

Findings on material questions of fact

In deciding your application, I make the following material findings of fact:

1. You are employed at [INSERT];
2. You have not received COVID-19 vaccinations as required by the [Directive/Policy];
3. You have applied for an exemption to the COVID-19 vaccination requirement under the [Directive/Policy] on the ground of a genuinely held religious belief,
4. You have not provided supporting documentation as part of your exemption application;

Evidence or other material on which material questions of fact were based

Relevant material on which the findings on material questions of fact were based included:

1. The [Directive/Policy];
2. Your application for an exemption;

Reasons for decision

Your individual circumstances, including your religious belief and the connection of that religious belief to the requirements under the Directions, were balanced against the purposes of the vaccination requirements.

I have had regard to the intention of the [Directive/Policy], specifically the requirement to ensure the readiness of the health system in responding to the COVID-19 pandemic, to protect the lives of employees, patients and the community they serve.

The [Directive/Policy] contemplates the high degree of risk to public health associated with work performed in healthcare settings and will ensure Queensland Health can provide a safe environment for both employees and patients.

On balance, I consider that there is no less restrictive means other than vaccination which would sufficiently ensure the safety of yourself, other staff members and patients.

In making this decision, I am mindful that Queensland is transitioning to an environment where COVID-19 is endemic, it is inevitable that every Queenslander will eventually be exposed to COVID-19. Safe and effective vaccines for COVID-19 that prevent severe illness and reduce transmission are now widely available and endorsed by regulatory authorities globally and including Australia's Therapeutic Goods Administration (TGA).

High vaccination coverage among workers in settings with the potential for exposure to COVID-19, particularly those serving vulnerable cohorts, will be a key determinant of health outcomes for Queenslanders and the impact of COVID-19 on health care delivery across the State. Limiting transmission within a workplace through the protection of COVID-19 vaccination will also reduce the likelihood of workplace outbreaks and staff shortages.

Human Rights consideration

I am also satisfied that my decision to refuse your exemption application is compatible with human rights. While this decision engages or limits a number of your human rights, including your right to freedom of thought, conscience, religion and belief and your right to freedom of expression, I am satisfied that those limits on human rights are justified by the need to ensure the readiness of the health system in responding to the COVID-19 pandemic, and to protect the lives of employees, patients and the community they serve. The purpose of protecting your colleagues, and people accessing health services from the risk of COVID-19 through vaccination promotes their human rights to life and health, as well as your own. These are important considerations and should be given weight at this particular time. There are no other less restrictive yet effective ways to achieve those purposes.

Lawful directions

I am issuing you with the following lawful direction.

As you have not received the required dose of a COVID-19 vaccine in accordance with the [Directive/Policy], and do not have an approved exemption, I am directing you to comply with the [Directive/Policy].

You must receive the required dose and provide written confirmation that that you have complied with the requirement to be vaccinated against COVID-19 within seven (7) calendar days of receipt of this letter. This confirmation must be provided to [insert local contact details].

Should you fail to follow this lawful direction, you may be liable for disciplinary action pursuant to section 187(1)(d) of the *Public Service Act 2008*.

Review

If you are not satisfied with my decision in relation to your application, you may write to the [Health Service Chief Executive/Director-General] within 14 days of receipt of this letter, to application a review of this decision. Your application should clearly state the reasons you are not satisfied with the decision and what action you believe would resolve these matters and be sent to [Email Address].

Additional requirements under the 'Workers in a healthcare setting (COVID-19 Vaccination Requirements) Direction'

While a separate matter and not considered as part of the assessment of your application, it is important to note that you are also subject to the vaccination requirements of the Workers in a healthcare setting (COVID-19 Vaccination Requirements) Direction (**CHO Direction**).

This direction applies to you as a health worker, independent of the requirements under the [Directive/Policy] and will continue to do so until such time as it is revoked or repealed. An exemption under the [Directive/Policy] will have no effect on the requirements under the CHO Direction which will still apply.

Employee Assistance

I understand this may be a difficult time for you. [Insert HHS/Department of Health] genuinely cares for your health and wellbeing. With this in mind, if you are having difficulty and would like to discuss this with a counsellor you are encouraged to do so. Employee Assistance offers a confidential counselling service which is free of charge to all employees of for up to six sessions per calendar year. Access to this service is by self-referral by contacting [insert EAP details here]

Questions

Should you have any questions regarding the contents of this letter, please contact [insert local HR details and contact person].

Yours sincerely

[Name]

DOH DISCLOSURE LOG

[Position title]

/ /

RTI Release

DOH DISCLOSURE LOG

Prepared by: name
 position title
 branch/unit title
 telephone no.
 date

Submitted through: name
 position title
 branch/unit title
 telephone no.
 date

Cleared by: name
 position title
 branch/unit title
 telephone no.
 date

RTI Release

DOH DISCLOSURE LOG

Employee COVID-19 vaccine exemption application form

About this form

This form is to be used by employees to seek an exemption to the COVID-19 vaccination requirements set out in *Health Employment Directive No. 12/21 (HED 12/21)* in the following circumstances only:

- Where the employee has a recognised medical contraindication to the COVID-19 vaccine.
- Where the employee has refused the COVID-19 vaccine on grounds of a genuinely held religious belief.

In extremely limited circumstances, an employee may also use this form to detail other exceptional circumstances which preclude them from meeting the COVID-19 vaccine requirements. In this circumstance:

- Vaccine hesitancy and conscientious objection, by themselves, are not considered exceptional circumstances.
- Some other extenuating circumstance must exist.

Where this can be demonstrated, the employee's circumstances will be considered on an individual basis in accordance with Queensland Health's legislative obligations and industrial arrangements however limited exemptions will be granted.

This form and all relevant supporting documentation should be provided to your line manager who will consult with the local Human Resources team as required in relation to your request for exemption.

It is important to note the following in relation to requests for exemptions:

- Applications for exemptions will be considered on a case-by-case basis to determine whether an exemption is possible in the circumstances.
- Where an exemption is granted it may be temporary, permanent or conditional in nature.
- Exemptions will only be granted in exceptional circumstances.

DOH DISCLOSURE LOG

1. Employee details

Name:	[REDACTED]
Payroll ID:	[REDACTED]
Job title:	[REDACTED] nurse
Work unit/area:	[REDACTED]
Facility:	[REDACTED]
Hospital and Health Service	[REDACTED]
Line manager name:	[REDACTED]
Line manager contact information	[REDACTED]

DOH DISCLOSURE LOG

Unable to receive any COVID-19 vaccine due to a genuinely held religious belief	
Requirement:	<p>An employee will be considered to have a genuinely held religious belief for the purposes of applying for an exemption where they are able to provide a letter specifying:</p> <ul style="list-style-type: none"> • their deeply held religious belief such that they are unable to receive any COVID-19 vaccine; and • their affiliation or connection to the religious group from a religious leader or official.
<input checked="" type="checkbox"/> Tick box to confirm	I can confirm that I am unable to meet the COVID-19 vaccination requirements due to a genuinely held religious belief
Evidence requirements	
<p>An employee is required to provide a letter from a religious leader or official certifying that:</p> <ul style="list-style-type: none"> • the employee has an affiliation/connection to a religious group; and • the employee has a genuinely held religious belief such that they are unable to receive any COVID-19 vaccine. 	
<input checked="" type="checkbox"/> Tick box to confirm	I have attached a copy of the above documentation
<p>It is important to be aware that exemption requests will be considered in accordance with Queensland Health's obligations and that approval will be only provided in exceptional circumstances</p>	

DOH DISCLOSURE LOG

3. Employee certification

Please print and sign the below to certify that the information provided in this application form and supporting documentation is true and correct. Please email this form to [REDACTED]@health.qld.gov.au and include your Line Manager in the CC.

Employee signature	[REDACTED]
Date	29. 9. 2021

Please note: the information contained in this form will only be used for the purposes of determining whether an exemption to the COVID-19 vaccination requirements may be granted.

DOH DISCLOSURE LOG

[REDACTED]

29th September 2021

To Whom it May Concern,

I am writing to formally and respectfully support [REDACTED] request for a religious exemption to your Covid-19 mandatory vaccination policy, which requires that all employees vaccinate against COVID-19 and show proof of vaccination in order to stay employed.

[REDACTED]

DOH DISCLOSURE LOG

RTI Release

DOH DISCLOSURE LOG



Senior Pastor [redacted] Church
Yours Sincerely [redacted]

DOH DISCLOSURE LOG

INTERNAL CHECKLIST

Review

Category required for response: Religion

- Risk/Consultation/WHS
- Vaccine Hesitancy/safety of the vaccine
- Free and Informed consent
- Other

Other issues to address in free text field (e.g. I acknowledge your 300 page application which *summarise topics covered*):

Letter body

Date of religious letter: 29 / 09 / 2021

Religion and contact from letter: 1 [REDACTED] Senior
Pastor, [REDACTED] Church

Affiliation made: (Yes) no

Response

- Letter completed
- Recommendation sheet

DOH DISCLOSURE LOG

Cover Page: Exemption Recommendation Form

1.1. Application summary

Employee Name	[REDACTED]
HHS/DoH	[REDACTED]

1.2. Category of exemption application - Religious belief

Religious belief/s stated	Supporting Evidence Provided
Please detail:	Yes/No – please detail:
Emerge Church	Date: 29/09/2021 [REDACTED] Senior Pastor

1.3 Human Rights Assessment

1.3.1 What is the proposed decision?

- Grant exemption request (no conditions) – The proposed decision is compatible with human rights
- Grant exemption request (with conditions) – The proposed decision limits human rights – proceed to next step
- Refuse exemption request – The proposed decision limits human rights – proceed to next step

1.3.2 Which human rights are limited by the proposed decision?

- Right to equality and non-discrimination (section 15)
- Right to life (section 16)
- Protection from torture and cruel, inhuman or degrading treatment (section 17)
- Freedom of movement (section 19)
- Freedom of thought, conscience, religion and belief (section 20)
- Freedom of expression (section 21)
- Taking part in public life (section 23)
- Cultural rights – generally (section 27)
- Cultural rights – Aboriginal peoples and Torres Strait Islander peoples (section 28)
- Fair hearing (section 31)
- Right to health services (section 37)

- 1.4 Does the proposed decision strike a fair balance between the impact on the human right(s) and the need to contain, or respond to, the spread of COVID-19 in the community?

No, in the circumstances of this case, the impact on the employee's human rights outweighs the need to protect life and ensure the readiness of the health system. The proposed decision is not compatible with human rights - consider making a different decision.

Yes, in the circumstances of this case, the need to protect life and ensure the readiness of the health system outweighs the impact on the employee's human rights. The proposed decision is compatible with human rights.

1.5 Recommendation of the Exemption Committee

	Ongoing exemption granted	Time limited exemption granted	Exemption declined
Tick the relevant recommendation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If approved (ongoing/time-limited), please note any alternative arrangements or conditions required:

Reason for Recommendation:

It is recommended the delegate decline the exemption application on the basis that their individual circumstances, including their religious belief, are necessarily outweighed by the requirement to keep the employee, their colleagues and persons accessing health services safe and ensure the ongoing readiness of the health system to respond to the COVID-19 pandemic.

Rachel Borger



Director

2/12/21

DOH DISCLOSURE LOG



Queensland
Government

Enquiries to: First name Last name
Title
Unit / Branch
Telephone: Telephone Number
File Ref: C-ECTF-Number

Queensland Health

occupational title
organisation
address
CITY STATE POSTCODE

Email:

Dear

I refer to your employment as [Position], [Division], [Facility], [Hospital and Health Service/Department of Health] and your application for an exemption to the *Health Employment Directive No. 12/21 – Employee Covid-19 vaccination requirements (the Directive)*/ *HR Policy B70 Employee COVID-19 vaccination requirements (the Policy)*.

Your application for an exemption based upon a genuinely held religious belief has been refused.

Background

On 11 September 2021, the Director-General, Queensland Health on the advice of the Chief Health Officer, issued the Directive mandating that all Queensland Health employees who work in or enter a facility where care is provided will be required to be vaccinated.

Further on 25 October 2021 the Director-General issued a direction to all Queensland Health employees via email to all staff that from 1 November 2021 there can be no employee working in a facility where care is provided without being fully vaccinated.

The Directive and Policy provides that an exemption may be provided in certain circumstances.

Your exemption application

In your application dated 29 September 2021, you sought an exemption from the requirement to be vaccinated outlined in the [Directive/Policy] on grounds of an objection due to a genuinely held religious belief.

To support your exemption application, you provided supporting documentation dated 29 September 2021 from Senior Pastor from Church which outlined:

- Your deeply held religious belief such that you are unable to receive any COVID-19 vaccine; and
- Your affiliation or connection to the religious group

Assessment of your application

In assessing your application for an exemption, consideration was given to all the information available including your application, any supporting evidence provided by you, and the requirements of your role.

I have decided to refuse your application for an exemption on the grounds of a genuinely held religious belief.

Findings on material questions of fact

In deciding your application, I make the following material findings of fact:

1. You are employed at [INSERT];
2. You have not received COVID-19 vaccinations as required by the [Directive/Policy];
3. You have applied for an exemption to the COVID-19 vaccination requirement under the [Directive/Policy] on the ground of a genuinely held religious belief, namely as a member of the Emerge Church.
4. You have provided supporting documentation as part of your exemption application;

Evidence or other material on which material questions of fact were based

Relevant material on which the findings on material questions of fact were based included:

1. The [Directive/Policy];
2. Your application for an exemption; and
3. The supporting documentation you provided.

Reasons for decision

Your individual circumstances, including your religious belief and the connection of that religious belief to the requirements under the [Directive/Policy], were balanced against the purposes of the vaccination requirements.

I have had regard to the intention of the [Directive/Policy], specifically the requirement to ensure the readiness of the health system in responding to the COVID-19 pandemic, to protect the lives of employees, patients and the community they serve.

The [Directive/Policy] contemplates the high degree of risk to public health associated with work performed in healthcare settings and will ensure Queensland Health can provide a safe environment for both employees and patients.

On balance, I consider that there is no less restrictive means other than vaccination which would sufficiently ensure the safety of yourself, other staff members and patients.

In making this decision, I am mindful that Queensland is transitioning to an environment where COVID-19 is endemic, it is inevitable that every Queenslanders will eventually be exposed to COVID-19. Safe and effective vaccines for COVID-19 that prevent severe illness and reduce transmission are now widely available and endorsed by regulatory authorities globally and including Australia's Therapeutic Goods Administration (TGA).

High vaccination coverage among workers in settings with the potential for exposure to COVID-19, particularly those serving vulnerable cohorts, will be a key determinant of health outcomes for Queenslanders and the impact of COVID-19 on health care delivery across the State. Limiting transmission within a workplace through the protection of COVID-19 vaccination will also reduce the likelihood of workplace outbreaks and staff shortages.

Human Rights consideration

I am also satisfied that my decision to refuse your exemption application is compatible with human rights. While this decision engages or limits a number of your human rights,

including your right to freedom of thought, conscience, religion and belief and your right to freedom of expression, I am satisfied that those limits on human rights are justified by the need to ensure the readiness of the health system in responding to the COVID-19 pandemic, and to protect the lives of employees, patients and the community they serve. The purpose of protecting your colleagues, and people accessing health services from the risk of COVID-19 through vaccination promotes their human rights to life and health, as well as your own. These are important considerations and should be given weight at this particular time. There are no other less restrictive yet effective ways to achieve those purposes.

Lawful directions

I am issuing you with the following lawful direction.

As you have not received the required dose of a COVID-19 vaccine in accordance with the [Directive/Policy], and do not have an approved exemption, I am directing you to comply with the [Directive/Policy].

You must receive the required dose and provide written confirmation that that you have complied with the requirement to be vaccinated against COVID-19 within seven (7) calendar days of receipt of this letter. This confirmation must be provided to [insert local contact details].

Should you fail to follow this lawful direction, you may be liable for disciplinary action pursuant to section 187(1)(d) of the *Public Service Act 2008*.

Review

If you are not satisfied with my decision in relation to your application, you may write to the [Health Service Chief Executive/Director-General] within 14 days of receipt of this letter, to application a review of this decision. Your application should clearly state the reasons you are not satisfied with the decision and what action you believe would resolve these matters and be sent to [Email Address].

Additional requirements under the 'Workers in a healthcare setting (COVID-19 Vaccination Requirements) Direction'

While a separate matter and not considered as part of the assessment of your application, it is important to note that you are also subject to the vaccination requirements of the Workers in a healthcare setting (COVID-19 Vaccination Requirements) Direction (**CHO Direction**).

This direction applies to you as a health worker, independent of the requirements under the [Directive/Policy] and will continue to do so until such time as it is revoked or repealed. An exemption under the [Directive/Policy] will have no effect on the requirements under the CHO Direction which will still apply.

Employee Assistance

I understand this may be a difficult time for you. [Insert HHS/Department of Health] genuinely cares for your health and wellbeing. With this in mind, if you are having difficulty and would like to discuss this with a counsellor you are encouraged to do so. Employee Assistance offers a confidential counselling service which is free of charge to all employees of for up to six sessions per calendar year. Access to this service is by self-referral by contacting [insert EAP details here]

Questions

Should you have any questions regarding the contents of this letter, please contact [insert local HR details and contact person].

Yours sincerely

[Name]

[Position title]

/ /

RTI Release

DOH DISCLOSURE LOG

Prepared by: name
position title
branch/unit title
telephone no.
date

Submitted through: name
position title
branch/unit title
telephone no.
date

Cleared by: name
position title
branch/unit title
telephone no.
date

RTI Release

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Queensland Health

Employee COVID-19 vaccine exemption application form



About this form

This form is to be used by employees to seek an exemption to the COVID-19 vaccination requirements set out in *Health Employment Directive No. 12/21* (HED 12/21) in the following circumstances only:

- Where the employee has a recognised medical contraindication to the COVID-19 vaccine.
- Where the employee has refused the COVID-19 vaccine on grounds of a genuinely held religious belief.

In extremely limited circumstances, an employee may also use this form to detail other exceptional circumstances which preclude them from meeting the COVID-19 vaccine requirements. In this circumstance:

- Vaccine hesitancy and conscientious objection, by themselves, are not considered exceptional circumstances.
- Some other extenuating circumstance must exist.

Where this can be demonstrated, the employee's circumstances will be considered on an individual basis in accordance with Queensland Health's legislative obligations and industrial arrangements however limited exemptions will be granted.

This form and all relevant supporting documentation should be provided to your line manager who will consult with the local Human Resources team as required in relation to your request for exemption.

It is important to note the following in relation to requests for exemptions:

- Applications for exemptions will be considered on a case-by-case basis to determine whether an exemption is possible in the circumstances.
- Where an exemption is granted it may be temporary, permanent or conditional in nature.
- Exemptions will only be granted in exceptional circumstances.

DOH DISCLOSURE LOG

Employee COVID-19 vaccine exemption application form - Guideline



1. Employee details

Name:	[REDACTED]
Payroll ID:	[REDACTED]
Job title:	Clerk
Work unit/area:	[REDACTED]
Facility:	[REDACTED]
Hospital and Health Service	[REDACTED]
Line manager name:	[REDACTED]
Line manager contact information	[REDACTED]

RTI Release

2. Exemption request

Unable to receive any COVID-19 vaccine due to a recognised medical contraindication to the COVID-19 vaccine	
Requirement:	<p>An employee will be considered to have a medical contraindication for the purposes of applying for an exemption where they are unable to be vaccinated due to a recognised medical contraindication to the COVID-19 vaccine as outlined in a letter from their treating specialist medical practitioner.</p> <p>A recognised medical contraindication is limited to include circumstances where the employee has a history of anaphylaxis or other recognised medical contraindications as outlined in the Australian Immunisation Handbook.</p>
<input type="checkbox"/> Tick box to confirm	I can confirm that I am unable to meet the COVID-19 vaccination requirements due to a recognised medical contraindication to the vaccine.
Evidence requirements	
<p>An employee is required to provide a medical certificate from their treating specialist medical practitioner certifying:</p> <ul style="list-style-type: none"> • that the employee is unable to receive any COVID-19 vaccination because they have a recognised medical contraindication to the vaccine • whether the medical contraindication will permanently or temporarily prevent COVID-19 vaccination • if the medical contraindication is temporary in nature, when the employee may be able to receive the COVID-19 vaccination. 	
<input type="checkbox"/> Tick box to confirm	I have attached a copy of the above documentation
It is important to be aware that exemption requests will be considered in accordance with Queensland Health's obligations and that approval will only be provided in exceptional circumstances	

Unable to receive any COVID-19 vaccine due to a genuinely held religious belief	
Requirement:	<p>An employee will be considered to have a genuinely held religious belief for the purposes of applying for an exemption where they are able to provide a letter specifying:</p> <ul style="list-style-type: none"> • their deeply held religious belief such that they are unable to receive any COVID-19 vaccine; and • their affiliation or connection to the religious group from a religious leader or official.
<input checked="" type="checkbox"/> Tick box to confirm	I can confirm that I am unable to meet the COVID-19 vaccination requirements due to a genuinely held religious belief
Evidence requirements	
<p>An employee is required to provide a letter from a religious leader or official certifying that:</p> <ul style="list-style-type: none"> • the employee has an affiliation/connection to a religious group; and • the employee has a genuinely held religious belief such that they are unable to receive any COVID-19 vaccine. 	
<input checked="" type="checkbox"/> Tick box to confirm	I have attached a copy of the above documentation
It is important to be aware that exemption requests will be considered in accordance with Queensland Health's obligations and that approval will be only provided in exceptional circumstances	

Other exceptional circumstances

Requirement:

In extremely limited circumstances, an exemption may be granted where an employee can demonstrate other exceptional circumstances which preclude them from meeting the COVID-19 vaccine requirements. In this circumstance:

- Vaccine hesitancy and conscientious objection, by themselves, are not considered exceptional circumstances.
- Some other extenuating circumstance must exist.

Where this can be demonstrated, the employee's circumstances will be considered on an individual basis in accordance with Queensland Health's legislative obligations and industrial arrangements however exemptions will only be granted in exceptional circumstances.

Evidence requirements:

- Please briefly detail the extenuating circumstances which preclude your meeting the COVID-19 vaccination requirements below

Further to my religious belief

[Redacted]

It is important to be aware that exemption requests will be considered in accordance with Queensland Health's obligations and that approval will only be provided in exceptional circumstances

3. Employee certification

Please sign below to certify that the information provided in this application form and supporting documentation is true and correct

Employee signature	[REDACTED]
Date	30-09-2021

Please note: the information contained in this form will only be used for the purposes of determining whether an exemption to the COVID-19 vaccination requirements may be granted.

Version Control

		Comments
1	15 September 2021	Initial draft prepared
2	16 September 2021	Updated following review by Crown Law

RTI Release



29 September 2021

To whom it may concern

This letter is an official statement of faith made by Reverend [REDACTED]
[REDACTED]
[REDACTED] in reference to the issue of Religious exemption concerning Covid 19.



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Sincerely yours,



Reverend,



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