

**EMERGENCY MANAGEMENT ACT 2005 (WA)**

**Section 67**

**PROHIBITION ON TRAVEL BETWEEN LOCAL GOVERNMENT DISTRICTS IN THE KIMBERLEY 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**). 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 section 67 of the Act.

**DIRECTIONS**

**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 **Prohibition on Travel Between Local Government Districts in the Kimberley Directions**.

**Commencement**

3. These directions commence operation at ~~1.00pm~~ <sup>11.59 pm</sup> on 2 April 2020.



**Directions**

4. A person must not enter a **local government district** from another local government district except to the extent that:
  - (a) it is necessary for the person to do so for the purpose of returning to the person's principal place of residence; or
  - (b) it is necessary for the person to do so for the purpose of attending the person's place of employment or fulfilling the duties of the person's employment, office or occupation; or

- (c) it is necessary for the person to do so for the purpose of being the primary carer for a family member or someone for whom the person has primary caring responsibility; or
- (d) it is necessary for the person to do so in order to escape the threat of physical or psychological harm or because of some other emergency (other than from COVID-19); or
- (e) it is necessary for the person to do so for the purpose of obtaining a **good or service**:
  - (i) without which the person would be likely to suffer physical or psychological harm; and
  - (ii) which is not reasonably available in the local government district in which the person is present; or
- (f) it is necessary for the person to do so for the purpose of:
  - (i) attending primary, secondary or tertiary education (including technical and further education) as a student; or
  - (ii) enabling the education of someone for whom the person has parental or other primary caring responsibility;
- (g) it is necessary for the person to do so for the purpose of fulfilling their obligations under a parenting plan, parenting order of a court or other parenting arrangement; or
- (h) it is necessary for the person to do so to obtain or provide veterinary or animal welfare services not reasonably available in the local government district in which the person is present; or
- (i) it is necessary for the person to do so for **compassionate reasons** affecting that person; or
- (j) the person is performing an **Essential Service** and it is necessary for the person to enter or leave a local government district for that purpose; or
- (k) the person is in the custody of a police officer, prison officer, custodial officer or custodial services contractor; or
- (l) the person is an employee of the Department of Education or staff member of a **non-government school** and is authorised in writing by the Director General of

the Department of Education to travel from one local government to another local government district;

- (m) the person is a member of the **immediate family** or household of a person referred to in paragraph (l);
- (n) the person is required to do so by law; or
- (o) the person does so with my approval or the approval of another **authorised officer** and complies with any terms or conditions to which that approval is subject.

### **Definitions**

- 5. **Authorised officer** has the same meaning that it has in the Act.
- 6. **Compassionate reasons** means:
  - (a) the incapacitation of a member of the person's immediate family or household due to serious injury;
  - (b) serious or life-threatening illness of a member of the person's immediate family or household; or
  - (c) death of a member of the person's immediate family or household.
- 7. The following people are performing an **Essential Service**:

#### *National and State Security and Governance*

- (a) a senior Government official who in carrying out his or her duties is responsible for the safety of the Nation or a State or Territory against threats such as terrorism, war, or espionage;
- (b) active military personnel (including members of the Australian Defence Force Reserve on active duty);
- (c) a Minister of the Commonwealth and members of his or her staff;
- (d) a member of the Commonwealth Parliament and one member of his or her staff who are travelling to the electorate represented by that member;
- (e) a Minister of the State of Western Australia and members of his or her staff;
- (f) a member of the State Parliament and one member of his or her staff who are travelling to the electorate represented by that member;

- (g) the Governor of Western Australia or Administrator of Western Australia and members of the Governor's establishment;

*Health Services*

- (h) a person who is requested by 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 a local ;

*Transport, Freight and Logistics*

- (i) any person who in the course of their duties is responsible for provision of transport, mail, courier, freight and logistics services;

*Specialist Skills*

- (j) any specialists required for industry or business continuity and maintenance of competitive operation, where the service is time-critical;
- (k) any person who, in the course of his or her duties is responsible for critical maintenance or repair of infrastructure critical to a local government district or to Western Australia;
- (l) any person employed or engaged in agriculture, food production or primary industry;
- (m) persons who ordinarily travel from one local government district to another for work purposes for regular periods according to established work schedules (such as, for example, fly in-fly out (FIFO) workers);

*Other essential services*

- (n) persons providing essential or urgent health or medical services or supplies;
- (o) persons providing human services including, without limitation, disability, aged care, family violence, child protection and housing services;
- (p) any person employed or engaged in the provision or maintenance of utility or waste management services;
- (q) any emergency services worker or person engaged by an emergency service in a volunteer or contracted capacity;
- (r) any person employed or engaged in provision of funerary or mortuary services or related activities;

- (s) any person employed by a regulatory agency or authority;
  - (t) any judicial officer or staff member of a court, tribunal or commission;
  - (u) any other category of person who the State Emergency Coordinator or a person authorised by the State Emergency Coordinator for the purpose, approves, whether orally or in writing, as being a person who is performing an Essential Service whether on the basis that the person is essential for the proper functioning of the State, on compassionate grounds or otherwise.
8. **Good or service** includes (without limitation)
- (i) medical care or assistance; and
  - (ii) police and social services (including services for those affected by family or domestic violence and child protection services).
9. **Immediate family** in relation to a person, means a spouse or de facto partner, child, grandchild, sibling, parent or grandparent of the person.
10. **Local government district** means the districts referred to in Part D of Schedule 1 to the *Regional Development Commissions Act 1993*, being as follows:
- (a) **Broome**
  - (b) **Derby – West Kimberley**
  - (c) **Halls Creek**
  - (d) **Wyndham – East Kimberley**
11. **Non-government school** has the same meaning as in the *School Education Act 1999* (WA).

**PENALTIES**

It is an offence to fail to comply with any of these directions, punishable by 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

~~March 2020~~



2 April 2020

1330 hours.