

Twelfth Floor Chambers

Policy for the management of risks associated with COVID-19

18 October 2021

1. This Policy has been adopted by the Board following recommendations of the Floor's COVID-19 Subcommittee as to the risks associated with the COVID-19 pandemic and the management of those risks in the context of the relaxing of public health restrictions and the gradual return to usual operations of the Floor.
2. The Policy has effect **until 1 December 2021 or as otherwise determined by the Board.**
3. In the wake of the immediate public health crisis in 2020, the Floor took a number of steps to reduce the risk of transmission of COVID-19 and its potential impacts upon Floor members, licensees, readers and staff as well as visitors to the Floor. These included:
 - the restriction of access to 3 Selborne to security pass holders only;
 - variations to staffing requirements and hours to mitigate the risks to staff from travel on public transport;
 - the acquisition of computer hardware and AVL conferencing facilities to allow for staff members to work remotely if necessary;
 - the purchase and installation of a non-contact hand sanitiser dispenser at Level 12 reception;
 - the acquisition of non-contact hand-held thermometers;
 - visual guides to appropriate social distancing were placed in common areas including the receptions, kitchen areas and bathrooms;
 - Glen 20 disinfectant has been made available in each bathroom;

- appropriate signage concerning appropriate hygiene practices was placed in each bathroom;
 - on occasion when Floor members, licensees, readers and/or staff reported or presented with possible symptoms, they were and continue to be encouraged to stay away from Chambers and have themselves tested for COVID-19.
4. In anticipation of the expected relaxation of public health orders in the near future, the Board has reviewed the measures taken by the Floor to date and what, if any, further measures (including policies) might be appropriately introduced.
5. In addition, on 17 September 2021, CCL issued a COVID-19 Vaccination Policy and encouraged all Members and Clerks to develop their own such policy. The email by which CCL advised of this COVID-19 Policy included the following statement:

The purpose of this email is to request and encourage all Members and Clerks to facilitate the continued safety and wellbeing of all occupants in the buildings and to minimise potential disruption to the practi[c]es of our Members and licensees (as recently occurred on the 10th Floor) by developing their own COVID-19 Policies incorporating the following:

1. *That, at all times, anyone entering the buildings complies with Public Health Orders and also follows any advice issued by NSW Health;*
2. *That where reasonably possible everyone entering your Floor be either double dose vaccinated or provide a medical contraindication and undertake additional safety measures (such as the requirement to be COVID-19 tested every 3 days and wear masks etc.).*

The Board independently believes that adopting this request has intrinsic merit. It would also align the Floor's policy on entrants to the Floor with CCL's policy on entrants to the building.

Ongoing risks associated with COVID19

6. The Board has identified the following possible future risks for the Floor as ongoing as public health restrictions are relaxed and the operation of the Floor and barristers' practices gradually return to state of greater normality:

Health Risks

- The possibility of transmission of infection of Floor members, licensees, readers, staff and visitors to the Floor by COVID-19-infected persons presenting on the Floor;
- Psychological risks by the potential exposure to the risk of infection because of increased interpersonal contact either in the course of work or as a necessary part of travel to work or as a result of a COVID-19-infected person having attended the Floor while contagious.

Other Risks

- The risk of a Floor shutdown because of a COVID19-infected person having attended the Floor while contagious:
 - Negative impact upon barristers' practices with associated adverse financial consequences (including upon any staff employed by affected barristers); and
 - Costs associated with cleaning / disinfecting the Floor or affected areas.

Guiding principles of responsibility

7. It is important that Floor members, licensees, readers and staff be responsible for their own health and decisions about their health but also be mindful of the impact those decisions may have upon others.
8. Even so, the Board recognises that the ongoing serious risks to health posed by the evolving variants and strains of COVID19, warrant the Floor taking a proactive role in identifying measures (including by developing policies) directed to reducing those risks, particularly concerning any conditions upon which the Floor will permit any person to access those parts of the Wentworth, Selborne and Lockhart buildings occupied by the Floor.

9. It is also important that those Floor members who themselves employ staff discharge their independent responsibilities regarding the health and safety of those persons in their employ.

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10. With these principles in mind, the following further measures to manage the ongoing risks identified above **are to remain in place until 1 December 2021 or as otherwise determined by the Board:**

Access to those parts of the Wentworth, Selborne and Lockhart buildings occupied by the Floor

- To facilitate the continued safety and wellbeing of all occupants in the buildings and to minimise potential disruption to the practices of Floor Members, licensees and readers and the employment of other staff the Floor adopt a Policy requiring that:
 - (1) At all times, anyone accessing those parts of the Wentworth, Selborne or Lockhart buildings occupied by the Floor must comply with any Public Health Orders as may be in force from time to time and also follows any advice issued by NSW Health as may be current from time to time; and
 - (2) Any person accessing those parts of the Wentworth, Selborne or Lockhart buildings occupied by the Floor must be either double dose vaccinated or must provide a medical contraindication and undertake additional safety measures (namely, being COVID-19 tested every 3 days once rapid antigen testing becomes reasonably available, wearing masks at all times (not just in common areas), and otherwise complying with all measures for other entrants to the floor).
- All Floor members, licensees, readers and staff have been informed about the most common, less common and more serious symptoms of

COVID19.¹ The most common symptoms are fever, dry cough, and tiredness. Less common symptoms include aches and pains, sore throat, diarrhoea, conjunctivitis, headache, loss of taste or smell, a rash on skin, or discolouration of fingers or toes. Serious symptoms include difficulty breathing or shortness of breath, chest pain or pressure, loss of speech or movement.

- All Floor members, licensees, readers and staff should be told not to present if they are suffering any of the above systems and to get tested and follow medical advice before (re)attending the Floor.
- Where a Floor member, licensee, reader or staff member presents with any of the above symptoms, they should be told to leave and get tested and follow medical advice before re-presenting.
- Where a Floor member who presents with any of the above systems refuses to leave, this should be reported to the Clerk or any member of the Board.

Reception and points of entry

- All visitors to the Floor must first attend one or other of the reception areas on Level 12 or Level 3 and must check-in using the QR-Code placed at those receptions. In particular, all visitors to Level 5 in the Lockhart building must first “check in” using the QR-codes located at the entry to Level 5.
- A copy or summary of the most current applicable Public Health Order(s) will be kept and made available at the reception areas of Level 12 and Level 3.
- It is anticipated that in due course, a person will be able to confirm their vaccination status via the QR check-in code.

¹ Source: WHO

- Where a person accessing the Floor is not double dose vaccinated or who is not prepared to disclose whether he or she is or is not double dose activated, the person will not be allowed to access or remain on the Floor and will be asked to leave unless:
 - (1) The person provides a medical contraindication; AND
 - (2) undertakes additional safety measures (namely, being COVID-19 tested every 3 days once rapid antigen testing becomes reasonably available, wearing masks at all times (not just in common areas), and otherwise complying with all measures for other entrants to the floor).
- For those Members, licensees, readers and staff who consent, a private vaccination register, to allow the Floor to know which of those persons have adopted the control of vaccination. Given this is sensitive personal information the Floor has adopted a policy for the collection, storage and disclosure of such information in similar terms to CCL's privacy policy relating to the collection of sensitive information relating to COVID-19. The terms of that privacy policy are set out in Attachment A to this Policy.

Urgent decision making

- It is expected there may be occasions when urgent decisions are required to be made in response to COVID19-related events.
- The Board has authorised the Floor's COVID19 Subcommittee by a quorum of 2 to make any urgent decisions concerning the Floor and its operations in response to any COVID19-related events, which decisions will be further considered and reviewed by the Board at the next Board meeting or earlier if necessary.
- Members, licensees, readers and staff are encouraged to bring to the Board's attention any practical difficulties arising from the implementation of and adherence to this Policy.

Readers accommodation and room sharing arrangements

11. Although each of the readers rooms are able to accommodate 2 persons in a manner that is compliant with social distancing guidelines, the lack of ventilation presents a problem for co-occupation for extended periods of time. Accordingly, at least for the foreseeable future, readers will need to negotiate amongst themselves arrangements for use of the readers rooms that are both flexible and equitable.

The Board**18 October 2021**

Attachment A

Floor privacy policy for the collection and disclosure of sensitive information relating to COVID-19

1. A person's vaccination status is considered sensitive health information under the *Privacy Act 1988* (Cth) and higher privacy protections apply.
2. The Floor 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.
3. This information will be maintained in a Floor Vaccination Register with respect to members, licensees, readers, staff, and staff of members and limited to Covid-19 vaccinations only.
4. Current knowledge of all available and current public health advice and directions and applicable public health orders will be applied in directing any consideration of what constitutes necessary information and any protection and management required by the Floor.
5. The Floor will only collect vaccination status information if a person consents, unless an exemption applies, and the collection is reasonably necessary for work, health and safety functions and activities of the Floor.
6. Consent of each person must be freely given and constitute valid consent, after each person acknowledges and agrees that the person:
 - a. understands the need for an use of the information, namely the safety and protection of all persons who work on the Floor and visitors to the Floor;
and
 - b. has been provide with a genuine opportunity to provide or without consent without feeling any pressure resulting from any perceived imbalance of power.

7. The disclosure of a person's vaccination status will be limited to:
 - a. the Clerk and Assistance Clerk who will be responsible for maintaining and updating as required the Floor Vaccination Register;
 - b. the Head of Chambers;
 - c. Board members.
8. The Floor will take reasonable steps to keep such information up to date and secure.