

EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 61, 67, 71 and 72A

STAY AT HOME AND CLOSURE (PERTH, PEEL AND THE SOUTH WEST REGIONS) DIRECTIONS (No 2)

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, give certain of these directions (relating to the closure of certain places) pursuant to my powers as a police officer under section 71 of the Act and 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 sections 61, 67 and 72A of the Act.

PREAMBLE

1. The purpose of these directions is to require all persons in the **affected area** to stay at **home** during the **stay at home period** other than for one or more of the reasons specified in these directions in order to prevent, control or abate the risks associated with the emergency presented by the pandemic caused by COVID-19, and to otherwise limit the spread of COVID-19.

CITATION

2. These directions may be referred to as the **Stay at Home and Closure (Perth, Peel and the South West Regions) Directions (No 2)**.

COMMENCEMENT

3. These directions come into effect immediately upon signing and continue in operation until 6.00 pm on 5 February 2021 or such further period as specified in writing by me.

REVOCATION AND CONTINUING OBLIGATIONS

4. The Stay at Home and Closure (Perth, Peel and the South West Regions) Directions (**revoked directions**) are revoked.
5. For the avoidance of doubt, upon commencement of these directions, a person is no longer required to comply with the revoked directions but must instead comply with these directions and, for the avoidance of doubt, if a person failed to comply with a requirement that applied to them under the revoked directions, they may commit an offence under the Act.

OPERATION

6. These directions are intended to apply despite the Closure and Restriction (Limit the Spread) Directions (No 11) or any further directions that I give that amend or replace those directions, and to the extent of any inconsistency between them, these directions prevail.

DIRECTIONS

Stay at home direction

7. From the commencement of the stay at home period:
 - (a) all persons whose home is in an affected area and is at home at the commencement of the stay at home period must not leave home for the duration of the stay at home period, other than for one or more of the following reasons:
 - (i) to obtain or access essential goods and services in accordance with paragraph 20 or 21; or
 - (ii) for care or other compassionate reasons in accordance with paragraph 22; or
 - (iii) for the purpose of undertaking duties as an **essential worker** or to transport an essential worker by **private vehicle** to and from their place of work in accordance with paragraph 23; or
 - (iv) to exercise in accordance with paragraph 24; or
 - (v) for other specified reasons in accordance with paragraph 25.

8. From the commencement of the stay at home period, a person whose home is in an affected area but is not at home at the commencement of the stay at home period:
- (a) unless paragraph 8(b) applies, must:
 - (i) as soon as practicable, travel to their home by the most direct and practicable route available and without stopping except as required by law or necessary for fuel or rest; and
 - (ii) reside and remain at home during the stay at home period other than for one or more of the reasons specified in paragraph 7(a); and
 - (b) if advised by a medical practitioner to do so, must remain in a health or other facility in accordance with that advice, and must follow all reasonable directions from a treating medical practitioner, until a medical practitioner certifies that the person meets the criteria for discharge from a health or other facility and upon discharge the person must then comply with subparagraph (a).
9. Notwithstanding anything to the contrary in these directions, a person must not leave their home during the stay at home period if they have **symptoms** unless it is necessary for the person to leave their home to:
- (a) undergo a test for COVID-19; or
 - (b) receive urgent medical treatment at a **hospital** or other treatment facility.
10. Paragraphs 7 and 8 do not apply to a person at any time during the stay at home period during which the person:
- (a) does not have a suitable home to reside at; or
 - (b) has a suitable home to reside at, but that home is temporarily unavailable or is unavailable because of a risk of harm (including harm relating to family violence or violence of another person at the home),

but such a person must comply with these directions to the greatest extent possible, and if the person is unable to comply with these directions, the person must contact a **relevant officer** and ask for a **direction** or an **instruction**.

11. If a person has more than one home, the person must choose one of these homes as their principal place of residence for the duration of the stay at home period and if the person's chosen principal place of residence is:
- (a) within the affected area, they must not leave to go to any other home (regardless of whether it is within or outside the affected area); or
 - (b) outside the affected area, they must not leave to go to any other home within the affected area,
- except:
- (c) for the purposes of shared parenting arrangements, whether the arrangements are under a court order or otherwise; or
 - (d) to ensure adequate supply of food to, and care and exercise of, animals that are situated at any other home if no other person is available at that home to provide the food, care or exercise; or
 - (e) for emergency maintenance of the other home; or
 - (f) for emergency purposes; or
 - (g) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at home; or
 - (h) as required or authorised by law.

Prohibition on gatherings and closure of places

12. From the commencement of the stay at home period, all community activities, including business, professional, educational, academic and other government activities in the affected area, must cease during the stay at home period, unless the activity may be carried out in accordance with these directions or does not involve leaving home.
13. For the avoidance of doubt, all **gatherings** in the affected area are prohibited during the stay at home period, other than a gathering as part of an activity occurring in accordance with these directions (however, nothing in this paragraph prevents persons who reside in the same **household** from so residing).
14. From the commencement of the stay at home period, a person (Person A) may only allow another person (Person B) to access their home if:
- (a) Person B resides in the same household as Person A; or

- (b) Person A is an essential worker and Person B accesses the home of Person A for the purpose of providing child-minding assistance to the child or children of Person A; or
- (c) Person B is a relevant officer or a person assisting a relevant officer; or
- (d) Person B accesses the home for medical or emergency purposes; or
- (e) Person B is required to access the home for the purpose of performing critical and time-sensitive maintenance at the home; or
- (f) Person B is acting in compliance with a direction or instruction given by a relevant officer; or
- (g) Person B accesses the home in accordance with one of the circumstances set out in paragraph 22(a), (b), (d) or (e),

provided that no more than two persons access the home at any one time if they access the home in accordance with subparagraph (b) to (g).

Leaving and entering the affected area

15. From the commencement of the stay at home period all persons whose home is in an affected area must not leave the **region** in which their home is located within the affected area to travel to another region within the affected area or any place outside of the affected area for the duration of the stay at home period, other than for one or more of the following reasons:

- (a) to obtain or access essential goods and services in accordance with paragraphs 20 or 21, provided that those essential goods or services are not reasonably available in the region in which their home is located in the affected area; or
- (b) for care or other compassionate reasons in accordance with paragraph 22; or
- (c) for the purpose of undertaking duties as an essential worker or to transport an essential worker by private vehicle to and from their place of work in accordance with paragraph 23; or
- (d) for other specified reasons in accordance with paragraph 25.

16. Paragraph 15 does not apply to a person at any time during the stay at home period during which the person:

- (a) does not have a suitable home to reside at; or

- (b) has a suitable home to reside at, but that home is temporarily unavailable or is unavailable because of a risk of harm (including harm relating to family violence or violence of another person at the home),

and a suitable home is made available outside the affected area in which case, that person must:

- (c) leave the affected area; and
- (d) reside outside the affected area for the duration of the stay at home period unless that person is otherwise permitted to enter the affected area in accordance with paragraph 18.

17. If a person whose home is in an affected area leaves the region in the affected area in which their home is located to travel to another region within the affected area or any place outside of the affected area, these directions apply to that person when outside the affected area as if they were in the affected area and the person must also comply with the Face Covering Directions, as amended or replaced from time to time, as if they were within the affected area notwithstanding that they are outside the affected area.

18. From the commencement of the stay at home period, a person residing outside the affected area must not enter the affected area during the stay at home period, other than for one or more of the following reasons:

- (a) to obtain or access essential goods and services in accordance with paragraphs 20 or 21, provided that those essential goods or services are not reasonably available outside the affected area; or
- (b) for care or other compassionate reasons in accordance with paragraph 22; or
- (c) for the purpose of undertaking duties as an essential worker or to transport an essential worker by private vehicle to and from their place of work in accordance with paragraph 23; or
- (d) for other specified reasons in accordance with paragraph 25; or
- (e) the person enters Western Australia at a point of entry that is within the affected area and in accordance with the Controlled Border for Western Australia Directions or a **specified arrangement**; or

(f) the person needs to **transit** through the affected area to a place outside the affected area for one or more of the following reasons:

- (i) to obtain or access essential goods and services, provided that those essential goods or services are not reasonably available outside the affected area; or
- (ii) to undergo a test for COVID-19 where it is not possible to do so at a location closer to the person's home outside the affected area; or
- (iii) for care or other compassionate reasons of the kind referred to in paragraph 22; or
- (iv) for the purpose of undertaking duties as an essential worker or to transport an essential worker by private vehicle to and from their place of work if the person is a member of the same household as the essential worker; or
- (v) leaving Western Australia by the most direct and practicable route possible,

provided that the person complies with the Face Covering Directions, as amended or replaced from time to time, after they leave the affected area as if they were within the affected area notwithstanding that they are outside of the affected area.

19. If a person has a home in a region but is outside of the region where their home is located at the commencement of the stay at home period, that person may enter the region where their home is for the purpose of returning to their home by the most direct and practicable route available and without stopping except as required by law or necessary for fuel or rest and provided that the person otherwise complies with these directions.

Leaving home to obtain or access essential goods or services

20. A person whose home is in an affected area may leave home for the purposes of attending an **essential provider** to obtain or access essential goods or services, provided that only one person per household per day leaves the home in accordance with this paragraph,

unless the person is accompanied by a dependant or a person for whom they provide care if it is not practicable for such dependant or person to remain at home.

21. A person whose home is in an affected area may leave home to:
- (a) obtain **essential health services**; or
 - (b) undergo a test for COVID-19; or
 - (c) access childcare services if the child is a child of an essential worker.

Leaving home for care or other compassionate reasons

22. A person whose home is in an affected area may leave home:
- (a) for the purposes of shared parenting arrangements, whether the arrangements are under a court order or otherwise; or
 - (b) to provide care and support to a relative or other person:
 - (i) who has particular needs because of homelessness, age, infirmity, disability, illness or a chronic health condition; or
 - (ii) because of matters relating to the relative or other person's health (including mental health or pregnancy); or
 - (c) to escape harm or the risk of harm, including harm relating to family violence or violence of another person at home; or
 - (d) to provide end-of-life support to a member of the person's immediate family; or
 - (e) to provide child-minding assistance (whether on a paid or voluntary basis), so that the parent or guardian of a child can leave their own home for a purpose otherwise permitted by these directions; or
 - (f) to ensure adequate supply of food to, and care and exercise of, animals that are situated away from home if no other person is available at that place to provide the food, care or exercise; or
 - (g) to attend a funeral, provided that no more than 10 persons attend the funeral, excluding those persons whose presence is necessary to conduct the funeral.

Essential workers leaving home

23. A person whose home is in an affected area may leave home:
- (a) for the purpose of undertaking duties as an essential worker; or
 - (b) to transport an essential worker by private vehicle to and from their place of work if the person is a member of the same household as the essential worker.

Leaving home for exercise

24. A person whose home is in an affected area may leave home to exercise outdoors:
- (a) for no more than 1 hour per day; and
 - (b) within a 5 km radius of their home, but only within the affected area; and
 - (c) by themselves or with a group of up to a maximum of four other members of the same household provided that no more than two adult persons are members of the group.

Note: under this paragraph, five members of the same household may exercise together at the same time, provided that there are no more than two adults in the group exercising together.

Example 1: one adult may exercise with up to four children who are members of the same household.

Example 2: two adults who are members of the same household may exercise with up to three children who are also members of that same household.

Leaving home for other specified reasons

25. A person whose home is in an affected area may leave home in the following circumstances:
- (a) in an emergency; or
 - (b) on a day on which the fire rating is severe or higher, to take preparatory steps for the purpose of moving, and to move by the most direct and practicable means to another suitable home; or
 - (c) to comply with a legal requirement that must be fulfilled during the stay at home period, including attending:
 - (i) a police station; or

- (ii) a court or other premises for purposes relating to the justice or law enforcement system; or
- (d) to donate blood or breast milk; or
- (e) if the person is permitted to leave Western Australia, for the purposes of leaving Western Australia.

Regulation of persons leaving home

- 26. If a person leaves home in accordance with these directions they must travel by the most direct and practicable route available and without stopping except as required by law or necessary for fuel or rest.
- 27. A person may use public transport for any purpose permitted by these directions provided that the person complies with the Face Covering Directions, as amended or replaced from time to time.

AUTHORISATION

- 28. 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 to give any direction to a person for the purpose of giving effect to these directions.

DEFINITIONS

- 29. **Affected area** means each of the regions.
- 30. **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 28 ensures that relevant officers are also authorised officers for the purposes of these directions.*
- 31. **Direction** includes a quarantine direction and any other direction under the Act or the *Public Health Act 2016 (WA)*, whether the direction is given orally or in writing.
- 32. **Emergency officer** has the same meaning that it has in the *Public Health Act 2016 (WA)*.

33. **Essential health services** means:

- (a) emergency surgery, procedures and medical consulting undertaken for the investigation, diagnosis and management of conditions where failure to do so expediently and safely will lead to the following outcomes:
 - (i) loss of life; or
 - (ii) loss of limb; or
 - (iii) permanent disability; or
- (b) non-emergency but urgent surgery, procedures and medical consulting undertaken for the investigation, diagnosis and management of conditions where failure to do so in a clinically appropriate timeframe will lead to a predictable and evidence based outcome as follows:
 - (i) loss of life where appropriate health intervention would otherwise have prevented this; or
 - (ii) permanent disability where appropriate health intervention would otherwise have prevented this; or
 - (iii) where clinical evidence supports an increased risk of a type referred to in paragraph (a) or (b) should appropriate health intervention be significantly delayed; or
- (c) any health services provided in a hospital; or
- (d) any health services provided by a general practitioner; or
- (e) any health services provided at a hospital radiology service (other than routine screening services); or
- (f) procedures and surgical treatments undertaken by dentists in authorised public health care centres in the management of:
 - (i) patients with obvious facial swelling due to infection ie. vestibular swelling (no trismus), facial swelling (with trismus); or
 - (ii) facial trauma; or
 - (iii) severe unrelenting pain; or

- (g) procedures to complete:
 - (i) any cycle of IVF treatment that a patient has commenced before the commencement of the defined period; or
 - (ii) any procedure required for the preservation of eggs for future IVF where required health treatment will render eggs non-viable; or
- (h) surgical termination of pregnancy; or
- (i) drug and alcohol services; or
- (j) the following allied health services:
 - (i) allied health services provided by allied health professionals working as essential workers in hospitals or in residential care facilities providing critical clinical care or as directed by the hospital; or
 - (ii) allied health services provided by allied health professionals working in private practice providing care through telehealth and other virtual care options; or
 - (iii) students, medical/nursing/midwifery/allied health on placement providing essential care in hospitals or in residential care facilities, or through telehealth; or
- (k) the conduct of human medical research trials; or
- (l) the following mental health services:
 - (i) hospital emergency or inpatient psychiatric services; or
 - (ii) allied health professionals providing mental health services in hospital; or
 - (iii) private consultant psychiatry practice by telehealth or by face-to-face (but only in the instance of emergency clinical care for potentially life-threatening situations where telehealth is not clinically appropriate); or
 - (iv) allied health professionals providing mental health services in community settings by telehealth or by face-to-face (but only in the instance of emergency clinical care for potentially life-threatening situations where telehealth is not clinically appropriate),

but does not include:

- (m) cosmetic surgery, or other procedures not addressing significant medical conditions or elective surgery.

34. **Essential provider** means a provider of essential goods or services, including goods or services provided by:

- (a) a supermarket, grocery store, bakery, butcher, fruit and vegetable store or fishmonger; or
- (b) an indoor or outdoor market, but only to obtain groceries or fresh food and not to obtain food or beverages prepared on site (whether for consumption on site or take away); or
- (c) a restaurant, café, pub, bar or hotel, whether licensed or unlicensed (including premises selling food or drink in a food court), but only to the extent that:
 - (i) it provides takeaway meals or drinks or a meal delivery service; or
 - (ii) it provides food or drink to the homeless (and for the avoidance of doubt, the provision of food or drink to the homeless is not limited to the provision of takeaway meals or drinks or a meal delivery service).
- (d) premises commonly known as a bottleshop; or
- (e) a financial institution; or
- (f) consular and diplomatic services; or
- (g) court, tribunal or commission services;
- (h) a post office; or
- (i) a newsagent; or
- (j) a pharmacy; or
- (k) a hardware store; or
- (l) a petrol station (including a petrol station that sells groceries); or
- (m) vehicle and mechanical repair services; or
- (n) a pet store or veterinary clinic; or

- (o) urgent services necessary for the health and safety of any person, animal or premises; or
- (p) a childcare or family day care provider, but only to the extent that childcare services are provided to a child of an essential worker.

35. **Essential worker** means:

- (a) a person who performs work that is essential for the continued operation of:
 - (i) an essential provider; or
 - (ii) essential health services; or
 - (iii) funerary or mortuary services or related activities; or
 - (iv) emergency services, including:
 - (A) the State Emergency Services; and
 - (B) fire fighting services; and
 - (C) paramedical services; and
 - (D) ambulance services; and
 - (E) medical retrieval services (including Royal Flying Doctor Service); and
 - (F) police services; and
 - (G) military and defence services deployed for activities in Western Australia; or
 - (v) essential infrastructure and essential services without which the safety, health or welfare of the community or a section of the community would be endangered or seriously prejudiced (whether provided by a public or private undertaking);
 - (vi) roadside assistance services;
 - (vii) government or local government services (whether provided by government, local government or outsourced) determined to be essential by the relevant Chief Executive Officer;

- (viii) domestic and commercial waste and resource recovery services (including collection, treatment and disposal services and transfer stations);
- (ix) Commonwealth agency services, including Australian Border Force and Commonwealth law enforcement and intelligence agency services;
- (x) journalist and media services;
- (xi) a factory or facility that is not able to be shut down without causing damage or loss to plant and equipment, but only those operations that are necessary in order to prevent that damage or loss;
- (xii) mining, building or construction services, which includes, for the avoidance of doubt, road construction services;
- (xiii) administrative services provided by an employer to enable its employees to work from home;
Example: Payroll and IT services.
- (xiv) organisations that provide urgent services necessary for the health and safety of any person, animal or premises;
Example: the performance of emergency plumbing services, Centrelink services and foodbanks.
- (xv) public transport, including taxis, rideshare services and other public passenger services;
- (xvi) air transport (including the operation of airports);
- (xvii) port operations;
- (xviii) a blood bank;
- (xix) care services for people with particular needs because of homelessness, age, infirmity, disability, illness or a chronic health condition (in accordance with the Visitors to Residential Aged Care Facilities Directions (No 4) made under the *Public Health Act 2016* (WA) (if applicable), as amended or replaced from time to time);

- (xx) truckstops and roadhouses, but not the provision of seated dining or shower facilities to persons who are not transport, freight or logistics drivers;
 - (xxi) production and distribution of:
 - (A) food and groceries for sale by a supermarket, butcher, fruit and vegetable store or fishmonger (including for sale by operators of such premises at an indoor or outdoor market); or
 - (B) liquor for sale at premises commonly known as a bottleshop; or
 - (C) medical and pharmaceutical products;
 - (xxii) commercial operations that supply goods or services necessary:
 - (A) for the implementation of measures to limit the spread of COVID-19; or
 - (B) to support any business activity that may be carried out in accordance with these directions;

Example: manufacturing of personal protective equipment or hand sanitiser, or dry cleaning services.
 - (xxiii) primary industries only to the extent necessary to ensure adequate supply of food to, and care of, animals and maintenance of crops;
 - (xxiv) a hotel, motel or other accommodation facility to the extent that they provide accommodation services; or
- (b) a person who is:
- (i) a member of the Parliament of Western Australia;
 - (ii) critical to, and involved in, the State's response to COVID-19;
 - (iii) a fly in fly out worker or a drive in drive out worker who is required for industry or business continuity and maintenance of competitive operation where the service is time-critical, or who is responsible for critical maintenance or repair of infrastructure critical to a region of, or to, Western Australia;
 - (iv) **maritime crew;**

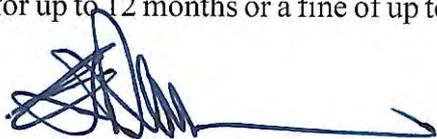
(v) a **transport, freight or logistics driver**.

36. **Gathering** means a gathering of two or more people for any purpose whatsoever and gatherings has a corresponding meaning.
37. **Home** means the premises or place where a person ordinarily resides or other premises (such as a hotel or short stay accommodation) at which a person is able to reside.
38. **Hospital** has the same meaning that it has in the *Health Services Act 2016* (WA).
39. **Household** means two or more persons who usually reside at the same home, irrespective of whether those persons are related to each other.
40. **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.
41. **Maritime crew** has the same meaning that it has in the Maritime Crew Directions as replaced from time to time.
42. **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.
43. **Private vehicle** means a vehicle in which you are the sole occupant other than a driver, unless you are providing or receiving care and it is reasonably necessary for other persons to be in the vehicle.
44. **Region** means each of the following areas:
- (a) the area comprising:
 - (i) the Metropolitan region described in Schedule 3 to the *Planning and Development Act 2005* (WA) (**Planning Act**); and
 - (ii) the Peel Region described in item 6 of Schedule 4 to the Planning Act;
 - (b) the area comprising the South West Region described in item 8 of Schedule 4 to the Planning Act.
45. **Relevant officer** means:
- (a) an authorised officer; or
 - (b) an **emergency officer**; or
 - (c) a **responsible officer**.

46. **Responsible officer** means:
- (a) an officer, employee or contractor of the Department of Health; or
 - (b) an officer, employee or contractor of a health services 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.
47. **Specified arrangement** has the same meaning that it has in the Controlled Border for Western Australia Directions.
48. **Stay at home period** means the period beginning at 6.00 pm on 31 January 2021 and ending at 6.00 pm on 5 February 2021, or such further period as specified in writing by me.
49. **Symptoms** means any one or more of the following:
- (a) a fever of 37.5 degrees or above; or
 - (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) a loss of smell or taste.
50. **Transit** includes, where it is reasonably necessary to do so due to distance, fatigue or other circumstance, to remain overnight.
51. **Transport, freight and logistics driver** has the same meaning that it has in the Transport, Freight and Logistics Directions (No 2) as amended or replaced from time to time.

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

1 February 2021 2210 hours