

EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 67, 70 and 72A

YONGAH HILL IMMIGRATION DETAINEES 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, now give the following directions pursuant to my powers under sections 67, 70 and 72A of the Act.

PREAMBLE

1. The purpose of these directions is to provide for directions that a **Yongah Hill Immigration Detainee** must comply with after they **enter** Western Australia in order to prevent the importation of COVID-19 into Western Australia and to otherwise limit the spread of COVID-19 in Western Australia.

CITATION

2. These directions may be referred to as the **Yongah Hill Immigration Detainees Directions (No 3)**.

COMMENCEMENT

3. These directions come into effect at 12.01am on 19 April 2021.

REVOCATION AND CONTINUING OBLIGATIONS

4. The Yongah Hill Immigration Detainees Directions (No 2) (**revoked directions**) are revoked.
5. Despite paragraph 4, if a Yongah Hill immigration detainee entered Western Australia before the date and time specified in paragraph 3, the Yongah Hill immigration detainee 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they were revoked to the same extent that the Yongah Hill immigration detainee would if the revoked directions had not been revoked, and, for the avoidance of doubt, if the Yongah Hill immigration detainee fails to comply

with a requirement that applied to them under the revoked directions, the Yongah Hill immigration detainee 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 Yongah Hill Immigration Detainee must comply with these directions and not the Controlled Border for Western Australia Directions except for subparagraphs 4(a), (b) and (d).
8. A Yongah Hill Immigration Detainee who enters Western Australia must comply with paragraphs 9 to 15 if, in the 14 days before the Yongah Hill Immigration Detainee enters Western Australia, they have been in a **restricted location**.
9. The Yongah Hill Immigration Detainee must enter Western Australia by disembarking from an **affected aircraft** at Perth Airport in Western Australia.
10. Immediately after entering Western Australia, the Yongah Hill Immigration Detainee must travel in a vehicle arranged by the Australian Border Force to the **approved quarantine venue**.
11. The Yongah Hill Immigration Detainee must remain inside the approved quarantine venue for the **quarantine period**, unless:
 - (a) they are given another direction which they are required by law to obey; or
 - (b) they must leave to escape an immediate threat to their safety in accordance with paragraph 12; or
 - (c) they must leave to seek urgent medical treatment at a hospital in accordance with paragraph 13.
12. If a Yongah Hill Immigration Detainee leaves the approved quarantine venue to escape an immediate threat to their safety, the Yongah Hill Immigration Detainee must:
 - (a) go no further from the approved quarantine venue than is necessary to escape that threat; and
 - (b) return to the approved quarantine venue as soon as it is safe to do so; and

- (c) if they are unable to return to the approved quarantine venue within an hour of leaving, telephone the police on 131 444 and inform them that they are subject to a quarantine direction and had to leave the approved quarantine venue.
13. A Yongah Hill Immigration Detainee may leave the approved quarantine venue to seek urgent medical treatment at a hospital provided that:
- (a) it is necessary to leave the approved quarantine venue in order for that treatment to be provided; and
 - (b) the Yongah Hill Immigration Detainee complies with any direction or **instruction** given by a responsible officer or an emergency officer at the hospital; and
 - (c) unless otherwise directed or **instructed** by a responsible officer or an emergency officer, the Yongah Hill Immigration Detainee returns to the approved quarantine venue as soon as possible after the urgent treatment has been provided.
14. The Yongah Hill Immigration Detainee must immediately inform a person in authority at the approved quarantine venue if the Yongah Hill Immigration Detainee develops or has recently experienced any one or more of these symptoms:
- (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) loss of smell or loss of taste.

Note: even though these symptoms may not be caused by COVID-19, ensuring that you report these symptoms to someone in authority is essential to your safety and the safety of everyone and will help to ensure that you receive any treatment you need.

15. A Yongah Hill Immigration Detainee is not required to comply with the Presentation for Testing Directions (No 22) or any further directions that amend or replace those directions.

DEFINITIONS

16. **Affected aircraft** means an **aircraft** which originated from a place outside of Western Australia.
17. **Aircraft** includes any vehicle for travelling by air.
18. **Approved quarantine venue** means Yongah Hill Immigration Centre, Mitchell Avenue, Northam, Western Australia.
19. **Direct contact** has the same meaning that it has in the Controlled Border for Western Australia Directions.
20. **Enter** has the same meaning that it has in the Controlled Border for Western Australia Directions.
21. **Instruction** means an instruction given for the purposes of this approval which is not a direction, whether the instruction is given orally or in writing, and **instructed** means instructed by way of an instruction, whether the instruction is given orally or in writing.
22. **Quarantine period** means the period ending fourteen (14) days after the day on which the Yongah Hill Immigration Detainee was last in a restricted location prior to their most recent entry into Western Australia (whichever is later).
23. **Restricted location** has the same meaning that it has in the Controlled Border for Western Australia Directions.
24. **Yongah Hill Immigration Detainee** means a person who is in immigration detention pursuant to the *Migration Act 1958* (Cth) and is entering Western Australia for the purpose of being transported to the Yongah Hill Immigration Centre.

PENALTIES

It may be an offence to fail to comply with this direction, 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

17 April 2021 1648 hours