



**Clubs
Queensland**

Strengthening Clubs.
Benefitting Communities.

MANDATORY VACCINATION FREQUENTLY ASKED QUESTIONS

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FREQUENTLY ASKED QUESTIONS

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GENERAL QUESTIONS

What are the club's obligations?

Clubs must take reasonable steps to ensure that only fully vaccinated patrons, staff and other visitors enter and remain in the club. This general obligation requires clubs to:

- clearly display the requirement for patrons, staff and other visitors to be fully vaccinated and provide evidence of COVID-19 vaccination or of a medical contraindication; and
- ensure that patrons, staff and other visitors provide proof of COVID-19 vaccination or evidence of a medical contraindication before being served or when otherwise requested.

Clubs also have an ongoing obligation to:

- clearly display the Check-In Queensland App (**CIQ App**) QR code at each entry to the club that is used by patrons and staff; and
- operate in accordance with the COVID-19 checklist, where required.

When are clubs not required to request proof of vaccination?

Clubs are not required to request proof of COVID-19 vaccination:

- for persons younger than 16 years old (note: Whilst a person who is 12 years or older is eligible to be fully vaccinated, proof of COVID-19 vaccination is only required for persons who are 16 years or older);
- for persons exercising law enforcement function (including the Queensland Police Service);
- if the person enters in an emergency or is entering to provide emergency services; or
- it is not reasonable to collect proof of COVID-19 vaccination due to a risk to the safety of staff and other visitors.

Is the mandate optional?

No. The mandate is not optional.

The mandate will apply to all hospitality venues in Queensland. A venue cannot 'opt out' of the mandate.

What patron density limits will apply to the club?

From 17 December 2021, no COVID-19 density limits will apply to clubs.

But, if an unvaccinated patron is attending an event that is in a private hire area of the club, the event/function in the private hire area is limited to the lesser of 20 persons or 1 person per 4 square metres.

What areas of the club are covered by the vaccination requirement?

The Public Health Direction provides generically that a club as a 'hospitality venue' is covered for the purposes of the vaccination requirement. Queensland Health have confirmed that this includes the common areas of a club, including bar and dining areas, kitchens, gaming rooms, reception areas, bathrooms etc.

However, the Public Health Direction provides a concession for sporting areas of the club. In summary:

- golf courses, bowling greens and other sporting areas are not covered by the vaccination requirement;

- facilities associated with the sport, such as change rooms, locker areas, bathrooms, storage areas etc. are also not covered by the vaccination requirement;
- facilities associated with a surf lifesaving club are treated the same as for a sport, as above. For example, a surf lifesaving club's change rooms, bathrooms, gym facilities etc. are not covered by the vaccination requirement. Clubs should be mindful that from 31 March 2022, all SLSQ staff and volunteers 16 years and over will be required to be fully vaccinated.

Retail areas such as golf pro shops are also not covered by the vaccination requirement.

In relation to areas of the club that are not covered by the vaccination requirement and the application to staff, this is addressed below under 'Application for Staff'.

Can unvaccinated people play bowls and golf?

Yes. As above, unvaccinated patrons are permitted to play golf, bowls and other sports. Unvaccinated patrons playing golf, bowls and other sports can only enter the club to purchase takeaway food and beverage to consume off the premises or while playing a sport, or to use facilities associated with the sport, as above.

Clubs can also self-impose rules. For example, a golf club may also choose to deny an unvaccinated patron admission to play golf, however the club should seek independent advice before doing so.

Can the club sell takeaway food or drinks to unvaccinated patrons?

Queensland Health have confirmed that patrons attending the club to collect take away food and beverage are not covered by the vaccination requirement. However, the Public Health Direction still requires these patrons to check-in as has been required in the past.

Queensland Health have also confirmed that food and beverage can be purchased and consumed in an area of the club that is not covered by the vaccination requirement, such as on a golf course.

Can the club allow unvaccinated people to enter the bottle shop?

Queensland Health have confirmed that patrons attending the club to collect take away food and beverage are not covered by the vaccination requirement. This includes patrons that are entering the Club to purchase takeaway alcohol from the bottle shop.

These patrons should enter the venue, check in, go to the bottle shop and collect their take-away liquor before immediately exiting the venue. They should not be permitted entry to any other area of the venue such as the bar, gaming or dining areas.

What about functions and private hire?

Areas of the club used for private hire will have no capacity limit if people attending are fully vaccinated.

However, if there is a person attending the function or event who is **not fully** vaccinated, COVID-19 density limits will apply. This means that for the area that is privately hired, there is to be a maximum of 20 people or 1 person per 4 square metres, whichever is less.

If the whole club is not hired exclusively, unvaccinated people in attendance at the part of the venue that is privately hired must not enter into restricted areas of the club.

Unvaccinated people attending a private function or event at the club are not permitted to access other areas of the club that are restricted (i.e., club entry, gaming room restaurant etc) if the entire of the club is not exclusively hired.

Do the vaccination requirements apply when the club is closed?

No. Queensland Health has indicated that the vaccination requirements do not apply when the club is closed. This means that unvaccinated persons can enter the club during periods where the club is not open to the public, for example cleaners.

Queensland Health have taken this question on notice, so may be subject to change. If you have any questions in relation to this issue, please contact Clubs Queensland for advice.

Will the club be penalised if an unvaccinated patron enters?

Queensland Health have confirmed that all enforcement bodies such as the Office of Liquor and Gaming Regulation and the Queensland Police Service will initially adopt an educative approach to enforcement.

This means that if an enforcement body sights a breach of the Public Health Direction, they will provide an opportunity for the club to remedy the breach, prior to taking enforcement action, which could include a fine for failing to comply with the Public Health Direction.

The maximum penalty for failing to comply with the Public Health Direction is a fine of up to \$13,750 or up to 6 months imprisonment. However, in most circumstances, lesser fines will be issued.

STAFF MEMBERS

Does a staff member need to be vaccinated to work at the club?

Yes. All staff members who enter, work in, or provide services in the common areas of a club, including bar and dining areas, kitchens, gaming rooms, reception areas etc. must be fully vaccinated.

Does an administrative staff member need to be vaccinated to work at the club?

Administrative staff members need to be fully vaccinated if they enter, work in, or provide services in the common areas of a club, including bar and dining areas, kitchens, gaming rooms, reception areas etc.

Queensland Health have advised that an administrative staff member who is not fully vaccinated can still attend work if the staff member:

- completes all of their work in a completely separate administration area and do not access the areas of the club noted above; and
- enters and exits the separate administration area using its own separate entries and exits to that of the club; and
- does not use any of the facilities such as bathrooms etc. that are shared with any area of the club noted above; and
- does not, at any time, enter any area of the club noted above.

Queensland Health advised that this issue is still under consideration, but the above is the current position, as it stands.

Does a maintenance and horticultural member need to be vaccinated to work at the club?

Maintenance and Horticultural staff members only need to be fully vaccinated if they enter, work in, or provide services in the common areas of a club, including bar and dining areas, kitchens, gaming rooms, reception areas etc.

Maintenance and Horticultural staff do not need to be fully vaccinated if they only work in the sporting areas of the club such as greenkeepers at golf and bowls clubs.

Does a staff member who only works at the Club when it is closed need to be vaccinated?

No. Queensland Health have advised that staff members who only work at the club when the club is closed to patrons do not need to be fully vaccinated.

This could include, for example, a cleaner who only works at the club while it is closed to patrons.

What proof do staff members need to provide of their vaccination status?

Staff can show any of the following in electronic or printed form as proof of their vaccination status:

- written confirmation of COVID-19 vaccination provided to the person as part of the vaccination process, such as a record of vaccine card; or
- vaccination information displayed on the CIQ App; or
- a COVID-19 digital certificate or printed vaccination certificate from the Australian Immunisation Register; or
- an online or printed immunisation history statement for COVID-19 vaccination, including confirmation of a medical contraindication; or

- an International COVID-19 Vaccination Certificate:
 - in a printed or electronic form from the Department of Home Affairs that confirms completion of an Australia Travel Declaration and vaccination against COVID-19 overseas; or
 - through Medicare online account through myGov or the Medicare mobile app; or
 - an official record of vaccination provided to the person when vaccinated against COVID-19 overseas.

Do I need to keep a copy of staff member's vaccination evidence?

No. The club should only keep a record of each staff members COVID-19 vaccination status and the type of proof of COVID-19 vaccination or evidence of medical contraindication that was sighted.

The Club should not keep the actual evidence provided by the employee.

What do I do if I have a staff member who refuses to get vaccinated?

If a staff member refuses to get vaccinated, the club should follow the steps outlined in Clubs Queensland's 'Guide to Dealing with Unvaccinated Employees'. The Guide can be found [here](#).

What exemptions are available to staff members who are not fully vaccinated?

The only exemptions provided for in the Public Health Direction include:

- Where a staff member has a medical contraindication; or
- Where a staff member is currently taking part in a COVID-19 vaccine trial.

Staff members may also not be required to be vaccinated if they work in certain areas of the club that are not covered by the vaccination requirement. Please refer [here](#) for further information.

What evidence is a staff member required to provide if they have a medical contraindication to a COVID-19 vaccine?

The only form of evidence a staff member can provide for a recognised medical contraindication is a COVID-19 vaccination medical exemption recorded by an eligible health professional on the Australian Immunisation Register.

The evidence of a medical contraindication can be printed or electronic in the form of an immunisation history statement. A medical certificate provided by a General Practitioner is not sufficient evidence of a medical contraindication under the Public Health Direction.

What if a staff member cannot get the vaccine for religious reasons?

The Public Health Direction does not provide an exemption for persons who are unable to get the vaccine for religious reasons.

A staff member is participating in a COVID-19 trial. What do I do?

A staff member who is currently taking part in a COVID-19 vaccine trial where the receipt of a Therapeutic Goods Administration approved vaccine would impact the validity of the trial will be permitted to work at the club provided that they provide a medical certificate or letter from a medical practitioner certifying their current participation in the trial and providing an expiry date.

As this exemption is temporary, the medical certificate must not have expired.

A staff member says the club is discriminating against them. Is this discrimination?

On 7 December 2021, the Queensland Government issued a Public Health Direction pursuant to the powers under section 362B of the *Public Health Act 2005* (Qld) to assist in containing, or respond to, the spread of COVID-19 within the community.

If the club informs a staff member that they cannot work at the club because they are not vaccinated, and the staff member cannot be vaccinated because of a disability, medical condition or other medical contraindication, this could be unlawful discrimination. However, the staff member will need to provide appropriate evidence of their medical contraindication in the form of a medical exemption recorded by an eligible health professional on the Australian Immunisation Register.

If a staff member does not want to receive a vaccination because they are opposed to it, this is very unlikely to amount to discrimination.

There are exemptions under the law for doing things reasonably necessary to protect public health, or to protect the health and safety of people at a work place.

In this situation, as a Public Health Direction applies to clubs, requiring all staff members to be vaccinated, it is unlikely that this will amount to discrimination.

Clubs should be aware that there may be exemptions for certain staff, depending on where they work. You can find further information about this [here](#).

Can I stand down my employee if they refuse to get vaccinated?

Under section 524 of the Fair Work Act, an employer can stand down an employee without pay where they can't be usefully employed because of a stoppage of work for any cause for which the employer can't reasonably be held responsible.

To stand down an employee under this provision of the Fair Work Act, an employer needs to be able to show that:

- There is a stoppage of work
- The employee to be stood down can't be usefully employed because of the stoppage
- The cause of the stoppage must be one that the employer can't reasonably be held responsible for.

It is **unlikely** that an employer will be able to 'stand down' an employee that refuses to get vaccinated because there has not been a 'stoppage of work'.

If a staff member is refusing to get vaccinated, clubs are encouraged to reach an agreement with them to take a period of paid or unpaid leave.

For more information about paid and unpaid leave arrangements, clubs should refer to our 'Guide to Dealing with Unvaccinated Employees' [here](#).

Clubs can access our 'Agreement to Take Leave' template [here](#).

Can I dismiss an employee if they refuse to get vaccinated?

Every situation is different and whether termination is appropriate will depend upon the circumstances of each case.

If Clubs are considering termination, it is strongly recommended that they review and follow our 'Guide to dealing with unvaccinated employees' which can be accessed [here](#).

Clubs are encouraged to contact the Workplace Relations and Compliance Team should they have questions with respect to this.

Do staff members need to check in?

Yes. Staff members are still required to check in using the CIQ App when they enter the club at the commencement of each shift.

What are staff members obligations?

All staff members who enter, work in, or provide services at the club where vaccination is a requirement must, before starting their next shift on or after 17 December 2021, provide proof of COVID-19 vaccination or of a medical contraindication to their employer.

All staff also have an obligation, at the time of entry, to provide their contact information through the CIQ App, or through another approved method.

Staff who are in breach of these obligations may be penalised. The maximum penalty for failing to comply with the Public Health Direction is a fine of up to \$13,750 or up to 6 months imprisonment.

What training can staff undertake so they are better prepared for the restrictions that apply as of 17 December 2021?

TAFE Queensland has developed a free and self-paced training course for all businesses, and their employees, that are imposing entry restrictions for non-vaccinated persons from 17 December 2021.

Clubs are encouraged to provide this online training to staff so they have a better understanding of the restrictions that will apply in Queensland from 17 December 2021, including the sighting of vaccination status.

Individual staff can register for the 'COVID Safe for Business' by clicking [here](#).

PATRON MANAGEMENT

What are the obligations on patrons?

From 17 December 2021, patrons entering and remaining in the club must, before being served or when otherwise requested, provide proof of COVID-19 vaccination or evidence of a medical contraindication. Methods of providing proof of COVID-19 vaccination or evidence of a medical contraindication is addressed further below. This requirement does not apply to children aged 15 years or younger.

A patron who does not provide proof of COVID-19 vaccination or evidence of a medical contraindication, must immediately leave the club.

Patrons must also continue to check in to clubs, using the CIQ App or other recognised form, as in the past. However, now there is an additional requirement to provide evidence of provide proof of COVID-19 vaccination or evidence of a medical contraindication, along with checking into the club.

What is acceptable evidence of vaccination status?

Patrons must show either of the following in electronic or printed form as proof of vaccination status:

- written confirmation of COVID-19 vaccination provided to the person as part of the vaccination process, such as a record of vaccine card; or
- vaccination information displayed on the Check in Qld app; or
- a COVID-19 digital certificate or printed vaccination certificate from the Australian Immunisation Register; or
- an online or printed immunisation history statement for COVID-19 vaccination, including confirmation of a medical contraindication; or
- an International COVID-19 Vaccination Certificate:
 - in a printed or electronic form from the Department of Home Affairs that confirms completion of an Australia Travel Declaration and vaccination against COVID-19 overseas; or
 - through Medicare online account through myGov or the Medicare mobile app; or
 - an official record of vaccination provided to the person when vaccinated against COVID-19 overseas.

What if a patron does not have a phone?

If a patron does not have a phone, they can show either of the following as proof of COVID-19 vaccination:

- written confirmation of COVID-19 vaccination provided to the person as part of the vaccination process, such as a record of vaccine card; or
- printed vaccination certificate from the Australian Immunisation Register; or
- printed immunisation history statement for COVID-19, including confirmation of a medical contraindication; or
- printed International COVID-19 Vaccination Certificate or an official record of vaccination provided to the person when vaccinated against COVID-19 overseas.

If a patron is unable to provide proof of COVID-19 vaccination or evidence of a medical contraindication because of age, disability, language barrier or technology used when requesting the proof of COVID-19 vaccination, another person may provide proof of COVID-19 vaccination or evidence of a medical contraindication on the person's behalf.

What do we do if a patron refuses to check in or show their vaccination status?

If a patron is unwilling and/or cannot provide proof of their vaccination status, you can request that they leave the premises.

In the event that a patron refuses to leave the premises, you should contact the police.

What do we do if a patron becomes aggressive?

If a person becomes aggressive, it is important that staff members have strategies in place to protect themselves. This includes ensuring that the staff member has an exit strategy and is able to call for help from other staff members.

A club can refuse entry or ask a person to leave if they are disorderly. It is an offence for a person to be disorderly on the licensed premises.

If you ask a patron to leave the licensed premises, because they are being disorderly or causing a disturbance, they must do so immediately.

If the patron refuses to leave, or if they enter the premises after being refused entry, that patron commits an offence. In this case, the Club and/or their staff may use necessary and reasonable force to remove the patron.

It is recommended that staff call the Queensland Police Service in the event that a patron is becoming aggressive.

What exemptions are available for patrons who are not fully vaccinated?

The only exemptions provided for in the Public Health Direction include:

- a. Where a patron has a medical contraindication; or
- b. Where a patron is currently taking part in a COVID-19 vaccine trial.

What evidence does a patron need to provide if they have a medical contraindication?

The only form of evidence a patron can provide for a recognised medical contraindication is a COVID-19 vaccination medical exemption recorded by an eligible health professional on the Australian Immunisation Register.

The evidence of a medical contraindication can be printed or electronic in the form of an immunisation history statement.

A patron has provided a medical certificate as proof of a medical contraindication. Can I accept this?

A medical certificate provided by a GP is not an acceptable form of evidence for a medical contraindication.

What evidence does a patron need to provide if they are participating in a COVID-19 trial?

A patron who is currently taking part in a COVID-19 vaccine trial where the receipt of a Therapeutic Goods Administration approved vaccine would impact the validity of the trial will be permitted to enter the Club if they provide a medical certificate or letter from a medical practitioner certifying their current participation in the trial and providing an expiry date.

As this exemption is temporary, the medical certificate must not have expired.

How do we educate patrons about the requirements?

Clubs Queensland has put together a collection of assets for all clubs to use to communicate to patrons about the vaccination mandate as of 17 December 2021.

The series of digital assets for clubs to use as they see fit, both in-venue and on your social media can be found by clicking [here](#).

Clubs can also access the Queensland Governments' signage by clicking [here](#).

How do patrons link their COVID-19 digital certificate to the Check in Queensland App?

Clubs are encouraged to educate their patrons on how to link their vaccination status to the Check in Qld app.

The Queensland Government has developed a step-by-step guide and a series of videos on how to add your COVID-19 digital certificate to the CIQ App which can be accessed [here](#).

How do patrons create a myGov account?

Clubs are encouraged to educate their patrons on how to create a myGov account.

Services Australia has developed a step-by-step guide and a series of videos on how to create a myGov account which can be accessed [here](#).

Can an unvaccinated patron be penalised if they enter the Club?

Yes. The maximum penalty for failing to comply with the Public Health Direction is a fine of up to \$13,750 or up to 6 months imprisonment. However, in most circumstances, lesser fines will be issued.

Queensland Health have confirmed that all enforcement bodies such as the Office of Liquor and Gaming Regulation and the Queensland Police Service will initially adopt an educative approach to enforcement.

This means that if an enforcement body cites a breach of the Public Health Direction, they will provide an opportunity for the patron to remedy the breach, prior to taking enforcement action.

Do patrons still need to check in?

Yes.

Patrons must continue to check in to clubs, using the CIQ App or other recognised form as in the past. However, now there is an additional requirement to provide evidence of provide proof of COVID-19 vaccination or evidence of a medical contraindication, along with checking into the club.