

EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 67 and 72A

TRANSPORT, FREIGHT AND LOGISTICS 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, now give the following directions pursuant to my powers under sections 67 and 72A of the Act.

PREAMBLE

1. These directions set out the requirements that apply to a **transport, freight and logistics driver** immediately after they **enter** Western Australia and are for the purpose of preventing the importation of COVID-19 into Western Australia and otherwise limiting the spread of COVID-19 in Western Australia.

CITATION

2. These directions may be referred to as the **Transport, Freight and Logistics Directions (No 3)**.

COMMENCEMENT

3. These directions come into effect at the time of signing.

REVOCATION AND CONTINUING OBLIGATIONS

4. The Transport, Freight and Logistics Directions (No 2) (**revoked directions**) are revoked.
5. Despite paragraph 4, if a transport, freight and logistics driver entered Western Australia before the date and time specified in paragraph 3 as being when these directions come into effect, the transport, freight and logistics driver must continue to comply with any requirement which still applied to them under the revoked directions immediately before they were revoked to the same extent that the transport, freight and logistics driver would if the revoked directions had not been revoked, and, for the avoidance of doubt, if the transport, freight and logistics driver fails to comply with a requirement that applied to

them under the revoked directions, the transport, freight and logistics driver may commit an offence under the Act.

6. Any reference to the revoked directions in any **direction** or approval given under or pursuant to a direction is deemed to be a reference to these directions from the commencement of these directions.

DIRECTIONS

7. Unless stated otherwise, a transport, freight and logistics driver must comply with these directions and not the Controlled Border for Western Australia Directions, except for paragraphs 4(a), (b) and (d), 5 and 5A of those directions.
8. Subject to paragraph 9, a transport, freight and logistics driver who enters Western Australia must comply with:
 - (a) paragraph 10 of these directions; and
 - (b) paragraphs 11 to 22 of these directions if, in the 14 days before entering Western Australia, they have been in a **restricted location**.
9. A transport, freight and logistics driver who enters Western Australia and has been in a place outside Australia other than New Zealand in the 14 days before entering Western Australia must comply with paragraph 7 of the Controlled Border for Western Australia Directions.

Directions for transport, freight and logistics drivers falling within paragraph 8(a)

10. If, whilst in Western Australia, a transport, freight and logistics driver 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 driver must:
 - (a) immediately telephone 13 COVID (13 268 43) 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** as if the transport, freight and logistics driver had been informed by a **relevant officer** that they had **tested positive** for COVID-19.

Note: for the avoidance of doubt, a driver 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.

Directions for transport, freight and logistics drivers falling within paragraph 8(b)

11. A transport, freight and logistics driver must comply with the **48 hour presentation protocol** as soon as practicable after entering Western Australia, within 48 hours of entering Western Australia, unless the driver:
 - (a) produces evidence to the satisfaction of a relevant officer that the driver has been tested in the period of five days before entering Western Australia; or
 - (b) leaves Western Australia; or
 - (c) is given a direction to quarantine at a **quarantine centre** or a **hospital**; 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**).
12. A transport, freight and logistics driver must comply with the **seven day presentation protocol** for a period ending 14 days after the day on which the driver entered Western Australia, unless the driver:
 - (a) leaves Western Australia by the seventh day after the day on which the driver was last tested; or
 - (b) is given a direction to quarantine at a quarantine centre or a hospital; 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).
13. If a transport, freight or logistics driver is tested in accordance with the 48 hour presentation protocol or the seven day presentation protocol, the driver does not have to comply with paragraph 5 of the Quarantine and Isolation (Undiagnosed) Directions.
14. At all times whilst a transport, freight and logistics driver takes a break from **driving**, the driver 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 driver's ability to wear a face mask, when the driver 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 driver recommences driving.
15. The transport, freight and logistics driver 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 driver unless the other person also has responsibility for the provision of transport or freight and logistics services.
16. If the transport, freight and logistics driver develops or has recently experienced **symptoms**, the driver must:
- (a) immediately telephone 13 COVID (13 268 43) and ask for an **instruction**; and
 - (b) comply with any instruction given.
17. Whilst the transport, freight and logistics driver is in Western Australia, the driver must take all reasonable steps to keep a written record of the following details relating to any person (**A**) with whom they have **direct contact**:
- (a) A's name; and
 - (b) A's contact telephone number; and
 - (c) the date and time when the driver had direct contact with A; and
 - (d) the location at which the driver had direct contact with A.
18. If requested by a relevant officer, the transport, freight and logistics driver must produce the written record referred to in paragraph 17 for inspection.
19. Subject to paragraph 21, a transport, freight and logistics driver who must comply with the 48 hour presentation protocol must within 48 hours after 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 driver to describe their state of health or whether the driver has or has had any symptoms; and
- (e) remain at the COVID Clinic until the driver has been tested, or a relevant officer has **instructed** the driver 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).*

20. Subject to paragraph 21, a transport, freight and logistics driver who must comply with the seven day presentation protocol must on the seventh day after the day on which the driver 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 driver to describe their state of health or whether the driver has or has had any symptoms; and
- (e) remain at the COVID Clinic until the driver has been tested, or a relevant officer has instructed the driver that they may leave the COVID Clinic.

Note 1: this paragraph DOES NOT require a driver to be tested for COVID-19. A driver 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 driver enters Western Australia, a driver may have to comply with the requirements of this paragraph more than once during that period.

21. A transport, freight and logistics driver does not have to comply with:
- (a) the 48 hour presentation protocol if the driver is tested within 48 hours of entering Western Australia; or
 - (b) the seven day presentation protocol if the driver is tested by the seventh day after the day on which they were last tested.

Note: a driver will still fall within paragraph 19 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.

22. A transport, freight and logistics driver must carry evidence of each test that is performed on them and produce that evidence for inspection on request by a relevant officer.

Inconsistency

23. If there is any conflict between these directions and the Controlled Border for Western Australia Directions, these directions prevail to the extent of any inconsistency.

DEFINITIONS

24. **48 hour presentation protocol** means the requirements of paragraph 19 of these directions.
25. **Authorised officer** has the same meaning that it has in the Act.
26. **COVID Clinic** has the same meaning that it has in the Presentation for Testing Directions (No 23) or any further directions that replace those directions
27. **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.
28. **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.
29. **Drive** or **driving** means to have control over the steering, movement or propulsion of the motor vehicle in which the transport, freight and logistics driver entered Western Australia.
30. **Emergency officer** has the same meaning that it has in the *Public Health Act 2016* (WA).

31. **Enter** means:
 - (a) cross the border into Western Australia by road; or
 - (b) cross the border into Western Australia by rail.
32. **Health service provider** has the same meaning that it has in the *Health Services Act 2016* (WA).
33. **Hospital** has the same meaning that it has in the *Health Services Act 2016* (WA).
34. **Informed** means given **oral or written notice**, irrespective of whether that oral or written notice is correct.
35. **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.
36. **Isolation (Diagnosed) Directions** means the Isolation (Diagnosed) Directions (No 2) or any further directions that amend or replace those directions.
37. **Motor vehicle**:
 - (a) 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); or
 - (b) means a vehicle that is operated on rails.
38. **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.
39. **Positive result** means oral or written notice that the transport, freight and logistics driver has tested positive for COVID-19, irrespective of whether the driver has in fact tested positive for COVID-19.
40. **Premises** has the same meaning that it has in the Act.
41. **Quarantine and Isolation (Undiagnosed) Directions** means the Quarantine and Isolation (Undiagnosed) Directions (No 2) or any further directions that amend or replace those directions.
42. **Quarantine centre** means a place specified as a quarantine centre by an **authorised officer**.

43. **Relevant directions** means:
- (a) the Quarantine and Isolation (Undiagnosed) Directions; and
 - (b) the Isolation (Diagnosed) Directions.
44. **Relevant officer** means:
- (a) an authorised officer; or
 - (b) an emergency officer; or
 - (c) a **responsible officer**.
45. **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 perform a function for the purposes of these directions.
46. **Restricted location** has the same meaning that it has in the Controlled Border for Western Australia Directions.
47. **Seven day presentation protocol** means the requirements of paragraph 20 of these directions.
48. **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.
49. **Test** and **tested** means test for COVID-19 and tested for COVID-19 respectively.
50. **Transport, freight and logistics driver** or **driver** means any person (other than an airline or maritime crew member) who, in the course of the person's duties, is responsible for the provision of transport or freight and logistics services into or out of Western Australia.

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

21 April 2021 1106 hours