



Ministerial Staff Members (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 *Ministerial Staff Member (Restrictions on Access) Directions* (the **Directions**) were made on 17 December 2021 and came into effect upon signing.

Under the Directions, the following persons (unless they are an exempt person) must be vaccinated against COVID-19 for the following reasons:

- Ministerial staff member, in order to enter or remain at a ministerial site.

Ministerial staff members 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 ministerial staff members and their employers 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 ministerial staff member 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 [Ministerial Staff Member \(Restrictions on Access\) Directions](#) and may be amended or replaced from time to time.

Who is a ministerial staff member?

Ministerial staff member means each of the following:

- A person appointed or contracted to work for a minister at a ministerial site as a ministerial officer, ministerial staff member (permanent or on contract), or person on secondment or placement from another government agency.

Note: This does not include cleaners, persons employed or engaged by another government agency who visit a ministerial site (i.e. not on secondment or placement), any other visitor to a ministerial site (e.g. a person carrying out maintenance services), or any other person that is specified not to be a ministerial staff member in writing or any person authorised by the Chief Health Officer for that purpose.

- An executive transport officer engaged by the Department of Premier and Cabinet to provide transportation services for ministers.
- A person who is a student, on work experience or an internship and is on a placement at a ministerial site as a formal part of their education.
- A volunteer who works for a minister at a ministerial site.
- Any other person specified to be a ministerial staff member by the Chief Health Officer in writing or any person authorised by the Chief Health Officer for that purpose.

Note: Ministerial staff member does not include a person who enters a ministerial site for any of the following purposes:

- Performing a specific duty. This includes duties such as performing a statutory duty, performing any function or duty or exercising any right or power under a Fair Work entry permit or a Work Health and Safety entry permit. For the full list please see paragraph 6 of the Directions available at [Ministerial Staff Member \(Restrictions on Access\) Directions](#).
- Responding to an emergency in a capacity other than a person who is subject to vaccination requirements under a direction.
- In any circumstances approved in writing by the Chief Health Officer or any person authorised by the Chief Health Officer for that purpose (subject to conditions).

What is a ministerial site?

Ministerial site means each of the following:

- Dumas House (at 2 Havelock Street, West Perth WA)
- a ministerial vehicle (vehicle driven by an executive transport officer to transport a minister for official ministerial business)
- any other site specified to be a ministerial site by the Chief Health Officer in writing or any person authorised by the Chief Health Officer for that purpose.

Note: An electoral office is not a ministerial site for the purpose of the Directions.

What are the types of exemptions?

If you are a ministerial staff member, you are an exempt person if:

- You have 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
- is significantly immunocompromised — for live vaccines only.

- You have a **temporary exemption**

A ministerial staff member or their employer may apply for a temporary exemption. A temporary exemption will only last for a limited time and may be subject to terms and conditions. Details about this process are set out in these guidelines.

- Any other ministerial staff member 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 [Ministerial Staff Member \(Restrictions on Access\) Directions](#).

Temporary Exemption – Paragraph 15(a)(ii)

How do I apply for a temporary exemption?

A ministerial staff member may apply for a temporary exemption or their employer 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
- are performing a specific duty which is excluded under the Directions
- 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

Ministerial staff member

Examples of when a temporary exemption may be considered for a ministerial staff member are as follows:

- if the ministerial staff member 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 ministerial staff member has been vaccinated against COVID-19 outside Australia with a vaccine that is not registered by the Therapeutic Goods Administration, or
- if the ministerial staff member 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 a temporary exemption will need to be provided.

Employer

The employer of a ministerial staff member may submit an application for a temporary exemption on behalf of its staff. Examples of when a temporary exemption may be considered are as follows:

- if the employer can demonstrate that they are making every effort to ensure the Ministerial staff member 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 - paragraph 15(b)

A person or class of persons may be declared to be exempt. A ministerial staff member or their employer 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 ministerial staff member 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 if required to do so, and
- keep a copy of the exemption approval/declaration available while performing duties or undertaking activities as a ministerial staff member at a ministerial 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 ministerial staff member who is not vaccinated in accordance with the Directions must not enter or remain at a ministerial site.

More information

If you would like more information about the types of exemption and information and evidence that may need to be provided, please 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

Dated 20 December 2021

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

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