

EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 67 and 72A

TRANSPORT, FREIGHT AND LOGISTICS 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 sections 67 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 **Transport, Freight and Logistics Directions**.

COMMENCEMENT

3. These directions come into effect at 11.59 pm on 13 August 2020.

DIRECTIONS

4. Subject to paragraph 5 of these directions, a **paragraph 27(g) exempt traveller** must comply with these directions in addition to any other obligations which apply to the paragraph 27(g) exempt traveller.
5. A paragraph 27(g) exempt traveller:
 - (a) may **enter** Western Australia even though the paragraph 27(g) exempt traveller is awaiting a **test result** after having been **tested**, despite paragraph 5(c) of the *Quarantine (Closing the Border) Directions* that I made on 5 April 2020; and
Note 1: subparagraphs 5(a)-(b) and (d) of the Quarantine (Closing the Border) Directions identify circumstances in which a paragraph 27(g) exempt traveller cannot enter Western Australia and continue to apply to paragraph 27(g) exempt travellers.

Note 2: if a paragraph 27(g) exempt traveller has been in New South Wales or Victoria in the period of 14 days before entering Western Australia, the paragraph 27(g) exempt traveller must additionally comply with the requirements in paragraph 5(e)(i) of the Quarantine (Closing the Border) Directions.

- (b) does not have to comply with paragraph 5 of the *Quarantine and Isolation (Undiagnosed) Directions* I made on 9 May 2020.
6. A paragraph 27(g) exempt traveller must comply with the **48 hour presentation protocol** as soon as practicable after entering Western Australia unless, within 48 hours of entering Western Australia, the paragraph 27(g) exempt traveller:
- (a) produces evidence to the satisfaction of a **relevant officer** that the paragraph 27(g) exempt traveller has been tested in the period of five days before entering Western Australia; or
 - (b) leaves Western Australia; or
 - (c) is given a **centre direction** or a **hospital direction**; or
 - (d) is required to quarantine or isolate under either or both of the **relevant directions** (other than paragraph 5 of the *Quarantine and Isolation (Undiagnosed) Directions*).
7. A paragraph 27(g) exempt traveller must comply with the **seven day presentation protocol** for a period ending 14 days after the day on which the paragraph 27(g) exempt traveller entered Western Australia, unless the paragraph 27(g) exempt traveller:
- (a) leaves Western Australia by the seventh day after the day on which the paragraph 27(g) exempt traveller was last tested; or
 - (b) is given a centre direction or a hospital direction; or
 - (c) is required to quarantine or isolate under either or both of the relevant directions (other than paragraph 5 of the *Quarantine and Isolation (Undiagnosed) Directions*).
8. At all times whilst the paragraph 27(g) exempt traveller takes a break from **driving**, the paragraph 27(g) exempt traveller must:
- (a) take all reasonable steps to avoid coming within 1.5 metres of another person; and

- (b) when coughing or sneezing do so into their elbow or a tissue; and
 - (c) wash their hands often with soap and water or using alcohol hand rub, particularly before or after eating and after attending a bathroom; and
 - (d) wear a face mask if available and appropriate having regard to the paragraph 27(g) exempt traveller's ability to wear a face mask, when the paragraph 27(g) exempt traveller is in public or in the same room with one or more other persons; and
 - (e) to the extent that the break involves sleep at **premises**, remain inside the premises until the paragraph 27(g) exempt traveller recommences driving.
9. The paragraph 27(g) exempt traveller must not allow another person to gain access to or remain inside the **motor vehicle** that they **drive** in connection with their duties as a paragraph 27(g) exempt traveller unless the other person is a paragraph 27(g) exempt traveller who also has responsibility for the provision of transport or freight and logistics services.
10. If, whilst in Western Australia, the paragraph 27(g) exempt traveller receives a **positive result** or is otherwise **informed** that they have been diagnosed with COVID-19 as a result of a **test** that was conducted outside of Western Australia, the paragraph 27(g) exempt traveller must:
- (a) immediately telephone 1300 316 555 and tell the operator that they have been diagnosed with COVID-19 as a result of a test that was conducted outside of Western Australia; and
 - (b) comply with the *Isolation (Diagnosed) Directions* I made on 9 May 2020 as if the paragraph 27(g) exempt traveller had been informed by a relevant officer that they had tested positive for COVID-19.

Note: for the avoidance of doubt, a paragraph 27(g) exempt traveller must also comply with the Isolation (Diagnosed) Directions if they receive a positive result or are otherwise informed that they have been diagnosed with COVID-19 as a result of a test conducted in Western Australia.

11. If, whilst in Western Australia, the paragraph 27(g) exempt traveller is informed that they are a **close contact** by authorities outside Western Australia, the paragraph 27(g) exempt traveller must:

- (a) immediately telephone 1300 316 555 and tell the operator that they have been informed that they are a close contact by authorities outside Western Australia; and
- (b) comply with the *Quarantine and Isolation (Undiagnosed) Directions* as if the paragraph 27(g) exempt traveller had been informed by a relevant officer that they are a close contact.

*Note: for the avoidance of doubt, a paragraph 27(g) exempt traveller must also comply with the *Quarantine and Isolation (Undiagnosed) Directions* if they are informed that they are a close contact by a relevant officer in Western Australia.*

12. If the paragraph 27(g) exempt traveller develops or has recently experienced **symptoms**, the paragraph 27(g) exempt traveller must:
 - (a) immediately telephone 1300 316 555 and ask for an **instruction**; and
 - (b) comply with any instruction given.
13. Whilst the paragraph 27(g) exempt traveller is in Western Australia, the paragraph 27(g) exempt traveller must take all reasonable steps to keep a written record of the following details relating to any person (**A**) with whom they have close contact:
 - (a) A's name; and
 - (b) A's contact telephone number; and
 - (c) the date and time when the paragraph 27(g) exempt traveller had close contact with A; and
 - (d) the location at which the paragraph 27(g) exempt traveller had close contact with A.
14. If requested by a relevant officer, the paragraph 27(g) exempt traveller must produce the written record referred to in paragraph 13 for inspection.
15. Subject to paragraph 17, a paragraph 27(g) exempt traveller who must comply with the 48 hour presentation protocol must within 48 hours of entering Western Australia:
 - (a) go to a **COVID Clinic** as early as possible within that 48 hour period; and
 - (b) inform a relevant officer at the COVID Clinic that they are required to attend the COVID Clinic under these directions; and

- (c) comply with any instruction which a relevant officer at the COVID Clinic gives to them; and
- (d) answer truthfully if a relevant officer at the COVID Clinic asks the paragraph 27(g) exempt traveller to describe their state of health or whether the paragraph 27(g) exempt traveller has or has had any symptoms; and
- (e) remain at the COVID Clinic until the paragraph 27(g) exempt traveller has been tested, or a relevant officer has instructed the paragraph 27(g) exempt traveller that they may leave the COVID Clinic.

Note: this paragraph DOES NOT require a person to be tested for COVID-19. A person must consent to be tested for COVID-19 unless they are directed to have the test by an emergency officer under the Public Health Act 2016 (WA).

16. Subject to paragraph 17, a paragraph 27(g) exempt traveller who must comply with the seven day presentation protocol must by the seventh day after the day on which the paragraph 27(g) exempt traveller was last tested:

- (a) go to a COVID Clinic; and
- (b) inform a relevant officer at the COVID Clinic that they are required to attend the COVID Clinic under these directions; and
- (c) comply with any instruction which a relevant officer at the COVID Clinic gives to them; and
- (d) answer truthfully if a relevant officer at the COVID Clinic asks the paragraph 27(g) exempt traveller to describe their state of health or whether the paragraph 27(g) exempt traveller has or has had any symptoms; and
- (e) remain at the COVID Clinic until the paragraph 27(g) exempt traveller has been tested, or a relevant officer has instructed the paragraph 27(g) exempt traveller that they may leave the COVID Clinic.

Note 1: this paragraph DOES NOT require a person to be tested for COVID-19. A person must consent to be tested for COVID-19 unless they are directed to have the test by an emergency officer under the Public Health Act 2016 (WA).

Note 2: because the seven day presentation protocol lasts for a period ending 14 days after a paragraph 27(g) exempt traveller enters Western Australia, a paragraph 27(g)

exempt traveller may have to comply with the requirements of this paragraph more than once during that period.

17. A paragraph 27(g) exempt traveller does not have to comply with:
- (a) the 48 hour presentation protocol if the paragraph 27(g) exempt traveller is tested within 48 hours of entering Western Australia; or
 - (b) the seven day presentation protocol if the paragraph 27(g) exempt traveller is tested by the seventh day after the day on which they were last tested.

Note: a paragraph 27(g) exempt traveller will still come within paragraph 17 if they are tested at a place that is not a COVID Clinic, such as a private healthcare provider that offers testing for COVID-19.

18. A paragraph 27(g) exempt traveller must carry evidence of each test that is performed on them and produce that evidence for inspection on request by a relevant officer.

DEFINITIONS

19. **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.*

20. **Centre direction** has the same meaning that it has in the *Quarantine (Closing the Border) Directions*.

21. **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.

22. **COVID Clinic** means premises set aside by the Western Australian Department of Health or a **health service provider** for the purpose of testing persons for COVID-19:

- (a) in the Perth metropolitan area; or
- (b) at Albany Regional Hospital; or
- (c) at Broome Regional Hospital; or
- (d) at Bunbury Regional Hospital; or
- (e) at Geraldton Regional Hospital; or
- (f) at Port Hedland Regional Hospital; or

- (g) at Kalgoorlie Regional Hospital; or
 - (h) at an emergency department of a **public hospital** that is located outside of the Perth metropolitan area and is not specified in this paragraph; or
 - (i) in any other area or at any other place approved by me as the State Emergency Coordinator or any person authorised by me for that purpose, or specified in a **direction** or instruction.
23. **Direction** includes any 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.
24. **Drive** or **driving** means to have control over the steering, movement or propulsion of the motor vehicle in which the paragraph 27(g) entered Western Australia.
25. **Emergency officer** has the same meaning that it has in the *Public Health Act 2016* (WA).
26. **Enter** means to cross the border into Western Australia by road.
27. **48 hour presentation protocol** means the requirements of paragraph 15 of these directions.
28. **Health service provider** has the same meaning that it has in the *Health Services Act 2016* (WA).
29. **Hospital direction** has the same meaning that it has in the *Quarantine (Closing the Border) Directions*.
30. **Informed** means given **oral or written notice**, irrespective of whether that oral or written notice is correct.
31. **Instruction** means an instruction given for the purposes of these directions which is not a direction, whether the instruction is given orally or in writing, and **instructed** means instructed by way of an instruction given for the purposes of these directions, whether the instruction is given orally or in writing.
32. **Motor vehicle** has the same meaning as in paragraph (b) of the definition of "motor vehicle" in section 4 of the *Road Traffic (Administration) Act 2008* (WA).
33. **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.

34. **Paragraph 27(g) exempt traveller** means a person who enters Western Australia and falls within paragraph 27(g) of the *Quarantine (Closing the Border) Directions*.
35. **Police officer** means a person appointed under Part I of the *Police Act 1892* (WA) to be a member of the Police Force of Western Australia.
36. **Positive result** means oral or written notice that the paragraph 27(g) exempt traveller has tested positive for COVID-19, irrespective of whether the paragraph 27(g) exempt traveller has in fact tested positive for COVID-19.
37. **Premises** has the same meaning that it has in the Act.
38. **Public hospital** has the same meaning that it has in the *Health Services Act 2016* (WA).
39. **Relevant directions** means:
- (a) the *Quarantine and Isolation (Undiagnosed) Directions*; and
 - (b) the *Isolation (Diagnosed) Directions*.
40. **Relevant officer** means:
- (a) an **authorised officer**; or
 - (b) an **emergency officer**; or
 - (c) a **responsible officer**.
41. **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; or
 - (c) any other person authorised by the Chief Health Officer orally or in writing to give oral or written notice or an instruction for the purposes of these directions.
42. **Seven day presentation protocol** means the requirements of paragraph 16 of these directions.
43. **Symptoms** means any one or more of:
- (a) a fever of 37.5 degrees or above;
 - (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) loss of smell or loss of taste.

44. **Test** and **tested** means test for COVID-19 and tested for COVID-19 respectively.

45. **Test result** has the same meaning that it has in the *Quarantine (Closing the Border) Directions*.

PENALTIES

It may be an offence to fail to comply with any of these directions, punishable by imprisonment for up to 12 months or a fine of up to \$50,000 for individuals and \$250,000 for bodies corporate.



.....
Christopher John Dawson

State Emergency Coordinator and Commissioner of Police

11 August 2020 0720 hours