

PUBLIC HEALTH ACT 2016 (WA)

Sections 157(1)(e), 157(1)(k), 180 and 190(1)(p)

MEAT INDUSTRY WORKER (RESTRICTIONS ON ACCESS) DIRECTIONS

The World Health Organization declared COVID-19 a pandemic on 11 March 2020.

On 23 March 2020, the Minister for Health declared a public health state of emergency with effect from 1.30 pm on 23 March 2020 in respect of COVID-19 pursuant to section 167 of the *Public Health Act 2016 (WA) (Act)*. On 22 September 2021, the Minister for Health declared a further public health state of emergency with effect from 4.25 pm on 22 September 2021 in respect of COVID-19 pursuant to section 167 of the Act. The public health state of emergency applies to the State of Western Australia.

I, Dr Andrew Robertson, the Chief Health Officer, authorised as an emergency officer under section 4 of the Act to exercise any of the emergency powers while the public health state of emergency declaration in respect of COVID-19 is in force, consider it reasonably necessary to give the following directions to all persons in Western Australia to prevent, control or abate the serious public health risk presented by COVID-19 pursuant to sections 157(1)(e), 157(1)(k), 180 and 190(1)(p) of the Act.

PREAMBLE

1. The purpose of these directions is to put in place some measures to address the unique risks posed by COVID-19 at meat industry sites in order to limit the spread of COVID-19 in Western Australia.

CITATION

2. These directions may be referred to as the **Meat Industry Worker (Restrictions on Access) Directions**.

COMMENCEMENT

3. These directions come into effect upon signing.

DIRECTIONS

Access Restrictions Applying to Meat Industry Worker

4. Subject to paragraph 5:

- (a) on and from 12:01 am on 1 December 2021, a person who is a **meat industry worker** must not enter, or remain at, a **meat industry site** if the meat industry worker has not been **partially vaccinated** against COVID-19; and
- (b) on and from 12:01 am on 1 January 2022, a person who is a meat industry worker must not enter, or remain at, a meat industry site if the meat worker has not been **fully vaccinated** against COVID-19,

unless the person is present at the meat industry site solely in a capacity other than as a meat industry worker.

General vaccination requirements

5. Nothing in these directions prevents a person who is not vaccinated against COVID-19 from entering any part of a meat industry site for the purposes of:

- (a) performing a law enforcement function that cannot reasonably be performed other than by entering the meat industry site; or
- (b) performing a statutory duty arising under a law of the Commonwealth that cannot reasonably be performed other than by entering the meat industry site; or
- (c) performing any function or duty or exercising any right or power under a Fair Work entry permit issued by the Fair Work Commission under the *Fair Work Act 2009* (Cth) or a Work Health and Safety entry permit issued by the Fair Work Commission under the *Work Health and Safety Act 2011* (Cth) or a right of entry permit issued by the Registrar of the Department of the Registrar, Western Australian Industrial Relations Commission under the *Industrial Relations Act 1979* (WA);
- (d) responding to an emergency where the emergency response is required to be provided immediately and a fully vaccinated or partially vaccinated person is not available to provide the response; and

to the extent that a meat industry worker enters a meat industry site for any of the purposes in paragraph (a) to (d), then the meat industry worker is an **exempt person** at any time and for so long as they enter or remain at a meat industry site for that purpose.

6. A meat industry worker must provide evidence in the form approved by the **Chief Health Officer** of their **vaccination status** for inspection, recording and retention of a copy, if:

- (a) **directed** to do so by an **emergency officer**; or
 - (b) required to do so by their employer or by the owner, occupier, operator or person apparently in charge of a meat industry site.
7. The employer, owner, occupier, operator or person apparently in charge of a meat industry site must:
- (a) take all reasonable and lawful steps to:
 - i. collect and maintain a record of the vaccination status of each meat industry worker; and
 - ii. only roster on, or otherwise permit to work at a meat industry site, a meat industry worker who is vaccinated or is an exempt person in accordance with these directions;
 - (b) on request, provide any record of the kind referred to in paragraph 7(a)i that the employer, owner, occupier, operator or person apparently in charge of a of a meat industry site has collected and maintained to an emergency officer as soon as practicable after the request is made; and
 - (c) not use or disclose any record of the kind referred to in paragraph 7(a)i except:
 - i. as provided for in this paragraph 7; or
 - ii. as permitted by law, including any law of the Commonwealth; or
 - iii. for the purposes of ascertaining compliance with any employer direction restricting access to a meat industry site; or
 - iv. to the extent that the person expressly provided the person's vaccination status for a purpose other than for the purposes of these directions; and
 - (d) take reasonable steps to protect any record it holds of the kind referred to in paragraph 7(a)i from:
 - i. misuse and loss; and
 - ii. unauthorised access, modification or disclosure.
8. A person who is required to provide evidence of their vaccination status under paragraph 6 or a record of the kind referred to in paragraph 7(a)i under paragraph 7(b) must only provide that evidence or a record that is true and accurate.

INTERPRETATION

9. Unless specified otherwise, any reference in these directions to any other **direction** made by the Chief Health Officer is deemed to be a reference to that direction as amended or replaced from time to time.

DEFINITIONS

For the purposes of these directions:

10. **Abattoir** means any premises or place used for or in connection with the slaughtering of animals for sale for human consumption and includes holding yards and the like places used in or in connection with the slaughtering of those animals.
11. **Ad hoc basis** means no more than once per week.
12. **Chief Health Officer** has the same meaning that it has in the Act.
13. **Direction** includes any direction under the Act, whether the direction is given orally or in writing, and **directed** includes directed by way of a direction under the Act, whether the direction is given orally or in writing.
14. **Emergency officer** has the same meaning that it has in the Act.
15. **Exempt person** means, to the extent that any such person is a meat industry worker:
 - (a) a person who has:
 - i. a **medical exemption** of which the person provides proof on request by a person referred to in paragraph 6; or
 - ii. a **temporary exemption** of which the person provides proof on request by a person referred to in paragraph 6;
 - or
 - (b) a person who is by operation of paragraph 5 of these directions an exempt person; or
 - (c) a person of the kind set out in Column 2 of the table in Schedule 1; or
 - (d) any other person or class of persons who the Chief Health Officer, or a person authorised by the Chief Health Officer for the purposes of this paragraph, declares in writing to be an exempt person upon receipt of a request for exemption in the form specified by me and subject to any terms and conditions specified.
16. **Fully vaccinated** means that the person has been administered with two doses of a COVID-19 vaccine registered by the Therapeutic Goods Administration.
17. **Meat industry site** means each of the following premises:
 - (a) an **abattoir**; or
 - (b) a **processing works**.

18. **Meat industry worker** means a person of the kind set out in Column 1 of the table in Schedule 1 other than an exempt person (even if that exempt person falls within Column 1 of the table in Schedule 1).
19. **Medical exemption** means a medical exemption recorded on the Australian Immunisation Register and displayed on the individual's Immunisation History Statement.
20. **Partially vaccinated** means that the person has been administered with one dose of a COVID-19 vaccine registered by the Therapeutic Goods Administration.
21. **Premises** has the same meaning that it has in the Act.
22. **Processing works** means any boning room, smallgoods manufacturing facility, or other place where carcasses are processed, in so far as it operates otherwise than by way of retail trading.
23. **Temporary exemption** means an exemption approved by the Chief Health Officer or a person authorised by the Chief Health Officer for that purpose whether in relation to an individual or a class of persons and subject to any terms and conditions specified in that approval.
24. **Vaccination status** means whether a meat industry worker has been vaccinated or whether they are an exempt person.

PENALTIES

It is an offence for a person to fail, without reasonable excuse, to comply with any of these directions, punishable by a fine of up to \$20,000 for individuals and \$100,000 for bodies corporate.



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Dr Andrew Robertson

Emergency Officer

10 November 2021 11¹⁵ hours

SCHEDULE 1

Meat industry worker

Row	Column 1	Column 2
1	<p>A person who carries out activities or provides goods or services at a meat industry site and is employed or otherwise engaged, including in a voluntary or unpaid capacity by the owner, occupier, operator or person apparently in charge of the meat industry site or by a contractor or subcontractor of the owner, occupier, operator or person apparently in charge of the meat industry site, including:</p> <ul style="list-style-type: none">a. an administrative staff member including but not limited to a person working in administration, management or reception services;b. an ancillary staff member including but not limited to a cleaner, a security officer and a person providing maintenance services.	<p>A tradesperson who provides services at a meat industry site on an ad hoc basis only including but not limited to a drainer, gasfitter, plumber, mechanic, electrician, builder, air conditioning or refrigeration worker, metal fabricator, plumber, plasterer but not including a tradesperson who is required to come within 1.5 metres of meat industry workers at the meat industry site.</p>
2	<p>A person who is an apprentice or cadet or trainee or on work experience on a placement at a meat industry site.</p>	
3	<p>A person who is the owner, occupier, operator or person apparently in charge of a meat industry site.</p>	
4	<p>A delivery driver who provides goods at a meat industry site.</p>	

5	A person who is a State Government or Local Government officer or employee to the extent that the person enters, and remains at, the meat industry site for the purpose of performing a statutory function under a law of the State.	
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