



ACT
Government

ACT Health

ACT COVID-19 Vaccination Exemption Policy

Issue Date: October 2021

ISSUED BY:

ACT CHIEF HEALTH OFFICER

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Introduction

A Public Health Emergency has been declared in the ACT to combat coronavirus (COVID-19), providing the Chief Health Officer with additional powers to take any action necessary to contain the spread of COVID-19.

The Chief Health Officer has implemented a number of Public Health Emergency Directions in response to the risk of COVID-19, including the requirement for workers in specific settings to be vaccinated for COVID-19. Visitors to residential aged care facilities must also be vaccinated for COVID-19 unless visiting for end of life reasons.

The ACT Government's COVID-19 Vaccination Program commenced in February 2021 and is guided by the Commonwealth Government's National COVID-19 Vaccination Policy and the National Plan to transition Australia's National COVID-19 Response.

On 29 June 2021, the Australian Health Protection Principal Committee (AHPPC) recommended that residential aged care workers be fully vaccinated against COVID-19, which the ACT has now achieved. On 1 October 2021, AHPPC recommended mandatory COVID-19 vaccination for all workers in health care settings as a condition of work due to the high risk COVID-19 presents in health care settings.

The ACT has achieved high COVID-19 vaccination coverage across the total eligible population, however ensuring very high vaccination coverage is critical in high-risk settings to protect outbreaks in these settings and protect vulnerable community members from the risk of COVID-19. These settings include hospitals and health care settings, aged care facilities, settings where disability support is provided, and early childhood and education settings, particularly primary schools, to help to protect children under the age of 12 who are currently ineligible for vaccination.

Where the Chief Health Officer has issued a Public Health Direction requiring a worker or visitor to be vaccinated against COVID-19, there may be occasions or exceptional circumstances whereby an individual is unable to fulfil the requirement to be vaccinated.

Exemptions will not be considered for individuals who hold a conscientious objection to the COVID-19 vaccination, and who refuse to get vaccinated on these grounds.

Application

The ACT COVID-19 Vaccination Exemption Policy applies to persons covered under the relevant COVID-19 Vaccination Public Health Direction. Each Direction provides that:

- The Chief Health Officer (or their delegate) 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 (or their delegate) 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 (or their delegate) exempts a person from the Direction, or a stated requirement under this Direction, that person must comply with the conditions of the exemption.
- The Chief Health Officer (or their delegate) has the responsibility for receiving and issuing exemptions in each relevant facility.

Principles

If a worker (as defined by the Public Health Direction) in an organisation is unable to fulfil the requirement to receive the first or second dose of a COVID-19 vaccination before the specified date as outlined in the Direction, they are able to apply to the Chief Health Officer (or a delegate) for an exemption. A COVID-19 Vaccine Medical Contraindication or Temporary Exemption Form (see [Attachment B](#)) must be completed by an approved health professional and submitted by the worker to their employer for consideration by the Chief Health Officer (or their delegate).

Exemptions will only be considered for:

- a person who is unable, due to a medical contraindication, to receive any COVID-19 vaccination.
- a person for whom a COVID-19 vaccination is not reasonably available.
- other reasons as outlined in the criteria below.

If the exemption is required for a medical contraindication, Section A of the Form must be completed by an approved health professional. If an exemption is sought for a temporary medical exemption for up to 6 months, Section B of the form must be completed by an approved health professional.

Sections A and B of the form can only be completed by the following:

- General practice registrar on an approved 3GA training placement
- Paediatrician
- Public health physician
- Infectious disease physician
- Clinical immunologist
- General Practitioner who meets certain criteria:
 - Vocationally registered; OR
 - A fellow of the Royal Australian College of General Practitioners (RACGP); OR
 - A fellow of the Australian College of Rural and Remote Medicine (ACRRM).

Procedure

The Chief Executive or equivalent of an organisation affected by a COVID-19 Vaccination Public Health Direction is advised to write to all workers to advise them of the exemption process. A form letter is provided at [Attachment A](#) for use if required. The COVID-19 Vaccine Medical Contraindication or Temporary Exemption Form at [Attachment B](#) should be attached to the letter.

Workers should contact their direct line manager and make them aware if they wish to apply for an exemption.

Workers should complete the COVID-19 Vaccine Medical Contraindication or Temporary Exemption Form, noting that Section A or B of the form must be completed by an approved health professional. Visitors seeking an exemption to visit a residential aged care facility must also complete the Form and submit it to the facility or organisation. Two people are permitted to enter a residential aged care facility to visit a resident if they are vaccinated. If they are visiting for end of life reasons, they are not required to be vaccinated.

Note: The Chief Health Officer may request that the number of approved exemption requests is reported to ACT Health. Reporting requirements will be communicated to organisations and facilities affected by these Directions.

Process for Submitting a Request for Vaccination Exemption

Workers should submit their COVID-19 Vaccine Medical Contraindication or Temporary Exemption Form to the Chief Health Officer, or if a delegation has been made by the Chief Health Officer, to the appropriate Delegate of the workplace. Visitors to residential aged care facilities seeking an exemption must submit the completed Form directly to the facility or organisation.

The Chief Health Officer, or their Delegate, will consider the exemption request, subject to all required documentation being provided.

If approved, an exemption letter with any relevant conditions of exemption will be provided to the applicant by the Chief Health Officer, or their Delegate as appropriate.

If the Vaccination Exemption application is not approved, the applicant will be advised of the outcome.

Criteria

The exemption application must include a correctly completed COVID-19 Vaccine Medical Contraindication or Temporary Exemption Form.

The exemption application must fall under one of the two exemption provisions in the Direction.

Medical exemptions can be considered if a medical professional suggests a person has a medical contraindication(s) to receiving a dose of any of the COVID-19 vaccines including:

- anaphylaxis to a previous dose of a COVID-19 vaccine or to an ingredient of an mRNA vaccine or an ingredient of Vaxzevria
- thrombosis with thrombocytopenia after a previous dose of a COVID-19 vaccine
- a serious adverse event attributed to a previous dose of a COVID-19 vaccine
- myocarditis and/or pericarditis attributed to a previous dose
- history of capillary leak syndrome
- Other specific medical contraindication, in accordance with ATAGI clinical guidance
- 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
- has received a vaccination from an international jurisdiction which is not recognised in Australia, and as a result are unable to produce evidence from the Australian Immunisation Register.

Or if a medical professional has otherwise suggested a delay for an individual with an acute major medical condition, which may include:

- a past confirmed infection with COVID-19 (noting that it is not a contraindication to vaccination, however the Australian Technical Advisory Group on Immunisation (ATAGI) recommends that COVID-19 vaccination can be deferred for up to six (6) months after the acute illness).
- having a history of confirmed mastocytosis with recurrent anaphylaxis that requires treatment
- 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

* [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
- is required to commence work at short notice before having the opportunity to receive their first dose.

+In the above scenarios, the Vaccination Exemption will be provided for a limited time period, noting that the person should not attend work during this time.

Vaccination Exemption Assessment Process for the Chief Health Officer or Delegate

The Chief Health Officer can delegate the function of granting an exemption to an organisation, reflecting the fact that they are responsible for work, health and safety measures within their organisation.

All applications are to be considered in accordance with the criteria outlined in this Policy and with any additional processes put in place by the organisation.

If exemption requests are to be approved, and dependent on the reason for the exemption, the organisation should consider whether the exemption should be granted for a certain period of time (eg a period of weeks or months). This would not be required if there are substantial medical contraindications.

The organisation should also consider whether any risk mitigation measures and controls are required to be implemented to manage workers who have been provided with an exemption. This will assist in managing the work health and safety of the broader workforce.

Further Information

A full list of Public Health Directions can be found at [ACT Public Health Directions - COVID-19](#).

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	Prepared by: Office of the Chief Health Officer
Policy Number: 1	Feedback to: ACTHealthOCHO@act.gov.au
Issue Date: 12 October 2021	Review Date: 1

Approval Authority

Dr Kerryn Coleman
ACT Chief Health Officer
18 October 2021

Attachment A – Letter to workers

Dear (insert name)

The *Public Health (insert relevant name) Emergency Direction 2021* commenced on insert relevant date.

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.

More information COVID-19 can be found on the ACT Government website – www.covid19.act.gov.au. If you would like to read the Direction, you can find it at [ACT Public Health Directions - COVID-19](#).

There may be occasions or exceptional circumstances whereby a worker 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 the completed Vaccination Exemption form to *(insert contact details for the organisation)* at least three days prior to being required.

Yours sincerely

(insert name)

Attachment B – Vaccination Exemption Application Form

See attached.

Attachment C – SAMPLE Vaccination Exemption Letter

See attached.



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OFFICE OF THE CHIEF HEALTH OFFICER
ACT HEALTH DIRECTORATE