

EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 67, 71 and 72A

NBL 2021 SEASON (NBL and VENUES) 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 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**). 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 National Basketball League 2021 season in Western Australia and the playing of **relevant sporting matches** consistent with 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 **NBL 2021 Season (NBL and Venues) Directions**.

COMMENCEMENT

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

OPERATION

4. For the avoidance of doubt the requirements in these directions are in addition to, and do not derogate from, any other relevant requirement set out in the Gathering and Activities Directions (No 2), the Gatherings and Activities (RAC Arena) Directions (No 4), or any further directions that I give that amend or replace those directions.

DIRECTIONS

The NBL

5. The **NBL** must take all reasonable steps to ensure that each **approved plan** is complied with.
6. The NBL must not allow a relevant sporting match to proceed unless each relevant person who proposes to **participate** or participates in the match in their **quarantine period** has returned a negative test result for COVID-19 within any period or periods of time that are specified in any direction to which the relevant person (as the case may be) is subject.

Approved quarantine venues

7. While an **approved quarantine venue** is being used to accommodate any relevant person in their quarantine period, the owner, occupier or person apparently in charge of the approved quarantine venue, and any person employed or engaged by them or employed or engaged by such a person (including any officer, employee, agent or contractor):
 - (a) must 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; or
 - (ii) enters the venue in accordance with the relevant **approved quarantine venue plan**; or
 - (iii) enters the venue for the purpose of conducting testing for COVID-19 in accordance with the NBL's COVID-19 testing protocols provided that the person has not been in a **restricted location** in the previous 14 days; or
 - (iv) is a **SIA tester** and enters the venue for the purpose of conducting doping control testing provided that the SIA tester has not been in a restricted location in the previous 14 days; or
 - (v) accesses the venue for medical or emergency purposes; or
 - (vi) is required to access the venue for the purpose of performing critical and time-sensitive maintenance at the venue; or
 - (vii) is a **relevant officer**, or a person assisting a relevant officer; or

- (viii) is acting in compliance with a direction or instruction given by a relevant officer; or
 - (ix) is otherwise approved in accordance with paragraph 8(b); and
 - (b) must comply with the relevant approved quarantine venue plan; and
 - (c) in the case of an owner, operator or person apparently in charge, must take all reasonable steps to ensure that any person employed or engaged by them or employed or engaged by such a person (including any officer, employee, agent or contractor) complies with the relevant approved quarantine venue plan.
8. While an approved quarantine venue is being used to accommodate any relevant person in their quarantine period, 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 7(a)(i) to (viii); 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.

Approved training venues

9. While any relevant person in their quarantine period is present at an **approved training venue**, the owner, occupier or person apparently in charge of the venue, and any person employed or engaged by them or employed or engaged by such a person (including any officer, employee, agent or contractor):
- (a) must not allow, and must take all reasonable steps to prevent, any person entering the venue, unless that person:
 - (i) is **participating** in an **authorised training activity** at the venue; or
 - (ii) enters the venue in accordance with the relevant **approved training venue plan**; or

- (iii) enters the venue for the purpose of conducting testing for COVID-19 in accordance with the NBL's COVID-19 testing protocols provided that the person has not been in a restricted location in the previous 14 days; or
 - (iv) is an SIA tester and enters the venue for the purpose of conducting doping control testing provided that the SIA tester has not been in a restricted location in the previous 14 days; or
 - (v) accesses the venue for medical or emergency purposes; or
 - (vi) is required to access the venue for the purpose of performing critical and time-sensitive maintenance at the venue; or
 - (vii) is a relevant officer, or a person assisting a relevant officer; or
 - (viii) is acting in compliance with a direction or instruction given by a relevant officer; or
 - (ix) is otherwise approved in accordance with paragraph 10(b); and
 - (b) must comply with the relevant approved training venue plan; and
 - (c) in the case of an owner, operator or person apparently in charge, must take all reasonable steps to ensure that any person employed or engaged by them or employed or engaged by such a person (including any officer, employee, agent or contractor) complies with the relevant approved training venue plan.
10. While any relevant person in their quarantine period is present at an approved training 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 9(a)(i) to (viii); 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.

Match Day venue

11. While a **match day venue** is being used for a relevant sporting match, the owner, occupier or person apparently in charge of the venue, and any person employed or engaged by them or employed or engaged by such a person (including any officer, employee, agent or contractor):
- (a) must not allow, and must take all reasonable steps to prevent, any person entering the **relevant sporting match zone**, unless that person:
 - (i) is participating in or officiating the relevant sporting match at the venue;
or
 - (ii) enters the relevant sporting match zone in accordance with the relevant **approved match day venue plan**; or
 - (iii) is an SIA tester and enters the relevant sporting match zone for the purpose of conducting doping control testing provided that the SIA tester has not been in a restricted location in the previous 14 days; or
 - (iv) accesses the relevant sporting match zone for medical or emergency purposes; or
 - (v) is required to access the relevant sporting match zone for the purpose of performing critical and time-sensitive maintenance in the relevant sporting match zone; or
 - (vi) is a relevant officer, or a person assisting a relevant officer; or
 - (vii) is acting in compliance with a direction or instruction given by a relevant officer; or
 - (viii) is otherwise approved in accordance with paragraph 12(b); and
 - (b) must comply with the relevant approved match day venue plan; and
 - (c) in the case of an owner, operator or person apparently in charge, must take all reasonable steps to ensure that any person employed or engaged by them or employed or engaged by such a person (including any officer, employee, agent or contractor) complies with the relevant approved match day venue plan.

12. While a match day venue is being used for a relevant sporting match, a person must not enter the relevant sporting match zone unless that person is:
- (a) a person falling within a category of persons referred to in sub-paragraph 11(a)(i) to (vii); 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

13. In each place where these directions contemplate 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

14. **Approved match day venue plan**, in relation to a match day venue, means:
- (a) any plan specified in Row 6, Column 3 of the table set out in Schedule 1 of the directions; or
 - (b) any other plan approved in writing by me or a person authorised by me for that purpose for the operation of the match day venue.
15. **Approved plan** means:
- (a) an approved match day venue plan; or
 - (b) an approved quarantine venue plan; or
 - (c) an approved training venue plan; or
16. **Approved quarantine venue** means:
- (a) any venue specified in Row 1, Column 3 of the table set out in Schedule 1 of these directions; or
 - (b) any other venue approved for use to accommodate a relevant person in their quarantine period, which approval is in writing by me or a person authorised by me for that purpose.

17. **Approved quarantine venue plan**, in relation to an approved quarantine venue, means:
- (a) any plan specified in Row 2, Column 3 of the table set out in Schedule 1 of these directions; or
 - (b) any other plan approved in writing by me or a person authorised by me for that purpose for the operation of the approved quarantine venue.
18. **Approved training venue** means:
- (a) any venue specified in Row 3, Column 3 of the table set out in Schedule 1 of these directions; or
 - (b) any other venue approved for use for an authorised training activity, which approval is in writing by me or a person authorised by me for that purpose.
19. **Approved training venue plan**, in relation to an approved training venue, means:
- (a) any plan specified in Row 4, Column 3 of the table set out in Schedule 1 of these directions; or
 - (b) any other plan approved in writing by me or a person authorised by me for that purpose for the operation of the approved training venue.
20. **Authorised training activity** means training and related exercise and physical conditioning undertaken in connection with playing or preparing to play or officiating Basketball in the NBL 2021 season, including:
- (a) individual training, group or full squad training, drills or exercises; and
 - (b) practice matches; and
 - (c) gym training sessions or gym-based activities; and
 - (d) any activity that is reasonably necessary or incidental to the training programme of an NBL basketballer or the operations of an **NBL club**, including physiotherapy, sports medicine and club meetings.
21. **Match day venue** means:
- (a) any venue specified in Row 5, Column 3 of the table set out in Schedule 1 of these directions; or
 - (b) any other venue approved for use for any relevant sporting match, which approval is in writing by me or a person authorised by me for that purpose.

22. **NBL** means the body corporate known as the National Basketball League Pty Ltd (ACN 164187937).
23. **NBL club** means a club involved in playing matches in the National Basketball League 2021 season.
24. **Participate** means:
- (a) undertake or engage in; or
 - (b) organise,
- and **participating** has a corresponding meaning.
25. **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.
26. **Relevant sporting match** means any match of Basketball played in Western Australia in the NBL 2021 season in which any relevant person is participating during their quarantine period; or
27. **Relevant sporting match zone** means that portion of the match day venue approved in writing by me or a person authorised by me for that purpose as constituting the relevant sporting match zone.
28. **Quarantine period**, in relation to a relevant person, means any period or periods of time that are specified as a quarantine period in any direction to which the relevant person (as the case may be) is subject.
29. **Relevant officer** has the same meaning that it has in the Controlled Border for Western Australia Directions.
30. **Relevant person** means a person who is a relevant person under:
- (a) the NBL 2021 Season (Melbourne United) Directions; or
 - (b) any other direction given by me under the Act for the purpose of facilitating relevant sporting matches.
31. **Restricted location** has the same meaning that it has in the Controlled Border for Western Australia Directions.
32. **SIA tester** means a person engaged by Sport Integrity Australia.

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

State Emergency Coordinator and Commissioner of Police

2 June 2021 1647 hours

SCHEDULE 1

| Row | Column 2 - | Column 3 |
|-----|--------------------------------|---|
| 1. | Approved quarantine venue | Crowne Plaza Hotel 54 Terrace Rd Perth WA 6004 |
| 2. | Approved quarantine venue plan | Crowne Plaza Perth Accommodation Hub Plan, Version 5, 25 February 2021 |
| 3. | Approved training venue | Bendat Stadium 201 Underwood Avenue Floreath WA 6014 |
| 4. | Approved training venue plan | Bendat Basketball Stadium Quarantine Training Venue Plan, 2020-21 Hungry Jack's NBL Season Version 1 – December 2020. |
| 5. | Approved Match day venue | RAC Arena 700 Wellington Street Perth WA 6000 |
| 6. | Approved match day venue plan | RAC Arena Quarantine Plan Basketball Mode. |