

EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 67, 70 and 72A

NEW SOUTH WALES OUTBREAK RESPONSE DIRECTIONS (No 3)

The World Health Organization declared COVID-19 a pandemic on 11 March 2020.

On 15 March 2020, the Minister for Emergency Services declared a state of emergency with effect from 12 a.m. on 16 March 2020 in respect of the pandemic caused by COVID-19 pursuant to section 56 of the *Emergency Management Act 2005 (WA)* (**Act**) (**State of Emergency**). The State of Emergency applies to the State of Western Australia.

I, Christopher John Dawson, Commissioner of Police and State Emergency Coordinator, now give the following directions pursuant to my powers under sections 67, 70 and 72A of the Act.

PREAMBLE

1. The purpose of these directions is to help prevent the importation of COVID-19 into Western Australia following an outbreak of COVID-19 in New South Wales and to otherwise limit the spread of COVID-19 in Western Australia.

CITATION

2. These directions may be referred to as the **New South Wales Outbreak Response Directions (No 3)**.

COMMENCEMENT

3. These directions come into effect at 12.01 am on 20 December 2020.

REVOCATION

4. The New South Wales Outbreak Response Directions (No 2) are revoked (the **revoked directions**).
5. Despite paragraph 4, a person must continue to comply with any obligations which still applied to the person under the revoked directions immediately before these directions came into effect, to the same extent that the person would have to comply with them if the revoked directions had not been revoked, and, for the avoidance of doubt, if a person fails to comply with an obligation that applied to them under a revoked direction, the person may commit an offence under the Act.

Example: if a person was required to comply with the special outbreak requirements under the revoked directions, they must continue to comply with the special outbreak requirements.

DIRECTIONS

Quarantine Requirement for Travellers Entering

Entry by Approved Travellers Only

6. Subject to paragraph 7, a person other than an **international arrival** who has been in New South Wales:

(a) after the **relevant time**; and

(b) in the 14 days before the person **enters** Western Australia,

may only **enter** Western Australia if the person:

(c) is an **approved traveller**; or

(d) is subject to a **specified arrangement** and who is approved by me, or a person authorised by me for the purpose (whether in a specific instance or otherwise), and who complies with any terms or conditions to which that approval is subject; and

(e) complies with paragraphs 4, 5 and 5A of the Controlled Border for Western Australia Directions.

*Note: If you enter Western Australia contrary to these requirements, in addition to committing a breach of these directions, an **authorised officer** may direct you to leave Western Australia if you are able to do so.*

Special Requirements Applying to Certain Categories of Approved Traveller

7. Unless an authorised officer directs otherwise, which **direction** may add to, remove or modify the requirements of this paragraph, a person who is an approved traveller falling into one or more of the categories described:

(a) in paragraph 15(a) to (e), must comply with the **Government official requirements**; or

(b) in paragraph 15(f) to (g), must comply with the **self-quarantine requirements**

or any **modified quarantine direction** given to the person.

Children

8. Unless an authorised officer directs otherwise, if an approved traveller is a **child**, the **parent** or parents who travelled with the child or into whose care the child is released must, unless otherwise **directed**, comply with the **children requirements** after the parent or parents enter Western Australia or take the child into their care and not with paragraph 7.

Obligation on Owner or Operator of Aircraft

9. The owner or **operator** of an **affected aircraft** from which any person (**relevant person**) is expected to disembark onto land anywhere in Western Australia must take all reasonable steps:
- (a) to ascertain whether the relevant person has been in New South Wales after the relevant time and in the 14 days before the person is expected to disembark; and
 - (b) if the relevant person has been in New South Wales after the relevant time and in the 14 days before the person is expected to disembark, to ensure that:
 - (i) the relevant person is an approved traveller or is a person who is subject to a specified arrangement and who is approved by me, or a person authorised by me for the purpose (whether in a specific instance or otherwise) in accordance with paragraph 6(d); and
 - (ii) no relevant person disembarks from the aircraft except at Perth Airport unless the person falls into the category of persons described in paragraph 15(c).

General Obligation to Comply

10. A person who enters Western Australia must also comply with any other direction given to them by an authorised officer.

Variation or Revocation of Requirements or Directions

11. Without limiting any power of an authorised officer to do so more generally, an authorised officer may vary or revoke any requirement or direction to which a person is subject under or pursuant to these directions, including the **quarantine requirements**, if:

- (a) the variation relates to the location of where the person is undertaking a period of quarantine; or
- (b) before entering Western Australia the person completed a 14 day period of **supervised quarantine** in another State or Territory without displaying any **symptoms**; and
- (c) the person entered Western Australia no longer than 24 hours after completing the period of supervised quarantine described in subparagraph (b); and
- (d) the person produces evidence to the satisfaction of an authorised officer or **relevant officer** that the person completed the period of supervised quarantine described in subparagraph (b).

INCONSISTENCY

12. In the event of any inconsistency between a provision of these directions and a provision of:

- (a) a specified arrangement; or
- (b) the Controlled Border for Western Australia Directions,

these directions prevail to the extent of the inconsistency.

DEFINITIONS

13. **Affected aircraft** means an **aircraft** which originated from a place outside of Western Australia.

14. **Aircraft** includes any vehicle for travelling by air.

15. **Approved traveller** means a person who falls into one or more of the following categories:

National and State security and governance

- (a) a senior Government official who in carrying out the official's duties, is responsible (alone or with others) for the safety of the Nation or a State or

territory against threats such as terrorism, war, or espionage and is required to be present in Western Australia in connection with those duties; or

- (b) active Australian military personnel (including members of the Australian Defence Force Reserve on active duty) required to be on duty in Western Australia while in Western Australia, or any category of such personnel; or
- (c) a member of the Commonwealth Parliament; or
- (d) a person who is carrying out functions under a law of the Commonwealth; or
- (e) the Premier of Western Australia and any member or members of the Premier's staff;

Specialist skills not available in Western Australia

- (f) a specialist or category of specialist required for the performance of time-critical services and the specialist's skills are not otherwise reasonably available in Western Australia, who I as the State Emergency Coordinator, or a person authorised by me as the State Emergency Coordinator for the purpose, approves; or

Note: a person who performs their duties according to an established work schedule or roster will not be considered a specialist.

Persons otherwise approved on any other grounds, including other compassionate grounds

- (g) any person or category of person who I as the State Emergency Coordinator, or a person authorised by me as the State Emergency Coordinator for the purpose, approves, whether on any other compassionate grounds or on any other ground whatsoever.

Note: this provision for approving persons or categories of persons is intended to ensure that where a person or category of person is not provided for, either generally or in a particular case, consideration can be given to whether entry should be permitted and, if so, on what terms. Consideration will be given on a case-by-case basis and evidence may be required, such as a medical certificate.

16. **Authorised officer** has the same meaning that it has in the Act.

17. **Centre quarantine requirements** has the same meaning that it has in the Controlled

Border for Western Australia Directions.

18. **Child** means a person under the age of 18 years.
19. **Children requirements** has the same meaning that it has in the Controlled Border for Western Australia Directions.
20. **Close contact** when used as a verb means to have, and when used as a noun means a person (A) who has had, "close contact" with a person (B), as the term "close contact" is used in the Coronavirus Disease 2019 (COVID-19) CDNA National Guidelines for Public Health Units from time to time.
21. **Direct contact** means:
 - (a) more than 15 minutes of face-to-face contact in any setting; or
 - (b) more than 2 hours in the same room.
22. **Direction** includes a quarantine direction and any other direction under the Act or the *Public Health Act 2016* (WA), whether the direction is given orally or in writing, and **directed** includes directed by way of a direction under the Act or the *Public Health Act 2016* (WA), whether the direction is given orally or in writing.
23. **Emergency officer** has the same meaning that it has in the *Public Health Act 2016* (WA).
24. **Enter** means:
 - (a) in respect of a person subject to a specified arrangement, has the same meaning that it has in the specified arrangement; or
 - (b) otherwise has the same meaning that it has in the Controlled Border for Western Australia Directions, and

enters has a corresponding meaning.
25. **Government official requirements** means the requirements set out in Schedule A to these directions.
26. **International arrival** has the same meaning that it has in the Controlled Border for Western Australia Directions.
27. **Modified quarantine direction** has the same meaning that it has in the Controlled Border for Western Australia Directions.
28. **Operator**, in relation to an affected aircraft, means a person who uses the aircraft in the

course of carrying on a commercial air transport enterprise that involves offering or operating scheduled or chartered air services.

29. **Parent**, in relation to a child, includes a guardian or person with parental responsibility for the child.
30. **Person in authority**, in relation to a place, means the owner, operator or person apparently in charge of that place.
31. **Private vehicle** means a vehicle in which you are the sole occupant other than a driver.
32. **Quarantine requirements** includes:
 - (a) the self-quarantine requirements; and
 - (b) the Government official requirements; and
 - (c) a modified quarantine direction; and
 - (d) the children requirements; and
 - (e) the **centre quarantine requirements**.
33. **Relevant officer** means:
 - (a) an authorised officer; or
 - (b) an **emergency officer**; or
 - (c) a **responsible officer**.
34. **Relevant time** means 12.01am on 11 December 2020.
35. **Responsible officer** means:
 - (a) an officer, employee or contractor of the Department of Health; or
 - (b) an officer, employee or contractor of a health service provider, as that term is defined by section 6 of the *Health Services Act 2016* (WA); or
 - (c) any other person authorised by the Chief Health Officer orally or in writing to perform a function for the purposes of these directions.
36. **Self-quarantine requirements** has the same meaning that it has in the Controlled Border for Western Australia Directions.
37. **Specified arrangement** has the same meaning that it has in the Controlled Border for Western Australia Directions but does not include:

- (a) the Chevron FIFO Worker Directions (No 2);
- (b) the Woodside FIFO Worker Directions (No 2).

38. **Suitable premises** means premises which meet the following criteria:

- (a) they are suitable for the person to reside in for a period ending fourteen (14) days after the day on which the person enters Western Australia; and
- (b) if the person is or is likely to be required by a direction to present for testing, they are close enough to a place where testing can occur in accordance with a direction to enable the person to comply with that direction; and
- (c) they enable the person quarantining there to have access to a bedroom, and preferably a bathroom, without the need to share them with any other person who is not also quarantining there; and
- (d) food and medication can be delivered to them as required without the need to come into contact with the person quarantining there.

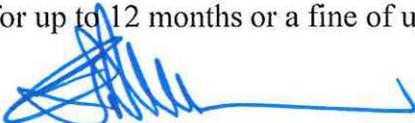
39. **Supervised quarantine** means quarantine undertaken under the supervision of medical or other staff of, or engaged by, the Australian State or Territory in which the period of quarantine in relation to COVID-19 was completed.

40. **Symptoms** means any one or more of the following:

- (a) a fever of 37.5 degrees or above; or
- (b) a recent history of fever; or
- (c) symptoms of acute respiratory infection (including, but without limitation, shortness of breath, a cough or sore throat); or
- (d) a loss of smell or taste.

PENALTIES

It may be an offence not to comply with any of these directions, punishable by imprisonment for up to 12 months or a fine of up to \$50,000.



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Christopher John Dawson
Commissioner of Police and State Emergency Coordinator

19 December 2020 1822 hours

SCHEDULE A

Government Official Requirements

1. You must travel as soon as possible and by the most direct route available and without stopping except as required by law or necessary for fuel or rest to **suitable premises**.
2. You must travel to the suitable premises in your own vehicle or in another way which an authorised officer orally directs you to take.
3. You must wear a face mask if available and practicable from when you enter Western Australia until you arrive at the suitable premises.
4. As soon as you arrive at the suitable premises, you must remain inside them for a period ending fourteen (14) days after the day on which you entered Western Australia unless:
 - (a) you are given another direction which you are required by law to obey; or
 - (b) you must leave them to escape an immediate threat to your safety in accordance with paragraph 6; or
 - (c) you leave the suitable premises where it is necessary to do so to perform your official duties or functions in accordance with paragraph 7.
5. If your suitable premises are an allocated room or apartment or other similar accommodation at an accommodation facility, you must remain inside your allocated room or apartment or other similar accommodation, and not access any shared facilities or common property at the accommodation facility.
6. If you leave the suitable premises to escape an immediate threat to your safety, you must:
 - (a) go no further from them than you have to in order to escape that threat; and
 - (b) return to the suitable premises as soon as it is safe for you to do so; and
 - (c) if you are unable to return to the suitable premises within an hour of leaving, telephone the police on 131 444 and inform them that you are subject to a self-quarantine requirement and had to leave the suitable premises.
7. You may leave your suitable premises where it is necessary to do so to perform your official duties or functions, provided that:
 - (a) before leaving the suitable premises, you:
 - (i) notify a **person in authority** at the place you propose to attend to

perform your official duties or functions that you are subject to self-quarantine requirements; and

(ii) obtain the approval of the person in authority to attend that place; and

(iii) comply with any requirements or instructions given by the person in authority at that place; and

(b) you travel in a **private vehicle** to the place by the most direct and practicable route available and without stopping, except as required by law or necessary for fuel; and

(c) while you are at the place, you remain there only for so long as is reasonably necessary for you to perform your official duties or functions; and

(d) if you are required to travel from one place to another place to perform your official duties or functions, you comply with subparagraph (a) to (c); and

(e) following your attendance at the place or places and as soon as possible after you have performed your official duties or functions, you travel in a private vehicle to the suitable premises by the most direct and practicable route available and without stopping, except as required by law or necessary for fuel.

8. You must take all reasonable steps to keep a written record of the following details relating to any person (**A**) with whom you have **direct contact** in the period commencing when you enter Western Australia and ending on the 14th day after the day on which you enter Western Australia (*relevant period*):

(a) A's name; and

(b) A's contact telephone number; and

(c) the date and time when you had direct contact with A; and

(d) the location at which you had direct contact with A.

9. You must produce the written record referred to in paragraph 8 for inspection if requested by a relevant officer to do so.

10. You must not, during the relevant period, enter a hospital or any place to which either or both of the following directions apply, unless otherwise directed:

(a) the Remote Aboriginal Communities Directions No.3, or any further directions

that amend or replace those directions; and

- (b) the Visitors to Residential Aged Care Facilities Directions (No 4), or any further directions that amend or replace those directions.

11. You must call 13 COVID (13 268 43) immediately if:

- (a) you develop or have recently experienced any one or more of these symptoms:
 - (i) a fever of 37.5 degrees or above; or
 - (ii) a recent history of fever; or
 - (iii) symptoms of acute respiratory infection (including, but without limitation, shortness of breath, a cough or sore throat); or
 - (iv) loss of smell or loss of taste; or
- (b) you are given oral or written notice by health authorities in another Australian State or Territory that you are a **close contact**.

Note: even though the symptoms may not be caused by COVID-19, calling this number is essential to your safety and the safety of everyone and will help to ensure that you receive any treatment you need.

12. At all times while you are in Western Australia, you must:

- (a) take all reasonable steps to keep at least 1.5 metres away from any other person; and
- (b) not allow any person to access your suitable premises unless the person:
 - (i) is a relevant officer, or a person assisting a relevant officer; or
 - (ii) accesses the suitable premises for medical or emergency purposes; or
 - (iii) is required to access the suitable premises for the purpose of performing critical and time-sensitive maintenance at the suitable premises; or
 - (iv) is acting in compliance with a direction or instruction given by a relevant officer; or
 - (v) usually resides at the suitable premises,

provided that no more than two persons access the suitable premises at any one time if they access the suitable premises in accordance with subparagraph (b)(i) to (iii); and

- (c) wear a face mask, if practicable and available, when you are travelling or outside of your suitable premises; and
- (d) when coughing or sneezing, do so into your elbow or a tissue; and
- (e) wash your hands often with soap and water or using alcohol hand rub, particularly before and after attending a bathroom.