



PRIVACY ACT 1988 - SECT 94H

Requiring the use of COVIDSafe

(1) A person commits an offence if the person requires another person to:

- (a) download [COVIDSafe](#) to a [communication device](#); or
- (b) have [COVIDSafe](#) in operation on a [communication device](#); or
- (c) [consent](#) to uploading [COVID app data](#) from a [communication device](#) to the [National COVIDSafe Data Store](#).

[Penalty](#): Imprisonment for 5 years or 300 [penalty units](#), or both.

(2) A person commits an offence if the person:

- (a) refuses to enter into, or continue, a contract or arrangement with another person (including a contract of employment); or
- (b) takes adverse action (within the meaning of the [Fair Work Act 2009](#)) against another person; or
- (c) refuses to allow another person to enter:
 - (i) premises that are otherwise accessible to the public; or
 - (ii) premises that the other person has a right to enter; or
- (d) refuses to allow another person to participate in an activity; or
- (e) refuses to receive goods or services from another person, or insists on providing less monetary consideration for the goods or services; or
- (f) refuses to provide goods or services to another person, or insists on receiving more monetary consideration for the goods or services;

on the ground that, or on grounds that include the ground that, the other person:

- (g) has not downloaded [COVIDSafe](#) to a [communication device](#); or
- (h) does not have [COVIDSafe](#) in operation on a [communication device](#); or
- (i) has not [consented](#) to uploading [COVID app data](#) from a [communication device](#) to the [National COVIDSafe Data Store](#).

[Penalty](#): Imprisonment for 5 years or 300 [penalty units](#), or both.

(3) To avoid doubt:

- (a) [subsection](#) (2) is a workplace law for the purposes of the *Fair Work Act 2009* ; and
- (b) the benefit that the other person derives because of an obligation of the person under [subsection](#) (2) is a workplace right within the meaning of Part 3-1 of that Act.