

QR Code Record Keeping Requirement Update

Further to our last [Bulletin](#), VACC advises that greater clarity has now been provided on the new QR Code record keeping requirements, following the release of the [Restricted Activity Directions \(Metropolitan Melbourne\)](#) and [Restricted Activity Directions \(Regional Victoria\)](#) which both took effect from 11:59pm on 3 June 2021.

QR Code Requirements – Metropolitan Melbourne

Clause 8(1) of the *Restricted Activity Directions (Metropolitan Melbourne)* covers **electronic record-keeping requirements** and provides that with the exception of permitted outdoor work and educational facilities, an employer operating an authorised work premises (clause 5), a closed work premises (clause 6), or other permitted operation (clause 7) must:

- a. *Comply with the records requirement by requiring all persons who attend the venue to record their attendance at the venue using a **prescribed electronic record-keeping method** by means of a mobile phone or other device at the time the person enters the premises; and*
- b. *Make reasonable efforts to ensure that a person required to record their attendance at the venue pursuant to subclause (a) can do so using a prescribed electronic record-keeping method even where they do not have access to a personal mobile phone or other device that enables them to do so.*

Note 1: *compliance with subclause (1)(b) could include making a terminal (e.g. a tablet or other device) available for persons to register their contact details via a prescribed electronic record-keeping method and staff available to provide assistance to persons to do so.*

Note 2: *the operator of a market, market stall, retail facility or retail shopping centre will **not** be subject to a penalty for failing to comply with the records requirement in subclause (1) with respect to their customers where it is **not practicable** for the operator to comply with the records requirement.*

Note 3: *operators will **not** be subject to a penalty for failing to comply with the records keeping requirement with respect to any person who attends a facility for **less than 15 minutes**.*

Clause 8(2) of the of the *Restricted Activity Directions (Metropolitan Melbourne)* provides that where:

- a. *It is not reasonably practicable for a person to record their attendance at a venue using a prescribed electronic record-keeping method; or*
- b. *There is an access issue that prevents the prescribed electronic record-keeping method from operating:*

then a person to whom subclause (1) applies must use an alternative record-keeping method to comply with the records requirement.

QR Code Requirements – Regional Victoria

Clause 18 of the *Restricted Activity Directions (Regional Victoria)* provides that an employer operating a business specified in clauses 6-17 of the Directions, are subject to the same electronic record keeping requirements that apply to Metropolitan Melbourne (as set out above). Relevantly, automotive businesses that operate a **food and drink facility** or a **retail facility** are covered.

Do the electronic record keeping requirements apply to my business?

Employers operating automotive businesses in Metropolitan Melbourne are now required to use the electronic record keeping system. Those located in Regional Victoria are also required to use the electronic record keeping system where they are operating a food and drink facility or a retail facility.

When does the new electronic record keeping requirement apply from?

The Directions commenced at 11:59pm on 3 June 2021 and are currently scheduled to end at 11:59pm on 10 June 2021.

If the requirements apply to my business, who needs to check-in?

All customers, visitors and workers who attend the premises, regardless of the length of time. However, operators will **not** be subject to a penalty for failing to comply with the record keeping requirement with respect to any person who attends a facility for **less than 15 minutes**.

What is the 'prescribed electronic record-keeping method'?

The Directions define **prescribed electronic record-keeping method** as “a digital system provided by the Service Victoria CEO and other parts of the Victorian Government for the purpose of complying with clause 8” – i.e. the [Victorian Government QR Code Service App](#).

How do I ensure compliance?

The Directions provide that businesses must make reasonable efforts to ensure customers, visitors and workers check-in and make reasonable efforts to provide an alternative record keeping means for people who do not have access to, or cannot use, the Victorian Government QR Code Service to check in. For example, this might include having an alternative means for checking in (e.g. an ipad) if a customer does not have a Smartphone, or if not reasonably practicable in the circumstances, a manual paper-based recording method (e.g. [Visitor and Patron Contacts Log](#)) may be used instead.

Members are encouraged to ensure that there are multiple visible QR code scanning points available (e.g. entry, point of sale and exit), to encourage customers to sign in. Members should also consider additional signage reminding customers of the requirements. [VACC will have signage materials available for members electronically by close of business Monday and in hard copy to members by the end of next week.](#)

Are we expected to force a customer to comply if they refuse to check in?

No. Whilst employees have a role in encouraging customers to utilise the QR Code system (and the alternative means of record keeping, where applicable), VACC advises that it is **not** the role of an employee or a business owner to attempt to force a customer to comply. This is the role of Authorised Officers. Members should therefore avoid escalating the situation if a customer refuses to check in, and contact Victoria Police if the customer becomes aggressive and threatening. Members are encouraged to advise their employees accordingly and to contact the IR Department should they need any advice or assistance.

I operate in Regional Victoria, what is a 'retail facility'?

Clause 12(62) of the *Restricted Activity Directions (Regional Victoria)* defines **retail facility** as “a premises, or part of a premises, that are used wholly or predominately for the sale or hire of goods by retail, or the retail provision of services and includes a **market, retail shopping centre and supermarkets**”. It is recommended that businesses that are in any doubt as to whether they are covered, consider implementing the QR code system out of an abundance of caution. Members are also encouraged to contact the IR Department should they have any further queries.

Can I be fined?

On-the-spot fines of up to \$1,652 (for individuals) and up to \$9,913 (for businesses) still apply for anyone who breaches COVID-19 restrictions.

Members seeking further information are encouraged to contact the Workplace Relations Team on 03 9829 1123 or ir@vacc.com.au.

Daniel Hodges
Executive Manager – Workplace Relations
Industrial Relations OHSE Department