

## EMERGENCY MANAGEMENT ACT 2005 (WA)

### Sections 67, 71 and 72A

## **CHESS THE MUSICAL REHEARSAL, PERFORMANCE AND VENUE 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.

Pursuant to my powers as a police officer under section 71 of the Act, and the powers given to me under sections 67 and 72A of the Act to give other directions to all persons in Western Australia to prevent, control or abate the risks associated with the emergency presented by the pandemic caused by COVID-19, I, Christopher John Dawson, Commissioner of Police and State Emergency Coordinator, now give the following directions.

### **PREAMBLE**

1. The purpose of these directions is to facilitate the performance by **relevant persons** of Chess the Musical in a manner which is consistent with limiting the spread of COVID-19.

### **CITATION**

2. These directions may be referred to as the **Chess the Musical Rehearsal, Performance and Venue Directions**.

### **COMMENCEMENT**

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

### **OPERATION**

4. These directions impose specific requirements on the owner, occupier or person in charge of an **approved rehearsal and performance venue** attended by a relevant person in their **quarantine period**. These directions are intended to apply in addition to, and do not derogate from, any other relevant requirement set out in the Gatherings and Activities Directions (No 2), or any further directions that I give that amend, modify or replace those directions.

5. These directions also impose specific requirements on relevant persons, which apply despite the Controlled Border for Western Australia Directions or any further directions that I give that amend, modify or replace those directions, and to the extent of any inconsistency between them, these directions prevail.
6. Unless stated otherwise, a relevant person must comply with these directions and not the Controlled Border for Western Australia Directions.

## **APPROVAL**

7. I approve each relevant person who has been in Victoria:
  - (a) after 12.01 am on 16 May 2021; and
  - (b) in the 14 days before the person **enters** Western Australia,as an **approved traveller** for the purposes of paragraph 14(g) of the Victoria (May 2021) Outbreak Response Directions.
8. Unless stated otherwise, a relevant person who is approved as an approved traveller under paragraph 7 must comply with these directions and not paragraph 5 of the Victoria (May 2021) Outbreak Response Directions.

## **DIRECTIONS**

### **Relevant person**

9. A relevant person who proposes to **enter** or enters Western Australia must comply with paragraphs 4, 5 and 5A of the Controlled Border for Western Australia Directions.
10. A relevant person who enters Western Australia must comply with:
  - (a) the **airport presentation requirement**; or
  - (b) if the relevant person is not able to comply with the airport presentation requirement, the **48-hour presentation requirement**.
11. As soon as possible after entering Western Australia, a relevant person must travel to **suitable premises** by the most direct route available and without stopping except as required by law or necessary for fuel or rest.
12. A relevant person must travel to their suitable premises:
  - (a) in a **charter vehicle**, taxi or rideshare service; or

- (b) in another way that an **authorised officer** directs the relevant person to take, either orally or in writing.
13. Unless otherwise **directed**, as soon as the relevant person arrives at their suitable premises and subject to paragraph 14, the relevant person must remain inside their suitable premises for the duration of their quarantine period, unless the relevant person leaves those premises for the purpose of complying with the 48-hour presentation requirement (if necessary).
14. After the relevant person receives a negative test result for COVID-19 after having complied with the airport presentation requirement or the 48-hour presentation requirement (as the case may be), the relevant person must remain inside their suitable premises for the remainder of their quarantine period, but may leave those premises if the relevant person:
- (a) is given another **direction**; or
  - (b) leaves their suitable premises to **participate** in an **authorised rehearsal activity** at an approved rehearsal and performance venue in accordance with paragraph 17; or
  - (c) leaves their suitable premises to participate in a **performance** at an approved rehearsal and performance venue in accordance with paragraph 18; or
  - (d) leaves their suitable premises to leave Western Australia in accordance with paragraph 19.

*Note: the effect of paragraphs 10, 13 and 14 is that a relevant person must isolate until they receive a negative test result for COVID-19. After the relevant person receives a negative test result, they must still quarantine for the remainder of their quarantine period, but will be permitted to leave their suitable premises for rehearsal or a performance.*

15. During the quarantine period, if a relevant person leaves their suitable premises in accordance with these directions, the relevant person must:
- (a) take all reasonable steps to keep at least 1.5 metres away from any other person except in circumstances where the relevant person is:
    - (i) participating in an authorised rehearsal activity or travelling between their suitable premises and an approved rehearsal and performance venue in accordance with paragraph 17; or

- (ii) participating in a performance or travelling between the relevant suitable premises and an approved rehearsal and performance venue in accordance with paragraph 18; and
- (b) not allow any person to access their suitable premises unless the person:
  - (i) is a relevant officer, or a person assisting a relevant officer; or
  - (ii) accesses the suitable premises for medical or emergency purposes; or
  - (iii) is required to access the suitable premises for the purpose of performing critical and time-sensitive maintenance at the suitable premises; or
  - (iv) is acting in compliance with a direction or instruction given by a relevant officer; or
  - (v) usually resides at the suitable premises,

provided that no more than two persons access the suitable premises at any one time if they access the suitable premises in accordance with subparagraph (b)(i) to (iii); and
- (c) wear a face mask, if practicable and available, when travelling or in an enclosed space outside of their suitable premises.

16. A relevant person must call 13 COVID (13 268 43) immediately if the relevant person develops or has recently experienced **symptoms**.

#### **Authorised rehearsal activity**

17. Unless otherwise directed, a relevant person may leave their suitable premises to participate in an authorised rehearsal activity at an approved rehearsal and performance venue provided that the relevant person:
- (a) is not displaying symptoms; and
  - (b) travels in a charter vehicle, taxi or rideshare service from their suitable premises to the approved rehearsal and performance venue by the most direct and practicable route available and without stopping except as required by law or necessary for fuel or to collect another relevant person; and
  - (c) travels in a charter vehicle, taxi or rideshare service from the approved rehearsal and performance venue to their suitable premises at the end of the authorised

rehearsal activity by the most direct and practicable route available and without stopping except as required by law or necessary for fuel or to drop off another relevant person.

### **Performances**

18. A relevant person may leave suitable premises for the purpose of participating in a performance at an approved rehearsal and performance venue provided that the relevant person:

- (a) is not displaying symptoms; and
- (b) travels in a charter vehicle, taxi or rideshare service from the relevant suitable premises to the approved rehearsal and performance venue by the most direct and practicable route available and without stopping except as required by law or necessary for fuel; and
- (c) as soon as practicable after the end of the performance, travels in a charter vehicle, taxi or rideshare service from the approved rehearsal and performance venue to the relevant suitable premises by the most direct and practicable route available and without stopping except as required by law or necessary for fuel.

### **Leaving Western Australia**

19. A relevant person may leave their suitable premises for the purpose of leaving Western Australia provided that the relevant person:

- (a) when travelling from their suitable premises to the departure terminal to embark on a departing flight, travels:
  - (i) in a charter vehicle, taxi or rideshare service by the most direct and practicable route available and without stopping except as required by law or necessary for fuel; or
  - (ii) in another way which an authorised officer orally directs them to take, and

must not travel using any form of mass public transport, such as a bus or train; and

- (b) as soon as they arrive at the departure terminal, remains at the departure terminal until they leave on the departing flight; and

- (c) boards the departing flight when it is possible to do so and remains on the departing flight until it takes off; and
  - (d) if unable to leave Western Australia on the departing flight for any reason, contacts an authorised officer as soon as possible and asks for a direction and complies with any direction given.
20. Notwithstanding paragraphs 13 or 14, a relevant person may leave a **relevant place** during their quarantine period to escape an immediate threat to their safety provided that the relevant person:
- (a) goes no further from the relevant place than is necessary to escape that threat; and
  - (b) returns to the relevant place as soon as it is safe to do so; and
  - (c) if unable to return to the relevant place within an hour of leaving, telephones the police on 131 444 and informs them that they are subject to a quarantine direction and had to leave the relevant place.
21. Notwithstanding paragraphs 13 or 14, a relevant person may leave a relevant place during their quarantine period to seek urgent medical treatment at a **hospital** or other treatment facility when it is necessary to leave the relevant place in order for that treatment to be provided, provided that the relevant person:
- (a) prior to leaving the relevant place (if it is practicable to do so), telephones the ambulance service or the hospital or other treatment facility at which the urgent medical treatment will be sought and informs them that the relevant person is subject to a quarantine direction and needs to attend the hospital or other treatment facility for urgent medical treatment; and
  - (b) goes to the hospital or other treatment facility by ambulance or by the most direct and practicable route available and without stopping except as required by law or necessary for fuel; and
  - (c) complies with any direction or **instruction** given by an **emergency officer** or a **responsible officer**; and
  - (d) unless otherwise directed or **instructed** by an emergency officer or a responsible officer, returns to their suitable premises as soon as possible after the urgent medical treatment has been provided by the most direct and

practicable route available and without stopping except as required by law or necessary for fuel.

22. Notwithstanding paragraphs 13 or 14, a relevant person may leave a relevant place during their quarantine period in other circumstances approved in writing by me or a person authorised by me for that purpose, provided that the relevant person complies with any terms or conditions to which that approval is subject.

### **Approved Rehearsal and Performance Venue**

23. While a relevant person in their quarantine period is present at an approved rehearsal and performance venue, the owner, occupier or person apparently in charge of the venue must:

- (a) not allow, and must take all reasonable steps to prevent, any person entering the venue, unless that person:
  - (i) is a relevant person in their quarantine period who is participating in an authorised rehearsal activity or performance at the venue; or
  - (ii) is an audience member attending the venue for the purpose of viewing a performance;
  - (iii) requires access to the venue for medical or emergency purposes; or
  - (iv) requires access to the venue for the purpose of performing critical and time-sensitive maintenance at the venue; or
  - (v) is a **relevant officer**, or a person assisting a relevant officer; or
  - (vi) is acting in compliance with a direction or instruction given by a relevant officer; or
  - (vii) is otherwise approved in accordance with paragraph 24(b); and
- (b) take all reasonable steps to keep audience members separated from, and to otherwise limit interactions with, relevant persons.

24. While a relevant person in their quarantine period is present at an approved rehearsal and performance venue, a person must not enter the venue unless that person is:

- (a) a person falling within a category of persons referred to in sub-paragraph 23(a)(i) to (vi); or

- (b) a person who:
  - (i) is approved, either orally or in writing, by me or a person authorised by me for that purpose; and
  - (ii) complies with any terms or conditions to which that approval is subject.

## **AUTHORISATION**

25. Wherever this direction contemplates a person authorised by me giving any approval, I authorise any **police officer** acting at or above the rank of Inspector to give that approval.

## **DEFINITIONS**

26. **48-hour presentation requirement** has the same meaning that it has in the Presentation for Testing Directions (No 24), as amended or replaced from time to time.
27. **Airport presentation requirement** has the same meaning that it has in the Presentation for Testing Directions (No 24), as amended or replaced from time to time.
28. **Approved rehearsal and performance venue** means:
- (a) that part of the Perth Concert Hall located at 5 St Georges Terrace, Perth consisting of:
    - (i) any portion of the venue reasonably required for the purposes of an authorised rehearsal activity or performance; and
    - (ii) any other portions of the premises reasonably required for access and egress to the parts of the venue specified in this paragraph (a); or
  - (b) any other venue approved for use for an authorised rehearsal activity or performance, which approval is in writing by me or a person authorised by me for that purpose.
29. **Approved traveller** has the same meaning that it has in the Victoria (May 2021) Outbreak Response Directions.
30. **Authorised officer** has the same meaning that it has in the Act.

*Note: at the time of giving these directions, all police officers are authorised officers.*

31. **Authorised rehearsal activity** means activities undertaken in connection with rehearsals or other preparation and set up required for performances of Chess the Musical, including:
- (a) band rehearsals or rehearsals by musicians; and
  - (b) lighting checks; and
  - (c) sound checks; and
  - (d) construction of the stage set; and
  - (e) other activities approved in writing by me or a person authorised by me for that purpose.
32. **Charter vehicle** means a charter bus or other charter vehicle that has been hired for the exclusive use of relevant persons in connection with the transport of relevant persons in their quarantine period.
33. **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.
34. **Emergency officer** has the same meaning that it has in the *Public Health Act 2016* (WA).
35. **Enter** has the same meaning that it has in the Controlled Border for Western Australia Directions, and **enters** has a corresponding meaning.
36. **Hospital** has the same meaning that it has in the *Health Services Act 2016* (WA).
37. **Instruction** means an instruction given for the purposes of these directions which is not itself 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.
38. **Participate** means to:
- (a) undertake or engage in; or
  - (b) organise.
39. **Performance** means a performance of Chess the Musical that takes place during the relevant person's quarantine period.

40. **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.
41. **Quarantine period**, in relation to a relevant person, means the period ending 14 days after the day on which the relevant person was last in a **restricted location** prior to their most recent entry into Western Australia.
42. **Relevant officer** has the same meaning that it has in the Controlled Border for Western Australia Directions.
43. **Relevant person** means a person who enters or will enter Western Australia on 30 May 2021 and who is a:
- (a) member of the cast of Chess the Musical; or
  - (b) person who is part of the stage or production crew of Chess the Musical; or
  - (c) musician performing in a performance of Chess the Musical; or
  - (d) other person approved in writing by me or a person authorised by me for that purpose.
44. **Relevant place** means the suitable premises for a relevant person or an approved rehearsal and performance venue.
45. **Responsible officer** has the same meaning that it has in the Controlled Border for Western Australia Directions.
46. **Restricted location** has the same meaning that it has in the Controlled Border for Western Australia Directions.
47. **Suitable Premises** has the same meaning that it has in the Controlled Border for Western Australia Directions.
48. **Symptoms** means any one or more of:
- (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.

**PENALTIES**

A failure to comply with these directions may be an offence which is 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

29 May 2021 1710 hours