
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 in primary health care settings in order to limit the spread of COVID-19 among vulnerable populations in Western Australia and to abate the risk to primary health care workers who are at a higher risk of exposure.

CITATION

2. These directions may be referred to as the Primary Health Care Worker (Restrictions on Access) Directions (No 4).

COMMENCEMENT

3. These directions come into effect upon signing.
REVOCATION AND CONTINUING OBLIGATIONS

4. The Primary Health Care Worker (Restrictions on Access) Directions (No 3) (revoked directions) are revoked.

5. Despite paragraph 4, a person who is a primary health care worker or the employer, owner, occupier or person apparently in charge of a primary health care facility must continue to comply with any requirement or obligation which still applied to them under the revoked directions immediately before they were revoked to the same extent that the person would if the revoked directions had not been revoked, and, for the avoidance of doubt, if the person fails to comply with a requirement that applied to them under the revoked directions, the person may commit an offence under the Act.

6. Any reference to the revoked directions in any direction or approval given under or pursuant to a direction is deemed to be a reference to these directions from the commencement of these directions.

DIRECTIONS

Access Restrictions Applying to Primary Health Care Workers

7. Subject to paragraphs 8 and 9, a person who is a primary health care worker must not enter, or remain at, a primary health care facility, if the person has not been fully vaccinated against COVID-19 unless the person is present at the primary health care facility solely in a capacity other than as a primary health care worker or is an exempt person.

General Vaccination Requirements

8. Where only part of premises are being used as a primary health care facility, nothing in these directions prevents a primary health care worker who does not meet the requirements of paragraph 7 from entering that part of the premises which is not being used as a primary health care facility.

9. Nothing in these directions prevents a person who does not meet the requirements of paragraph 7 from entering any part of a primary health care facility:
   (a) for the purpose of performing a statutory duty arising under a written law of the Commonwealth that cannot reasonably be performed other than by entering the primary health care facility; or
   (b) for the purpose of 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); or

(c) for the purpose of responding to an emergency where the emergency response is required to be provided immediately and a fully vaccinated person is not available to provide the response; or

(d) for the purpose of providing emergency care to a patient in the primary health care facility where the emergency care is necessary to be provided immediately and a fully vaccinated primary health care worker is not available to provide that emergency care; or

(e) in any circumstances approved in writing by the Chief Health Officer or a person authorised in writing by the Chief Health Officer for that purpose and subject to any conditions expressed in that approval.

10. A primary health care 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 or person apparently in charge of a primary health care facility.

11. The employer, owner, occupier or person apparently in charge of a primary health care facility must:

(a) take all reasonable and lawful steps to:

   (i) collect and maintain a record of the vaccination status of each primary health care worker at the primary health care facility; and

   (ii) only roster on, or otherwise permit to work at a primary health care facility, a primary health care worker who is fully vaccinated or is an exempt person in accordance with these directions;

   (iii) if they are the owner, occupier, operator or person apparently in charge of a primary health care facility, only permit a primary health care worker who is fully vaccinated or an exempt person in accordance with
these directions to enter, or remain at, the primary health care facility, unless the person is present at the primary health care facility solely in a capacity other than as a primary health care worker; and

(b) on request, provide any record of the kind referred to in paragraph 11(a)(i) that the employer, owner, occupier or person apparently in charge of a primary health care facility 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 11(a)(i) except:

(i) as provided for in this paragraph 11; or

(ii) as permitted or required by law, including any law of the Commonwealth; or

(iii) for the purpose of ascertaining compliance with any employer direction restricting access to a primary health care facility; or

(iv) to the extent that the person expressly provided the person's vaccination status for a purpose other than these directions, and

(d) take reasonable steps to protect any record it holds of the kind referred to in paragraph 11(a)(i) from:

(i) misuse and loss; and

(ii) unauthorised access, modification or disclosure.

12. A person who is required to provide evidence of their vaccination status under paragraph 10, or a record of the kind referred to in paragraph 11(a)(i) under paragraph 11(b), must only provide evidence, or a record, that is true and accurate.

13. The forms of evidence approved in the Chief Health Officer Approved Form Of Evidence of COVID-19 Vaccination Under Each Of The Restrictions On Access Directions Given Under The Public Health Act 2016 (WA) In Respect Of COVID-19, as amended or replaced from time to time, are approved for the purposes of paragraph 10 of this direction.
BOOSTER VACCINATION

14. For the avoidance of doubt, these directions are restrictions on access direction for the purposes of the Booster Vaccination (Restrictions on Access) Directions (No 2) and a primary health care worker must comply with the booster vaccination requirements in the Booster Vaccination (Restrictions on Access) Directions (No 2) as amended or replaced from time to time.

INTERPRETATION

15. 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:

16. **Ad hoc basis** means attendance at no more than one primary health care facility no more than once per week.

17. **Ad hoc volunteer** means a person who provides goods or services at a primary health care facility in a voluntary or unpaid capacity and does so on an ad hoc basis only.

18. **Allied health** means:
   (a) Aboriginal and Torres Strait Islander health practice;
   (b) Chinese medicine;
   (c) chiropractic practice;
   (d) medical radiation practice;
   (e) occupational therapy;
   (f) optometry;
   (g) osteopathy;
   (h) paramedicine;
   (i) pharmacy;
   (j) physiotherapy;
   (k) podiatry;
   (l) psychology;
   (m) art therapy;
   (n) audiology;
   (o) dietetics;
(p) exercise physiology;
(q) genetic counselling;
(r) music therapy;
(s) orthoptics;
(t) orthotic and prosthetic practice;
(u) rehabilitation counselling;
(v) social work;
(w) sonography; or
(x) speech pathology.

19. **Allied health professional** means a person working in an **allied health** profession.

20. **Ambulance officer** means a person employed or otherwise engaged, including in a voluntary capacity, by:

   (a) St John Ambulance Western Australia Limited; or
   (b) The Royal Flying Doctor Service of Australia; or
   (c) Wilson Medic One; or
   (d) National Patient Transport; or
   (e) Serco Group Proprietary Limited; or
   (f) Department of Fire and Emergency Services; or
   (g) CHC Helicopters Australia; or
   (h) any other company or entity providing similar services to those organisations, including in a regional area, and who the Chief Health Officer specifies for the purposes of this paragraph,

   but only at a time when that person is providing ambulance, patient transport, rescue helicopter and related services in that capacity at a primary health care facility.

21. **Approved COVID-19 vaccine** means:

   (a) any vaccine that has been approved by the Therapeutic Goods Administration for use in Australia for the purpose of vaccinating persons against COVID-19; or

   (b) any other vaccine specified by the Chief Health Officer, or any other person authorised by the Chief Health Officer for that purpose, as an approved COVID-19 vaccine.
22. **Booster vaccination requirements** has the same meaning that it has in the Booster Vaccination (Restrictions on Access) Directions (No 2) as amended or replaced from time to time.

23. **Chief Health Officer** has the same meaning that it has in the Act.

24. **Detention centre** has the same meaning as it has in the *Young Offenders Act 1994* (WA).

25. **Detention centre clinic** means an inhouse health care centre in a detention centre.

26. **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.

27. **Emergency officer** has the same meaning that it has in the Act.

28. **Exempt person** means, to the extent that any such person is a primary health care 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 10; or

   (ii) a **temporary exemption** of which the person provides proof on request by a person referred to in paragraph 10; or

   (b) 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 the Chief Health Officer and subject to any terms and conditions specified.

29. **Full course** means:

   (a) in respect of the SPIKEVAX (Moderna), VAXEVRIA (AstraZeneca), COMIRNATY (Pfizer) and NUVAXOVID (Biocelect on behalf of Novavax) vaccines, two doses of the vaccine administered with an appropriate interval between doses;

   (b) in respect of the COVID-19 Vaccine Janssen, a single dose of that vaccine; and

   (c) in respect of any other COVID-19 vaccine, such number of doses of that vaccine as specified by the Chief Health Officer or a person authorised by the Chief Health Officer for that purpose.

30. **Fully vaccinated** means that the person has been administered with a **full course** of an approved COVID-19 vaccine.
31. **Health clinic** means a facility at which a **health service** is provided to **patients** in the community.

32. **Health service** means the following services for maintaining, improving, restoring or managing a person’s physical or mental health and wellbeing:
   (a) medical;
   (b) nursing;
   (c) midwifery;
   (d) dental;
   (e) allied health;
   (f) pharmaceutical;
   (g) human pathology;
   (h) human medical imaging;
   (i) preventative care, including screening services;
   (j) occupational health;
   (k) mental health;
   (l) child health;
   (m) maternity health;
   (n) health education to patients;
   (o) cancer support to patients with cancer or recovering from cancer; or
   (p) drug and alcohol counselling services.

33. **General practice** means a facility at which a health service is provided to patients and is predominantly delivered by general practitioners.

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

35. **Mobile health vehicle** means a vehicle from which a health service is provided to patients.

36. **Patient** means a person who has been, is being, or will or may be provided with health treatment or care. **Patients** means more than one patient.

37. **Premises** has the same meaning that it has in the Act.

38. **Primary health care facility** means each of the following facilities:
   (a) a **general practice**;
   (b) a **health clinic**, including but not limited to, a medical specialist operated clinic, a nurse operated clinic and an **allied health professional** operated clinic;
(c) a prison clinic;
(d) a detention centre clinic;
(e) premises where COVID-19 related testing or COVID-19 vaccination occurs;
(f) a community health centre at which a health service is provided to patients;
(g) an Aboriginal health service;
(h) a mobile health vehicle;
(i) a pharmacy;
(j) a human pathology centre (excluding pathology laboratories solely providing research services);
(k) a human medical imaging centre (including nuclear medicine);
(l) a blood donation centre;
(m) a dental surgery or practice;
(n) a research institute where patients attend the premises for research purposes; or
(o) any other facility that is specified in writing to be a primary health care facility by the Chief Health Officer or any person authorised by the Chief Health Officer for that purpose,

but does not include:

(p) a health care facility defined by the Health Worker (Restrictions on Access) Directions (No 5), a residential aged care facility defined by the Residential Aged Care Facility Worker Access Directions (No 6), or a disability support accommodation facility defined by the Disability Support Accommodation Worker (Restrictions on Access) Directions (No 2);
(q) a private psychiatric hostel as defined in the Private Hospitals and Health Services Act 1927 (WA);
(r) a health clinic to the extent that it includes residential premises, at times that a health service is not being provided to a patient at the premises;
(s) premises at which a sole primary health care worker is providing a health service solely by telehealth and there is no attendance by a patient at the premises at any time;
(t) a Commonwealth Department of Defence facility providing a health service; or
(u) any other facility that is specified in writing to not be a primary health care facility by the Chief Health Officer or any person authorised by the Chief Health Officer for that purpose.
39. **Primary health care worker** means:
   (a) a person of the kind set out in Column 1 of the table in Schedule 1;
   (b) any other person specified in writing to be a primary health care worker by the
       Chief Health Officer or any person authorised by the Chief Health Officer for
       that purpose,
   but does not include:
   (c) a person who enters any part of a primary health care facility for any of the
       purposes in paragraph 9; or
   (d) a person of the kind set out in Column 2 of the table in Schedule 1.
40. **Prison** has the meaning that it has in the *Prisons Act 1981* (WA).
41. **Prison clinic** means an inhouse health care centre in a **prison**.
42. **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.
43. **Vaccination status** means whether a primary health care worker has been fully
    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  
24 August 2022 13:12 hours
## SCHEDULE 1

### Primary Health Care Workers

<table>
<thead>
<tr>
<th>Row</th>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A person who is employed or engaged, including in an unpaid or voluntary basis, by the owner or operator of the primary health care facility.</td>
<td>An <strong>ad hoc volunteer</strong>.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A person who is a patient.</td>
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<tr>
<td></td>
<td></td>
<td>A person who is a family member or friend of a patient.</td>
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<td></td>
<td></td>
<td>An advocate for a patient.</td>
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<tr>
<td></td>
<td></td>
<td>A guardian for a patient.</td>
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<tr>
<td></td>
<td></td>
<td>An interpreter for a patient.</td>
</tr>
<tr>
<td>2</td>
<td>A person who is a student and undertakes placement, registration or internship at a primary health care facility as a formal part of their education.</td>
<td>In relation to a primary health care facility located at a residential premises, members of the household who reside at the premises and visitors to the premises.</td>
</tr>
<tr>
<td>3</td>
<td>An <strong>ambulance officer</strong>.</td>
<td>A tradesperson who provides services at the primary health care facility on an <strong>ad hoc basis</strong> only, including (but not limited to) a drainer, gasfitter, plumber, mechanic, electrician, builder, air conditioning or refrigeration worker, metal fabricator, plumber or plasterer.</td>
</tr>
<tr>
<td>4</td>
<td>A person who provides goods or services at a primary health care facility, including:</td>
<td>A delivery driver who provides goods at the primary health care facility on an <strong>ad hoc basis</strong>.</td>
</tr>
<tr>
<td></td>
<td>a. a person who is employed or engaged by a third party, including the patient, who provides goods and services at the primary health care facility including a labour hire firm who provides staff to supplement the permanent workforce;</td>
<td>Any of the following in-reach service providers or contractors:</td>
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<tr>
<td></td>
<td>b. a direct care worker, including but not limited to a personal care worker;</td>
<td>a. a pastoral care worker or clergy including a patient's personal</td>
</tr>
<tr>
<td></td>
<td>c. an administrative staff member including but not limited to a person working in administration, management or reception services;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>d. an ancillary staff member including but not limited to a</td>
<td></td>
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</tbody>
</table>
cleaner, a laundry staff member, a gardener, a person performing food preparation services, a security officer and a person providing maintenance services;

e. a person providing lifestyle and social care, including but not limited to a transport driver who transports patients of the primary health care facility;

f. a person who provides commercial activities at premises that constitute a primary health care facility whether pursuant to any lease, licence or otherwise.

A person who is an administrative staff member or ancillary staff member at a detention centre clinic or a prison clinic.

Minister / clergy / pastoral care worker;

b. a solicitor; or
c. an auditor.

A person who is an administrative staff member or ancillary staff member at a detention centre clinic or a prison clinic.