

# COVID-19 UPDATE: CONTRACTORS ENTERING WENTWORTH, SELBORNE, LOCKHART & WINDEYER CHAMBERS

COUNSEL'S  
CHAMBERS  
LIMITED

**16 September 2021**

Over the coming months, as the buildings start to re-open and Floors return to normal operations, in order to ensure the continued safety within the buildings for all Members, licensees who occupy space in Lockhart Chambers (Licensees) Staff and Tenants, CCL will be introducing new conditions for all Contractors and Sub-Contractors who require entry to the site.

If a Member, Floor, Licensee or a contractor wishes to advance a reason why the contractor or any persons engaged by the contractor should be exempt from the requirement set out in Item 2 below, they should raise that matter with the CEO of CCL by email a reasonable time prior to the date on which it is planned that the contractor will commence work at CCL's buildings.

CCL will be requiring, as a condition of entry into CCL's buildings, that, from 23 September 2021, Contractors who are either engaged directly by CCL or engaged by Floors, Members or Licensees, provide CCL with either proof that the contractor and any persons engaged by the contractor are fully vaccinated against COVID-19 or provide proof of the negative result of a recent COVID test (that is, one undertaken within three days of the date concerned).

After 1 November 2021, CCL will accept only: proof that a contractor (and any person engaged by the contractor) is fully vaccinated; or, where such a person has not been fully vaccinated, a copy of the person's certified medical contraindication and proof of a recent negative COVID-19 test.

Further details relating to these new conditions and requirements are below:

1. At all times, CCL intends to comply with all Public Health Orders as in force from time to time. For example, the current Public Health Orders prohibit all contractors whose place of residence is in the LGAs or suburbs of concern listed by NSW Health from time to time, from leaving the area of concern unless they meet the criteria for an exemption specified in the Public Health Orders. Floors, Members and Licensees should also ensure that contractors that they engage directly comply with all Public Health Orders. The current list of Authorised Workers can be found at this link: <https://www.nsw.gov.au/covid-19/rules/authorised-workers> and additional compliance rules can be found at this link: <https://www.nsw.gov.au/media-releases/new-protections-and-compliance-rules-to-carry-nsw-through-to-vaccination-targets>
2. In respect of contractors (and any persons engaged by contractors) whose attendance at CCL's buildings is not prohibited by the terms of a Public Health Order, the following conditions of entry will apply:
  - a. from 23 September 2021 until 30 October 2021, contractors (and any persons engaged by contractors) will be permitted to enter CCL's buildings only if they satisfy one of the following criteria:
    - i. proof that each contractor and each person engaged by the contractor has received both doses of a COVID-19 vaccine; or

- ii. proof of a negative COVID-19 test in the last three days, and further negative tests every three days thereafter;
  - b. from 1 November 2021 until further notice, contractors (and any persons engaged by contractors) will be permitted to enter CCL's buildings only if they satisfy one of the following criteria:
    - i. proof that each contractor and each person engaged by the contractor has had both doses of a COVID-19 vaccine; or
    - ii. in respect of a contractor and any person engaged by the contractor who has not received both doses of a COVID-19 vaccine:
      1. a certificate from the person's medical practitioner certifying that, because of a medical contraindication, the person cannot have a COVID-19 vaccine; and
      2. proof of a negative COVID-19 test in the last three days, and further negative tests every three days thereafter.
3. CCL notes that any contract between CCL and its contractors from 23 September 2021 will contain terms that require the contractor to provide employees who are fully vaccinated, subject always to that contractor complying with its obligations under the Privacy Act 1988 (Cth), in respect to which CCL takes no responsibility. Members, Floors and Licensees are, of course, free to engage their own contractors on terms acceptable to themselves. However, in negotiating terms with any contractor, Members, Floors and Licensees must be aware of the conditions of entry that will apply to contractors (and any person engaged by a contractor), as set out in Item 2 above, which may affect the ability of contractors engaged by Members and Floors to enter CCL's buildings.
4. If a person engaged by a contractor commences on site, and the contractor has first provided CCL with proof of that person's vaccination or certificate of medical contraindication, it shall be warranted to CCL that the contractor has complied with its privacy law obligations. In situations where proof of a person's vaccination status or certificate of medical contraindication is provided to CCL by either a Floor or a Member, it should also be warranted to CCL that the Floor or Member has made relevant enquiries to ensure that the contractor has complied with its privacy law obligations.
5. CCL will deal with the collection of **'Sensitive Information relating to COVID-19'** pursuant to the Policy set out below:
  - a. *A person's vaccination status is considered sensitive health information under the Privacy Act 1988 (Cth) and higher privacy protections apply.*
  - b. *CCL only intends to collect the minimum amount of personal information as to a person's vaccination status necessary to maintain a safe workplace and prevent and manage COVID-19.*
  - c. *Current knowledge of all available and current public health advice will be applied in directing any consideration of what constitutes necessary information and any protection and management required.*

- d. *CCL will only collect vaccination status information if a person consents, unless an exemption applies, and the collection is reasonably necessary for the work, health and safety functions and activities of CCL. It is the responsibility of Floors and Members who engage contractors directly to make their own arrangements with their contractors to ensure that appropriate consent is obtained and that the vaccination status can be provided to CCL prior to any contractor requiring entry to any property owned and managed by CCL.*
- e. *Consent of each person must be freely given and constitute valid consent, after each person acknowledges and agrees that the person:*
  - i. *understands the need for and use of the information, namely the safety and protection of all persons who work in CCL's offices being a very small area of the workplace, and occupants and visitors in and about Chambers' buildings; and*
  - ii. *has been provided with a genuine opportunity to provide or withhold consent without feeling any pressure resulting from any perceived imbalance of power.*
- f. *CCL must advise persons how the information is to be collected will be handled. One exemption to CCL obtaining consent is where the information required or authorised by law, such as a specific requirement of a health notice or order or direction.*
- g. *CCL will only disclose the vaccination status of an person on a "need to know" basis only.*
- h. *CCL will take reasonable steps to keep such information up to date and secure.*

6. If practical, CCL may require, acting reasonably, rapid COVID testing.

I take this opportunity to thank Members, Clerks, Licensees, Tenants and Contractors for their co-operation in relation to the above. If you have any questions please contact me directly.

Kind Regards,  
**Debbie George**  
CEO

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