



Critical Infrastructure Worker (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 Infrastructure Worker (Restrictions on Access) Directions* (the **Directions**) were made on 22 December 2021 and came into effect upon signing.

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

Critical infrastructure workers 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 infrastructure workers and their employers, owners, occupiers, operators or persons in charge of a critical infrastructure 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 two doses of a COVID-19 vaccine registered by the Therapeutic Goods Administration.

When directed or required, a critical infrastructure worker 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 Infrastructure Worker \(Restrictions on Access\) Directions \(www.wa.gov.au\)](http://www.wa.gov.au) and may be amended or replaced from time to time.

Who is a critical infrastructure worker?

Critical infrastructure worker means each of the following (other than an exempt person) identified in Schedule 1 Column 1 of the Directions:

- a commercial laundry infrastructure worker
- an electricity infrastructure worker
- a gas infrastructure worker

- a miscellaneous infrastructure worker
- a telecommunications infrastructure worker
- a waste infrastructure worker
- a water infrastructure worker
- any other person specified in writing to be a critical infrastructure worker by the Chief Health Officer or any person authorised by the Chief Health Officer for that purpose

but does not include a person identified in Schedule 1, Column 2 of the Directions, or a person who enters any part of a critical infrastructure site for any of the purposes in paragraph 7 of the Directions.

What is a critical infrastructure worker site?

A critical infrastructure worker site means:

- a commercial laundry infrastructure site at which commercial laundry services are undertaken for hospitals, hotels and prisons
- an electricity infrastructure site at which services or activities are performed for the purposes of and in connection with the continued functioning of electricity systems
- a gas infrastructure site at which services or activities are performed for the purposes of and in connection with gas infrastructure
- a miscellaneous infrastructure site listed in Schedule 2 of the Directions or any other infrastructure specified in writing by the Chief Health Officer or any person authorised by the Chief Health Officer for that purpose
- a telecommunications infrastructure site in Western Australia at which services or activities are performed for the purposes of and in connection with telecommunications infrastructure to ensure the continuation of telecommunications services to end users
- a waste infrastructure site used for the predominant purpose of collection, transport, receipt, sorting, treatment, recycling, recovery (including energy recovery), processing or disposing of domestic or commercial waste and includes licensed or unlicensed waste management premises where one or more waste service is provided
- a water infrastructure site containing water infrastructure at which services or activities are performed for the purposes of and in connection with water service works
- any other premises or class of premises specified in writing to be a critical infrastructure site by the Chief Health Officer or any person authorised by the Chief Health Officer for that purpose.

What are the types of exemptions?

Exempt person means each of the following:

- A critical infrastructure worker who has a **medical exemption**

Medical exemption means a medical exemption recorded on the Australian Immunisation Register and displayed on the individual's Immunisation History Statement.

Further information on medical exemptions is available on the Australian Immunisation Register website.

This information specifies that the only reasons you might be able to get an exemption from having a vaccine are if you:

- had anaphylaxis after a previous dose of a vaccine
 - had anaphylaxis after a dose of any component of a vaccine
 - are significantly immunocompromised — for live vaccines only.
- A critical infrastructure worker who has a **temporary exemption**
A critical infrastructure worker, or their employer or owner, occupier, operator or person in charge of a critical infrastructure site may apply for a temporary exemption. A temporary exemption will only last for a limited time.
 - Any other critical infrastructure worker or class of critical infrastructure worker 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 Infrastructure Worker \(Restrictions on Access\) Directions \(www.wa.gov.au\)](http://www.wa.gov.au).

Temporary exemption

How do I apply for a temporary exemption?

A critical infrastructure worker may apply for a temporary exemption or their employer or the owner, occupier, operator or person in charge of a critical infrastructure site 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 exempt 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

Critical infrastructure worker

Examples of when a temporary exemption may be considered for a critical infrastructure worker are as follows:

- if the critical infrastructure worker 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 infrastructure worker has been vaccinated against COVID-19 outside Australia with a vaccine that is not registered by the Therapeutic Goods Administration
- if the critical infrastructure worker 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 will need to be provided.

Employer, owner, occupier, operator or person in charge of a site (class of persons)

The employer or the owner, occupier, operator or person in charge of a site 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 or the owner, occupier, operator or person in charge of a site can demonstrate that they are making every effort to ensure the critical infrastructure worker has been vaccinated against COVID-19 but has not yet achieved this.

Information and evidence to support the application for 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 infrastructure worker or their employer or the owner, occupier, operator or person in charge of a 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 an expert or experts approved by the Chief Health Officer have provided advice 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 infrastructure worker must:

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

If a temporary exemption or exemption is not approved

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

If the application is not approved, the critical infrastructure worker who is not vaccinated in accordance with the Directions may not enter or remain on the relevant site (critical infrastructure worker 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 10 January 2022

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

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