YOUR LEGAL OBLIGATIONS TO PROVIDE VACCINATION STATUS AND HOW YOUR VACCINATION STATUS IS RECORDED

The Victorian Chief Health Officer (CHO) has made a Mandatory Vaccination Direction as part of the public health response to the COVID-19 pandemic. These directions are made under the Public Health and Wellbeing Act 2008 and are legally enforceable.

Site operators and construction industry employers can legally request the vaccination status of any person seeking to enter a construction site in order to comply with the Mandatory Vaccination Direction.

You may choose to withhold your vaccination status, but you will be refused entry to the site as required by the Mandatory Vaccination Direction.

Every site operator must collect, record and hold evidence that every worker entering a construction site has received at least one dose of an approved COVID-19 vaccination, has a booking to receive a COVID-19 vaccination by 2 October 2021, or has a medical exemption to receiving a vaccination. Site operators must implement a process for complying with their obligations.

The operator must make a record which may include your name, your vaccination status, who sighted evidence of compliance, the date the evidence was sighted, and/or the nature of that evidence (for example, Australian Immunisation Register (AIR) or medical exemption). The operator may also receive a declaration from the employer of workers on site attesting to the workers’ vaccination status. You may still be requested to provide the same evidence to the site operator after providing it to your employer.

There are currently three ways to evidence your vaccination status (displaying this information electronically – including on a mobile phone – is acceptable):

- Fully vaccinated individuals can use the COVID-19 digital certificate available from Services Australia.
- Those who have had only one dose of a vaccine can show their AIR record which includes all immunisations, including the date and brand of COVID-19 vaccine the person has received. While waiting for the AIR record to be updated, which can take 10 days, a recent booking confirmation or vaccination card could be used as interim evidence.
- In limited circumstances, workers can provide evidence from a medical practitioner that they are unable to be vaccinated for medical reasons.

Any records of vaccination status must be kept private as they contain personal information. Operators must adhere to relevant Federal (Privacy Act 1988) and Victorian (Privacy and Data Protection Act 2014, Health Records Act 2001) legislation. This includes informing employees about why their vaccination status is being collected, collecting only the minimum amount of information required, disclosing the information on only a ‘need-to-know’ basis and taking reasonable steps to keep the information secure.

The only exceptions to the above site entry requirements are for workers who need to attend the site to deal with an emergency or carry out urgent work to protect health and safety of assets. Having entered into a contract to perform work at the construction site is not a valid reason to enter the site without declaring your vaccination status.

Authorised by the Victorian Government, 1 Treasury Place, Melbourne