



# Residential Aged Care Facility Worker Access Directions (No 2) Exemption Guidelines

Following the decision of National Cabinet to mandate vaccination for residential aged care facility workers, the *Residential Aged Care Facility Worker Access Directions (No 2)* were made on 6 September 2021 to come into effect at 12:01 am on 17 September 2021.

Under the Directions:

- on and from 12:01 am on 17 September 2021, all residential aged care facility workers must be partially vaccinated against COVID-19; and
- on and from 12:01 am on 17 November 2021, all residential aged care facility workers must be fully vaccinated against COVID-19,

in order to enter or remain at a residential aged care facility, unless they are an exempt person.

Partially vaccinated means that a person has been administered with at least one dose of a COVID-19 vaccine 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.

A residential aged care facility worker must produce evidence that they have been vaccinated against COVID-19 when requested.

These Guidelines only provide a summary of the exemptions arising under the Directions. The signed Directions are available on the [WA.gov website](https://www.wa.gov.au).

## Who is a residential aged care facility worker?

Column 1 of the table in Schedule 1 of the Directions sets out who is a residential aged care facility worker.

## What are the types of exemptions?

If you are a residential aged care facility worker, 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 individual's Immunisation History Statement. This includes both temporary and permanent medical exemptions.

Further information on medical exemptions is available on the [Australian Immunisation Register](#).

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; or
- are significantly immunocompromised—for live vaccines only.

Medical exemptions are currently available for pregnant women. However, RANZCOG and ATAGI recommend that pregnant women are routinely offered the Pfizer vaccine (Comirnaty) at any stage of pregnancy. This is because the risk of severe outcomes from COVID-19 is significantly higher for pregnant women and their unborn baby. Further information is available at [Joint statement between RANZCOG and ATAGI about COVID-19 vaccination for pregnant women | Australian Government Department of Health](#)

- You have a **temporary exemption**  
A residential aged care facility worker, or the owner or operator of a residential aged care facility, 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.
- You are **performing a specific duty**  
This includes duties such as law enforcement, responding to an emergency (other than as an Ambulance Officer), performing a statutory duty or acting under a Fair Work entry permit or a Work Health and Safety entry permit. For the full list please see paragraph 7 of the Directions available on the [WA.gov website](#).
- You are a person of the kind **listed in the Directions as exempt**  
These include family members or friends of a resident, in-reach service providers or contractors such as delivery drivers or tradespersons (other than those engaged by the owner or operator of a residential aged care facility), and also includes ad hoc volunteers who attend less than once per week. For the full list please see Column 2 of the table in Schedule 1 of the Directions available on the [WA.gov website](#).
- **Any other person** or class of persons declared to be an exempt person  
A person or class of persons may be declared to be exempt. 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 on the [WA.gov website](#).

## Temporary Exemption – Paragraph 17(a)(ii)

### How do I apply for a temporary exemption?

An individual residential aged care facility worker may apply for a temporary exemption or the owner or operator of a residential aged care facility may apply for a temporary exemption on behalf of their staff.

If you are a residential aged care facility worker, or the owner or operator of a residential aged care facility, and you wish to apply for a temporary exemption, please submit an [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 Exemption Application Form well in advance of the time that an exemption is required.

You do not need to apply for a temporary exemption if you have a medical exemption, you are performing a specific duty which is exempt under the Directions or if you are listed in the Directions as an exempt person.

### ***Duration of 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.

### ***Exemption may be subject to terms and conditions***

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

### Reasons to apply for a temporary exemption

#### ***Individual Residential Aged Care Facility Worker***

Examples of when a temporary exemption may be considered for a residential aged care facility worker are as follows –

- If the residential aged care facility worker can demonstrate they have taken every effort to access a COVID-19 vaccine registered by the Therapeutic Goods Administration by 17 September 2021 or 17 November 2021 (as the case may be) but have been unable to due to supply or access limitations.
- If the residential aged care facility worker has been vaccinated against COVID-19 outside Australia with a vaccine that is not registered by the Therapeutic Goods Administration.
- If the residential aged care facility worker is in the process of applying for a medical exemption but that process is not yet complete.
- If the residential aged care facility worker is a visiting specialist and can demonstrate that their inability to attend a residential aged care facility may compromise clinical care and there is no available vaccinated visiting specialist (for example in rural settings).

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

### ***Residential Aged Care Facility owner or operator (class of persons)***

The owner or operator of a residential aged care facility 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 residential aged care facility is in an aged care planning region to which there is limited, or no supply of COVID-19 vaccine registered by the Therapeutic Goods Administration.
- If the residential aged care facility can demonstrate that they are making every effort to ensure residential aged care facility workers at the residential aged care facility have been vaccinated against COVID-19 but has not yet achieved this.
- If compliance with the mandatory vaccination requirement will undermine the quality of care available to residents of the residential aged care facility. For example, where a large number of staff are unable to attend work because of a COVID-19 outbreak and as a result the immediate deployment of an alternative workforce is required in order to provide care to residents.

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

### **If a temporary exemption is approved**

If the temporary exemption is approved, an exemption approval will be provided to the applicant.

The residential aged care facility worker should:

- produce a copy of the exemption approval for inspection if directed to do so by an emergency officer;
- provide a copy of the exemption approval to their employer or the owner, occupier or person apparently in charge of the residential aged care facility for their records; and
- keep a copy of the exemption approval available when attending a residential aged care facility to provide evidence of their capacity to attend.

### **If a temporary exemption is not approved**

You will be notified if a temporary exemption is not approved. If the temporary exemption is not approved the residential aged care facility worker who is not vaccinated in accordance with the Directions may not enter or remain at a residential aged care facility in their capacity as a residential aged care facility worker unless they are otherwise exempt.

## Declaration of an exempt person or class of persons – Paragraph 17(d)

A person or class of persons may be declared to be exempt. A residential aged care facility worker or the owner or operator of a residential aged care facility may apply for an exemption. This exemption may be subject to terms and conditions.

Compelling circumstances must exist for a declaration under paragraph 17(d) 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.

### Further information is available at:

[www.wa.gov.au](http://www.wa.gov.au)

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

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