

Directions from the Secretary, Department of Health

*Ambulance Services Act 1986* (Vic)

Sections 9(f), 10(4)(ca), and 10(4)(h)

I, Euan Wallace, Secretary, Department of Health (**Department**), give the following Directions pursuant to sections 10(4)(ca) and 10(4)(h) of the *Ambulance Services Act 1986* (**Ambulance Services Act**):

### **Preamble**

1. Patients receiving care and treatment via ambulance services have a higher risk of morbidity and mortality from COVID-19 due to their acute illness or pre-existing medical conditions and care needs.
2. Ambulance service workers are at increased risk of vaccine-preventable disease, including COVID-19, if they are not fully vaccinated.
3. Ambulance service workers who are not fully vaccinated or fully vaccinated (boosted) (as applicable) against COVID-19 can also pose a risk of transmitting COVID-19 to other ambulance service workers and patients, particularly those who are vulnerable because of age, pregnancy, immunosuppression, or chronic disease.
4. The purpose of these Directions is to require ambulance services to ensure that ambulance service workers whom they employ or engage are fully vaccinated or fully vaccinated (boosted) (as applicable) against COVID-19, other than in certain limited circumstances.
5. The objectives of requiring ambulance services to ensure that ambulance service workers whom they employ or engage are fully vaccinated or fully vaccinated (boosted) (as applicable) against COVID-19 are to protect the health and safety of those employed or engaged by the ambulance service, to protect the health and safety of patients (including to mitigate the risk of transmission of COVID-19 to patients), and to maximise compliance with COVID-19 vaccination requirements, in order to provide safe, patient-centred and appropriate services.

### **Citation**

6. These Directions may be referred to as the **Vaccination of Ambulance Service Workers (COVID-19) Directions – Ambulance Services**.

## Authorising provision

7. Section 10(4) of the Ambulance Services Act provides that, for the purpose of performing a function under the Ambulance Services Act or ensuring that an ambulance service provides high quality, accessible and efficient services, I may in writing give directions to an ambulance service in relation to all or any of a number of specified matters set out in section 10(4) of the Ambulance Services Act.
8. The matters in relation to which I may give directions under section 10(4) include:
  - a. paragraph (ca) – the requirements for specified persons, or a specified class of persons, employed or engaged by the ambulance service to be vaccinated against or prove immunity to specified diseases, including the consequences of non-compliance for those persons as employees or persons engaged by the service; and
  - b. paragraph (h) – the accounts and records to be kept by the ambulance service and the information (including vaccination information) to be supplied to the Secretary.
9. My functions under section 9 of the Ambulance Services Act include:
  - a. paragraph (e)(i) – to ensure that ambulance services provide safe, patient-centred and appropriate services; and
  - b. paragraph (f) – to collect and analyse data (including vaccination information) to enable the Secretary to perform the Secretary's functions under the Ambulance Services Act or any other Act.

## Commencement

10. These Directions commence on 13 October 2022.

## Definitions

11. **acceptable certification** means:
  - a. a current COVID-19 digital certificate issued by Services Australia and displayed through the Medicare App, Service Victoria App or equivalent smartphone wallet, that states that the ambulance service worker is unable to receive a dose, or a further dose, of any COVID-19 vaccine; or
  - b. a printed version of the COVID-19 digital certificate referred to in subclause (a); or
  - c. a current Immunisation History Statement displayed through the Medicare App, that states that the ambulance service worker is unable to receive a dose of a COVID-19 vaccine (whether that ambulance service worker has already received one or two doses of a COVID-19 vaccine); or

- d. a printed version of the Immunisation History Statement referred to in subclause (c).
12. **ambulance service** means an ambulance service created under section 23 of the Ambulance Services Act or listed in Schedule 1 to the Ambulance Services Act.
13. **ambulance service worker** means a person who is employed or engaged by an ambulance service but, for the avoidance of doubt, excludes any ambulance service worker who is not working onsite.
14. **approved clinical trial of a vaccine against COVID-19 in Australia** means an approved COVID-19 human clinical trial occurring in Australia and listed on the following website <https://www.ncirs.org.au/covid-19/covid-19-vaccine-development-landscape>, as amended from time to time.
15. an ambulance service worker has received a **booster dose** if they have received a:
- a. second dose of a COVID-19 vaccine after receiving one dose of a one dose COVID-19 vaccine; or
  - b. a third dose of a COVID-19 vaccine after receiving two doses of a two dose COVID-19 vaccine, including different types of two dose COVID-19 vaccines.
16. **COVID-19** means the contagious disease caused by severe acute respiratory syndrome coronavirus 2.
17. **COVID-19 PCR test** means a COVID-19 polymerase chain reaction test.
18. **COVID-19 vaccine** means a one dose COVID-19 vaccine or a two dose COVID-19 vaccine.
19. an ambulance service worker is a **diagnosed person** if they have, at any time before, on or after the commencement of these Directions, received a positive result from a COVID-19 PCR test and are not a recent confirmed case. An ambulance service worker ceases to be a diagnosed person at the end of that ambulance service worker's infectious period.
20. an ambulance service worker is an **excepted person** if they hold acceptable certification that they are unable to receive a dose, or a further dose, of any COVID-19 vaccine due to:
- a. a medical contraindication; or
  - b. an acute medical illness (including where the ambulance service worker has been diagnosed with COVID-19 in the previous three months).
21. an ambulance service worker is **fully vaccinated** if they have received:
- a. one dose of a one dose COVID-19 vaccine; or
  - b. two doses of a two dose COVID-19 vaccine including two different types of two dose COVID-19 vaccines.
22. an ambulance service worker is **fully vaccinated (boosted)** if they have received a booster dose.

23. **Health Practitioner Regulation National Law** means The Health Practitioner Regulation National Law, as in force from time to time, set out in the Schedule to the Health Practitioner Regulation National Law Act 2009 (Qld) and which applies as a law of Victoria pursuant to the Health Practitioner Regulation National Law (Victoria) Act 2009 (Vic).

24. **infectious period** means the period:

a. commencing:

- i. if the ambulance service worker undertook a COVID-19 PCR test or COVID-19 rapid antigen test (from which they were diagnosed with COVID-19) without experiencing symptoms of COVID-19, 48 hours before the ambulance service worker undertook the COVID-19 PCR test or COVID-19 rapid antigen test; or
- ii. if the ambulance service worker was experiencing symptoms of COVID-19 at the time they undertook a COVID-19 PCR test or COVID-19 rapid antigen test (from which they were diagnosed with COVID-19), 48 hours before ambulance service worker first experienced symptoms; and

b. concluding:

- i. five days from the date on which the ambulance service worker undertook the COVID-19 PCR test or COVID-19 rapid antigen test (from which they were diagnosed with COVID19); or
- ii. where an ambulance service worker is a probable case, on the date which the probable case undertook the COVID-19 PCR test from which a negative result was received; or
- iii. such other time as specified by an officer or nominated representative of the Department.

25. **leave** means any period of authorised leave.

26. **medical contraindication** means one of the following contraindications to the administration of a COVID-19 vaccine:

- a. anaphylaxis after a previous dose of a COVID-19 vaccine;
- b. anaphylaxis to any component of a COVID-19 vaccine, including polysorbate or polyethylene glycol;
- c. in relation to AstraZeneca:
  - i. history of capillary leak syndrome; or
  - ii. thrombosis with thrombocytopenia occurring after a previous dose;
- d. in relation to Pfizer or Moderna, myocarditis or pericarditis attributed to a previous dose of either Pfizer or Moderna;

- e. where an ambulance service worker is in the process of completing a Federal Department of Health approved clinical trial of a vaccine against COVID-19 in Australia;
  - f. the occurrence of any other serious adverse event that has:
    - i. been attributed to a previous dose of a COVID-19 vaccine by a registered medical practitioner (and not attributed to any another identifiable cause); and
    - ii. been reported to State adverse event programs or the TGA.
27. **one dose COVID-19 vaccine** means COVID-19 Vaccine Janssen (Janssen-Cilag).
28. **onsite** means taking place or situated at the premises occupied by an ambulance service, including the whole or any part of a building, outbuilding or other structure (whether of a permanent or temporary nature) or land (whether or not vacant) or in any vehicle owned by or registered to the ambulance service.
29. An ambulance service worker is a **probable case** if they have at any time before, on or after the commencement of these Directions, received a positive result from a COVID-19 rapid antigen test and are not a recent confirmed case. A healthcare worker ceases to be a probable case after they have completed the period of self-isolation.
30. **recent confirmed case** means an ambulance service worker:
  - a. who is currently within their infectious period, including ambulance service workers whose infectious period commenced while they were not in Victoria; or
  - b. whose infectious period commenced within the previous 5 weeks, including ambulance service workers whose infectious period ended while they were not in Victoria (but which does not include an ambulance service worker whose infectious period ended the day on which a negative result was received by the ambulance service worker as a probable case, from a COVID-19 PCR test that was undertaken within 48 hours after the COVID-19 rapid antigen test from which the ambulance service worker became a probable case).
31. **registered medical practitioner** means a person registered under the Health Practitioner Regulation National Law to practice in the medical profession (other than as a student), for the purposes of the Health Services Act.
32. **TGA** means the Therapeutic Goods Administration established under the *Therapeutic Goods Act 1989* of the Commonwealth.
33. **two dose COVID-19 vaccine** means any of the following:
  - a. Vaxzevria (AstraZeneca);

- b. Comirnaty (Pfizer);
- c. Spikevax (Moderna);
- d. Coronavac (Sinovac);
- e. Covishield (AstraZeneca/Serum Institute of India);
- f. Covaxin (Bharat Biotech);
- g. BBIP-CorV (Sinopharm);
- h. Sputnik V (Gamaleya Research Institute);
- i. Nuvaxovid (Biocelect on behalf of Novavax).

34. **vaccination information**, for the purpose of these Directions, is information relating to an ambulance service worker's COVID-19 vaccine vaccination status and includes:

- a. any information that is derived from a record of information that was made under, or in accordance with, the *Australian Immunisation Register Act 2015* of the Commonwealth; and
- b. the name or type of any dose of COVID-19 vaccine received by the ambulance service worker; and
- c. the date on which the ambulance service worker received any dose of a COVID-19 vaccine.

#### **Directions**

#### **Ambulance service workers employed or engaged by an ambulance service on or after the date these Directions take effect (new ambulance service workers)**

#### **New ambulance service workers must be fully vaccinated or fully vaccinated (boosted) against COVID-19**

35. Subject to clauses 36 and 40, an ambulance service must ensure that:

- b. any new ambulance service worker whom it employs or engages and who is 18 years or older is fully vaccinated (boosted) against COVID-19; and
- c. any new ambulance service worker whom it employs or engages and who is under 18 years of age is fully vaccinated against COVID-19.

36. An ambulance service is not required to ensure that a new ambulance service worker whom it employs or engages (or whom it proposes to employ or engage as an ambulance service worker) is fully vaccinated or fully vaccinated (boosted) (as applicable) in accordance with clause 35 against COVID-19 if the new ambulance service worker (or person proposed to be employed or engaged as an ambulance service worker) has displayed acceptable certification to the ambulance service to show that they are an excepted person.

### **Timeframe for COVID-19 vaccination of new ambulance service workers**

37. An ambulance service must ensure that a new ambulance service worker is fully vaccinated or fully vaccinated (boosted) (as applicable) against COVID-19 in accordance with clause 35:
- a. at the time they are employed or engaged by the ambulance service; or
  - b. if the ambulance service worker entered Australia from another country in the previous 4 weeks and is 18 years or older – is fully vaccinated and has a booking to receive a booster dose within 4 weeks of entering Australia; and
  - c. has provided evidence to the ambulance service (as applicable) that the ambulance service worker has a booking as specified in subclause (b).

### **Ambulance service workers employed or engaged by an ambulance service prior to the date these Directions take effect (current ambulance service workers)**

#### **Current ambulance service workers must be fully vaccinated or fully vaccinated (boosted) (as applicable) against COVID-19**

38. Subject to clauses 39 and 40, an ambulance service must ensure that:
- a. any current ambulance service worker whom it employs or engages and who is 18 years or older is fully vaccinated (boosted) against COVID-19; and
  - b. any current ambulance service worker whom it employs or engages and who is under 18 years of age is fully vaccinated against COVID-19.
39. An ambulance service is not required to ensure that a current ambulance service worker whom it employs or engages is fully vaccinated or fully vaccinated (boosted) (as applicable) against COVID-19 in accordance with clause 38 if the current ambulance service worker has displayed acceptable certification to the ambulance service to show that they are an excepted person.

### **Exemptions to the requirement to be fully vaccinated or fully vaccinated (boosted) against COVID-19 where the ambulance service worker has not displayed acceptable certification to show that they are an excepted person**

40. An ambulance service is not required to comply with clauses 35 and 38 in respect of a new ambulance service worker or a current ambulance service worker who is employed or engaged by the ambulance service, and who has not displayed acceptable certification that they are an excepted person, if the ambulance service has conducted an assessment of the workplace health and safety risks associated with an ambulance service worker attending work onsite and has determined that permitting the ambulance service worker to attend work

whilst not fully vaccinated (boosted) against COVID-19 will not pose an unacceptable risk having regard to the health service's work health and safety obligations and if:

- a. the ambulance service worker is on leave, but only for the duration of that period of leave; or

Note: once the ambulance service worker's period of leave concludes, the ambulance service must ensure that the ambulance service worker whom it employs or engages is fully vaccinated or fully vaccinated (boosted) (as applicable), where required under these Directions.

- b. the ambulance service worker has become fully vaccinated in the previous 3 months and 14 days; or

Note: once 3 months and 14 days have passed since an ambulance service worker aged 18 years or older has become fully vaccinated, the ambulance service must ensure that the ambulance service worker whom it employs or engages is fully vaccinated (boosted), where required under these Directions.

- c. the ambulance service worker satisfies the requirements in clause 37(b); or

Note: once 4 weeks have passed since an ambulance service worker aged 18 years or older has entered Australia from another country, the ambulance service must ensure that the new ambulance service worker whom it employs or engages is fully vaccinated (boosted), where required under these Directions.

- d. the ambulance service worker was, but has ceased to be in the previous 14 days, an excepted person; or

Note 1: once 14 days have passed since an ambulance service worker aged 18 years or older has ceased to be an excepted person, the ambulance service must ensure that the ambulance service worker whom it employs or engages is fully vaccinated (boosted), where required under these Directions.

Note 2: once 14 days have passed since an ambulance service worker aged under 18 years or older has ceased to be an excepted person, the ambulance service must ensure that the ambulance service worker whom it employs or engages is fully vaccinated, where required under these Directions.

- e. the ambulance service worker is 18 years or older, and is fully vaccinated but not fully vaccinated (boosted) and:

- i. was a diagnosed person whose infectious period ended within the previous 3 months; or

- ii. was a probable case whose infectious period ended within the previous 3 months, and the ambulance service worker received a positive result from a COVID-19 rapid antigen or COVID-19 PCR test undertaken during their infectious period; or

Note 1: to demonstrate to an ambulance service that an ambulance service worker is covered by this exemption, the ambulance service worker may provide the ambulance service with a written positive result from a COVID-19 PCR test, or an SMS message from the Department confirming the reporting by the ambulance service worker of a positive COVID-19 rapid antigen test to the Department (from which the ambulance service worker was diagnosed with COVID-19), including the date of the test, for the purpose of subclause (e).



Note 2: once 3 months have passed since the end of the infectious period for an ambulance service worker aged 18 years or older, the ambulance service must ensure that the ambulance service worker whom it employs or engages is fully vaccinated (boosted), where required under these Directions.

- f. any one or more of the following exceptional circumstances applies:
  - i. the ambulance service worker is required to perform duties onsite, which are necessary to provide for urgent specialist clinical or medical care due to an emergency situation or a critical unforeseen circumstance; or
  - ii. the ambulance service worker is required to fill a vacancy to provide urgent care, to maintain quality of care or to continue essential operations onsite for the ambulance service due to an emergency situation or a critical unforeseen circumstance; or
  - iii. the ambulance service worker is required to perform urgent and essential work onsite for the ambulance service, including critical training, to protect the health and safety of workers, patients or members of the public, or to protect assets and infrastructure.

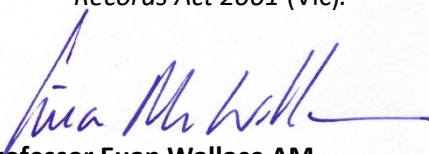
**Evidence of vaccination status**

41. Subject to clause 40, an ambulance service must, for each ambulance service employed or engaged by the ambulance service, request and sight evidence of any of the following to confirm that the ambulance service worker is vaccinated or fully vaccinated (boosted) (as applicable) against COVID-19, and record compliance with applicable COVID-19 vaccination requirements:

- d. current Immunisation History Statement from the Australian Immunisation Register;
- e. current COVID-19 digital certificate;
- f. printed version of COVID-19 digital certificate; or
- g. Australian International COVID-19 Vaccination certificate (ICVC).

42. An ambulance service must request, sight, record and handle vaccination information (including any acceptable certification to show that the ambulance service worker is an excepted person), of each new ambulance service worker and current ambulance service worker whom it employs or engages, in accordance with the requirements of the *Health*

*Records Act 2001* (Vic).



**Professor Euan Wallace AM**

Secretary  
Department of Health  
12 October 2022