

## EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 61, 67, 70 and 72A

### QUARANTINE (CLOSING THE BORDER) DIRECTIONS

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 and give or confirm the following authorisations, pursuant to my powers under sections 61, 67, 70 and 72A of the Act.

#### PREAMBLE

1. The purpose of these directions is to limit the spread of COVID-19.

#### CITATION

2. These directions may be referred to as the **Quarantine (Closing the Border) Directions**.

#### COMMENCEMENT

3. These directions come into effect at 11.59 p.m. on 5 April 2020.

#### DIRECTIONS

##### CLOSURE OF THE BORDER

##### **Only certain exempt travellers can enter**

*Note: it is anticipated that an electronic pre-approval system will be put in place to facilitate entry into Western Australia by exempt travellers and to determine a request for any approval which a person must have before they can enter Western Australia as an exempt traveller. These directions are in effect irrespective of whether or not that system is in place.*

4. A person must not **enter** Western Australia unless the person is an **exempt traveller**.
5. A person who is an exempt traveller must not enter Western Australia if the person:
  - (a) has **symptoms**; or

- (b) has received **oral or written notice** from a **responsible officer** that the person is a **close contact**; or
- (c) is awaiting a **test result** after having been **tested**; or
- (d) has received a **positive test** and has not received a certificate from a medical practitioner or a responsible officer certifying that the person has recovered from COVID-19 within the meaning of the COVID-19 Series of National Guidelines.

→ Flight crew + passengers from Vic entered here.  
Other persons who enter must leave if they are able to do so

6. Unless paragraph 7 or 8 applies, a person who enters Western Australia contrary to paragraph 4 or 5 must leave Western Australia as soon as possible and in the manner (if any) which an **authorised officer** may direct in a **direction**.

#### **Dealing with persons who are, or believe they are, unable to leave**

7. A person who has entered Western Australia contrary to paragraph 4 or 5 and believes that they are unable to leave Western Australia at all, or within a reasonable time or in an appropriate manner, must request an authorised officer to give them a **quarantine direction** as soon as possible after the person forms that belief.
8. An authorised officer who is satisfied that a person has entered Western Australia contrary to paragraph 4 or 5 and is unable to leave Western Australia at all, or within a reasonable time or in an appropriate manner, must (irrespective of whether a request has been received under paragraph 7) give the person a quarantine direction in accordance with paragraph 10 unless the authorised officer:
- (a) is satisfied that the person will be given a quarantine direction by the authorised officer or another authorised officer within a short period of time; or
  - (b) gives the person a direction to request a quarantine direction in a different way (and the person must comply with that direction).

*Example: an authorised officer may direct a person to go to a specific place where the question of giving the person a quarantine direction can be considered because, for example, the person requested a quarantine direction over the telephone and a decision could not be made or a quarantine direction could not be given under those circumstances.*

9. An authorised officer who is satisfied that a person has entered Western Australia contrary to paragraph 4 or 5 and is satisfied that the person can leave Western Australia within a reasonable time and in an appropriate manner must give the person a direction to leave Western Australia and may specify in the direction, amongst other things, either or both of the time by and the manner in which the person must leave.

#### **DECIDING WHICH QUARANTINE DIRECTION TO GIVE**

##### **A centre direction must be given unless the person falls into an exception**

10. An authorised officer must give a person a **centre direction** unless:
- (a) the person needs to attend a **hospital** for medical care or examination which cannot be provided to the person outside a hospital, in which case the authorised officer must give the person a **hospital direction**; or
  - (b) paragraph 10(a) does not apply to the person but:
    - (i) paragraph 11 applies, in which case the authorised officer must give the person a **self-quarantine direction**; or
    - (ii) paragraph 12 applies, in which case the authorised officer must give the person a **self-quarantine (unaccompanied child) direction** if the person is 10 years of age or older and must, in any event, give a **movement direction** to each of the **parent** or parents into whose custody the person will be released in accordance with paragraph 13.

##### **Western Australian residents who have already self-quarantined**

11. For the purposes of paragraph 10(b)(i), an authorised officer must give a person a self-quarantine direction if the authorised officer is satisfied that the person:
- (a) is ordinarily a resident of Western Australia and is not an **unaccompanied child**; and
  - (b) before entering Western Australia had completed a 14-day period of **supervised quarantine** in another Australian State or territory without displaying any symptoms; and
  - (c) entered Western Australia no longer than 24 hours after completing the period of supervised quarantine described in paragraph 11(b); and
  - (d) is not displaying any symptoms; and

- (e) has access to **suitable premises**; and
- (f) will travel to the nearest suitable premises to which the person has access as soon as possible, by the most direct route available and without stopping except as required by law or necessary for fuel or rest; and
- (g) will take all reasonable steps to maintain a distance of at least 1.5 metres from any other person; and
- (h) will immediately self-quarantine at those premises after arriving for a period ending fourteen (14) days after the day on which the person is given a self-quarantine direction.

**Unaccompanied children who will be released directly into the custody of their parent(s)**

12. For the purposes of paragraph 10(b)(ii), an authorised officer must give a person a self-quarantine (unaccompanied child) direction if the authorised officer is satisfied that the person:

- (a) is an unaccompanied child; and
- (b) is not displaying any symptoms; and
- (c) will be released directly into the custody of their parent or parents after being given a self-quarantine (unaccompanied child) direction; and
- (d) will travel with the person's parent or parents to the nearest suitable premises to which the person's parent or parents have access as soon as possible, by the most direct route available and without stopping except as required by law or necessary for fuel or rest; and
- (e) will take all reasonable steps to maintain a distance of at least 1.5 metres from any other person; and
- (f) will immediately self-quarantine at those premises after arriving for a period ending fourteen (14) days after the day on which the person is given a self-quarantine (unaccompanied child) direction,

and the authorised officer is otherwise satisfied that it is appropriate to give the person a self-quarantine (unaccompanied child) direction.

### **Parents of an unaccompanied child must be given a movement direction**

13. If paragraph 12 applies to a person, the authorised officer or another authorised officer must also give each of the parents into whose custody the person is released a movement direction before the parent or parents are allowed to leave with the person.

### **If an authorised officer cannot decide which quarantine direction to give**

14. If an authorised officer cannot decide whether the authorised officer should give a person a quarantine direction:
- (a) the authorised officer must refer the question to a more senior authorised officer; and
  - (b) the person must remain where they are or go where any authorised officer otherwise directs until the person is given a quarantine direction.

### **OBLIGATIONS OF PERSONS WHO ARE GIVEN DIRECTIONS**

15. A person must comply with any direction given to them under or pursuant to these directions, including:
- (a) a quarantine direction; and
  - (b) any other direction; and
  - (c) any other terms or conditions to which their entry, or an approval granted to them, or both, is subject.

### **AUTHORISATION**

16. For the avoidance of doubt, in addition to and without limiting any other authorisation any **relevant officer** may have to do so, all relevant officers are authorised under section 61 of the Act:
- (a) to give quarantine directions; and
  - (b) to give any other direction to a person under the Act,
- for the purpose of giving effect to these directions in respect of the State of Emergency.

### **DEFINITIONS**

17. These definitions apply to these directions and to the forms of quarantine direction scheduled to these directions.

18. **Affected vessel** means a vessel:

- (a) whose last port was outside of Western Australia; or
- (b) which after leaving its last port embarked a person (other than from a port or other land in Western Australia) who had contact or had the opportunity to have contact with any other person on the vessel, irrespective of whether the person embarked as a crew member or a passenger or for any other reason; and
- (c) includes a vessel which is in a port in Western Australia when these directions come into effect and, if these directions had been in effect at the time the vessel came into that port, the vessel would have been an affected vessel under either subparagraph (a) or (b) of this definition.

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

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

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

*Note: at the time of making these directions, all police officers are authorised officers, and paragraph 16 ensures that relevant officers are also authorised officers for the purposes of these directions.*

22. **Centre direction** means a direction containing the requirements set out in the form of direction scheduled to these directions and bearing the citation "Centre Direction", together with any other direction given to the person.

23. **Close contact** means a person (A) who has:

- (a) had more than 15 minutes of face-to-face contact in any setting; or
- (b) spent more than 2 hours in the same room (such as a room in a residence or office, a general practice or emergency department waiting room, a school classroom or communal room in an aged care facility),

with a person (B) who has received a positive test or has otherwise been diagnosed with COVID-19, in the 24 hour period before the onset of symptoms in B, and includes anything the Chief Health Officer determines in writing from time to time to be close contact, provided that if anything which the Chief Health Officer determines in writing

to be close contact is inconsistent with anything else in this definition, the Chief Health Officer's determination prevails to the extent of the inconsistency.

24. **Direction** includes a quarantine direction and any other direction under the Act or the *Public Health Act 2016* (WA), whether the quarantine direction or other direction is given orally or in writing.
25. **Emergency officer** has the same meaning that it has in the *Public Health Act 2016* (WA).
26. **Enter** means:
- (a) disembark from an **affected aircraft** onto land anywhere in Western Australia; or
  - (b) disembark from an **affected vessel** onto land anywhere in Western Australia; or
  - (c) cross the border into Western Australia by rail; or
  - (d) cross the border into Western Australia by road; or
  - (e) cross the border into Western Australia by any other means.
27. **Exempt traveller** means a person who falls into one or more of the following categories and complies with any **specified terms or conditions**:

*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 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
- (c) a member of the Commonwealth Parliament and any member or members of their staff who are travelling with the 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; or

*Health services*

- (f) a person who enters Western Australia at the request of the Chief Health Officer, or the Director General of the Department of Health, or the delegate of any of those officers to assist in the provision of health services in Western Australia; or

*Transport, freight and logistics*

- (g) any person (other than an airline or maritime crew member) who in the course of the person's duties is responsible for provision of transport or freight and logistics services into or out of Western Australia, provided that the person remains in Western Australia for only so long as is reasonably required to perform those duties; or

*Note: airline and maritime crew will require approval under paragraph 27(r) to disembark from an affected aircraft or to disembark from an affected vessel onto land in Western Australia*

*Specialist skills not available in Western Australia*

- (h) any specialists required for industry or business continuity and maintenance of competitive operation where the service is time-critical; or
- (i) any person who in the course of the person's duties is responsible for critical maintenance or repair of infrastructure critical to a region of, or to, Western Australia; or
- (j) a person who is employed or engaged in agriculture, food production or primary industry that requires the person to be physically present in Western Australia, other than a person who is described in paragraph 27(k); or

*FIFO employees who are not specialists and their families*

- (k) a person who ordinarily travels from one State or territory to another State or territory for work purposes for regular periods according to established work schedules (**FIFO worker**), provided that the person will, at the expense of the person's employer, be subject to strict quarantine provisions and complete a mandatory 14 day period of isolation in a location agreed with me as the State Emergency Coordinator or someone authorised by me, immediately after

entering Western Australia and before the person enters a workplace in Western Australia; or

- (l) a family member of a FIFO worker who enters Western Australia after the person has sought and been given my written approval as the State Emergency Coordinator (or the approval of a person authorised by me as the State Emergency Coordinator for the purpose) to enter Western Australia on compassionate grounds, provided that the family member:

(i) will, at the expense of the FIFO worker's employer, be subject to strict quarantine provisions and will complete a mandatory 14 day period of isolation in a location agreed with me as the State Emergency Coordinator or someone authorised by me, before the family member leaves that location; and

(ii) complies with any other terms or conditions to which my written approval is subject; or

*Note: the specific provision for FIFO workers and their families above does not exclude approval being given to other workers and their families – see paragraph 27(r) and the accompanying note*

*Emergency service workers*

- (m) a person entering Western Australia in the person's capacity as an emergency service worker, including a fire fighter, a paramedic, an ambulance officer, a police officer or a member of a State Emergency Service; or

*Courts, tribunals and commissions*

- (n) any judicial officer or staff member of a court, tribunal or commission who enters Western Australia for the purposes of that court, tribunal or commission; or

*Entry approved on compassionate grounds, to comply with a court order or on a residential facility ground*

- (o) a person who enters Western Australia in connection with the receipt of urgent and essential medical treatment, provided that the person remains in Western Australia for only so long as is reasonably required to receive that treatment; or

- (p) a person who enters Western Australia to visit a relative who has had a serious medical episode or whose death is imminent, or to attend a funeral, provided that the person remains in Western Australia for only so long as is reasonably required to visit the relative or attend the funeral; or
- (q) a person falling into any of the following categories whom I as the State Emergency Coordinator, or a person authorised by me as the State Emergency Coordinator for the purpose, approves in writing, provided that the person complies with all of the requirements of a centre direction immediately after entering Western Australia (or such other quarantine direction with which the approval may otherwise require the person to comply), and any other terms or conditions to which that approval is subject:
  - (i) a person (A) who ordinarily resides in another State or territory and is a carer or relative of another dependant person who lives in Western Australia (B), where A is required to enter Western Australia to care for B; or
  - (ii) a dependant person (A) who ordinarily resides in another State or territory and is required to enter Western Australia to reside with another person (B) who is A's carer or relative because a carer or relative is unable to care for A in the State or territory where A ordinarily resides; or
  - (iii) a person who enters Western Australia to obtain essential goods or services necessary for the preservation of life; or
  - (iv) a person who is required to enter Western Australia under, or to give effect to, an order of an Australian court; or
  - (v) a person who usually resides in a residential facility in another State or territory (such as, for example, a boarding school or college) which is closed for scheduled holidays or because of COVID-19, who needs to enter Western Australia to stay with family or a carer; or

*Note: This provision is not confined to persons under the age of 18. It may include, for example, a boarder at a high school or a university student living at one of the university's residential colleges*

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

- (r) 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 in writing and who complies with any terms or conditions to which that approval is subject (which may include a quarantine direction), 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 (such as airline or maritime crews or persons wishing to enter Western Australia for work-related reasons not captured above). Consideration will be given on a case-by-case basis and evidence may be required, such as a medical certificate.*

*Example 1: a person may face exceptional hardship if they are not permitted to enter Western Australia because they live in Western Australia and operate a small business and would face financial ruin if they were prevented from entering the State to return home and operate the business. In such a case, approval might be given under this provision, subject to a quarantine direction and possibly other terms and conditions.*

*Example 2: a person may be entering Western Australia to comply with a court order and it is impossible to comply with the court order and a quarantine direction. In such a case, approval might be given under this provision and again may be made subject to other terms and conditions.*

*Example 3: a person who was in casual or other employment and living in Sydney needs to enter Western Australia because they have lost their job, have no means of support and will need to live with and be supported by their family until their circumstances change. In such a case, approval might be given under this provision, subject to a quarantine direction and possibly other terms and conditions.*

28. **Hospital** has the same meaning that it has in the *Health Services Act 2016* (WA).

29. **Hospital direction** means a direction containing the requirements set out in the form of direction scheduled to these directions and bearing the citation "Hospital Direction", together with any other direction given to the person.
30. **Movement direction** means a direction containing the requirements set out in the form of direction scheduled to these directions and bearing the citation "Movement Direction", together with any other direction given to the person.
31. **Oral or written notice** means notice by oral or written means (including by text message or other electronic means) or by a combination of those means.
32. **Parent** includes a guardian or person with parental responsibility.
33. **Police officer or police** means a person appointed under Part I of the *Police Act 1892* (WA) to be a member of the Police Force of Western Australia.
34. **Positive test** means oral or written notice from a responsible officer that the person has tested positive for COVID-19, irrespective of whether the person has in fact tested positive for COVID-19.
35. **Quarantine direction** means a centre direction, a hospital direction, a movement direction, a self-quarantine direction or a self-quarantine (unaccompanied child) direction.
36. **Relevant officer** means:
- (a) an **emergency officer**; or
  - (b) a member of the Australian Border Force; or
  - (c) a member of the Australian Federal Police.
37. **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,

and includes a person performing the same or a similar function as a responsible officer in another place, whether in Australia or outside Australia.

38. **Self-quarantine** means to reside in suitable premises as required by these directions.
39. **Self-quarantine direction** means a direction containing the requirements set out in the form of direction scheduled to these directions and bearing the citation "Self-Quarantine Direction", together with any other direction given to the person.
40. **Self-quarantine (unaccompanied child) direction** means a direction containing the requirements set out in the form of direction scheduled to these directions and bearing the citation "Self-Quarantine (Unaccompanied Child) Direction", together with any other direction given to the person.
41. **Specified terms or conditions** means any terms or conditions which the State Emergency Coordinator, or someone authorised by the State Emergency Coordinator for that purpose, imposes on the entry of:
- (a) a particular exempt traveller; or
  - (b) some or all persons in a category of exempt traveller,
- in addition to, or instead of any terms or conditions otherwise imposed by or under these directions (and specified terms or conditions may be in addition to one or more terms or conditions and instead of one or more other terms and conditions).
42. **Suitable premises** means residential premises that:
- (a) are suitable for the person to reside in for a period ending fourteen (14) days after the day on which the person is given a self-quarantine direction or a self-quarantine (unaccompanied child) direction or is otherwise required to self-quarantine; and
  - (b) are not being used by anyone else to self-quarantine at the time when the person is given the self-quarantine direction or the self-quarantine (unaccompanied child) direction, or is otherwise required to self-quarantine.
43. **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.
- Example: a level of supervision equivalent to the supervision provided for by a centre direction would constitute supervised quarantine.*
44. **Symptoms** means any one or more of:

- (a) a fever of 38 degrees or above; or
  - (b) symptoms of acute respiratory infection (including, but without limitation, shortness of breath, a cough or sore throat).
45. **Test result** means oral or written notice from a responsible officer of the result of a test.
46. **Test** and **tested** means test for COVID-19 and tested for COVID-19 respectively.
47. **Unaccompanied child** means a person under 18 years of age who is travelling without the supervision of a parent.
48. **Vessel** means a ship, boat or any other kind of vessel for travelling on water.

**PENALTIES**

It may be an offence to fail to comply with any of these directions made under section 67, 70 or 72A of the Act, punishable by imprisonment for up to 12 months or a fine of up to \$50,000 for individuals and \$250,000 for bodies corporate.



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**Christopher John Dawson**  
State Emergency Coordinator and Commissioner of Police

5 April 2020 0820 hours

**The forms of direction for a centre direction, a hospital direction, a self-quarantine direction, a self-quarantine (unaccompanied child) direction and a movement direction are scheduled beginning on the next page**