

# EMERGENCY MANAGEMENT ACT 2005 (WA)

## Sections 71 and 72A

### SAFE TRANSITION FOR WESTERN AUSTRALIA 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 am 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, give certain of these directions pursuant to my powers under section 71 of the Act, consider it reasonably necessary to give other directions to prevent, control or abate the risks associated with the emergency presented by the pandemic caused by COVID-19 pursuant to my powers under section 72A of the Act and specify certain information under section 72A(1) of the Act.

#### PREAMBLE

1. The purpose of these directions is to modify the operation of the Gathering and Activities Directions (No 2) in certain respects to facilitate the continued safe transition for the Western Australian community to a COVID-safe re-opening of places and activities following recent community transmission so as to limit the spread of COVID-19.

#### CITATION

2. These directions may be referred to as the **Safe Transition for Western Australia Directions (No 3)**.

#### COMMENCEMENT

3. These directions come into effect at 12.01 am on Saturday, 1 May 2021 and continue in effect until 12.01 am on Saturday, 8 May 2021 or such other further period specified in writing by me.

#### OPERATION

4. These directions apply in the **affected area** only.

5. The Gathering and Activities Directions (No 2) also apply in the affected area, except to the extent that they are modified by, or otherwise inconsistent with, a provision of these directions.
6. For the avoidance of doubt, wherever possible a person must comply with the requirements of these directions and the Gathering and Activities Directions (No 2) but, if there is any inconsistency between these directions and the Gathering and Activities Directions (No 2), these directions prevail to the extent of the inconsistency.

*Example 1: paragraph 15 of the Gathering and Activities Directions (No 2) provides for the calculation of space in a single undivided indoor area or a single undivided outdoor area. Paragraph 15 continues to apply to the calculation of space in a nightclub. However, the 4 square metre rule applied to nightclubs by these directions is inconsistent with the 2 square metre rule applied by the Gathering and Activities Directions (No 2). The 4 square metre rule applied by these directions prevails and must be complied with.*

*Example 2: the activities described in paragraph 14 of these directions, when not prohibited by that paragraph, are still subject to the prohibited gathering rules in the Gathering and Activities Directions (No 2), as applicable, in addition to any requirements imposed by paragraph 14 of the directions.*

## **DIRECTIONS**

### **Prohibited activities – weddings, wedding receptions, funerals, wakes and home gatherings attended by an unsafe number of people**

7. A person who owns, controls or operates premises in the affected area must not allow a **prohibited activity** to occur on the premises.
8. A person must refrain from organising, undertaking or engaging in a prohibited activity in the affected area, except to the extent that the person is organising a prohibited activity to be held outside of the period referred to in paragraph 3.
9. A person must not hold or conduct a prohibited activity in the affected area.
10. A person must not attend a prohibited activity in the affected area.

## **Nightclubs must allow at least 4 square metres of space for each patron**

11. In the case of a nightclub, the requirement in the Gathering and Activities Directions (No 2) to allow 2 square metres of space per patron at a relevant place must be read to be a requirement to allow 4 square metres of space per patron.

## **DEFINITIONS**

12. In these directions, terms have the same meaning as in the Gathering and Activities Directions (No 2) unless otherwise stated.
13. **Affected area** means the area comprising:
  - (a) the Metropolitan region described in Schedule 3 to the *Planning and Development Act 2005* (WA) (*Planning Act*);
  - (b) the Peel Region described in item 6 of Schedule 4 to the Planning Act; and
  - (c) **Rottneest Island**.
14. **Prohibited activity** means any of the following activities (and whether organised, undertaken or engaged in on a for profit or not-for-profit basis or recreational basis):
  - (a) a wedding or a wedding reception, other than to the extent that, excluding the celebrant and staff, the wedding or the wedding reception involves no more than:
    - (i) 200 persons; or
    - (ii) such higher number of persons as is approved in writing by the Chief Health Officer, or a person authorised by him for that purpose, whether conditionally or unconditionally, provided that:
      - (A) any conditions to which the approval is subject are complied with; and
      - (B) any necessary safety plan or plans has or have been completed;

- (b) a funeral or a wake, other than to the extent that, excluding staff and those persons whose presence is necessary to conduct the funeral, the funeral or the wake involves no more than:
  - (i) 200 persons; or
  - (ii) such higher number of persons as is approved in writing by the Chief Health Officer, or a person authorised by him for that purpose, whether conditionally or unconditionally, provided that:
    - (A) any conditions to which the approval is subject are complied with; and
    - (B) any necessary safety plan or plans has or have been completed;
- (c) a gathering of more than 30 persons at a private home unless:
  - (i) all persons at the gathering are members of the same household; or
  - (ii) the gathering is for a wedding, wedding reception, funeral or a wake which involves no more than 200 persons (excluding staff, celebrants and persons whose presence is necessary to conduct the funeral), or such higher number of persons as is approved in writing by the Chief Health Officer or a person authorised by him for that purpose, whether conditionally or unconditionally, provided that:
    - (A) any conditions to which the approval is subject are complied with; and
    - (B) any necessary safety plan or plans has or have been completed.

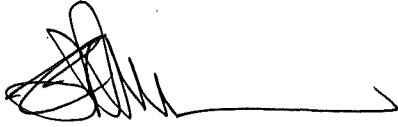
15. **Rottnest Island** has the same meaning as in section 4 of the *Rottnest Island Authority Act 1987* (WA).

#### **SPECIFICATION OF INFORMATION UNDER SECTION 72A(1) OF THE ACT**

16. For the purposes of the definition of "relevant information" in section 72A(1) of the Act, I specify information relating to whether a person has completed a plan required pursuant to paragraph 14 of these 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.



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

30 April 2021 1657 hours

