



Critical Government Regulator (Restrictions on Access) Directions Exemption Guidelines

Based on the health advice from Western Australia's Chief Health Officer, due to the evolving Delta variant and risks of COVID-19, the *Critical Government Regulator (Restrictions on Access) Directions* (the **Directions**) were made on 15 December 2021 and came into effect upon signing.

Under the Directions, critical government regulators (unless they are an exempt person) must be vaccinated against COVID-19 to enter or remain at a critical government regulator site.

Critical government regulators are required to be vaccinated against COVID-19 as follows:

- From 1 January 2022 – **Partially vaccinated** (first dose)
- From 1 February 2022 – **Fully vaccinated** (second dose)

All critical government regulators and their employers, owners, occupiers, operators or persons in charge of a critical government regulator site should refer to the Directions to determine the vaccination requirements.

Partially vaccinated means that a person has been administered with one dose of a COVID-19 vaccination registered by the Therapeutic Goods Administration.

Fully vaccinated means that a person has been administered with 2 doses of a COVID-19 vaccine registered by the Therapeutic Goods Administration.

When directed or required, a critical government regulator must produce evidence that they have been vaccinated against COVID-19.

These Guidelines only provide a summary of the exemptions arising under the Directions at the time these Guidelines are published. The signed Directions are available at [Critical Government Regulator \(Restrictions on Access\) Directions](#) and may be amended or replaced from time to time.

Critical government regulator means each of the following (other than an exempt person):

- A person who is:
 - an authorised officer or food safety auditor under the *Food Act 2008* (WA)
 - appointed as an inspector of mines under the *Mines, Safety and Inspection Act 1994* (WA)

- an inspector appointed under the *Environmental Protection Act 1986* (WA)
 - appointed as an inspector under the *Occupational Safety and Health Act 1994* (WA) or the *Work Health and Safety Act 2020* (WA) once proclaimed
 - appointed as an industrial inspector under the *Industrial Relations Act 1979* (WA)
 - designated to be an inspector under the *Energy Coordination Act 1994* (WA)
 - an authorised person carrying out an investigation or inquiry under the *Fair Trading Act 2010* (WA)
 - appointed as an inspector under the *Liquor Control Act 1988* (WA)
 - an authorised person performing a function related to an inspection under the *Racing and Wagering Act 2003* (WA)
 - an authorised officer under the *Corruption, Crime and Misconduct Act 2003* (WA)
 - appointed as an inspector under the *Veterinary Surgeons Act 1960* (WA) or the *Veterinary Practice Act 2021* (WA)
 - appointed as a pound keeper or ranger under the *Local Government (Miscellaneous Provisions) Act 1960* (WA)
 - an environmental health officer whether employed or engaged by local government, appointed under the *Public Health Act 2016* (WA)
 - an authorised officer performing an enforcement function under Part IV of the *Radiation Safety Act 1975* (WA)
 - an officer conferred powers and functions of an inspector or analyst under the *Agricultural and Veterinary Chemicals (Western Australia) Act 1995* (WA)
 - appointed as an inspector under the *Animal Welfare Act 2002* (WA)
 - appointed as an inspector under the *Biosecurity and Agricultural Management Act 2007* (WA), and
 - an inspector defined or appointed under the *Exotic Diseases of Animals Act 1993* (WA).
- A person who is employed or otherwise engaged including in a voluntary or unpaid capacity by a local government authority to perform or coordinate the following roles, duties or functions:
 - a pool inspector
 - a ranger administering the local government's obligations in respect of matters such as control of animals, security, and monitoring of local law compliance.
 - Any other person or class of persons specified in writing to be a critical government regulator by the Chief Health Officer or a person authorised by the Chief Health Officer for that purpose.

But does not include:

- state or local government regulators, officers, employees or person otherwise engaged in any way including in a voluntary or unpaid capacity not identified in Column 2 Schedule 1, or specified by the Chief Health Officer under paragraph 12(b) of these Directions

Note: For example, administrative staff or cleaning staff or persons not performing any of the specific critical regulatory functions listed in Column 1 are excluded from the operation of this direction, even if they may be engaged by the same organisation or working in the same premises

- a person who enters any part of a critical government regulator site for any of the purposes in paragraph 5 of the Directions.

What is a critical government regulator site?

Critical government regulator site means any premises owned, operated, occupied or under the control of the employer or person apparently in charge of the critical government regulator.

What are the types of exemptions?

Exempt person means each of the following:

- A critical government regulator who has a **medical exemption**
Medical exemption means a medical exemption recorded on the Australian Immunisation Register and displayed on the person's Immunisation History Statement.
Further information on medical exemptions is available on the Australian Immunisation Register website. This information specifies that the only reasons a person might be able to get an exemption from having a vaccine are if the person:
 - had anaphylaxis after a previous dose of a vaccine
 - had anaphylaxis after a dose of any component of a vaccine, or
 - is significantly immunocompromised — for live vaccines only.
- A critical government regulator who has a **temporary exemption**
- A critical government regulator, their employer or the person in charge of a critical government regulator may apply for a temporary exemption. A temporary exemption will only last for a limited time.
- Any other critical government regulator or class of critical government regulator declared to be an **exempt** person by the Chief Health Officer or a person authorised by the Chief Health Officer for that purpose.

An exemption may be subject to terms and conditions. Details about this process are set out in these Guidelines.

For more information about specific exemptions please refer to the Directions available at [Critical Government Regulator \(Restrictions on Access\) Directions \(www.wa.gov.au\)](http://www.wa.gov.au).

Temporary Exemption

How do I apply for a temporary exemption?

A critical government regulator may apply for a temporary exemption or their employer or the person in charge of a critical government regulator may apply for a temporary exemption on behalf of their staff.

If you are one of the above-mentioned persons and wish to apply for a temporary exemption, please submit a Temporary Exemption Application Form.

As it can take time to determine an application for a temporary exemption, and you may be contacted to provide further information, please submit the Temporary Exemption Application Form well in advance of the time that the temporary exemption is required.

You do not need to apply for a temporary exemption if you:

- have a medical exemption

Or

- are declared to be an exempt person.

Duration of temporary exemption

A temporary exemption will be granted for a specified period or for a specified purpose, which will be considered on a case by case basis.

Temporary exemption may be subject to terms and conditions

A temporary exemption may be subject to terms and conditions which will be specified in the temporary exemption decision form.

Reasons to apply for a temporary exemption

Critical government regulator

Examples of when a temporary exemption may be considered for a critical government regulator are as follows:

- if the critical government regulator can demonstrate they have taken every effort to access a COVID-19 vaccine registered by the Therapeutic Goods Administration, but have been unable to due to supply or access limitations
- if the critical government regulator has been vaccinated against COVID-19 outside Australia with a vaccine that is not registered by the Therapeutic Goods Administration, or
- if the critical government regulator is in the process of applying for a medical exemption but that process is not yet complete.

Information and evidence to support the application for temporary exemption must be provided.

Employer or person in charge of a site

The employer or person in charge of a critical government regulator site may submit an application for a temporary exemption on behalf of its staff.

Examples of when a temporary exemption be considered are as follows:

- if the employer or person in charge of a critical government regulator can demonstrate that they are making every effort to ensure the critical government regulator has been vaccinated against COVID-19 but has not yet achieved this.

Information and evidence to support the application for a temporary exemption will need to be provided.

Declaration of an exempt person or class of persons

A person or class of persons may be declared to be exempt. A critical government regulator or their employer or the owner, occupier, operator or person in charge of a critical government regulator site may apply for an exemption.

If you are one of the above-mentioned persons and wish to apply to be declared exempt, please submit an Exemption Application Form. Information and evidence to support the application to be declared exempt would need to be provided.

As it can take time to determine an application for an exemption, and you may be contacted to provide further information, please submit the Exemption Application Form well in advance of the time that an exemption is required.

The exemption may be subject to terms and conditions which will be specified in the exemption decision form.

Compelling circumstances must exist for a declaration to be made. For example, an exemption could be granted in rare circumstances where a medical exemption cannot be recorded on the Australian Immunisation Register but advice has been provided by an expert or experts approved by the Chief Health Officer about the need for an exemption.

Approval of temporary exemption / declaration of exemption

If the temporary exemption is approved or a person or class thereof is declared exempt, an approval/declaration (as the case may be) will be provided to the applicant.

The critical government regulator must:

- produce a copy of the exemption approval/declaration for inspection if directed to do so by an emergency officer
- provide a copy of the exemption approval/declaration to their employer or person in charge of a critical government regulator if required to do so, and
- keep a copy of the exemption approval/declaration available whilst remaining at a critical government regulator site.

If a temporary exemption or exemption is not approved

You will be notified if an application for a temporary exemption or a declaration of an exempt person or class of persons is not approved.

If the application is not approved, the critical government regulator who is not vaccinated in accordance with the Directions may not enter or remain on the relevant critical government regulator site.

More information

If you would like more information about the types of exemption and information and evidence that may need to be provided, contact COVIDVaccinationExemption@health.wa.gov.au.

Further information is available at:

www.wa.gov.au

Call **13 COVID (13 268 43)** for general and quarantine related queries

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This document can be made available in alternative formats on request for a person with disability.

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