntary, and participants had the option to remain anonymous. The survey closed on October 26<sup>th</sup> and had a 60% response rate. ACTCS are currently analysing the responses. To properly protect detainees, any arrangements in place to reduce the risk of COVID 19 being introduced into the AMC will need to extend to all people entering the facility including visitors, in addition to staff'.

Kind Regards

**Kerryn**

Public Health, Protection and Regulation | **ACT Health Directorate**

PH 5124 9442 | MOB [REDACTED]

25 Mulley Street, HOLDER ACT 2611 | GPO Box 825, Canberra City ACT 2601

E [Kerryn.coleman@act.gov.au](mailto:Kerryn.coleman@act.gov.au) W <https://health.act.gov.au/>

---

**From:** [REDACTED]

**Sent:** Friday, 12 November 2021 6:55 AM

**To:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>; ACTCS Executive Support <[ACTCSExecutiveSupport@act.gov.au](mailto:ACTCSExecutiveSupport@act.gov.au)>

**Cc:** Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>; Johnson, Ray <[Ray.Johnson@act.gov.au](mailto:Ray.Johnson@act.gov.au)>; Maguire, Rory (Health) <[Rory.Maguire@act.gov.au](mailto:Rory.Maguire@act.gov.au)>

**Subject:** RE: correspondence from [REDACTED]

Hi Charmaine,

No trouble at all, I understand these things take time.

Below is our updated input, cleared by the Commissioner.

**Implementing a workplace policy requiring COVID-19 vaccination is one potential mechanism for reducing COVID-19 risks within the AMC. ACT Corrective Services (ACTCS) have undertaken a survey to better understand the vaccination rate among staff. The survey was voluntary, and participants had the option to remain anonymous. The survey closed on October 26<sup>th</sup> and had a 60% response rate. ACTCS are currently analysing the responses. To properly protect detainees, any arrangements in place to reduce the risk of COVID 19 being introduced into the AMC will need to extend to all people entering the facility including visitors, in addition to staff.**

Warm regards,

██████████ | Director, Office of the Commissioner

Phone: (02) 6205 3824 | Email: ██████████

Office of the Commissioner | ACT Corrective Services

Justice and Community Safety Directorate | ACT Government

2 Constitution Avenue, CANBERRA CITY ACT 2601 | GPO Box 158 CANBERRA ACT 2600

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**From:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>

**Sent:** Thursday, 11 November 2021 11:38 AM

**To:** ██████████ ACTCS Executive Support <[ACTCSExecutiveSupport@act.gov.au](mailto:ACTCSExecutiveSupport@act.gov.au)>

**Cc:** Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>; Johnson, Ray <[Ray.Johnson@act.gov.au](mailto:Ray.Johnson@act.gov.au)>; Maguire, Rory (Health) <[Rory.Maguire@act.gov.au](mailto:Rory.Maguire@act.gov.au)>

**Subject:** RE: correspondence from ██████████

Hi ██████████

My apologies for coming back to you. We chatted a fortnight ago and you provided terrific input to respond to ██████████ and ██████████.

Unfortunately the response got delayed by review from Min Offices and it has now been asked if you could please check the currency of the information especially regarding the survey outcomes? Is it possible for you to review and update.

Happy to discuss

Charmaine

**Charmaine Smith** | Executive Branch Manager

P via Teams or (02) 512 46394 | E [charmaine.smith@act.gov.au](mailto:charmaine.smith@act.gov.au)

COVID-19 Vaccination Program | COVID-19 Response | ACT Health Directorate

Level 3, 2-6 Bowes Street Phillip ACT 2606  
[health.act.gov.au](https://health.act.gov.au)

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Dear [REDACTED]

Thank you for your email regarding the scope of the **Public Health (Health Care and Support Workers COVID-19 Vaccination) Emergency Direction 2021 (the direction)**.

The direction provides that workers for a health care facility must have received COVID-19 vaccination (dose one by 29 October, dose two by 1 December). The direction provides that a Health care facility means: a hospital, including a day hospital; or a hospice; or all health care facilities operated by Canberra Health Services. The direction can be viewed at <https://legislation.act.gov.au/View/ni/2021-613/current/html/2021-613.html>

As you correctly identify in your email all Canberra Health Services employees who work at the AMC in the justice health facility are subject to the direction. This does not extend to prison officers who are employed by Corrective Services (Justice and Community Safety Directorate). I have not mandated correctional officers for the COVID-19 vaccine.

All correctional officers at the AMC have been eligible for the COVID-19 vaccination as a priority under Phase 1B of the vaccine rollout plan. They have been encouraged to be vaccinated at an ACT Government clinic or through a participating general practice.

I have referred your email to the Commissioner for Corrections who responded that **'Implementing a workplace policy requiring COVID-19 vaccination is one potential mechanism for reducing COVID-19 risks within the AMC. ACTCS is currently undertaking a survey to better understand the vaccination rate among staff. The survey is voluntary, and participants have the option to remain anonymous. A high level of vaccinations within ACTCS makes mandatory vaccinations for ACTCS staff less valid. To protect detainees, all arrangements setup to reduce the risk of COVID 19 being introduced into the AMC will need to extend to all people entering the facility including visitors, not only staff'**

Kind Regards

**Kerryn**

Public Health, Protection and Regulation | **ACT Health Directorate**  
 PH 5124 9442 | MOB [REDACTED]  
 25 Mulley Street, HOLDER ACT 2611 | GPO Box 825, Canberra City ACT 2601  
 E [Kerryn.coleman@act.gov.au](mailto:Kerryn.coleman@act.gov.au) W <https://health.act.gov.au/>

---

**From:** [REDACTED]  
**Sent:** Wednesday, 27 October 2021 4:53 PM  
**To:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>; Maguire, Rory (Health) <[Rory.Maguire@act.gov.au](mailto:Rory.Maguire@act.gov.au)>  
**Cc:** Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>; Johnson, Ray <[Ray.Johnson@act.gov.au](mailto:Ray.Johnson@act.gov.au)>  
**Subject:** RE: correspondence from [REDACTED]

Hi Charmaine,

Thank you for your email. I've drafted some words for inclusion in the response to [REDACTED] cleared by the Commissioner.

All correctional officers at the AMC have been eligible for the COVID-19 vaccination as a priority under Phase 1B of the vaccine rollout plan. They have been encouraged to be vaccinated at an ACT Government clinic or through a participating general practice.

The Chief Health Officer has not mandated correctional officers for the COVID-19 vaccine.

Implementing a workplace policy requiring COVID-19 vaccination is one potential mechanism for reducing COVID-19 risks within the AMC. ACTCS is currently undertaking a survey to better understand the vaccination rate among staff. The survey is voluntary, and participants have the option to remain anonymous. A high level of vaccinations within ACTCS makes mandatory vaccinations for ACTCS staff less valid. To protect detainees, all arrangements setup to reduce the risk of COVID 19 being introduced into the AMC will need to extend to all people entering the facility including visitors, not only staff.

Please do not hesitate to contact me if you have any queries or would like additional information.

Warm regards,

█

█ | Director, Office of the Commissioner

Phone: (02) 6205 3824 | Email: █

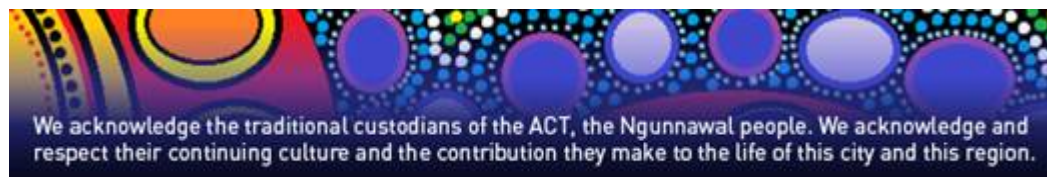
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**From:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>

**Sent:** Tuesday, 26 October 2021 12:38 PM

**To:** █ Maguire, Rory (Health) <[Rory.Maguire@act.gov.au](mailto:Rory.Maguire@act.gov.au)>

**Cc:** Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>

**Subject:** FW: correspondence from █

Hi █

Thank you so much for our chat earlier regarding the below correspondence from █

I really appreciate you providing some dot points for inclusion in our response back to █ regarding prison officers vaccination status and potential plans for mandatory vaccination. Is it possible to receive your input by COB tomorrow?

- [@Maguire, Rory \(Health\)](#) – simply cc'ing you in for completeness following our discussion. I will include wording that we discussed reflecting that employees of Justice Health who work at AMC are employees of CHS and are subject to mandatory COVID-19 public health direction for HCWs.

Happy to discuss any aspect

Cheers

Charmaine

**Charmaine Smith | Executive Branch Manager**

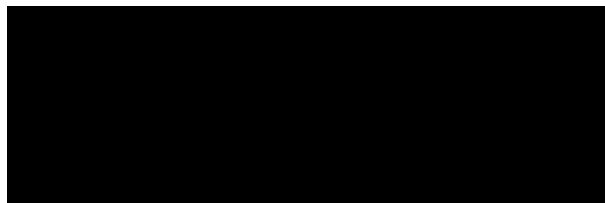
P via Teams or (02) 512 46394 | E [charmaine.smith@act.gov.au](mailto:charmaine.smith@act.gov.au)

COVID-19 Vaccination Program | **COVID-19 Response | ACT Health Directorate**

Level 3, 2-6 Bowes Street Phillip ACT 2606

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---

**From:** [REDACTED]

**Sent:** Thursday, 21 October 2021 4:09 PM

**To:** CHECC <[CHECC@act.gov.au](mailto:CHECC@act.gov.au)>

**Cc:** [REDACTED]

**Subject:**

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear CHECC

#### MANDATORY COVID-19 VACCINATIONS FOR HEALTH CARE WORKERS

I refer to the letter of 5 October 2021 from M/- Colm Mooney inviting a submission from [REDACTED] on a proposal to mandate COVID-19 vaccinations for health care workers.

In that letter it was advised that the Chief Health Officer proposed, on 15 October 2021 to sign a public health direction, after having considered the feedback received through that consultation.

As you would be aware [REDACTED], provided a detailed submission to CHECC in which she applauded the decision to mandate vaccination for all health care and other staff employed in "all health care facilities operated by Canberra Health Services."

[REDACTED] was in particular pleased that this decision would therefore apply to Canberra Health Services in correctional facilities, most particularly the AMC, and would apply as a matter of course to all prison officers who come into contact with detainees.

It is therefore a matter of considerable concern to [REDACTED] to learn today from media reports that the Chief Health Officer had resolved that the proposed health direction would apply to all workers in health care services operated by Canberra Health Services except the health service operated in the AMC in respect of which prison officers, who are involved in the escorting of detainees to and from the health service, are to be exempt from the requirement to vaccinate.

██████████ would be grateful if you would, as a matter of urgency, confirm that is the case and provide her with a copy of the relevant health direction. ██████████ would also welcome advice on the factors which the Chief Health Officer took into account in determining that the concerns which she harbours in relation to the possible transmission of COVID-19 should be comprehensively addressed at every health care services operated by Canberra Health Services except the health care service in the AMC.

██████████ would also be grateful if you would provide her with a copy of all submissions received and considered by her in relation to the making of this direction, including from the CPSU and any other union.

Yours sincerely

██████████  
████████████████████

## Lowes, Shannon (Health)

---

**From:** ACT Health Office of the Chief Health Officer  
**Sent:** Monday, 15 November 2021 12:20 PM  
**To:** Smith, Charmaine (Health); ACT Health Office of the Chief Health Officer; Coleman, Kerryn (Health)  
**Cc:** Barbaro, Fiona (Health)  
**Subject:** RE: correspondence from [REDACTED]  
**Attachments:** Email to clear - Correspondence from [REDACTED] - [REDACTED].pdf

Hi Charmaine,  
 Please see attached comments from CHO.  
 Thanks,  
 Tracey

---

**From:** Smith, Charmaine (Health) <Charmaine.Smith@act.gov.au>  
**Sent:** Friday, November 12, 2021 1:43 PM  
**To:** ACT Health Office of the Chief Health Officer <ACTHealthOCHO@act.gov.au>; Coleman, Kerryn (Health) <Kerryn.Coleman@act.gov.au>  
**Cc:** Barbaro, Fiona (Health) <Fiona.Barbaro@act.gov.au>  
**Subject:** RE: correspondence from [REDACTED]

@ACT Health Office of the Chief Health Officer – Hi ACT CHO – for Kerryn clearance on Sunday please. Kerryn is across issue and I needed to go back and check content with Commissioner for Corrections 😊

Let me know if you need more information  
 Thanks heaps

Charmaine

Dear [REDACTED]

*Thank you for your email regarding the scope of the **Public Health (Health Care and Support Workers COVID-19 Vaccination) Emergency Direction 2021 (the direction)**.*

*The direction provides that workers for a health care facility must have received COVID-19 vaccination (dose one by 29 October, dose two by 1 December). The direction provides that a Health care facility means: a hospital, including a day hospital; or a hospice; or all health care facilities operated by Canberra Health Services. The direction can be viewed at <https://legislation.act.gov.au/View/ni/2021-613/current/html/2021-613.html>*

*As you correctly identify in your email all Canberra Health Services employees who work at the AMC in the justice health facility are subject to the direction. This does not extend to prison officers who are employed by Corrective Services (Justice and Community Safety Directorate). I have not mandated correctional officers for the COVID-19 vaccine.*

*All correctional officers at the AMC have been eligible for the COVID-19 vaccination as a priority under Phase 1B of the vaccine rollout plan. They have been encouraged to be vaccinated at an ACT Government clinic or through a participating general practice.*

*I have referred your email to the Commissioner for Corrections who responded that **Implementing a workplace policy requiring COVID-19 vaccination is one potential mechanism for reducing COVID-19 risks within the AMC. ACT Corrective Services (ACTCS) have undertaken a survey to better understand the vaccination rate among staff. The***

*survey was voluntary, and participants had the option to remain anonymous. The survey closed on October 26<sup>th</sup> and had a 60% response rate. ACTCS are currently analysing the responses. To properly protect detainees, any arrangements in place to reduce the risk of COVID 19 being introduced into the AMC will need to extend to all people entering the facility including visitors, in addition to staff'.*

Kind Regards

**Kerryn**

Public Health, Protection and Regulation | **ACT Health Directorate**

PH 5124 9442 | MOB [REDACTED]

25 Mulley Street, HOLDER ACT 2611 | GPO Box 825, Canberra City ACT 2601

E [Kerryn.coleman@act.gov.au](mailto:Kerryn.coleman@act.gov.au) W <https://health.act.gov.au/>

---

**From:** [REDACTED]

**Sent:** Friday, 12 November 2021 6:55 AM

**To:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>; ACTCS Executive Support <[ACTCSExecutiveSupport@act.gov.au](mailto:ACTCSExecutiveSupport@act.gov.au)>

**Cc:** Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>; Johnson, Ray <[Ray.Johnson@act.gov.au](mailto:Ray.Johnson@act.gov.au)>; Maguire, Rory (Health) <[Rory.Maguire@act.gov.au](mailto:Rory.Maguire@act.gov.au)>

**Subject:** RE: correspondence from [REDACTED]

Hi Charmaine,

No trouble at all, I understand these things take time.

Below is our updated input, cleared by the Commissioner.

***Implementing a workplace policy requiring COVID-19 vaccination is one potential mechanism for reducing COVID-19 risks within the AMC. ACT Corrective Services (ACTCS) have undertaken a survey to better understand the vaccination rate among staff. The survey was voluntary, and participants had the option to remain anonymous. The survey closed on October 26<sup>th</sup> and had a 60% response rate. ACTCS are currently analysing the responses. To properly protect detainees, any arrangements in place to reduce the risk of COVID 19 being introduced into the AMC will need to extend to all people entering the facility including visitors, in addition to staff.***

Warm regards,

[REDACTED]

[REDACTED] | **Director, Office of the Commissioner**

Phone: (02) 6205 3824 | [REDACTED]

**Office of the Commissioner | ACT Corrective Services**

**Justice and Community Safety Directorate | ACT Government**

2 Constitution Avenue, CANBERRA CITY ACT 2601 | GPO Box 158 CANBERRA ACT 2600

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**From:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>

**Sent:** Thursday, 11 November 2021 11:38 AM

**To:** [REDACTED] ACTCS Executive Support <[ACTCSExecutiveSupport@act.gov.au](mailto:ACTCSExecutiveSupport@act.gov.au)>

**Cc:** Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>; Johnson, Ray <[Ray.Johnson@act.gov.au](mailto:Ray.Johnson@act.gov.au)>; Maguire, Rory (Health) <[Rory.Maguire@act.gov.au](mailto:Rory.Maguire@act.gov.au)>

**Subject:** RE: correspondence from [REDACTED]

Hi [REDACTED]

My apologies for coming back to you. We chatted a fortnight ago and you provided terrific input to respond to [REDACTED] and [REDACTED].

Unfortunately the response got delayed by review from Min Offices and it has now been asked if you could please check the currency of the information especially regarding the survey outcomes? Is it possible for you to review and update.

Happy to discuss

Charmaine

**Charmaine Smith | Executive Branch Manager**

P via Teams or (02) 512 46394 | E [charmaine.smith@act.gov.au](mailto:charmaine.smith@act.gov.au)

COVID-19 Vaccination Program | **COVID-19 Response** | **ACT Health Directorate**

Level 3, 2-6 Bowes Street Phillip ACT 2606

[health.act.gov.au](http://health.act.gov.au)

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Dear [REDACTED]

**Thank you for your email regarding the scope of the *Public Health (Health Care and Support Workers COVID-19 Vaccination) Emergency Direction 2021 (the direction)*.**

*The direction provides that workers for a health care facility must have received COVID-19 vaccination (dose one by 29 October, dose two by 1 December). The direction provides that a Health care facility means: a hospital, including a day hospital; or a hospice; or all health care facilities operated by Canberra Health Services. The direction can be viewed at <https://legislation.act.gov.au/View/ni/2021-613/current/html/2021-613.html>*

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*I have referred your email to the Commissioner for Corrections who responded that **'Implementing a workplace policy requiring COVID-19 vaccination is one potential mechanism for reducing COVID-19 risks within the AMC. ACTCS is currently undertaking a survey to better understand the vaccination rate among staff. The survey is voluntary, and participants have the option to remain anonymous. A high level of vaccinations within ACTCS makes mandatory vaccinations for ACTCS staff less valid. To protect detainees, all arrangements setup to reduce the risk of COVID 19 being introduced into the AMC will need to extend to all people entering the facility including visitors, not only staff'***

Kind Regards

**Kerryn**

Public Health, Protection and Regulation | **ACT Health Directorate**

PH 5124 9442 | **MOB** [REDACTED]

25 Mulley Street, HOLDER ACT 2611 | GPO Box 825, Canberra City ACT 2601

E [Kerryn.coleman@act.gov.au](mailto:Kerryn.coleman@act.gov.au) W <https://health.act.gov.au/>

---

**From:** [REDACTED]

**Sent:** Wednesday, 27 October 2021 4:53 PM

**To:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>; Maguire, Rory (Health) <[Rory.Maguire@act.gov.au](mailto:Rory.Maguire@act.gov.au)>

**Cc:** Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>; Johnson, Ray <[Ray.Johnson@act.gov.au](mailto:Ray.Johnson@act.gov.au)>

**Subject:** RE: correspondence from [REDACTED]

Hi Charmaine,

Thank you for your email. I've drafted some words for inclusion in the response to [REDACTED], cleared by the Commissioner.

*All correctional officers at the AMC have been eligible for the COVID-19 vaccination as a priority under Phase 1B of the vaccine rollout plan. They have been encouraged to be vaccinated at an ACT Government clinic or through a participating general practice.*

*The Chief Health Officer has not mandated correctional officers for the COVID-19 vaccine.*

*Implementing a workplace policy requiring COVID-19 vaccination is one potential mechanism for reducing COVID-19 risks within the AMC. ACTCS is currently undertaking a survey to better understand the vaccination rate among staff. The survey is voluntary, and participants have the option to remain anonymous. A high level of vaccinations within ACTCS makes mandatory vaccinations for ACTCS staff less valid. To protect detainees, all arrangements setup to reduce the risk of COVID 19 being introduced into the AMC will need to extend to all people entering the facility including visitors, not only staff.*

Please do not hesitate to contact me if you have any queries or would like additional information.

Warm regards,

[REDACTED] | **Director, Office of the Commissioner**

Phone: (02) 6205 3824 | Email: [REDACTED]

**Office of the Commissioner | ACT Corrective Services**

**Justice and Community Safety Directorate | ACT Government**

2 Constitution Avenue, CANBERRA CITY ACT 2601 | GPO Box 158 CANBERRA ACT 2600

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**From:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>  
**Sent:** Tuesday, 26 October 2021 12:38 PM  
**To:** [REDACTED] Maguire, Rory (Health) <[Rory.Maguire@act.gov.au](mailto:Rory.Maguire@act.gov.au)>  
**Cc:** Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>  
**Subject:** FW: correspondence from [REDACTED]

Hi [REDACTED]

Thank you so much for our chat earlier regarding the below correspondence from [REDACTED].

I really appreciate you providing some dot points for inclusion in our response back to [REDACTED] regarding prison officers vaccination status and potential plans for mandatory vaccination. Is it possible to receive your input by COB tomorrow?

- [@Maguire, Rory \(Health\)](#) – simply cc'ing you in for completeness following our discussion. I will include wording that we discussed reflecting that employees of Justice Health who work at AMC are employees of CHS and are subject to mandatory COVID-19 public health direction for HCWs.

Happy to discuss any aspect

Cheers

Charmaine

**Charmaine Smith** | Executive Branch Manager

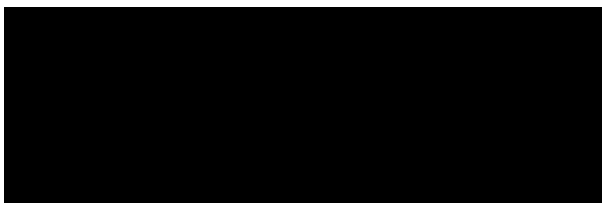
P via Teams or (02) 512 46394 | E [charmaine.smith@act.gov.au](mailto:charmaine.smith@act.gov.au)

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**From:** [REDACTED]  
**Sent:** Thursday, 21 October 2021 4:09 PM  
**To:** CHECC <[CHECC@act.gov.au](mailto:CHECC@act.gov.au)>  
**Cc:** [REDACTED]  
**Subject:**

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Dear CHECC

#### MANDATORY COVID-19 VACCINATIONS FOR HEALTH CARE WORKERS

I refer to the letter of 5 October 2021 from M/- Colm Mooney inviting a submission from [REDACTED] on a proposal to mandate COVID-19 vaccinations for health care workers.

In that letter it was advised that the Chief Health Officer proposed, on 15 October 2021 to sign a public health direction, after having considered the feedback received through that consultation.

As you would be aware [REDACTED], provided a detailed submission to CHECC in which she applauded the decision to mandate vaccination for all health care and other staff employed in "all health care facilities operated by Canberra Health Services."

[REDACTED] was in particular pleased that this decision would therefore apply to Canberra Health Services in correctional facilities, most particularly the AMC, and would apply as a matter of course to all prison officers who come into contact with detainees.

It is therefore a matter of considerable concern to [REDACTED] to learn today from media reports that the Chief Health Officer had resolved that the proposed health direction would apply to all workers in health care services operated by Canberra Health Services except the health service operated in the AMC in respect of which prison officers, who are involved in the escorting of detainees to and from the health service, are to be exempt from the requirement to vaccinate.

[REDACTED] would be grateful if you would, as a matter of urgency, confirm that is the case and provide her with a copy of the relevant health direction. [REDACTED] would also welcome advice on the factors which the Chief Health Officer took into account in determining that the concerns which she harbours in relation to the possible transmission of COVID-19 should be comprehensively addressed at every health care services operated by Canberra Health Services except the health care service in the AMC.

[REDACTED] would also be grateful if you would provide her with a copy of all submissions received and considered by her in relation to the making of this direction, including from the CPSU and any other union.

Yours sincerely

[REDACTED]

**From:** [Smith, Charmaine \(Health\)](#)  
**To:** [ACT Health Office of the Chief Health Officer](#); [Coleman, Kerryn \(Health\)](#)  
**Cc:** [Barbaro, Fiona \(Health\)](#)  
**Subject:** RE: correspondence from [REDACTED]  
**Date:** Friday, November 12, 2021 1:43:30 PM  
**Attachments:** [image002.png](#)

---

[@ACT Health Office of the Chief Health Officer](#) – Hi ACT CHO – for Kerryn clearance on Sunday please. Kerryn is across issue and I needed to go back and check content with Commissioner for Corrections

Let me know if you need more information  
Thanks heaps

Charmaine

Dear [REDACTED]

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The direction provides that workers for a health care facility must have received COVID-19 vaccination (dose one by 29 October, dose two by 1 December). The direction provides that a Health care facility means: a hospital, including a day hospital; or a hospice; or all health care facilities operated by Canberra Health Services. The direction can be viewed at <https://legislation.act.gov.au/View/ni/2021-613/current/html/2021-613.html>

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I have referred your email to the Commissioner for Corrections who responded that 'Implementing a workplace policy requiring COVID-19 vaccination is one potential mechanism for reducing COVID-19 risks within the AMC. ACT Corrective Services (ACTCS) have undertaken a survey to better understand the vaccination rate among staff. The survey was voluntary, and participants had the option to remain anonymous. The survey closed on October 26<sup>th</sup> and had a 60% response rate. ACTCS are currently analysing the responses. To properly protect detainees, any arrangements in place to reduce the risk of COVID 19 being introduced into the AMC will need to extend to all people entering the facility including visitors, in addition to staff'.

Kind Regards

**Kerryn**

Public Health, Protection and Regulation | **ACT Health Directorate**

PH 5124 9442 | MOB [REDACTED]

25 Mulley Street, HOLDER ACT 2611 | GPO Box 825, Canberra City ACT 2601

E [Kerryn.coleman@act.gov.au](mailto:Kerryn.coleman@act.gov.au) W <https://health.act.gov.au/>

---

**From:** [REDACTED]

**Sent:** Friday, 12 November 2021 6:55 AM

**To:** Smith, Charmaine (Health) <Charmaine.Smith@act.gov.au>; ACTCS Executive Support <ACTCSExecutiveSupport@act.gov.au>

**Cc:** Barbaro, Fiona (Health) <Fiona.Barbaro@act.gov.au>; Johnson, Ray <Ray.Johnson@act.gov.au>; Maguire, Rory (Health) <Rory.Maguire@act.gov.au>

**Subject:** RE: correspondence from [REDACTED]

Hi Charmaine,

No trouble at all, I understand these things take time.

Below is our updated input, cleared by the Commissioner.

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Warm regards,

[REDACTED] | **Director, Office of the Commissioner**

Phone: (02) 6205 3824 | Email: [REDACTED]

**Office of the Commissioner | ACT Corrective Services**

**Justice and Community Safety Directorate | ACT Government**

2 Constitution Avenue, CANBERRA CITY ACT 2601 | GPO Box 158 CANBERRA ACT 2600

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**From:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>

**Sent:** Thursday, 11 November 2021 11:38 AM

**To:** [REDACTED] ACTCS Executive Support  
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**Cc:** Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>; Johnson, Ray <[Ray.Johnson@act.gov.au](mailto:Ray.Johnson@act.gov.au)>;  
Maguire, Rory (Health) <[Rory.Maguire@act.gov.au](mailto:Rory.Maguire@act.gov.au)>

**Subject:** RE: correspondence from [REDACTED]

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Charmaine

**Charmaine Smith | Executive Branch Manager**

**P** via Teams or (02) 512 46394 | **E** [charmaine.smith@act.gov.au](mailto:charmaine.smith@act.gov.au)

COVID-19 Vaccination Program | **COVID-19 Response | ACT Health Directorate**

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**Kerryn**

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PH 5124 9442 | MOB [REDACTED]

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E [Kerryn.coleman@act.gov.au](mailto:Kerryn.coleman@act.gov.au) W <https://health.act.gov.au/>

---

**From:** [REDACTED]  
**Sent:** Wednesday, 27 October 2021 4:53 PM  
**To:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>; Maguire, Rory (Health) <[Rory.Maguire@act.gov.au](mailto:Rory.Maguire@act.gov.au)>  
**Cc:** Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>; Johnson, Ray <[Ray.Johnson@act.gov.au](mailto:Ray.Johnson@act.gov.au)>  
**Subject:** RE: correspondence from [REDACTED]

Hi Charmaine,

Thank you for your email. I've drafted some words for inclusion in the response to Mr Stanhope, cleared by the Commissioner.



*All correctional officers at the AMC have been eligible for the COVID-19 vaccination as a priority under Phase 1B of the vaccine rollout plan. They have been encouraged to be vaccinated at an ACT Government clinic or through a participating general practice.*

*The Chief Health Officer has not mandated correctional officers for the COVID-19 vaccine.*

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Warm regards,

██████

██████████ | **Director, Office of the Commissioner**

Phone: (02) 6205 3824 | Email ██████████

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**Justice and Community Safety Directorate | ACT Government**

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**From:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>

**Sent:** Tuesday, 26 October 2021 12:38 PM

**To:** ██████████ Maguire, Rory (Health)  
<[Rory.Maguire@act.gov.au](mailto:Rory.Maguire@act.gov.au)>

**Cc:** Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>

**Subject:** FW: correspondence from ██████████

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[REDACTED].

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Charmaine

**Charmaine Smith | Executive Branch Manager**

**P** via Teams or (02) 512 46394 | **E** [charmaine.smith@act.gov.au](mailto:charmaine.smith@act.gov.au)

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---

**From:** [REDACTED]

**Sent:** Thursday, 21 October 2021 4:09 PM

**To:** CHECC <[CHECC@act.gov.au](mailto:CHECC@act.gov.au)>

**Cc:** [REDACTED]

**Subject:**

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Dear CHECC

MANDATORY COVID-19 VACCINATIONS FOR HEALTH CARE WORKERS

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[REDACTED] was in particular pleased that this decision would therefore apply to Canberra Health Services in correctional facilities, most particularly the AMC, and would apply as a matter of course to all prison officers who come into contact with detainees.

It is therefore a matter of considerable concern to [REDACTED] to learn today from media reports that the Chief Health Officer had resolved that the proposed health direction would apply to all workers in health care services operated by Canberra Health Services except the health service operated in the AMC in respect of which prison officers, who are involved in the escorting of detainees to and from the health service, are to be exempt from the requirement to vaccinate.

[REDACTED] would be grateful if you would, as a matter of urgency, confirm that is the case and provide her with a copy of the relevant health direction. [REDACTED] would also welcome advice on the factors which the Chief Health Officer took into account in determining that the concerns which she harbours in relation to the possible transmission of COVID-19 should be comprehensively addressed at every health care services operated by Canberra Health Services except the health care service in the AMC.

[REDACTED] would also be grateful if you would provide her with a copy of all submissions received and considered by her in relation to the making of this direction, including from the CPSU and any other union.

Yours sincerely

[REDACTED]  
[REDACTED]

**Lowes, Shannon (Health)**

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**From:** Burns, Stacey (Health)  
**Sent:** Sunday, 28 November 2021 2:28 PM  
**To:** Favaloro, Joshua (Health)  
**Cc:** Smith, Charmaine (Health); Ryan, Liam (Health)  
**Subject:** FW: Healthcare worker briefing  
**Attachments:** 2021.11.12 - Healthcare Workers - Phase 2.dotx.docx; ATTACH A - NRAS Health profession categories.docx; ATTACH B - AHPPC statement.docx; ATTACH C - Interjurisdictional comparison.docx; ATTACH D - Implementation Options.docx

**Importance:** High

OFFICIAL

Hi Josh

Just realised that I didn't forward the attached briefing to you when it was send onto Kerryn – my apologies.

Please find attached an info-briefing package which I believe has now going onto the Minister for Health, for a decision re: whether or not to expand the health care worker vaccination mandate.

While we remain optimistic that a phase 2 expansion is not required, Omicron may be the driver that pushes us in that direction. Kerryn is meeting with key stakeholders throughout this week to consult re which Option (1 or 2) to adopt. Will let you know as soon as I hear anything.

Kind Regards

**Stacey Burns | A/g Senior Director, Policy**Phone: (02) 5124 6608 | Email: [Stacey.Burns@act.gov.au](mailto:Stacey.Burns@act.gov.au)**COVID-19 Vaccination Program | ACT Health Directorate**

Level 3, 6 Bowes Street Phillip ACT 2606

[health.act.gov.au](http://health.act.gov.au)


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**From:** Burns, Stacey (Health)  
**Sent:** Thursday, 25 November 2021 4:52 PM  
**To:** Coleman, Kerryn (Health) <Kerryn.Coleman@act.gov.au>  
**Cc:** Smith, Charmaine (Health) <Charmaine.Smith@act.gov.au>; ACT Health Office of the Chief Health Officer <ACTHealthOCHO@act.gov.au>; ACT Health COVID Vaccine <covidvaccine@act.gov.au>  
**Subject:** Healthcare worker briefing  
**Importance:** High

OFFICIAL

Hi Kerryn

Please find attached an information briefing for the Minister for Health, advising of options for expanding the public health directions that require healthcare staff to be vaccinated against COVID-19. As discussed, with Charmaine the

team have amended to make this an information brief and have reviewed the interjurisdictional arrangements for states and territories that have not yet fully adopted AHPPC recommendations. As yet, the NSW changes have not been made but we have flagged that this is likely to occur within the brief.

For your review / clearance.

Kind Regards

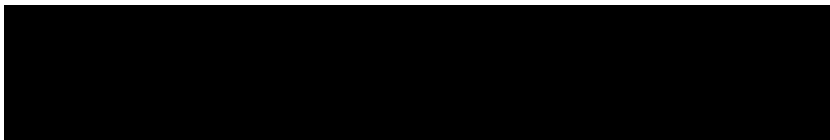
**Stacey Burns | A/g Senior Director, Policy**

Phone: (02) 5124 6608 | Email: [Stacey.Burns@act.gov.au](mailto:Stacey.Burns@act.gov.au)

**COVID-19 Vaccination Program | ACT Health Directorate**

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**ACT Health Directorate****To:** Minister for HealthTracking No.: [Click here to enter text.](#)**Date:** 25/11/2021**CC:** Rebecca Cross, Director-General, Health Directorate  
Cherie Hughes, Deputy Director-General, Health Directorate  
Dave Pepper, Chief Executive Officer, Canberra Health Services  
Leesa Croke, Coordinator General COVID-19 (Non-Health) Response**From:** Dr Kerryn Coleman, Chief Health Officer**Subject:** Expansion of COVID-19 vaccination requirements for healthcare workers**Critical Date:** 03/12/2021**Critical Reason:** To enable appropriate stakeholder engagement prior to Christmas, if required**Recommendations**

That you:

1. Note the information contained in this brief and attachments about available options for expanding vaccination requirements for healthcare workers;

**Noted / Please Discuss**

2. Note the proposed timeline to implement any expansion to existing healthcare worker vaccination requirements.

**Noted / Please Discuss**

Rachel Stephen-Smith MLA ...../...../.....

Minister's Office Feedback

## Background

1. On 15 October 2021, I notified a public health direction for workers in certain healthcare settings to be fully vaccinated against COVID-19 or have an approved exemption for them to be permitted to attend work under the *Public Health (Health Care and Support Workers COVID-19 Vaccination) Emergency Direction 2021* (the Public Health Direction).
2. At the time of commencement, most states and territories in Australia had already, or were in the process of, introducing similar mandatory vaccination requirements for healthcare workers following an Australian Health Protection Principal Committee (AHPPC) recommendation.

## Issues

### AHPPC Recommendation

3. As part of its statement on mandatory vaccination of all workers in healthcare settings released on 1 October 2021, the AHPPC recommended that all jurisdictions accept a national definition of health-care settings when mandating vaccinations. The intent was to ensure (as much as possible) a national definition of healthcare worker.
4. The AHPPC recommended mandatory COVID-19 vaccinations for all workers in a healthcare setting as a condition of work, with first doses administered by 30 October and second doses by 15 December.
5. Specifically, the AHPPC recommended that healthcare worker capture:
  - a. Public health settings including public hospitals, public health clinics, ambulance services, patient transport services, correctional health facilities and other health services managed by a jurisdiction.
  - b. Private health facilities such as private hospitals or day procedure centres or specialist outpatient services.
  - c. Private provider facilities, such as general practitioners, private nurse offices and consulting offices, pharmacies, and private pathology centres.
  - d. Education settings that manage health care student placements, registration and/or internships in clinical settings.
  - e. Department of Defence health settings including Garrison health centres, deployed and exercise health support and clinical health training settings.
6. By capturing these settings, the intention of the AHPPC was to ensure that the following health professionals would be scoped into relevant health directions issued by each state and territory:
  - a. Those in the National Registration and Accreditation Scheme (NRAS),
  - b. All self-regulated allied health professionals, and
  - c. All other individuals who work in these settings.

7. A breakdown of health-related professions covered by this scope is provided at Attachment A (by category). The full AHPPC Statement is provided at Attachment B. The statement acknowledged that mandating vaccines in this way could have unintended consequences, but these should be considered alongside the benefits of a highly vaccinated workforce.

#### Implementation of AHPPC Recommendations

8. Despite a AHPPC recommendation that a nationally consistent approach be taken to implementing mandatory vaccination of healthcare workers, all states and territories have progressed in a manner that appears most appropriate to their local context. A summary document outlining each jurisdiction's healthcare worker scope is provided at Attachment C.
9. Broadly (and in order of most encompassing to most targeted scope):
  - a. Northern Territory and Queensland are the only jurisdictions to have applied the AHPPC recommendations in full; with the Northern Territory far exceeding the recommended scope of the AHPPC to include all workers that engage with vulnerable persons in their role (with an assumption that a person is considered 'vulnerable' if their vulnerability status is otherwise unknown).
  - b. South Australia has opted for a phased implementation approach that will be completed on 6 December. While substantially like AHPPC recommendations, NRAS and self-regulated allied health professions have been included only where they provide services as part of specialist outpatient facilities.
  - c. Victoria has implemented mandatory vaccination requirements at all sites identified by the AHPPC and has explicitly called for the vaccination of all workers registered under the NRAS, but has not included self-regulated allied health professions like social workers and dieticians.
  - d. NSW, WA and ACT have similar arrangements which limit application to public health and private hospital settings, inclusive of students on placement in these settings. In interjurisdictional meetings, the NSW has flagged their intention to soon expand their vaccination requirements, but the specifics of this are not known at the time of writing this brief.
  - e. WA continues to phase in its mandatory vaccination requirements through a tiered approach to settings. All health service providers (which are identified by instrument and are mostly rural community centres), ambulance and transport settings will be phased in on 1 December for first dose and 1 January 2022 for full vaccination of workers.

#### Recent COVID-19 transmission and health outcomes in the ACT

10. The ACT has experienced very successful uptake of vaccines across the eligible population generally, in effect reducing the net benefit achieved by mandating of



COVID-19 vaccines for the small number of patients that remain unvaccinated. As at 24 November, 97.5% of all Canberrans aged 12-years and older are fully vaccinated and >99% had received their first vaccine dose.

11. This high level of vaccination uptake means that the ACT continues to fair well following the relaxing of freedom of movement restrictions in recent weeks. The ACT consistently returns low levels of new cases (< 20) of COVID-19 daily and these numbers remain stable despite businesses reopening and schools returning to face-to-face education.

#### ACT Phase 2 healthcare worker mandate options

12. My team are assessing four options for the future mandate of ACT healthcare workers, each with their own benefits and limitations, as summarised in Attachment E.
13. Considering the high level of vaccination uptake across the ACT generally and resulting success in managing the transmission and severity of COVID-19, the ACT is likely to only require the adoption of Option 1 or Option 2 in managing COVID-19 transmission. Specifically, these options include:
  - a. Option 1 – maintain the current public health direction settings as (combined with other public health and safety measure)s, they appear to be broadly effective in managing the rate of virus transmission.
  - b. Option 2 – expand the public healthcare worker mandate to include private health settings as specified in the AHPPC recommendation. This encompasses specialist outpatient services, GPs, pharmacies, pathology centres and private nursing offices.
14. The approximate timeframe for implementation of Option 2 is three-weeks, with an expectation that additional staff receive first dose vaccination by 15 December, and full vaccination by 12 January 2022. This timeframe ensures that appropriate consultation can occur with the health sector and impacted staff have sufficient time to be vaccinated prior to identified timeframes.
15. Adoption of these Options is being actively considered by my Office and will be discussed directly with you in your capacity as Minister for Health before a decision is made about an appropriate action.

#### **Financial Implications**

16. Nil.

#### **Consultation**

##### Internal

17. The Chief Allied Health Officer was consulted in relation to this brief.

##### Cross Directorate

18. Nil.

External

19. Not explicitly for this brief. However, the views of key stakeholders including the RACGP, AMA, PHN and CHN were all considered in the preparation of this advice.

**Work Health and Safety**

20. Industrial relations and human rights considerations for mandatory vaccination were considered by the Security and Emergency Management Committee of Cabinet on 15 September 2021, under CAB21/630 (Vaccination Status Policy and Next Steps) and CAB21/632 (Mandatory COVID-19 Vaccination – Industrial Relations Policy Issues).
21. Implementing mandatory COVID-19 vaccination requirements for healthcare workers is a strategy for improving work, health, and safety in this critical and high-risk sector. In implementing public health directions, a large and consistent volume of feedback has been provided by employers suggesting that many employers believe that mandating vaccines in this way removes the liability and obligations of an employer under work, health, and safety legislation to manage COVID-19 risks in the workplace. This is not the case and is being managed through targeted messaging to relevant sectors.

**Benefits/Sensitivities**

22. [REDACTED] has written on behalf of [REDACTED] to Canberra Health Services to seek the inclusion of corrections in future vaccine mandates. Any expansion of healthcare worker vaccine mandates may attract criticism from [REDACTED] for its failure to include corrections workers, which in their view, fall under the guise of healthcare support workers.
23. As Chief Health Officer, I do not propose to include corrections workers in the scope of public health direction. I note that Cabinet discussions with Minister for Corrections and the Commissioner for Corrections have indicated that it is more appropriate to mandate vaccines as a matter of employment policy in this context.
24. The legal mechanism of section 120 public health directions (as notifiable instruments) has attracted criticism from the Human Rights Commission. The ACT's already strong vaccination coverage limits the imperative for widening the scope of the healthcare direction.

**Communications, media and engagement implications**

25. The COVID-19 Vaccination Program Communications Team will develop a media statement in consultation with your office, if required.

Signatory Name: Dr Kerry Coleman

Phone: 5124 9442

Action Officer: Charmaine Smith

Phone: 5124 6394

**Attachments**

<b>Attachment</b>	<b>Title</b>
Attachment A	NRAS Health Profession Categories
Attachment B	AHPPC statement on mandatory vaccination of all workers in healthcare settings
Attachment C	Inter-jurisdictional comparison: Adoption of AHPPC recommendations for healthcare workers
Attachment D	Healthcare worker mandate implementation options

Attachment A

**Health Profession categories included in the  
National Registration and Accreditation Scheme (NRAS)**

<b>Health professions captured by the NRAS</b>	<b>Health professions that are self-regulated (non-exhaustive)</b>
<ul style="list-style-type: none"> <li>• Aboriginal and Torres Strait Islander health practitioners</li> <li>• Chinese medicine practitioners</li> <li>• chiropractors</li> <li>• dental practitioners</li> <li>• medical radiation practitioners</li> <li>• medical practitioners</li> <li>• nurses and midwives</li> <li>• occupational therapists</li> <li>• optometrists</li> <li>• osteopaths</li> <li>• paramedics</li> <li>• pharmacists</li> <li>• physiotherapists</li> <li>• podiatrists</li> <li>• psychologists</li> </ul>	<ul style="list-style-type: none"> <li>• speech pathologist</li> <li>• sonographer</li> <li>• social worker</li> <li>• rehabilitation counsellor</li> <li>• music therapist</li> <li>• orthoptist</li> <li>• exercise physiologist</li> <li>• sports scientist</li> <li>• dietitian / nutritionists</li> <li>• counsellor (university-qualified)</li> <li>• audiologist</li> <li>• art therapist / creative art therapist</li> <li>• sleep scientists</li> <li>• genetic counsellors</li> <li>• medical laboratory scientists</li> <li>• microbiologists</li> <li>• cardiac scientists and perfusionists</li> <li>• epidemiologists</li> </ul>

Health professions that are captured as part of the NRAS are regulated by the Australian Health Practitioner Regulation Agency (AHPRA). AHPRA's role is to:

- Ensure all regulated health professionals are registered against consistent, high-quality national professional standards,
- Makes it easier for health professionals to work across different states and territories in Australia as they don't have to re-register in each jurisdiction.

**Attachment B****Australian Health Protection Principal Committee (AHPPC)  
statement on mandatory vaccination of all workers in healthcare settings**

Released: 1 October 2021

AHPPC recommends mandatory vaccinations for all workers in health care settings as a condition of work. Further, AHPPC recommends the first dose of a TGA approved COVID-19 vaccine by 30 October 2021 and a second dose by 15 December 2021.

AHPPC also recommends that all jurisdictions accept a national definition of health-care settings in their relevant legislation to ensure consistency. This national definition will include:

- Public health settings including public hospitals, public health clinics, ambulance services, patient transport services, correctional health facilities and other health services managed by a jurisdiction.
- Private health facilities, such as private hospitals or day procedure centres, or specialist outpatient services.
- Private provider facilities, such as general practitioners, private nurse offices and consulting offices, pharmacies and private pathology centres.
- Education settings that manage health care student placements, registration, and/or internships in clinical settings.
- Department of Defence health settings including Garrison health centres, deployed and exercise health support and clinical health training settings.

These settings are intended to capture all health professions, including:

- those in the National Registration and Accreditation Scheme,
- all self-regulated allied health professions as published on the Australian Government [Department of Health website](#), and
- and all other individuals who work in these settings

AHPPC notes the regulatory mechanism with which to mandate health-care settings may vary in the jurisdictions. Noting the scope of health care settings in this Statement, jurisdictions may need to implement a staged approach to mandating vaccination for health care workers.

AHPPC notes that Defence manages vaccination requirements for Defence members and employees internally due to the unique operating environments.

AHPPC recommends an exemption for contractors is when they are responding to an emergency. In these cases, AHPPC recommends putting risk mitigation strategies in place to ensure unvaccinated contractors abide by COVID-safe practices.

A substantial health workforce has been necessary to roll out testing, training, vaccination, quarantine, and treatment of COVID-19 patients in the public and private health sectors. Hospitals and health services have been particularly vulnerable to outbreaks resulting in transmission risk in the hospital to staff and patients. This includes the furlough of staff and reduction in health system capacity. Although identified as a priority group for vaccination, there are still workers in health care settings who are unvaccinated.

Vaccination of persons entering health care settings is an important mechanism to protect the public, staff, and patients in these settings. AHPPC has consistently noted that vaccinated individuals are less likely to be significant drivers of spread, and that unvaccinated people dominate community transmission. AHPPC also notes increased rates of community transmission, with the Delta variant present in Australia. This poses an increased risk of exposure to both staff and patients in health care settings.

AHPPC notes that mandating vaccination for this cohort could have unintended consequences, including on the availability of the workforce. This could place increased pressure on a jurisdiction's capacity to meet demand. However, the benefits of a highly vaccinated workforce will ensure minimal transmission in healthcare settings and minimise the need to quarantine and furlough staff.

AHPPC recognises that not all facilities are capable of being monitored for compliance with the proposed vaccine mandates. However, it is considered that these mandates will assist employers in these settings better manage vaccination requirements for employees.

Interjurisdictional Comparison

ACT	NSW	VIC	QLD <sup>1</sup>	SA	WA	NT <sup>6</sup>
<input type="checkbox"/> National Registration and Accreditation Scheme <input type="checkbox"/> Self-regulated allied health professions	<input type="checkbox"/> National Registration and Accreditation Scheme <input type="checkbox"/> Self-regulated allied health professions	<input checked="" type="checkbox"/> National Registration and Accreditation Scheme <input type="checkbox"/> Self-regulated allied health professions	<input checked="" type="checkbox"/> National Registration and Accreditation Scheme <input checked="" type="checkbox"/> Self-regulated allied health professions	<input checked="" type="checkbox"/> National Registration and Accreditation Scheme <sup>2</sup> <input checked="" type="checkbox"/> Self-regulated allied health professions <sup>2</sup>	<input type="checkbox"/> National Registration and Accreditation Scheme <input type="checkbox"/> Self-regulated allied health professions	<input checked="" type="checkbox"/> National Registration and Accreditation Scheme <input checked="" type="checkbox"/> Self-regulated allied health professions
<b>Public Health settings:</b> <input checked="" type="checkbox"/> Public Hospitals <input checked="" type="checkbox"/> Public health clinics <input checked="" type="checkbox"/> Ambulance services <input checked="" type="checkbox"/> Patient transport services <input checked="" type="checkbox"/> Correctional health facilities <input checked="" type="checkbox"/> Other state-run health facilities	<b>Public Health settings:</b> <input checked="" type="checkbox"/> Public Hospitals <input checked="" type="checkbox"/> Public health clinics <input checked="" type="checkbox"/> Ambulance services <input checked="" type="checkbox"/> Patient transport services <input checked="" type="checkbox"/> Correctional health facilities <input checked="" type="checkbox"/> Other state-run health facilities	<b>Public Health settings:</b> <input checked="" type="checkbox"/> Public Hospitals <input checked="" type="checkbox"/> Public health clinics <input checked="" type="checkbox"/> Ambulance services <input checked="" type="checkbox"/> Patient transport services <input checked="" type="checkbox"/> Correctional health facilities <input checked="" type="checkbox"/> Other state-run health facilities	<b>Public Health settings:</b> <input checked="" type="checkbox"/> Public Hospitals <input checked="" type="checkbox"/> Public health clinics <input checked="" type="checkbox"/> Ambulance services <input checked="" type="checkbox"/> Patient transport services <input checked="" type="checkbox"/> Correctional health facilities <input checked="" type="checkbox"/> Other state-run health facilities	<b>Public Health settings:</b> <input checked="" type="checkbox"/> Public Hospitals <input checked="" type="checkbox"/> Public health clinics <sup>3</sup> <input checked="" type="checkbox"/> Ambulance services <input checked="" type="checkbox"/> Patient transport services <input checked="" type="checkbox"/> Correctional health facilities <sup>3</sup> <input checked="" type="checkbox"/> Other state-run health facilities <sup>3</sup>	<b>Public Health settings:</b> <input checked="" type="checkbox"/> Public Hospitals <input checked="" type="checkbox"/> Public health clinics <sup>4</sup> <input checked="" type="checkbox"/> Ambulance services <sup>4</sup> <input checked="" type="checkbox"/> Patient transport services <sup>4</sup> <input checked="" type="checkbox"/> Correctional health facilities <sup>4</sup> <input checked="" type="checkbox"/> Other state-run health facilities <sup>5</sup>	<b>Public Health settings:</b> <input checked="" type="checkbox"/> Public Hospitals <input checked="" type="checkbox"/> Public health clinics <input checked="" type="checkbox"/> Ambulance services <input checked="" type="checkbox"/> Patient transport services <input checked="" type="checkbox"/> Correctional health facilities <input checked="" type="checkbox"/> Other state-run health facilities
<b>Private health settings:</b> <input checked="" type="checkbox"/> Private hospitals <input checked="" type="checkbox"/> Private day procedure centres <input type="checkbox"/> Specialist outpatient services <input type="checkbox"/> General practitioners <input type="checkbox"/> Private nursing offices <input type="checkbox"/> Pharmacies <input type="checkbox"/> Pathology centres	<b>Private health settings:</b> <input checked="" type="checkbox"/> Private hospitals <input checked="" type="checkbox"/> Private day procedure centres <input type="checkbox"/> Specialist outpatient services <input type="checkbox"/> General practitioners <input type="checkbox"/> Private nursing offices <input type="checkbox"/> Pharmacies <input type="checkbox"/> Pathology centres	<b>Private health settings:</b> <input checked="" type="checkbox"/> Private hospitals <input checked="" type="checkbox"/> Day procedure centres <input checked="" type="checkbox"/> Specialist outpatient services <input checked="" type="checkbox"/> General practitioners <input checked="" type="checkbox"/> Private nursing offices <input checked="" type="checkbox"/> Pharmacies <input checked="" type="checkbox"/> Pathology centres	<b>Private health settings:</b> <input checked="" type="checkbox"/> Private hospitals <input checked="" type="checkbox"/> Private day procedure centres <input checked="" type="checkbox"/> Specialist outpatient services <input checked="" type="checkbox"/> General practitioners <input checked="" type="checkbox"/> Private nursing offices <input checked="" type="checkbox"/> Pharmacies <input checked="" type="checkbox"/> Pathology centres	<b>Private health settings:</b> <input checked="" type="checkbox"/> Private hospitals <input checked="" type="checkbox"/> Private day procedure centres <input checked="" type="checkbox"/> Specialist outpatient services <sup>3</sup> <input checked="" type="checkbox"/> General practitioners <sup>3</sup> <input checked="" type="checkbox"/> Private nursing offices <sup>3</sup> <input checked="" type="checkbox"/> Pharmacies <sup>3</sup> <input checked="" type="checkbox"/> Pathology centres <sup>3</sup>	<b>Private health settings:</b> <input checked="" type="checkbox"/> Private hospitals <input type="checkbox"/> Private day procedure centres <input type="checkbox"/> Specialist outpatient services <input type="checkbox"/> General practitioners <input type="checkbox"/> Private nursing offices <input type="checkbox"/> Pharmacies <input type="checkbox"/> Pathology centres	<b>Private health settings:</b> <input checked="" type="checkbox"/> Private hospitals <input checked="" type="checkbox"/> Private day procedure centres <input checked="" type="checkbox"/> Specialist outpatient services <input checked="" type="checkbox"/> General practitioners <input checked="" type="checkbox"/> Private nursing offices <input checked="" type="checkbox"/> Pharmacies <input checked="" type="checkbox"/> Pathology centres
<b>Education health settings:</b> <input checked="" type="checkbox"/> Student placements, internships – <i>subject to setting</i>	<b>Education health settings:</b> <input checked="" type="checkbox"/> Student placements, internships – <i>subject to setting</i>	<b>Education health settings:</b> <input checked="" type="checkbox"/> Student placements, internships	<b>Education health settings:</b> <input checked="" type="checkbox"/> Student placements, internships	<b>Education health settings:</b> <input checked="" type="checkbox"/> Student placements, internships	<b>Education health settings:</b> <input checked="" type="checkbox"/> Student placements, internships	<b>Education health settings:</b> <input checked="" type="checkbox"/> Student placements, internships

<sup>1</sup> Qld extended its scope on 10 November to include private health settings.

<sup>2</sup> Included in Phase 2 delivery if offering services as part of specialist outpatient facilities. Chiropractic therapy and osteopathy is also included in scope of Phase 3 delivery.

<sup>3</sup> Phase 2 scope delivery. In South Australia a three-phase approach was taken. Phase 1 categories were included from 1 November, Phase 2 categories were included from 8 November, and Phase 3 categories were included from 6 December.

<sup>4</sup> WA are taking a four-phase approach to mandating vaccination. Phases 1 and 2 are already in place and include intensive and high care units within hospitals (Phase 1), followed by hospitals more generally. Phases 3 and 4 apply to public health service facilities including transport vehicles from which public health services are provided. Phase 3 (1/12/21) requires first dose vaccination and phase 4 (1/1/22) full vaccination for these sites.

<sup>5</sup> Staff at vaccination clinics are already required to be vaccinated. Other state-run health facilities are being included as part of Phase 3 and 4 delivery (refer footnote 4, above).

<sup>6</sup> COVID-19 Direction (No. 55) 2021: Directions for mandatory vaccination of workers to attend the workplace imposes broad mandatory vaccination requirements that require all workers who are likely to come into contact with a vulnerable person to be vaccinated; coupled with an assumption that (if unsure about a client's status) a client is vulnerable.

## Healthcare worker mandate implementation options

Implementation option		Benefits	Limitations
Option 1	Do not extend existing healthcare worker mandates	<p>Recognises the very high uptake of COVID-19 vaccines across the ACT generally.</p> <ul style="list-style-type: none"> <li>On 15 November 2021 more than 99 percent of all Canberrans aged 12-years and older had received their first vaccine dose and 96.5 percent were fully vaccinated.</li> <li>The Commonwealth has confirmed that the ACT has the highest vaccination uptake of all jurisdictions in Australia.</li> <li>The net benefit of mandating vaccines for a broader scope of healthcare workers in the ACT will be smaller relative to jurisdictions with lower vaccination uptake (e.g., Qld) where a broader definition of healthcare worker has been applied.</li> </ul> <p>Reduces the risk of unintended consequences for private sector employers who can conflate issues of work, health and safety and liability, with public health directions.</p> <ul style="list-style-type: none"> <li>ACT Health Directorate has received consistent stakeholder feedback that employers believe compliance with public health direction that require mandatory vaccination (or exemption thereof) of employees limits general workplace health and safety requirements and general liability should employees or clients contract COVID-19.</li> <li>The Directorate is attempting to manage this misunderstanding through targeted communications and reference to relevant work health and safety laws, but this view persists.</li> <li>Limiting the use of public health directions and instead focus on messaging around appropriate work, health and safety assessments may be more effective in ensuring COVID-19 transmission is managed (particularly having regard for our high vaccination rates).</li> </ul> <p>The ACT maintains mandatory healthcare worker settings that are consistent with NSW.</p> <ul style="list-style-type: none"> <li>This is likely to be a benefit to healthcare workers that operate in ACT and the surrounding NSW region, as impacted staff are required to comply with a consistent regulatory framework when moving across the border.</li> </ul> <p>Existing mandate already captures private and allied healthcare workers operating in hospitals.</p> <ul style="list-style-type: none"> <li>The existing mandate is site-based. It therefore captures all private and allied health practitioners that operate in hospitals, hospices or from Canberra Health Service facilities.</li> </ul>	<p>Stakeholders may view this option as a change in policy position:</p> <ul style="list-style-type: none"> <li>ACT Government has previously advised that a phased approach to mandating vaccination of healthcare workers would be undertaken.</li> <li>While the intention was to ensure an expansion of vaccine mandates remains appropriate, some key private sector stakeholders may interpret a decision not to extend existing healthcare worker mandates as renegeing on a public undertaking.</li> </ul> <p>This option does not respond to concerns raised by some stakeholders:</p> <ul style="list-style-type: none"> <li>Key stakeholders including the RACGP, AMA, PHN and Capital Health Network have advocated for an expansion of existing healthcare worker vaccine mandates to include all healthcare and health support workers operating in private healthcare settings. This is based on stakeholder's view that: <ul style="list-style-type: none"> <li>private healthcare workers are at high-risk of COVID-19 transmission and mandating vaccination will offer a greater level of protection to workers,</li> <li>private (and particularly small) healthcare businesses are unsure about workplace laws and whether they can ask staff to be vaccinated, and</li> <li>some other jurisdictions like Victoria have taken this step.</li> </ul> </li> </ul>
Option 2	<p>Extend existing healthcare worker mandates to include private health settings specified in the AHPPC recommendation</p> <p><i>(Private day procedure centres, specialist outpatient services, GPs, pharmacies, pathology centres and private nursing offices)</i></p>	<p>Maintains site-based approach.</p> <ul style="list-style-type: none"> <li>This ensures that all staff operating at critical and high-risk sites are vaccinated against COVID-19 (or are exempt), including support and administration staff.</li> </ul> <p>Ensures that commonly accessed essential healthcare sites in the ACT are included in the mandate.</p> <ul style="list-style-type: none"> <li>The broader scope captures a large portion of the primary health care sector.</li> <li>Primary healthcare providers are referred to as such as they are typically the entry-point to the healthcare system for patients and are therefore likely to be accessed by patients with complex health concerns, making them vulnerable to adverse health outcomes from COVID.</li> <li>It does however exclude some private National Registration and Accreditation Scheme sites like dental practitioners, optometrists, and psychologists, and all private self-regulated allied health profession sites.</li> </ul> <p>Addresses concerns raised by key health sector stakeholders.</p> <ul style="list-style-type: none"> <li>The expanded scope includes sites (like GPs and pharmacies) that key stakeholders have sought inclusion of in the vaccination mandate.</li> <li>RACGP, AMA, PHN and Capital Health Network have all written to the Minister seeking inclusion of private health care workers in the vaccine mandate (refer Option 1, limitations).</li> </ul>	<p>Unlikely to be able to engage in effective regulation, monitoring and compliance functions given the broadened scope and volume of providers.</p> <ul style="list-style-type: none"> <li>There are effective strategies available for managing this limitation, like self-reporting requirements combined with random auditing of businesses.</li> <li>Not in itself a reason not to proceed.</li> </ul> <p>Prevents a large proportion of the healthcare industry from engaging in work in their preferred vocation within if they choose not to be vaccinated.</p> <ul style="list-style-type: none"> <li>Given that NSW has not extended the mandate to include this broad range of private health settings, there is a risk that some providers may begin operating in the surrounding region.</li> <li>High vaccination numbers generally mean that this risk is small.</li> </ul> <p>Critics may question whether reasonable limits to some human rights are being exceeded:</p> <ul style="list-style-type: none"> <li>The ACT has very high levels of population-wide vaccination (&gt;96%).</li> <li>Vaccination reduces but does not eliminate COVID-19 transmission risks.</li> <li>Noting this and having regard for section 28 of the <i>Human Rights Act 2004</i>, a view may be formed that broadening the scope of the vaccine mandate to this extent may exceed "reasonable limits" on some human rights, in particular the right to work (s27B).</li> </ul>



Option 3	Extend existing healthcare worker mandates to include private health settings & NRAS professions	Ensures that all health care services offered by registered healthcare providers in the ACT are included in the mandate.	As per the limitations identified at Option 2, above.  Reflects a blend of site-based and vocation-based criteria that may lead to some confusion for the healthcare sector (i.e., about who is in and who is out).
Option 4	Extend existing healthcare worker mandates to include private health settings, NRAS professions and self-regulated allied health professions	Ensures that all health care services offered by healthcare providers in the ACT are included in the mandate.	As per the limitations identified at Options 2 and 3, above.  Likely exceeds the expectations of stakeholders (including RACGP, AMA, PHN and Capital Health Network).  Includes otherwise unregistered and broadly discretionary health service vocations like dieticians, sports scientists, counsellors etc. <ul style="list-style-type: none"> <li>• Inclusion of these vocations in a vaccination mandate exceeds the initial intention to target services / environments that are critical and high-risk for vulnerable persons</li> <li>• Audit and compliance functions will be more costly and resource intensive without the support of a registering body, for those services not covered by the NRAS.</li> </ul>

**Lowes, Shannon (Health)**

---

**From:** ACT Health Office of the Chief Health Officer  
**Sent:** Tuesday, 7 December 2021 11:01 AM  
**To:** Smith, Charmaine (Health); Burns, Stacey (Health)  
**Cc:** ACT Health Office of the Chief Health Officer; ACT Health COVID Vaccine  
**Subject:** FW: SIGNED BY MINISTER : MIN21/2232 : Initiated Brief - Minister for Health - Expansion of COVID-19 vaccination requirements for healthcare workers  
**Attachments:** Initiated Brief - Minister for Health - Expansion of COVID-19 vaccination requirements for healthcare workers.tr5; SIGNED Brief-COVID vaccine req health work - MIN212232.PDF

OFFICIAL

Hi Charmaine and Stacey

Please see the signed copy of the Expansion of COVID-19 vaccination requirements for healthcare workers brief.

Please let us know if there is anything further you require us to do.

Thanks

Jude

Judith Colquhoun | PA to Vanessa Dal Molin Executive Support Team  
 COVID-19 Response  
 Office of the Chief Health Officer  
 Short days – Tuesdays and Thursdays

ACT Health | ACT Government  
 Level 3 2-6 Bowes Street Woden ACT 2606 GPO Box 825 Canberra ACT 2601  
 Ph: (02) 512 49830 | Email: judith.colquhoun@act.gov.au health.act.gov.au

-----Original Message-----

**From:** Warne, Hayley (Health) <Hayley.Warne@act.gov.au> On Behalf Of Health Ministerial Liaison Officer  
**Sent:** Tuesday, 7 December 2021 10:53 AM  
**To:** ACT Health Office of the Chief Health Officer <ACTHealthOCHO@act.gov.au>  
**Subject:** SIGNED BY MINISTER : MIN21/2232 : Initiated Brief - Minister for Health - Expansion of COVID-19 vaccination requirements for healthcare workers

OFFICIAL

Hi there,

Please find attached complete signed package by Minister for your action/filing. Correspondence now finalised.

Kind regards,

Hayley Warne | Coordination Officer  
 Email: governmentbusinesshealth@act.gov.au  
 Ministerial and Government Services | Office of the Director-General | ACT Health Directorate Level 5, 6 Bowes Street Phillip ACT 2606 health.act.gov.au

**ACT Health Directorate**

**To:** Minister for Health

Tracking No.: MIN21/2232

**CC:** Rebecca Cross, Director-General, Health Directorate  
Cherie Hughes, Deputy Director-General, Health Directorate  
Dave Peffer, Chief Executive Officer, Canberra Health Services  
Leesa Croke, Coordinator General COVID-19 (Non-Health) Response

**From:** Dr Kerry Coleman, Chief Health Officer

**Subject:** Expansion of COVID-19 vaccination requirements for healthcare workers

**Critical Date:** 03/12/2021

**Critical Reason:** To enable appropriate stakeholder engagement prior to Christmas, if required

**Recommendations**

That you:

1. Note the National Registration and Accreditation Scheme (NRAS) health profession categories at [Attachment A](#);  
**Noted / Please Discuss**
2. Note the AHPPC statement on mandatory vaccination of all workers in healthcare setting at [Attachment B](#);  
**Noted / Please Discuss**
3. Note the Inter-jurisdictional comparison: Adoption of AHPPC recommendations for healthcare workers at [Attachment C](#);  
**Noted / Please Discuss**
4. Note the healthcare worker mandate implementation options at [Attachment D](#); and  
**Noted / Please Discuss**
5. Note the proposed timeline to implement any expansion to existing healthcare worker vaccination requirements.  
**Noted / Please Discuss**

OFFICIAL

Rachel Stephen-Smith MLA .....

3/12/21

Minister's Office Feedback
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**Background**

1. On 15 October 2021, I notified a public health direction for workers in certain healthcare settings to be fully vaccinated against COVID-19 or have an approved exemption for them to be permitted to attend work under the *Public Health (Health Care and Support Workers COVID-19 Vaccination) Emergency Direction 2021* (the Public Health Direction).
2. At the time of commencement, most states and territories in Australia had already, or were in the process of, introducing similar mandatory vaccination requirements for healthcare workers following an Australian Health Protection Principal Committee (AHPPC) recommendation.

**Issues**AHPPC Recommendation

3. As part of its statement on mandatory vaccination of all workers in healthcare settings released on 1 October 2021, the AHPPC recommended that all jurisdictions accept a national definition of health-care settings when mandating vaccinations. The intent was to ensure (as much as possible) a national definition of healthcare worker.
4. The AHPPC recommended mandatory COVID-19 vaccinations for all workers in a healthcare setting as a condition of work, with first doses administered by 30 October 2021 and second doses by 15 December 2021.
5. Specifically, the AHPPC recommended that healthcare worker capture:
  - a. Public health settings including public hospitals, public health clinics, ambulance services, patient transport services, correctional health facilities and other health services managed by a jurisdiction.
  - b. Private health facilities such as private hospitals or day procedure centres or specialist outpatient services.
  - c. Private provider facilities, such as general practitioners, private nurse offices and consulting offices, pharmacies, and private pathology centres.
  - d. Education settings that manage health care student placements, registration and/or internships in clinical settings.
  - e. Department of Defence health settings including Garrison health centres, deployed and exercise health support and clinical health training settings.

6. By capturing these settings, the intention of the AHPPC was to ensure that the following health professionals would be scoped into relevant health directions issued by each state and territory:
  - a. Those in the NRAS,
  - b. All self-regulated allied health professionals, and
  - c. All other individuals who work in these settings.
7. A breakdown of health-related professions covered by this scope is provided at Attachment A (by category). The full AHPPC Statement is provided at Attachment B. The statement acknowledged that mandating vaccines in this way could have unintended consequences, but these should be considered alongside the benefits of a highly vaccinated workforce.

#### Implementation of AHPPC Recommendations

8. Despite a AHPPC recommendation that a nationally consistent approach be taken to implementing mandatory vaccination of healthcare workers, all states and territories have progressed in a manner that appears most appropriate to their local context. A summary document outlining each jurisdiction's healthcare worker scope is provided at Attachment C.
9. Broadly (and in order of most encompassing to most targeted scope):
  - a. Northern Territory and Queensland are the only jurisdictions to have applied the AHPPC recommendations in full; with the Northern Territory far exceeding the recommended scope of the AHPPC to include all workers that engage with vulnerable persons in their role (with an assumption that a person is considered 'vulnerable' if their vulnerability status is otherwise unknown).
  - b. South Australia has opted for a phased implementation approach that will be completed on 6 December 2021. While substantially like AHPPC recommendations, NRAS and self-regulated allied health professions have been included only where they provide services as part of specialist outpatient facilities.
  - c. Victoria has implemented mandatory vaccination requirements at all sites identified by the AHPPC and has explicitly called for the vaccination of all workers registered under the NRAS, but has not included self-regulated allied health professions like social workers and dieticians.
  - d. NSW, WA and ACT have similar arrangements which limit application to public health and private hospital settings, inclusive of students on placement in these settings. In interjurisdictional meetings, the NSW has flagged their intention to soon expand their vaccination requirements, but the specifics of this are not known at the time of writing this brief.
  - e. WA continues to phase in its mandatory vaccination requirements through a tiered approach to settings. All health service providers (which are identified by instrument and are mostly rural community centres), ambulance and transport settings will be phased in on 1 December 2021 for first dose and 1 January 2022 for full vaccination of workers.

### Recent COVID-19 transmission and health outcomes in the ACT

10. The ACT has experienced very successful uptake of vaccines across the eligible population generally, in effect reducing the net benefit achieved by mandating of COVID-19 vaccines for the small number of patients that remain unvaccinated. As at 24 November 2021, 97.5 per cent of all Canberrans aged 12-years and older are fully vaccinated and >99 per cent had received their first vaccine dose.
11. This high level of vaccination uptake means that the ACT continues to fair well following the relaxing of freedom of movement restrictions in recent weeks. The ACT consistently returns low levels of new cases (< 20) of COVID-19 daily and these numbers remain stable despite businesses reopening and schools returning to face-to-face education.

### ACT Phase 2 healthcare worker mandate options

12. My team are assessing four options for the future mandate of ACT healthcare workers, each with their own benefits and limitations, as summarised in Attachment E.
13. Considering the high level of vaccination uptake across the ACT generally and resulting success in managing the transmission and severity of COVID-19, the ACT is likely to only require the adoption of Option 1 or Option 2 in managing COVID-19 transmission. Specifically, these options include:
  - a. Option 1 – maintain the current public health direction settings as (combined with other public health and safety measures), they appear to be broadly effective in managing the rate of virus transmission.
  - b. Option 2 – expand the public healthcare worker mandate to include private health settings as specified in the AHPPC recommendation. This encompasses specialist outpatient services, General Practitioners, pharmacies, pathology centres and private nursing offices.
14. The approximate timeframe for implementation of Option 2 is three-weeks, with an expectation that additional staff receive first dose vaccination by 15 December 2021, and full vaccination by 12 January 2022. This timeframe ensures that appropriate consultation can occur with the health sector and impacted staff have sufficient time to be vaccinated prior to identified timeframes.
15. Adoption of these Options is being actively considered by my Office and will be discussed directly with you in your capacity as Minister for Health before a decision is made about an appropriate action.

### **Financial Implications**

16. Nil.

## Consultation

### Internal

17. The Chief Allied Health Officer was consulted in relation to this brief.

### Cross Directorate

18. Nil.

### External

19. Not explicitly for this brief. However, the views of key stakeholders including the Royal Australian College of General Practitioners, Australian Medical Association, Primary Health Network and Capital Health Network were all considered in the preparation of this advice.

## Work Health and Safety

20. Industrial relations and human rights considerations for mandatory vaccination were considered by the Security and Emergency Management Committee of Cabinet on 15 September 2021, under CAB21/630 (Vaccination Status Policy and Next Steps) and CAB21/632 (Mandatory COVID-19 Vaccination – Industrial Relations Policy Issues).
21. Implementing mandatory COVID-19 vaccination requirements for healthcare workers is a strategy for improving work, health, and safety in this critical and high-risk sector. In implementing public health directions, a large and consistent volume of feedback has been provided by employers suggesting that many employers believe that mandating vaccines in this way removes the liability and obligations of an employer under work, health, and safety legislation to manage COVID-19 risks in the workplace. This is not the case and is being managed through targeted messaging to relevant sectors.

## Benefits/Sensitivities

22. [REDACTED] has written on behalf of [REDACTED] to Canberra Health Services to seek the inclusion of corrections in future vaccine mandates. Any expansion of healthcare worker vaccine mandates may attract criticism from Winnunga for its failure to include corrections workers, which in their view, fall under the guise of healthcare support workers.
23. As Chief Health Officer, I do not propose to include corrections workers in the scope of public health direction. I note that Cabinet discussions with Minister for Corrections and the Commissioner for Corrections have indicated that it is more appropriate to mandate vaccines as a matter of employment policy in this context.
24. The legal mechanism of section 120 public health directions (as notifiable instruments) has attracted criticism from the Human Rights Commission. The ACT's already strong vaccination coverage limits the imperative for widening the scope of the healthcare direction.

**Communications, media and engagement implications**

25. The COVID-19 Vaccination Program Communications Team will develop a media statement in consultation with your office, if required.

Signatory Name: Dr Kerry Coleman Phone: 5124 9442

Action Officer: Charmaine Smith Phone: 5124 6394

**Attachments**

<b>Attachment</b>	<b>Title</b>
Attachment A	NRAS Health Profession Categories
Attachment B	AHPPC statement on mandatory vaccination of all workers in healthcare settings
Attachment C	Inter-jurisdictional comparison: Adoption of AHPPC recommendations for healthcare workers
Attachment D	Healthcare worker mandate implementation options



**Lowes, Shannon (Health)**

---

**From:** ACT Health Office of the Chief Health Officer  
**Sent:** Friday, 24 December 2021 11:23 AM  
**To:** Burns, Stacey (Health)  
**Cc:** ACT Health Office of the Chief Health Officer; Smith, Charmaine (Health)  
**Subject:** FW: correspondence from [REDACTED]

Hi Stacey,

Are you able to review the response below.

Kerryn also requested a personal message be crafted for her as well. Charmaine requested I forward to you if you have capacity please.

Thanks,

**Tracey Docherty | Executive Assistant**

**Office of the Chief Health Officer**

**COVID-19 Response | Public Health Protection and Regulation**

Ph: (02) 5124 9926 | Email: [ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au)

[health.act.gov.au](http://health.act.gov.au)

<https://www.covid19.act.gov.au/>

---

**From:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>  
**Sent:** 23 December 2021 10:08 AM  
**To:** ACT Health Office of the Chief Health Officer <[ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au)>  
**Subject:** RE: correspondence from [REDACTED]

Getting to it. Sorry. Crappy week. Today – I promise

---

**From:** ACT Health Office of the Chief Health Officer <[ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au)>  
**Sent:** Thursday, 23 December 2021 10:07 AM  
**To:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>  
**Cc:** ACT Health Office of the Chief Health Officer <[ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au)>  
**Subject:** RE: correspondence from [REDACTED]

Hi Charmaine,  
Sorry to hassle you!! Any update on this one?  
Thanks,  
Tracey

---

**From:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>  
**Sent:** 20 December 2021 8:59 AM  
**To:** ACT Health Office of the Chief Health Officer <[ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au)>  
**Subject:** Re: correspondence from [REDACTED]

Hi Tracey - will do it today. Cheers

Get [Outlook for iOS](#)

---

**From:** ACT Health Office of the Chief Health Officer <[ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au)>  
**Sent:** Monday, December 20, 2021 8:52:16 AM  
**To:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>  
**Subject:** FW: correspondence from [REDACTED]

Hi Charmaine,

Kerryn has requested that you review the response and draft an email to Julie mentioning that this originally went to CHS and was forwarded to Kerryn afterwards.

Thanks,  
Tracey

---

**From:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>  
**Sent:** 16 December 2021 9:35 AM  
**To:** ACT Health Office of the Chief Health Officer <[ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au)>  
**Subject:** RE: correspondence from [REDACTED]

I think Kerryn should send it next week with a 'personal' message to [REDACTED] etc

---

**From:** ACT Health Office of the Chief Health Officer <[ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au)>  
**Sent:** Thursday, 16 December 2021 9:30 AM  
**To:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>  
**Cc:** ACT Health Office of the Chief Health Officer <[ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au)>  
**Subject:** RE: correspondence from [REDACTED]

So – it appears this never got sent from KC.

Does it still need a response, or is it too late now?

Laura

---

**From:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>  
**Sent:** Thursday, 9 December 2021 12:01 PM  
**To:** ACT Health Office of the Chief Health Officer <[ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au)>  
**Subject:** RE: correspondence from [REDACTED]

Did Kerryn send it?

That was the next step...

Happy to chat 😊

---

**From:** ACT Health Office of the Chief Health Officer <[ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au)>  
**Sent:** Thursday, 9 December 2021 10:30 AM  
**To:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>  
**Cc:** ACT Health Office of the Chief Health Officer <[ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au)>  
**Subject:** RE: correspondence from [REDACTED]

Did this ever get done?

Still on our task tracker 😊

**From:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>  
**Sent:** Monday, 15 November 2021 2:00 PM  
**To:** Coleman, Kerryn (Health) <[Kerryn.Coleman@act.gov.au](mailto:Kerryn.Coleman@act.gov.au)>  
**Cc:** ACT Health Office of the Chief Health Officer <[ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au)>; Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>  
**Subject:** FW: correspondence from [REDACTED]

Hi Kerryn

Thoughts? I've shortened and changed 'one potential mechanism' to 'a potential mechanism'. I'm trying to stay close to Ray's cleared wording without creating a bigger "issue" re extension of mandatory vax directions...

Cheers

Ch

Dear [REDACTED]

*Thank you for your email regarding the scope of the **Public Health (Health Care and Support Workers COVID-19 Vaccination) Emergency Direction 2021 (the direction)**.*

*The direction provides that workers for a health care facility must have received COVID-19 vaccination (dose one by 29 October, dose two by 1 December). The direction provides that a Health care facility means: a hospital, including a day hospital; or a hospice; or all health care facilities operated by Canberra Health Services. The direction can be viewed at <https://legislation.act.gov.au/View/ni/2021-613/current/html/2021-613.html>*

*As you correctly identify in your email all Canberra Health Services employees who work at the AMC in the justice health facility are subject to the direction. This does not extend to prison officers who are employed by Corrective Services (Justice and Community Safety Directorate). I have not mandated correctional officers for the COVID-19 vaccine.*

*All correctional officers at the AMC have been eligible for the COVID-19 vaccination as a priority under Phase 1B of the vaccine rollout plan. They have been encouraged to be vaccinated at an ACT Government clinic or through a participating general practice.*

*I have referred your email to the Commissioner for Corrections who responded that 'Implementing a workplace policy requiring COVID-19 vaccination is a potential mechanism for reducing COVID-19 risks within the AMC. To properly protect detainees, any arrangements in place to reduce the risk of COVID 19 being introduced into the AMC will need to extend to all people entering the facility including visitors, in addition to staff'.*

Kind Regards

**Kerryn**

Public Health, Protection and Regulation | **ACT Health Directorate**

PH 5124 9442 | **MOB** [REDACTED]

25 Mulley Street, HOLDER ACT 2611 | GPO Box 825, Canberra City ACT 2601

E [Kerryn.coleman@act.gov.au](mailto:Kerryn.coleman@act.gov.au) W <https://health.act.gov.au/>

---

**From:** [REDACTED]

**Sent:** Friday, 12 November 2021 6:55 AM

**To:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>; ACTCS Executive Support <[ACTCSExecutiveSupport@act.gov.au](mailto:ACTCSExecutiveSupport@act.gov.au)>

Cc: Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>; Johnson, Ray <[Ray.Johnson@act.gov.au](mailto:Ray.Johnson@act.gov.au)>; Maguire, Rory (Health) <[Rory.Maguire@act.gov.au](mailto:Rory.Maguire@act.gov.au)>

Subject: RE: correspondence from [REDACTED]

Hi Charmaine,

No trouble at all, I understand these things take time.

Below is our updated input, cleared by the Commissioner.

**Implementing a workplace policy requiring COVID-19 vaccination is one potential mechanism for reducing COVID-19 risks within the AMC. ACT Corrective Services (ACTCS) have undertaken a survey to better understand the vaccination rate among staff. The survey was voluntary, and participants had the option to remain anonymous. The survey closed on October 26<sup>th</sup> and had a 60% response rate. ACTCS are currently analysing the responses. To properly protect detainees, any arrangements in place to reduce the risk of COVID 19 being introduced into the AMC will need to extend to all people entering the facility including visitors, in addition to staff.**

Warm regards,

[REDACTED]

[REDACTED] | Director, Office of the Commissioner

Phone: (02) 6205 3824 | Email: [REDACTED]

Office of the Commissioner | ACT Corrective Services

Justice and Community Safety Directorate | ACT Government

2 Constitution Avenue, CANBERRA CITY ACT 2601 | GPO Box 158 CANBERRA ACT 2600

#### Confidential Privilege Notice

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From: Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>

Sent: Thursday, 11 November 2021 11:38 AM

To: [REDACTED] ACTCS Executive Support <[ACTCSExecutiveSupport@act.gov.au](mailto:ACTCSExecutiveSupport@act.gov.au)>

Cc: Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>; Johnson, Ray <[Ray.Johnson@act.gov.au](mailto:Ray.Johnson@act.gov.au)>; Maguire, Rory (Health) <[Rory.Maguire@act.gov.au](mailto:Rory.Maguire@act.gov.au)>

Subject: RE: correspondence from [REDACTED]

Hi [REDACTED]

My apologies for coming back to you. We chatted a fortnight ago and you provided terrific input to respond to [REDACTED] and [REDACTED]

Unfortunately the response got delayed by review from Min Offices and it has now been asked if you could please check the currency of the information especially regarding the survey outcomes? Is it possible for you to review and update.

Happy to discuss

Charmaine

**Charmaine Smith** | Executive Branch Manager

P via Teams or (02) 512 46394 | E [charmaine.smith@act.gov.au](mailto:charmaine.smith@act.gov.au)

COVID-19 Vaccination Program | COVID-19 Response | ACT Health Directorate

Level 3, 2-6 Bowes Street Phillip ACT 2606

[health.act.gov.au](https://health.act.gov.au)

*Making Flexibility Work - if you receive an email from me outside of normal business hours, I'm sending it at a time that suits me. Unless it's marked urgent, I'm not expecting you to read or reply until normal business hours.*

Dear [REDACTED]

Thank you for your email regarding the scope of the **Public Health (Health Care and Support Workers COVID-19 Vaccination) Emergency Direction 2021 (the direction)**.

The direction provides that workers for a health care facility must have received COVID-19 vaccination (dose one by 29 October, dose two by 1 December). The direction provides that a Health care facility means: a hospital, including a day hospital; or a hospice; or all health care facilities operated by Canberra Health Services. The direction can be viewed at <https://legislation.act.gov.au/View/ni/2021-613/current/html/2021-613.html>

As you correctly identify in your email all Canberra Health Services employees who work at the AMC in the justice health facility are subject to the direction. This does not extend to prison officers who are employed by Corrective Services (Justice and Community Safety Directorate). I have not mandated correctional officers for the COVID-19 vaccine.

All correctional officers at the AMC have been eligible for the COVID-19 vaccination as a priority under Phase 1B of the vaccine rollout plan. They have been encouraged to be vaccinated at an ACT Government clinic or through a participating general practice.

I have referred your email to the Commissioner for Corrections who responded that **'Implementing a workplace policy requiring COVID-19 vaccination is one potential mechanism for reducing COVID-19 risks within the AMC. ACTCS is currently undertaking a survey to better understand the vaccination rate among staff. The survey is voluntary, and participants have the option to remain anonymous. A high level of vaccinations within ACTCS makes mandatory vaccinations for ACTCS staff less valid. To protect detainees, all arrangements setup to reduce the risk of COVID 19 being introduced into the AMC will need to extend to all people entering the facility including visitors, not only staff'**

Kind Regards

**Kerryn**

Public Health, Protection and Regulation | ACT Health Directorate

PH 5124 9442 | MOB [REDACTED]

25 Mulley Street, HOLDER ACT 2611 | GPO Box 825, Canberra City ACT 2601

E [Kerryn.coleman@act.gov.au](mailto:Kerryn.coleman@act.gov.au) W <https://health.act.gov.au/>

---

**From:** [REDACTED]

**Sent:** Wednesday, 27 October 2021 4:53 PM

**To:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>; Maguire, Rory (Health) <[Rory.Maguire@act.gov.au](mailto:Rory.Maguire@act.gov.au)>

**Cc:** Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>; Johnson, Ray <[Ray.Johnson@act.gov.au](mailto:Ray.Johnson@act.gov.au)>  
**Subject:** RE: correspondence from [REDACTED]

Hi Charmaine,

Thank you for your email. I've drafted some words for inclusion in the response to [REDACTED], cleared by the Commissioner.

*All correctional officers at the AMC have been eligible for the COVID-19 vaccination as a priority under Phase 1B of the vaccine rollout plan. They have been encouraged to be vaccinated at an ACT Government clinic or through a participating general practice.*

*The Chief Health Officer has not mandated correctional officers for the COVID-19 vaccine.*

*Implementing a workplace policy requiring COVID-19 vaccination is one potential mechanism for reducing COVID-19 risks within the AMC. ACTCS is currently undertaking a survey to better understand the vaccination rate among staff. The survey is voluntary, and participants have the option to remain anonymous. A high level of vaccinations within ACTCS makes mandatory vaccinations for ACTCS staff less valid. To protect detainees, all arrangements setup to reduce the risk of COVID 19 being introduced into the AMC will need to extend to all people entering the facility including visitors, not only staff.*

Please do not hesitate to contact me if you have any queries or would like additional information.

Warm regards,

[REDACTED]

[REDACTED] | Director, Office of the Commissioner

Phone: (02) 6205 3824 | Email: [REDACTED]

**Office of the Commissioner | ACT Corrective Services**

**Justice and Community Safety Directorate | ACT Government**

2 Constitution Avenue, CANBERRA CITY ACT 2601 | GPO Box 158 CANBERRA ACT 2600

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---

**From:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>

**Sent:** Tuesday, 26 October 2021 12:38 PM

**To:** [REDACTED] Maguire, Rory (Health) <[Rory.Maguire@act.gov.au](mailto:Rory.Maguire@act.gov.au)>

**Cc:** Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>

**Subject:** FW: correspondence from [REDACTED]

Hi [REDACTED]

Thank you so much for our chat earlier regarding the below correspondence from [REDACTED].

I really appreciate you providing some dot points for inclusion in our response back to [REDACTED] regarding prison officers vaccination status and potential plans for mandatory vaccination. Is it possible to receive your input by COB tomorrow?

- [@Maguire, Rory \(Health\)](#) – simply cc'ing you in for completeness following our discussion. I will include wording that we discussed reflecting that employees of Justice Health who work at AMC are employees of CHS and are subject to mandatory COVID-19 public health direction for HCWs.

Happy to discuss any aspect

Cheers

Charmaine

**Charmaine Smith | Executive Branch Manager**

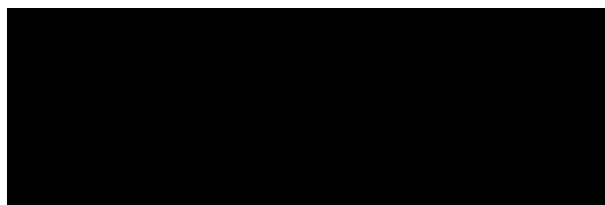
P via Teams or (02) 512 46394 | E [charmaine.smith@act.gov.au](mailto:charmaine.smith@act.gov.au)

COVID-19 Vaccination Program | **COVID-19 Response | ACT Health Directorate**

Level 3, 2-6 Bowes Street Phillip ACT 2606

[health.act.gov.au](http://health.act.gov.au)

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---

**From:** [REDACTED]

**Sent:** Thursday, 21 October 2021 4:09 PM

**To:** CHECC <[CHECC@act.gov.au](mailto:CHECC@act.gov.au)>

**Cc:** [REDACTED]

**Subject:**

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear CHECC

MANDATORY COVID-19 VACCINATIONS FOR HEALTH CARE WORKERS

I refer to the letter of 5 October 2021 from M/- Colm Mooney inviting a submission from [REDACTED] on a proposal to mandate COVID-19 vaccinations for health care workers.

In that letter it was advised that the Chief Health Officer proposed, on 15 October 2021 to sign a public health direction, after having considered the feedback received through that consultation.

As you would be aware [REDACTED] provided a detailed submission to CHECC in which she applauded the decision to mandate vaccination for all health care and other staff employed in "all health care facilities operated by Canberra Health Services."

██████████ was in particular pleased that this decision would therefore apply to Canberra Health Services in correctional facilities, most particularly the AMC, and would apply as a matter of course to all prison officers who come into contact with detainees.

It is therefore a matter of considerable concern to ██████████ to learn today from media reports that the Chief Health Officer had resolved that the proposed health direction would apply to all workers in health care services operated by Canberra Health Services except the health service operated in the AMC in respect of which prison officers, who are involved in the escorting of detainees to and from the health service, are to be exempt from the requirement to vaccinate.

██████████ would be grateful if you would, as a matter of urgency, confirm that is the case and provide her with a copy of the relevant health direction. ██████████ would also welcome advice on the factors which the Chief Health Officer took into account in determining that the concerns which she harbours in relation to the possible transmission of COVID-19 should be comprehensively addressed at every health care services operated by Canberra Health Services except the health care service in the AMC.

██████████ would also be grateful if you would provide her with a copy of all submissions received and considered by her in relation to the making of this direction, including from the CPSU and any other union.

Yours sincerely

██████████  
████████████████████



**Lowes, Shannon (Health)**

---

**From:** Burns, Stacey (Health)  
**Sent:** Friday, 24 December 2021 12:51 PM  
**To:** ACT Health Office of the Chief Health Officer  
**Cc:** Smith, Charmaine (Health)  
**Subject:** FW: correspondence from [REDACTED]

**Importance:** High

Hi Tracy – for Kerryn’s clearance. Thank you.

Dear [REDACTED]

My sincere apologies for the delay in providing the enclosed response to you . I’m sure you can understand that my office has been under pressure in recent months to respond to COVID-19 and I wanted to liaise with CHS about how the directions are being implemented on the ground before getting back to you.

Further to the formal response below, I want to assure you that we are working collaboratively with all areas of government to help introduce public health and social measures that ensure that staff and clients remain as safe as possible from COVID-19. I am very conscious of ensuring that the restrictions imposed through public health directions are proportionate and absolutely necessary. We have an incredibly high full vaccination rate of 98.5 percent and will continue to prioritise booster rollout to all adults to support primary care throughout 2022.

Thank you for the support you and your team have given to the COVID response throughout 2021.

I hope you have a restful break over Christmas.

Kerryn

Dear [REDACTED]

***Thank you for your email regarding the scope of the **Public Health (Health Care and Support Workers COVID-19 Vaccination) Emergency Direction 2021 (the direction)**.***

*I confirm that the direction applies only to workers at a hospital, hospice or health care facility operated by Canberra Health Services. The direction can be viewed at <https://legislation.act.gov.au/View/ni/2021-613/current/html/2021-613.html>*

*As you correctly identify in your email, all Canberra Health Services employees who work at the AMC in the justice health facility are subject to the direction. This scope was imposed to ensure that patients are as safety as possible when accessing care in critical and high-risk health care settings. I have not extended the requirement to cover prison officers, except in circumstances where they are required to attend a healthcare facility listed above.*

*All correctional officers at the AMC have been eligible for the COVID-19 vaccination as a priority under Phase 1B of the vaccine rollout plan. They have been encouraged to be vaccinated at an ACT Government clinic or through a participating general practice.*

*I have referred your email to the Commissioner for Corrections to seek information about the work, health and safety measures being implemented to promote the safety of staff and residents at the AMC against COVID-19. The Commissioner has informed me that they are considering requiring vaccinations as a potential measure alongside others for reducing COVID-19 risks.*

As you are likely aware, the Directions I have imposed are temporary measures that are designed to help the Territory to respond to COVID-19 during the initial public health emergency. I strongly encourage all employers, including Government, consider the work, health and safety needs of their own working environment and to implement appropriate measures accordingly.

Kind Regards

**Kerryn**

Public Health, Protection and Regulation | **ACT Health Directorate**

PH 5124 9442 | MOB [REDACTED]

25 Mulley Street, HOLDER ACT 2611 | GPO Box 825, Canberra City ACT 2601

E [Kerryn.coleman@act.gov.au](mailto:Kerryn.coleman@act.gov.au) W <https://health.act.gov.au/>

---

**From:** [REDACTED]  
**Sent:** Friday, 12 November 2021 6:55 AM  
**To:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>; ACTCS Executive Support <[ACTCSExecutiveSupport@act.gov.au](mailto:ACTCSExecutiveSupport@act.gov.au)>  
**Cc:** Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>; Johnson, Ray <[Ray.Johnson@act.gov.au](mailto:Ray.Johnson@act.gov.au)>; Maguire, Rory (Health) <[Rory.Maguire@act.gov.au](mailto:Rory.Maguire@act.gov.au)>  
**Subject:** RE: correspondence from [REDACTED]

Hi Charmaine,

No trouble at all, I understand these things take time.

Below is our updated input, cleared by the Commissioner.

**Implementing a workplace policy requiring COVID-19 vaccination is one potential mechanism for reducing COVID-19 risks within the AMC. ACT Corrective Services (ACTCS) have undertaken a survey to better understand the vaccination rate among staff. The survey was voluntary, and participants had the option to remain anonymous. The survey closed on October 26<sup>th</sup> and had a 60% response rate. ACTCS are currently analysing the responses. To properly protect detainees, any arrangements in place to reduce the risk of COVID 19 being introduced into the AMC will need to extend to all people entering the facility including visitors, in addition to staff.**

Warm regards,

[REDACTED] | **Director, Office of the Commissioner**

Phone: (02) 6205 3824 | Email: [REDACTED]

**Office of the Commissioner | ACT Corrective Services**

**Justice and Community Safety Directorate | ACT Government**

2 Constitution Avenue, CANBERRA CITY ACT 2601 | GPO Box 158 CANBERRA ACT 2600

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**From:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>  
**Sent:** Thursday, 11 November 2021 11:38 AM  
**To:** [REDACTED]; ACTCS Executive Support <[ACTCSExecutiveSupport@act.gov.au](mailto:ACTCSExecutiveSupport@act.gov.au)>  
**Cc:** Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>; Johnson, Ray <[Ray.Johnson@act.gov.au](mailto:Ray.Johnson@act.gov.au)>; Maguire, Rory (Health) <[Rory.Maguire@act.gov.au](mailto:Rory.Maguire@act.gov.au)>  
**Subject:** RE: correspondence from [REDACTED]

Hi [REDACTED]

My apologies for coming back to you. We chatted a fortnight ago and you provided terrific input to respond to [REDACTED] and [REDACTED].

Unfortunately the response got delayed by review from Min Offices and it has now been asked if you could please check the currency of the information especially regarding the survey outcomes? Is it possible for you to review and update.

Happy to discuss

Charmaine

**Charmaine Smith | Executive Branch Manager**

P via Teams or (02) 512 46394 | E [charmaine.smith@act.gov.au](mailto:charmaine.smith@act.gov.au)

COVID-19 Vaccination Program | **COVID-19 Response** | **ACT Health Directorate**

Level 3, 2-6 Bowes Street Phillip ACT 2606

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Dear [REDACTED]

Thank you for your email regarding the scope of the **Public Health (Health Care and Support Workers COVID-19 Vaccination) Emergency Direction 2021 (the direction)**.

The direction provides that workers for a health care facility must have received COVID-19 vaccination (dose one by 29 October, dose two by 1 December). The direction provides that a Health care facility means: a hospital, including a day hospital; or a hospice; or all health care facilities operated by Canberra Health Services. The direction can be viewed at <https://legislation.act.gov.au/View/ni/2021-613/current/html/2021-613.html>

As you correctly identify in your email all Canberra Health Services employees who work at the AMC in the justice health facility are subject to the direction. This does not extend to prison officers who are employed by Corrective Services (Justice and Community Safety Directorate). I have not mandated correctional officers for the COVID-19 vaccine.

All correctional officers at the AMC have been eligible for the COVID-19 vaccination as a priority under Phase 1B of the vaccine rollout plan. They have been encouraged to be vaccinated at an ACT Government clinic or through a participating general practice.

I have referred your email to the Commissioner for Corrections who responded that **'Implementing a workplace policy requiring COVID-19 vaccination is one potential mechanism for reducing COVID-19 risks within the AMC. ACTCS is currently undertaking a survey to better understand the vaccination rate among staff. The survey is voluntary, and participants have the option to remain anonymous. A high level of vaccinations within ACTCS**

**makes mandatory vaccinations for ACTCS staff less valid. To protect detainees, all arrangements setup to reduce the risk of COVID 19 being introduced into the AMC will need to extend to all people entering the facility including visitors, not only staff'**

Kind Regards

**Kerryn**

Public Health, Protection and Regulation | **ACT Health Directorate**

PH 5124 9442 | **MOB** [REDACTED]

25 Mulley Street, HOLDER ACT 2611 | GPO Box 825, Canberra City ACT 2601

E [Kerryn.coleman@act.gov.au](mailto:Kerryn.coleman@act.gov.au) W <https://health.act.gov.au/>

---

**From:** [REDACTED]  
**Sent:** Wednesday, 27 October 2021 4:53 PM  
**To:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>; Maguire, Rory (Health) <[Rory.Maguire@act.gov.au](mailto:Rory.Maguire@act.gov.au)>  
**Cc:** Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>; Johnson, Ray <[Ray.Johnson@act.gov.au](mailto:Ray.Johnson@act.gov.au)>  
**Subject:** RE: correspondence from [REDACTED]

Hi Charmaine,

Thank you for your email. I've drafted some words for inclusion in the response to [REDACTED] cleared by the Commissioner.

*All correctional officers at the AMC have been eligible for the COVID-19 vaccination as a priority under Phase 1B of the vaccine rollout plan. They have been encouraged to be vaccinated at an ACT Government clinic or through a participating general practice.*

*The Chief Health Officer has not mandated correctional officers for the COVID-19 vaccine.*

*Implementing a workplace policy requiring COVID-19 vaccination is one potential mechanism for reducing COVID-19 risks within the AMC. ACTCS is currently undertaking a survey to better understand the vaccination rate among staff. The survey is voluntary, and participants have the option to remain anonymous. A high level of vaccinations within ACTCS makes mandatory vaccinations for ACTCS staff less valid. To protect detainees, all arrangements setup to reduce the risk of COVID 19 being introduced into the AMC will need to extend to all people entering the facility including visitors, not only staff.*

Please do not hesitate to contact me if you have any queries or would like additional information.

Warm regards,

[REDACTED]

[REDACTED] | **Director, Office of the Commissioner**

Phone: (02) 6205 3824 | Email: [REDACTED]

**Office of the Commissioner | ACT Corrective Services**

**Justice and Community Safety Directorate | ACT Government**

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**From:** Smith, Charmaine (Health) <[Charmaine.Smith@act.gov.au](mailto:Charmaine.Smith@act.gov.au)>  
**Sent:** Tuesday, 26 October 2021 12:38 PM  
**To:** [REDACTED] Maguire, Rory (Health) <[Rory.Maguire@act.gov.au](mailto:Rory.Maguire@act.gov.au)>  
**Cc:** Barbaro, Fiona (Health) <[Fiona.Barbaro@act.gov.au](mailto:Fiona.Barbaro@act.gov.au)>  
**Subject:** FW: correspondence from [REDACTED]

Hi [REDACTED]

Thank you so much for our chat earlier regarding the below correspondence from [REDACTED].

I really appreciate you providing some dot points for inclusion in our response back to [REDACTED] regarding prison officers vaccination status and potential plans for mandatory vaccination. Is it possible to receive your input by COB tomorrow?

- [@Maguire, Rory \(Health\)](#) – simply cc'ing you in for completeness following our discussion. I will include wording that we discussed reflecting that employees of Justice Health who work at AMC are employees of CHS and are subject to mandatory COVID-19 public health direction for HCWs.

Happy to discuss any aspect

Cheers

Charmaine

**Charmaine Smith** | Executive Branch Manager

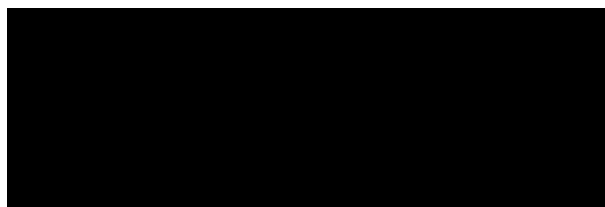
P via Teams or (02) 512 46394 | E [charmaine.smith@act.gov.au](mailto:charmaine.smith@act.gov.au)

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---

**From:** [REDACTED]  
**Sent:** Thursday, 21 October 2021 4:09 PM  
**To:** CHECC <[CHECC@act.gov.au](mailto:CHECC@act.gov.au)>  
**Cc:** [REDACTED]  
**Subject:**

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Dear CHECC

#### MANDATORY COVID-19 VACCINATIONS FOR HEALTH CARE WORKERS

I refer to the letter of 5 October 2021 from M/- Colm Mooney inviting a submission from [REDACTED] on a proposal to mandate COVID-19 vaccinations for health care workers.

In that letter it was advised that the Chief Health Officer proposed, on 15 October 2021 to sign a public health direction, after having considered the feedback received through that consultation.

As you would be aware [REDACTED], provided a detailed submission to CHECC in which she applauded the decision to mandate vaccination for all health care and other staff employed in "all health care facilities operated by Canberra Health Services."

[REDACTED] was in particular pleased that this decision would therefore apply to Canberra Health Services in correctional facilities, most particularly the AMC, and would apply as a matter of course to all prison officers who come into contact with detainees.

It is therefore a matter of considerable concern to [REDACTED] to learn today from media reports that the Chief Health Officer had resolved that the proposed health direction would apply to all workers in health care services operated by Canberra Health Services except the health service operated in the AMC in respect of which prison officers, who are involved in the escorting of detainees to and from the health service, are to be exempt from the requirement to vaccinate.

[REDACTED] would be grateful if you would, as a matter of urgency, confirm that is the case and provide her with a copy of the relevant health direction. [REDACTED] would also welcome advice on the factors which the Chief Health Officer took into account in determining that the concerns which she harbours in relation to the possible transmission of COVID-19 should be comprehensively addressed at every health care services operated by Canberra Health Services except the health care service in the AMC.

[REDACTED] would also be grateful if you would provide her with a copy of all submissions received and considered by her in relation to the making of this direction, including from the CPSU and any other union.

Yours sincerely

[REDACTED]

**Lowes, Shannon (Health)**

---

**From:** McNeill, Laura (Health)  
**Sent:** Thursday, 10 February 2022 9:32 AM  
**To:** ACT Health FOI; Smith, Charmaine (Health)  
**Cc:** ACT Health Office of the Chief Health Officer; ACT Health COVID Vaccine  
**Subject:** FW: UPDATED 19 Jan 2022: correspondence from [REDACTED]

Hi teams,

So this has escalated again, thanks to our friends at CHS, and is now also a Ministerial. I want to get the below out today to try to get this closed off.

I have amalgamated the two responses to [REDACTED] and [REDACTED] into one, and done some very minor tinkering with original words. I have also added the para re the FOI.

Joe – can you check this line is ok from your perspective.

Charmaine – do we have details of the submissions to confirm the highlighted line? If not Joe can check with CHS. Can you also do another quick read through to ensure it makes sense.

Thx,  
Laura

DRAFT

Dear [REDACTED] and [REDACTED]

Thank you for your enquiries regarding the scope of the Public Health (Health Care and Support Workers COVID-19 Vaccination) Emergency Direction 2021 (the direction).

My sincere apologies for the delay in providing a response to you both. I'm sure you can understand that my office has been under pressure in recent months to respond to COVID-19 and I wanted to liaise with Canberra Health Services about how the directions are being implemented on the ground before getting back to you, as well as with Corrections around their current practices.

The direction provides that workers for a health care facility must have received COVID-19 vaccination (dose one by 29 October, dose two by 1 December). The direction provides that a Health care facility means: a hospital, including a day hospital; or a hospice; or all health care facilities operated by Canberra Health Services. The direction can be viewed at <https://legislation.act.gov.au/View/ni/2021-613/current/html/2021-613.html>

As you correctly identify all Canberra Health Services employees who work at the AMC in the justice health facility are subject to the direction. The direction does not extend to prison officers who are employed by Corrective Services (Justice and Community Safety Directorate). I have not mandated COVID-19 vaccine for correctional officers.

All correctional officers at the AMC have been eligible for the COVID-19 vaccination as a priority under Phase 1B of the vaccine rollout plan. They have been encouraged to be vaccinated at an ACT Government clinic or through a participating general practice. I have referred your enquiry to the Commissioner for Corrections who responded that 'Implementing a workplace policy requiring COVID-19 vaccination is a potential mechanism for reducing COVID-19

risks within the AMC. To properly protect detainees, any arrangements in place to reduce the risk of COVID 19 being introduced into the AMC will need to extend to all people entering the facility including visitors, in addition to staff'.

Further to the above, I want to assure you that we are working collaboratively with all areas of government to help introduce public health and social measures that ensure that staff and clients remain as safe as possible from COVID-19. I am very conscious of ensuring that the restrictions imposed through public health directions are proportionate and absolutely necessary. We have an incredibly high full vaccination rate in the ACT and will continue to prioritise booster rollout to all adults to support primary care throughout 2022.

I understand that due to the delay in us being able to provide this information, you have also submitted an FOI for a copy of the submissions from the consultation for the mandated vaccination for healthcare workers. Noting that this consultation was coordinated by Canberra Health Services, who will respond to the FOI request, my staff have been in liaison with the FOI team to discuss this request. Advice from Canberra Health Services, is that the FOI will produce a substantial amount of documentation which will be unlikely to provide any useful information to you. I understand that the majority of the submissions were from individual workers, and related to their personal circumstances. I am advised that the FOI team is happy to work with you to re-scope the request in order to produce the most useful information for you.

Again I apologise for the delay in responding. Thank you for the support you and your team have given to the COVID response last year.

I look forward to continuing to work with [REDACTED] in 2022.

Kind regards,

**Kerryn**

Public Health, Protection and Regulation | **ACT Health Directorate**

PH 5124 9442 | **MOB** [REDACTED]

25 Mulley Street, HOLDER ACT 2611 | GPO Box 825, Canberra City ACT 2601

E [Kerryn.coleman@act.gov.au](mailto:Kerryn.coleman@act.gov.au) W <https://health.act.gov.au/>

---

**From:** [REDACTED]

**Sent:** Thursday, 21 October 2021 4:09 PM

**To:** CHECC <[CHECC@act.gov.au](mailto:CHECC@act.gov.au)>

**Cc:** [REDACTED]

**Subject:**

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Dear CHECC

MANDATORY COVID-19 VACCINATIONS FOR HEALTH CARE WORKERS

I refer to the letter of 5 October 2021 from M/- Colm Mooney inviting a submission from [REDACTED] on a proposal to mandate COVID-19 vaccinations for health care workers.

In that letter it was advised that the Chief Health Officer proposed, on 15 October 2021 to sign a public health direction, after having considered the feedback received through that consultation.

As you would be aware [REDACTED], provided a detailed submission to CHECC in which she applauded the decision to mandate vaccination for all health care and other staff employed in "all health care facilities operated by Canberra Health Services."



██████████ was in particular pleased that this decision would therefore apply to Canberra Health Services in correctional facilities, most particularly the AMC, and would apply as a matter of course to all prison officers who come into contact with detainees.

It is therefore a matter of considerable concern to ██████████ to learn today from media reports that the Chief Health Officer had resolved that the proposed health direction would apply to all workers in health care services operated by Canberra Health Services except the health service operated in the AMC in respect of which prison officers, who are involved in the escorting of detainees to and from the health service, are to be exempt from the requirement to vaccinate.

██████████ would be grateful if you would, as a matter of urgency, confirm that is the case and provide her with a copy of the relevant health direction. ██████████ would also welcome advice on the factors which the Chief Health Officer took into account in determining that the concerns which she harbours in relation to the possible transmission of COVID-19 should be comprehensively addressed at every health care services operated by Canberra Health Services except the health care service in the AMC.

██████████ would also be grateful if you would provide her with a copy of all submissions received and considered by her in relation to the making of this direction, including from the CPSU and any other union.

Yours sincerely

██████████  
████████████████████

**Lowes, Shannon (Health)**

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**From:** Allen, Jonas (Health) on behalf of ACT Health FOI  
**Sent:** Thursday, 10 February 2022 11:15 AM  
**To:** McNeill, Laura (Health); ACT Health FOI; Smith, Charmaine (Health)  
**Cc:** ACT Health Office of the Chief Health Officer; ACT Health COVID Vaccine  
**Subject:** RE: UPDATED 19 Jan 2022: correspondence from [REDACTED]

OFFICIAL

Good morning

Yes, I am happy for that to be sent to [REDACTED] and [REDACTED]

Noting that this request has not been transferred yet to CHS as we were aligning the information that would be pertinent to the request with the additional context gained from your office.

Happy to discuss further this afternoon.

Thanks

**Jonas Allen | Manager, Freedom of Information**

Ph: (02) 5124 9833 | Email: [jonas.allen@act.gov.au](mailto:jonas.allen@act.gov.au)

[REDACTED]

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**From:** McNeill, Laura (Health) <Laura.McNeill@act.gov.au>  
**Sent:** Thursday, 10 February 2022 9:32 AM  
**To:** ACT Health FOI <HealthFOI@act.gov.au>; Smith, Charmaine (Health) <Charmaine.Smith@act.gov.au>  
**Cc:** ACT Health Office of the Chief Health Officer <ACTHealthOCHO@act.gov.au>; ACT Health COVID Vaccine <covidvaccine@act.gov.au>  
**Subject:** FW: UPDATED 19 Jan 2022: correspondence from [REDACTED]

Hi teams,

So this has escalated again, thanks to our friends at CHS, and is now also a Ministerial. I want to get the below out today to try to get this closed off.

I have amalgamated the two responses to [REDACTED] and [REDACTED] into one, and done some very minor tinkering with original words. I have also added the para re the FOI.

Joe – can you check this line is ok from your perspective.

Charmaine – do we have details of the submissions to confirm the highlighted line? If not Joe can check with CHS. Can you also do another quick read through to ensure it makes sense.

Thx,  
Laura

DRAFT

Dear [REDACTED],

Thank you for your enquiries regarding the scope of the Public Health (Health Care and Support Workers COVID-19 Vaccination) Emergency Direction 2021 (the direction).

My sincere apologies for the delay in providing a response to you both. I'm sure you can understand that my office has been under pressure in recent months to respond to COVID-19 and I wanted to liaise with Canberra Health Services about how the directions are being implemented on the ground before getting back to you, as well as with Corrections around their current practices.

The direction provides that workers for a health care facility must have received COVID-19 vaccination (dose one by 29 October, dose two by 1 December). The direction provides that a Health care facility means: a hospital, including a day hospital; or a hospice; or all health care facilities operated by Canberra Health Services. The direction can be viewed at <https://legislation.act.gov.au/View/ni/2021-613/current/html/2021-613.html>

As you correctly identify all Canberra Health Services employees who work at the AMC in the justice health facility are subject to the direction. The direction does not extend to prison officers who are employed by Corrective Services (Justice and Community Safety Directorate). I have not mandated COVID-19 vaccine for correctional officers.

All correctional officers at the AMC have been eligible for the COVID-19 vaccination as a priority under Phase 1B of the vaccine rollout plan. They have been encouraged to be vaccinated at an ACT Government clinic or through a participating general practice. I have referred your enquiry to the Commissioner for Corrections who responded that 'Implementing a workplace policy requiring COVID-19 vaccination is a potential mechanism for reducing COVID-19 risks within the AMC. To properly protect detainees, any arrangements in place to reduce the risk of COVID 19 being introduced into the AMC will need to extend to all people entering the facility including visitors, in addition to staff'.

Further to the above, I want to assure you that we are working collaboratively with all areas of government to help introduce public health and social measures that ensure that staff and clients remain as safe as possible from COVID-19. I am very conscious of ensuring that the restrictions imposed through public health directions are proportionate and absolutely necessary. We have an incredibly high full vaccination rate in the ACT and will continue to prioritise booster rollout to all adults to support primary care throughout 2022.

I understand that due to the delay in us being able to provide this information, you have also submitted an FOI for a copy of the submissions from the consultation for the mandated vaccination for healthcare workers. Noting that this consultation was coordinated by Canberra Health Services, who will respond to the FOI request, my staff have been in liaison with the FOI team to discuss this request. Advice from Canberra Health Services, is that the FOI will produce a substantial amount of documentation which will be unlikely to provide any useful information to you. I understand that the majority of the submissions were from individual workers, and related to their personal circumstances. I am advised that the FOI team is happy to work with you to re-scope the request in order to produce the most useful information for you.

Again I apologise for the delay in responding. Thank you for the support you and your team have given to the COVID response last year.

I look forward to continuing to work with [REDACTED] in 2022.

Kind regards,

**Kerryn**

Public Health, Protection and Regulation | **ACT Health Directorate**

PH 5124 9442 | MOB [REDACTED]

25 Mulley Street, HOLDER ACT 2611 | GPO Box 825, Canberra City ACT 2601

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**From:** [REDACTED]  
**Sent:** Thursday, 21 October 2021 4:09 PM  
**To:** CHECC <[CHECC@act.gov.au](mailto:CHECC@act.gov.au)>  
**Cc:** [REDACTED]  
**Subject:**

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear CHECC

#### MANDATORY COVID-19 VACCINATIONS FOR HEALTH CARE WORKERS

I refer to the letter of 5 October 2021 from M/- Colm Mooney inviting a submission from [REDACTED] on a proposal to mandate COVID-19 vaccinations for health care workers.

In that letter it was advised that the Chief Health Officer proposed, on 15 October 2021 to sign a public health direction, after having considered the feedback received through that consultation.

As you would be aware [REDACTED], provided a detailed submission to CHECC in which she applauded the decision to mandate vaccination for all health care and other staff employed in "all health care facilities operated by Canberra Health Services."

[REDACTED] was in particular pleased that this decision would therefore apply to Canberra Health Services in correctional facilities, most particularly the AMC, and would apply as a matter of course to all prison officers who come into contact with detainees.

It is therefore a matter of considerable concern to [REDACTED] to learn today from media reports that the Chief Health Officer had resolved that the proposed health direction would apply to all workers in health care services operated by Canberra Health Services except the health service operated in the AMC in respect of which prison officers, who are involved in the escorting of detainees to and from the health service, are to be exempt from the requirement to vaccinate.

[REDACTED] would be grateful if you would, as a matter of urgency, confirm that is the case and provide her with a copy of the relevant health direction. [REDACTED] would also welcome advice on the factors which the Chief Health Officer took into account in determining that the concerns which she harbours in relation to the possible transmission of COVID-19 should be comprehensively addressed at every health care services operated by Canberra Health Services except the health care service in the AMC.

[REDACTED] would also be grateful if you would provide her with a copy of all submissions received and considered by her in relation to the making of this direction, including from the CPSU and any other union.

Yours sincerely

[REDACTED]

**Lowes, Shannon (Health)**

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**From:** Smith, Charmaine (Health)  
**Sent:** Thursday, 10 February 2022 12:00 PM  
**To:** McNeill, Laura (Health); ACT Health FOI  
**Cc:** ACT Health Office of the Chief Health Officer; ACT Health COVID Vaccine  
**Subject:** RE: UPDATED 19 Jan 2022: correspondence from [REDACTED]

Hi Laura – my changes are in red and highlighted in red with some strikethroughs. The submissions referred to in green from CHS staff etc was managed entirely by Colm (DDG CHS) last year.

Happy to chat further.

Charmaine

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**From:** McNeill, Laura (Health) <Laura.McNeill@act.gov.au>  
**Sent:** Thursday, 10 February 2022 9:32 AM  
**To:** ACT Health FOI <HealthFOI@act.gov.au>; Smith, Charmaine (Health) <Charmaine.Smith@act.gov.au>  
**Cc:** ACT Health Office of the Chief Health Officer <ACTHealthOCHO@act.gov.au>; ACT Health COVID Vaccine <covidvaccine@act.gov.au>  
**Subject:** FW: UPDATED 19 Jan 2022: correspondence from [REDACTED]

Hi teams,

So this has escalated again, thanks to our friends at CHS, and is now also a Ministerial. I want to get the below out today to try to get this closed off.

I have amalgamated the two responses to [REDACTED] and [REDACTED] into one, and done some very minor tinkering with original words. I have also added the para re the FOI.

Joe – can you check this line is ok from your perspective.

Charmaine – do we have details of the submissions to confirm the highlighted line? If not Joe can check with CHS. Can you also do another quick read through to ensure it makes sense.

Thx,  
 Laura

DRAFT

Dear [REDACTED],

Thank you for your enquiries regarding the scope of the Public Health (Health Care and Support Workers COVID-19 Vaccination) Emergency Direction 2021 (the direction).

My sincere apologies for the delay in providing a response to you both. I'm sure you can understand that my office has been under pressure in recent months to respond to COVID-19 and I wanted to liaise with Canberra Health Services about how the directions are being implemented on the ground before getting back to you, as well as with Corrections around their current practices.

The direction provides that workers for a health care facility must have received COVID-19 vaccination (dose one by 29 October, dose two by 1 December). The direction provides that a health care facility means: a hospital, including a day hospital; or a hospice; or all health care facilities operated by Canberra Health Services. The direction can be viewed at <https://legislation.act.gov.au/View/ni/2021-613/current/html/2021-613.html>

As you correctly identify all Canberra Health Services employees who work at the AMC in the justice health facility are subject to the direction. The direction does not extend to prison officers who are employed by Corrective Services (Justice and Community Safety Directorate). I have not mandated COVID-19 vaccine for correctional officers.

All correctional officers at the AMC were eligible for the COVID-19 vaccination as a priority under Phase 1B of the vaccine rollout plan in early 2021. They have been encouraged to be vaccinated at an ACT Government clinic or through a participating general practice or pharmacy. I have referred your enquiry to the Commissioner for Corrections who responded that 'Implementing a workplace policy requiring COVID-19 vaccination is a potential mechanism for reducing COVID-19 risks within the AMC. To properly protect detainees, any arrangements in place to reduce the risk of COVID 19 being introduced into the AMC will need to extend to all people entering the facility including visitors, in addition to staff'.

Further to the above, I want to assure you that we are working collaboratively with all areas of government to help introduce public health and social measures that ensure that staff and clients remain as safe as possible from COVID-19. I am very conscious of ensuring that the restrictions imposed through public health directions are proportionate and absolutely necessary. We have an incredibly high full vaccination rate in the ACT and will continue to prioritise booster rollout to all eligible individuals adults to support primary care throughout 2022.

I understand that due to the delay in us being able to provide this information, you have also submitted an FOI for a copy of the submissions from the consultation for the mandated vaccination for healthcare workers. Noting that this consultation was coordinated by Canberra Health Services, who will respond to the FOI request, my staff have been in liaison with the FOI team to discuss this request. Advice from Canberra Health Services, is that the FOI will produce a substantial amount of documentation which will be unlikely to provide any useful information to you. I understand that the majority of the submissions were from individual workers, and related to their personal circumstances. I am advised that the FOI team is happy to work with you to re-scope the request in order to produce the most useful information for you.

Again I apologise for the delay in responding. Thank you for the support you and your team have given to the COVID response last year.

I look forward to continuing to work with Winnunga in 2022.

Kind regards,

**Kerryn**

Public Health, Protection and Regulation | ACT Health Directorate

PH 5124 9442 | MOB [REDACTED]

25 Mulley Street, HOLDER ACT 2611 | GPO Box 825, Canberra City ACT 2601

E [Kerryn.coleman@act.gov.au](mailto:Kerryn.coleman@act.gov.au) W <https://health.act.gov.au/>

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**From:** [REDACTED]

**Sent:** Thursday, 21 October 2021 4:09 PM

**To:** CHECC <[CHECC@act.gov.au](mailto:CHECC@act.gov.au)>

**Cc:** [REDACTED]

**Subject:**

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear CHECC

MANDATORY COVID-19 VACCINATIONS FOR HEALTH CARE WORKERS

I refer to the letter of 5 October 2021 from M/- Colm Mooney inviting a submission from [REDACTED] on a proposal to mandate COVID-19 vaccinations for health care workers.

In that letter it was advised that the Chief Health Officer proposed, on 15 October 2021 to sign a public health direction, after having considered the feedback received through that consultation.

As you would be aware [REDACTED] provided a detailed submission to CHECC in which she applauded the decision to mandate vaccination for all health care and other staff employed in "all health care facilities operated by Canberra Health Services."

[REDACTED] was in particular pleased that this decision would therefore apply to Canberra Health Services in correctional facilities, most particularly the AMC, and would apply as a matter of course to all prison officers who come into contact with detainees.

It is therefore a matter of considerable concern to [REDACTED] to learn today from media reports that the Chief Health Officer had resolved that the proposed health direction would apply to all workers in health care services operated by Canberra Health Services except the health service operated in the AMC in respect of which prison officers, who are involved in the escorting of detainees to and from the health service, are to be exempt from the requirement to vaccinate.

[REDACTED] would be grateful if you would, as a matter of urgency, confirm that is the case and provide her with a copy of the relevant health direction. [REDACTED] would also welcome advice on the factors which the Chief Health Officer took into account in determining that the concerns which she harbours in relation to the possible transmission of COVID-19 should be comprehensively addressed at every health care services operated by Canberra Health Services except the health care service in the AMC.

[REDACTED] would also be grateful if you would provide her with a copy of all submissions received and considered by her in relation to the making of this direction, including from the CPSU and any other union.

Yours sincerely

[REDACTED]

**Lowes, Shannon (Health)**

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**From:** ACT Health Office of the Chief Health Officer  
**Sent:** Thursday, 10 February 2022 4:10 PM  
**To:** Anton, Deborah (Health); Cross, Rebecca (Health)  
**Cc:** Coleman, Kerryn (Health); Smith, Charmaine (Health); ACT Health Office of the Chief Health Officer  
**Subject:** INFO ONLY: Information regarding the scope of the Public Health (Health Care and Support Workers COVID-19 Vaccination) Emergency Direction  
**Importance:** Low

Hi Deb and Rebecca

Kerryn asked me to ensure you had visibility of this one. The initial draft response was delayed last year due to multiple consultations with CHS, JACs and the Minister's COS.

We have since received a related FOI last week, and a follow up email to CHECC yesterday, which was cc'd to Minister Stephen-Smith.

Please reach out if you need any further details.

Cheers

Laura McNeill | Director

Office of the Chief Health Officer

Ph: (02) 5124 9605 | Mob: [REDACTED] | Email: [ACTHealthOCHO@act.gov.au](mailto:ACTHealthOCHO@act.gov.au)

---

**From:** McNeill, Laura (Health) <Laura.McNeill@act.gov.au> **On Behalf Of** Coleman, Kerryn (Health)  
**Sent:** Thursday, 10 February 2022 4:05 PM  
**To:** [REDACTED]  
**Cc:** ACT Health Office of the Chief Health Officer <ACTHealthOCHO@act.gov.au>  
**Subject:** Information regarding the scope of the Public Health (Health Care and Support Workers COVID-19 Vaccination) Emergency Direction

Dear [REDACTED]

Thank you for your enquiries regarding the scope of the Public Health (Health Care and Support Workers COVID-19 Vaccination) Emergency Direction 2021 (the direction).

My sincere apologies for the delay in providing a response to you both. I'm sure you can understand that my office has been under pressure in recent months to respond to COVID-19, however that is no excuse in the delay in responding. I also wanted to liaise with Canberra Health Services about how the directions are being implemented on the ground before getting back to you, as well as with Corrections around their current practices.

The direction provides that workers for a health care facility must have received COVID-19 vaccination (dose one by 29 October, dose two by 1 December). The direction provides that a health care facility means: a hospital, including a day hospital; or a hospice; or all health care facilities operated by Canberra Health Services. The direction can be viewed at <https://legislation.act.gov.au/View/ni/2021-613/current/html/2021-613.html>

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Again I apologise for the delay in responding. Thank you for the support you and your team have given to the COVID response last year.

I look forward to continuing to work with [REDACTED] in 2022.

Kind regards,

**Kerryn**

Public Health, Protection and Regulation | **ACT Health Directorate**

PH 5124 9442 | MOB [REDACTED]

25 Mulley Street, HOLDER ACT 2611 | GPO Box 825, Canberra City ACT 2601

E [Kerryn.coleman@act.gov.au](mailto:Kerryn.coleman@act.gov.au) W <https://health.act.gov.au/>

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**From:** [REDACTED]  
**Sent:** Thursday, 21 October 2021 4:09 PM  
**To:** CHECC <[CHECC@act.gov.au](mailto:CHECC@act.gov.au)>  
**Cc:** [REDACTED]  
**Subject:**

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear CHECC

MANDATORY COVID-19 VACCINATIONS FOR HEALTH CARE WORKERS

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[REDACTED] would also be grateful if you would provide her with a copy of all submissions received and considered by her in relation to the making of this direction, including from the CPSU and any other union.

Yours sincerely

[REDACTED]